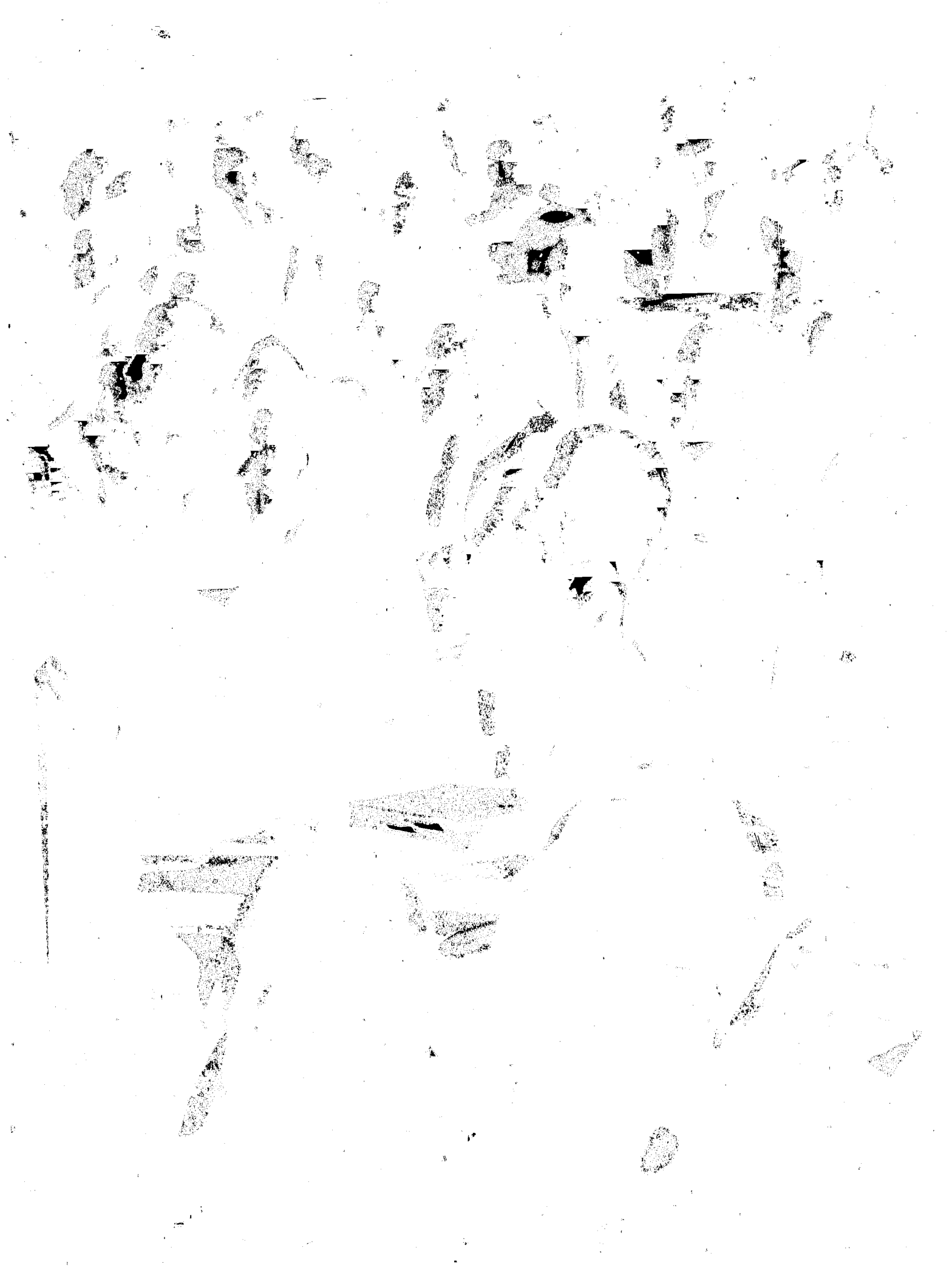
Proceedings of the National Conference on Criminal Justice

National Advisory Commission on Criminal Justice Standards and Goals



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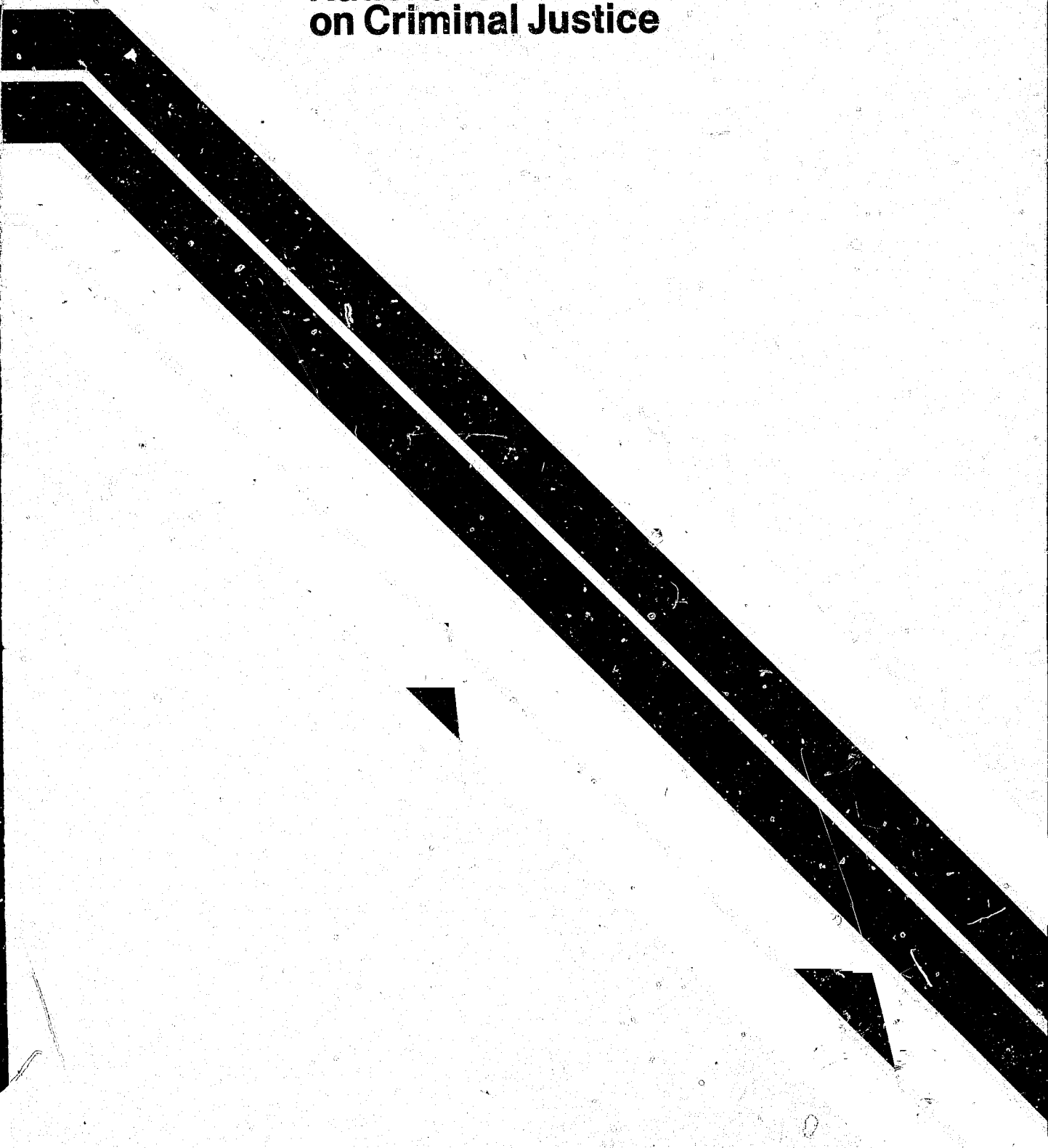
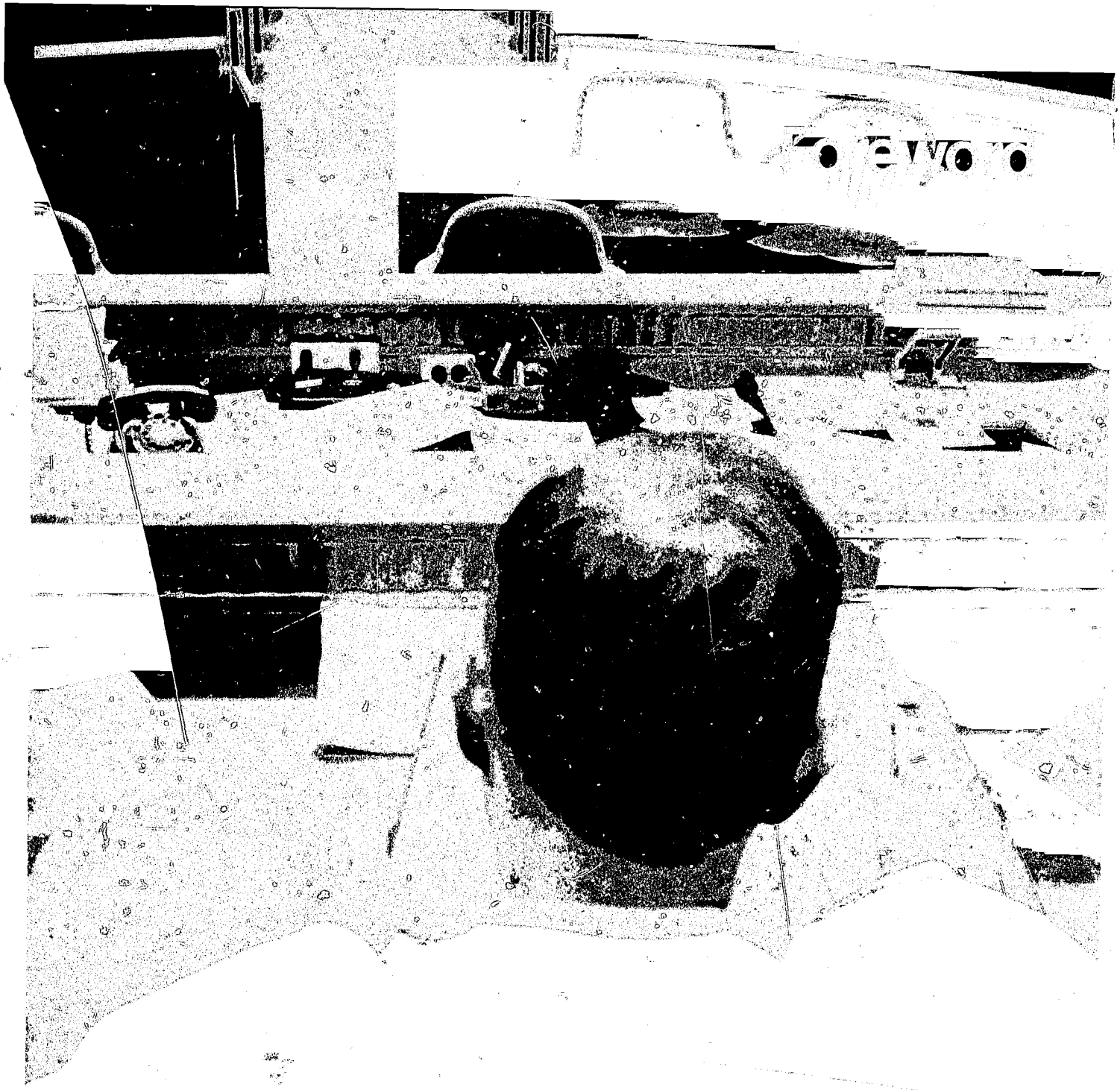


National Advisory Commission on Criminal Justice Standards and Goals



This volume, *Proceedings of the National Conference on Criminal Justice,* provides a record of the speeches and discussions of that National Conference, held January 23 to 26, 1973, to review major standards and recommendations of the National Advisory Commission on Criminal Justice Standards and Goals. This book is a companion piece, in design, to the six volumes of the Commission report, but it is not a statement of the Commission itself.

More than 1,500 delegates, drawn from the 55 States and territories and from the 4 components of the criminal justice system—police, courts, corrections, and the public—attended the 4-day Conference at the Washington Hilton Hotel in Washington, D.C.

This Conference enabled criminal justice practitioners from across the Nation to gain an overview of the Commission's work and an understanding of the intent of the Commission in developing its standards and goals.

The National Advisory Commission on Criminal Justice Standards and Goals was appointed by the Administrator of Law Enforcement Assistance Administration (LEAA), on October 20, 1971, to formulate for the first time national criminal justice standards and goals for crime reduction and prevention at the State and local levels.

The views and recommendations presented in the six Commission reports are those of a majority of the Commission and do not necessarily represent those of the Department of Justice. Although LEAA provided $1.75 million in discretionary grants for the work of the Commission, it did not direct that work and had no voting participation on the Commission.

Other recent Commissions have studied the causes and debilitating effects of crime in our society. We have sought to expand their work and build upon it, developing a clear statement of priorities, goals, and standards to help set a national strategy to reduce crime through the timely and equitable administration of justice; the protection of life, liberty, and property; and the efficient mobilization of resources.

Some State or local governments may already meet many standards or recommendations proposed by the Commission; most in the Nation do not. In any case, each State and local government is encouraged to evaluate its present status and to implement those standards and recommendations that are appropriate.

The standards and recommendations of the Commission are presented in five volumes of the Commission report. Those five volumes, on the subjects of the *Criminal Justice System, Police, Courts, Corrections,* and *Community Crime Prevention,* are addressed to the State and local officials and other persons who would be responsible for implementing the standards and recommendations. Synopses of all Commission standards and recommendations are presented at the end of this volume to provide an overview of that material.

A sixth volume, *A National Strategy to Reduce Crime,* presents a broad picture of the Commission's work and its strategy for the reduction of crime in America. The chapters of that volume are based on the companion volumes, but some additional explanatory material is included. That volume also addresses the subjects of criminal code reform and handguns.

The Commission hopes that its standards and recommendations will influence the shape of the criminal justice system in the Nation for many years to come. And it believes that adoption of those standards and recommendations will contribute to a measurable reduction of the amount of crime in America.

The Commission expresses sincerest thanks to Jerris Leonard, Administrator of LEAA, both for his support and encouragement during the life of the Commission and for his outstanding work as presiding officer at this Conference. Special thanks also go to Richard W. Velde and Clarence M. Coster, Associate Administrators, and to Thomas J. Madden, Executive Director of the Commission, for their efforts on behalf of this Commission.

The Commission also is grateful to the many men and women, in public and private service, who helped make this Conference a success.

Russell W. Peterson

RUSSELL W. PETERSON
Chairman

Washington, D.C.
January 26, 1973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The National Conference on Criminal Justice was convened in Washington, D.C., from January 23 to January 26, 1973. Its purpose was to provide a forum at which some 1,500 criminal justice practitioners could meet to review and discuss the major findings of the National Advisory Commission on Criminal Justice Standards and Goals.

This volume represents the only public record of the proceedings of that Conference. The addresses delivered at all of the plenary and conference sessions have been reproduced along with summary reports of the small-group and State forum sessions which were an integral part of Conference activities.

The key recommendations of the National Advisory Commission were contained in a set of *Working Papers* published and distributed to all Conference delegates. The *Working Papers* contained standards for guidance and priorities for action on the part of State, county, and local criminal justice agencies and community service facilities.

The goal of the National Commission was to stimulate an increased awareness of the critical problems facing our criminal justice system and to propose solutions to these problems by developing standards and goals which States and local governments can use as a basis for examining their own criminal justice systems. These standards and goals were not developed to be imposed on the States; States can accept, reject, or amend any of them. The standards and goals can also serve as yardsticks for helping the citizen measure and judge the effectiveness of his criminal justice system. As an initial step toward the accomplishment of this goal the National Conference assumed the following objectives:

To bring together for the first time the leadership of the nation's criminal justice community and legislators, mayors, businessmen, industrialists, educators, labor, civic leaders, and citizens.

To review the standards and goals developed by the National Advisory Commission on Criminal Justice Standards and Goals.

To develop a commitment and strategy for implementing standards and goals in each State.

The publication of the Conference *Proceedings* is intended to stimulate a continuing dialog among criminal justice leaders and practitioners on the need for new definitions of and approaches to the age-old problems of criminal behavior. During the Conference, consensus on what should be done was desirable, but it was not urged only for the sake of uniformity. Many of the Conference sessions were lively and controversial.

The positions taken by the National Advisory Commission were both praised and criticized. The important result, however, was that they were considered in depth by many who are in a position to effect change.

The special staff, formed to direct and execute the National Conference, had to perform many diverse tasks over a very short period of time. A special note of thanks is due to Joseph R. Rosetti, Director, to Billy Wayson, Deputy Director, and to Jonathan B. Peck, president of Learning Systems, Inc., a Boston-based consulting firm that provided project management support. I also very much appreciate the intense efforts of the program coordinators who greatly aided in developing a dynamic agenda for an historic Conference.

I would also like to give recognition to the leadership provided the Commission by its Chairman, Governor Russell W. Peterson, and by its Vice Chairman, Sheriff Peter J. Pitchess. Finally, I would like to extend warmest thanks to Thomas J. Madden, Executive Director of the Commission, for his unusual efforts and dedication.

JERRIS LEONARD
Administrator
Law Enforcement Assistance Administration

Washington, D.C.
January 26, 1973

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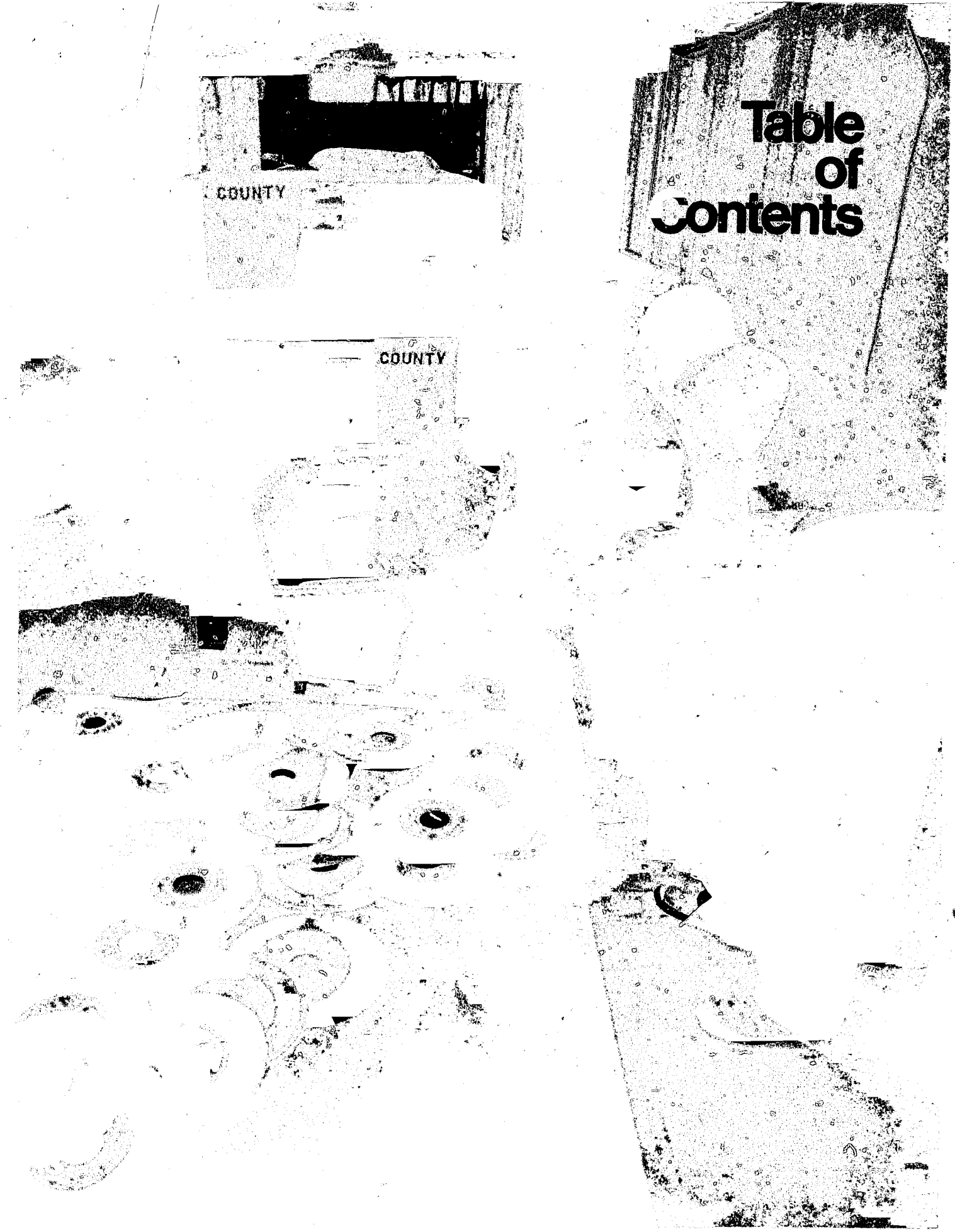

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This project was supported by the Law Enforcement Assistance Administration, U.S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Points of view or opinions stated in this document are those either of the National Advisory Commission on Criminal Justice Standards and Goals or of the individual delegates to the National Conference on Criminal Justice. In neither case do these points of view or opinions necessarily represent the official position of the U.S. Department of Justice. The National Conference on Criminal Justice was supported through LEAA Contract No.: J-LEAA-008-73.

PROGRAM OF THE NATIONAL CONFERENCE ON CRIMINAL JUSTICE

TUESDAY, January 23, 1973

2:00-10:00 p.m. Conference Registration in the Exhibit Hall of the Washington Hilton Hotel

6:00-10:00 p.m. Informal reception and buffet in the Crystal Ballroom

WEDNESDAY, January 24, 1973

7:00-8:15 a.m. Breakfast on the Terrace of the Washington Hilton Hotel

9:00 a.m. FIRST PLENARY SESSION

Keynote
The International Ballroom Center

Invocation:
The Reverend
Elmer J. C. Prenzlow, Jr.

Presiding:
Jerris Leonard, Administrator, Law Enforcement Assistance Administration

Address:
Governor Russell W. Peterson, Chairman, National Advisory Commission on Criminal Justice Standards and Goals

10:30 a.m. FIRST CONFERENCE SESSION

Delegates convene by profession
"Overview of Standards and Goals"

POLICE
International Ballroom West

Presiding:
Edward M. Davis, Chief, Los Angeles Police Department

"The Police Task Force"
Vernon Hoy, Deputy Chief, Los Angeles Police Department

"Corrections Task Force"
Ellis C. MacDougall, Commissioner, Georgia Department of Offender Rehabilitation

"Courts Task Force"
John C. Danforth, Attorney General of Missouri

"Community Crime Prevention Task Force"
George B. Peters, President, Aurora Metal Company

"Crime-Oriented Planning"
Martin Danziger, Assistant Administrator, National Institute of Law Enforcement and Criminal Justice

COURTS
The Georgetown Room

Presiding:
Daniel J. Meador, University of Virginia Law School

"The Courts Task Force"
George Dix, University of Texas Law School

"Corrections Task Force"
Robert J. Kutak, Attorney, Omaha, Nebraska

"Police Task Force"
Arthur L. Alarcon, Judge, Superior Court of Los Angeles

"Community Crime Prevention Task Force"
Arnold Rosenfeld, Executive Director, Massachusetts Commission on Law Enforcement and the Administration of Justice

"Crime-Oriented Planning"
George Trubow, Director, Office of Inspection and Review, Law Enforcement Assistance Administration

CORRECTIONS
The Jefferson Room

Presiding:
Judge Joe Frazier Brown, Executive Director, Texas Criminal Justice Council

"Police Task Force"
Frank Dyson, Chief of Police, Dallas Police Department

"Community Crime Prevention Task Force"
Allen F. Breed, Director, California Youth Authority

"Courts Task Force"
Henry F. McQuade, Chief Justice of the Idaho Supreme Court

"Crime-Oriented Planning"
Gerald Emmer, Director, Office of Inspection and Review, Law Enforcement Assistance Administration

COMMUNITY CRIME PREVENTION
The Monroe Room

Presiding:
Dr. Jack Michie, Director, Michigan Division of Vocational Education

"The Community Crime Prevention Task Force"
Hayden Gregory, Assistant Director, National Advisory Commission on Criminal Justice Standards and Goals

"Police Task Force"
Alfred S. Ercolano, Director, College of American Pathologists

"Courts Task Force"
Sylvia Bacon, Associate Judge, Superior Court of the District of Columbia

"Corrections Task Force"
Edith Flynn, National Clearinghouse for Correctional Programming and Architecture

"Crime-Oriented Planning"
George Hall, Acting Assistant Administrator, National Criminal Justice Information and Statistics Service

12:30 p.m. SECOND PLENARY SESSION

Luncheon
Delegates will be seated by State
The International Ballroom Center

Presiding:
Jerris Leonard, Administrator, Law Enforcement Assistance Administration

Introduction:
James D. McKevitt, Assistant Attorney General for Legislative Affairs, United States Department of Justice

Address:
"Local Governments Need Help"
Reubin Askew, Governor of the State of Florida

2:00-5:30 p.m. FIRST FORUM SESSION
Delegates convene in small groups by profession to discuss the findings of the National Advisory Commission and related topics.

7:30 p.m. SECOND CONFERENCE SESSION

Dinner
"Innovation and Change"

POLICE
International Ballroom West

Presiding:
Clarence Coster, Associate Administrator, Law Enforcement Assistance Administration

Address:
Frank Dyson, Chief of Police, Dallas Police Department

COURTS
The Georgetown Room

Presiding:
Richard W. Velde, Associate Administrator, Law Enforcement Assistance Administration

Address:
Arlen Specter, District Attorney of Philadelphia

CORRECTIONS
International Ballroom East

Presiding:
Norman A. Carlson, Director, United States Bureau of Prisons

Address:
Ellis C. MacDougall, Commissioner, Georgia Department of Offender Rehabilitation

COMMUNITY CRIME PREVENTION
The Lincoln Room

Presiding:
Jerris Leonard, Administrator, Law Enforcement Assistance Administration

Address:
Walter Washington, Mayor of Washington, D.C.

THURSDAY, January 25, 1973

8:30 a.m. THIRD PLENARY SESSION
The International Ballroom Center

Presiding:
Jerris Leonard, Administrator, Law Enforcement Assistance Administration

Introduction:
Peter J. Pitchess, Sheriff, Los Angeles County

Address:
"Pending Legislation"
Roman L. Hruska, United States Senate, Nebraska

10:15 a.m. THIRD CONFERENCE SESSION
Delegates convene by profession
"Special Issues"

POLICE
International Ballroom Center

"Intergovernmental Cooperation in Crime Control"

Presiding:
Peter J. Pitchess, Sheriff, Los Angeles County

L. Patrick Gray, III, Acting Director Federal Bureau of Investigation

Dale Carson, Sheriff, Duval County, Florida

Don R. Derning, President, International Association of Chiefs of Police

COURTS
The Georgetown Room

"Non-Adversary Disposition"

Presiding:
J. Sydney Hoffman, Judge, Superior Court of Pennsylvania

William L. Cahalan, Prosecuting Attorney, Wayne County, Michigan

John M. Cannel, Attorney, Newark, New Jersey

Eddie M. Harrison, Director, Pre-Trial Intervention Project, Baltimore, Maryland

COMMUNITY CRIME PREVENTION
The Monroe Room West
(Forum Groups CP-1 and CP-2)

"Citizen Participation with Police, Courts, and Corrections

Presiding:
Chris Adams, Chairman, Juvenile Justice Commission, Contra Costa County, California

Henry Sandman, Director of Public Safety, Cincinnati, Ohio

Ruth Rushen, Director, Harambee Program, Los Angeles Probation Department

Corinne Goodman, Chief Legal Officer, St. Louis Juvenile Court

The Jefferson Room East
(Forum Groups CP-3 and CP-4)

"The Private Sector and Crime Prevention"

Presiding:
Herbert W. Watkins, Vice President, Manpower Training Division, Singer-Graflex

John Rollo, Teledyne Economic Development

Charles H. Watts, Greater St. Louis Alliance for Shaping a Safer Community

Aaron Lowery, Director of Public Safety and Justice, New Detroit, Incorporated

Harry Woodward, Jr., W. Clement and Jessie V. Stone Foundation

The Jefferson Room West
(Forum Groups CP-5 and CP-6)

"Drug Abuse"

Presiding:
Sterling Johnson, Executive Director, New York Civil Complaint Review Board

Bernard Moldow, Judge, New York City Criminal Court

William M. Tendy, Assistant Attorney General, Organized Crime Task Force, White Plains, New York

Malcolm Wiener, General Counsel, Odyssey House, New York City

Peter Bourne, Assistant Director, Special Action Office for Drug Abuse Prevention

CORRECTIONS

Forum Groups will meet during this session.

12:30 p.m. FOURTH PLENARY SESSION
Luncheon
Delegates will be seated by State
The International Ballroom Center

Presiding:
Jerris Leonard, Administrator, Law Enforcement Assistance Administration

Introduction:
Elford Cederberg, United States House of Representatives, Michigan

Address:
"Federalism and Criminal Justice"
Richard G. Lugar, Mayor of Indianapolis, Indiana

2:30-5:30 p.m. SECOND FORUM SESSION
Delegates convene in the same forum groups

6:30-7:30 p.m. RECEPTION
Terrace

7:30-10:00 p.m. FIFTH PLENARY SESSION
The Conference Banquet
Delegates will be seated by State
The International Ballroom Center

Invocation:
The Reverend John Adams

Presiding:
Jerris Leonard, Administrator, Law Enforcement Assistance Administration

Introduction:
Governor Russell W. Peterson, Chairman, National Advisory Commission on Criminal Justice Standards and Goals

Address:
William H. Rehnquist, Associate Justice, United States Supreme Court

FRIDAY, January 26, 1973

8:30 a.m. THIRD FORUM SESSION
State Caucuses
"The First Step to Reform"
Delegates convene by State to hear reports on the Police, Courts, Corrections, and Community Crime Prevention forums and to discuss alternative strategies for implementing the concept of criminal justice standards and goals.

11:45 a.m. SIXTH PLENARY SESSION
Luncheon
Delegates will be seated by State
The International Ballroom Center

Presiding:
Jerris Leonard, Administrator, Law Enforcement Assistance Administration

Introduction:
Edward Hutchinson, United States House of Representatives, Michigan

Address:
Richard G. Kleindienst, Attorney General of the United States

Benediction:
Monsignor Don Kiernan

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 criminal justice planning and information systems 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.
- Development in the schools of career education programs that guarantee to every student a job or acceptance to an advanced program of studies.

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.

Part I

Introduction

The National Conference on Criminal Justice brought together for the first time representatives of the State and local criminal justice community of the Nation to discuss a national strategy for crime reduction.

The Conference was held in Washington, D. C., from January 23 to 26, 1973. Approximately 1,500 delegates from all 55 States and territories attended.

The focus of the Conference was on finding ways to realize "a substantial reduction in crime and a better quality of life for all Americans."

The impetus for the Conference was the work of the National Advisory Commission on Criminal Justice Standards and Goals. This citizens' Commission was established in 1971 by the Law Enforcement Assistance Administration (LEAA), a branch of the U. S. Department of Justice, which also funded the Conference.

LEAA's charge to the Commission was to undertake an independent study to formulate a "blueprint" for the reduction of crime through public and private action at the State and local levels. The Commission was the first national commission to examine the crime problem broadly from the perspective of the States and municipalities.

Previous Commissions had studied the problem of crime and made recommendations for crime reduction. In 1931, the National Commission on Law Observance and Enforcement (Wickersham Commission) issued 14 reports on crime and law enforcement that represented the first large-scale attempt to assemble information and make it available to criminal justice agencies.

In 1967, the President's Commission on Law Enforcement and Administration of Justice published its report, *The Challenge of Crime in a Free Society,* and the reports of its task forces. These reports contained many general recommendations and guidelines concerning the reduction of crime and improvement of the criminal justice system.

The National Advisory Commission expanded and updated the work of its predecessors. It was unique in that it addressed its recommendations almost exclusively to the State and local levels of government.

The Commission published its findings in five reports: *Criminal Justice System, Police, Courts, Corrections,* and *Community Crime Prevention,* and it issued a summary report, *A National Strategy to Reduce Crime.*

CONFERENCE OBJECTIVES

The National Conference on Criminal Justice represented both an end and a beginning. On January

23, 1973, the first day of the Conference, the National Advisory Commission held its final meeting and adjourned permanently. The Commission and its task forces had completed their work—the development of more than 400 standards and recommendations representing the Commission's major proposals for reform in the areas of police, courts, corrections, criminal justice system, and community crime prevention. The National Conference was selected as the means to introduce the Commission's proposals to the criminal justice practitioners who would have primary responsibility for initiating reform in their own jurisdictions.

The National Conference "Scenario," mailed in advance to all Conference delegates, stated the immediate objectives of the Conference as follows: "to stimulate an awareness of the critical problems in our criminal justice system and the solutions proposed by the National Advisory Commission; develop a degree of consensus as to what should be done toward implementing these standards; and encourage support for a national effort to improve and coordinate the criminal justice system."

It was deemed essential that State and local criminal justice system practitioners be given firsthand knowledge of the Commission's proposals, and that they be given the opportunity to discuss, criticize, and exchange ideas about some of the more controversial aspects of the standards and goals.

Discussion of strategies for implementing standards and goals was another key element of the Conference. Delegates convened by State to discuss which standards were applicable to their State, which might be modified or adapted to fit their State's needs, and which would be unacceptable or inappropriate. Several State delegations cited their intention to return home and hold further meetings on implementation strategies.

The 1,500 delegates who attended the Conference represented the three traditional planks of the criminal justice system—police, courts, corrections—and one additional segment identified by the National Advisory Commission as an essential partner in the Nation's crime reduction campaign—the public.

If crime is seen as a problem that affects all of society, then it is logical to call on all facets of society in the effort to eradicate crime. The National Advisory Commission called for the participation of all elements of State and local governments and of the citizens the governments represent. Governors, legislators, judges, prosecutors, corrections officials, business, religious, and community leaders, and ordinary citizens were urged to assume the responsibility for creating a crime-free environment.

In bringing together representatives of all segments of the criminal justice system, the National Conference on Criminal Justice marked the beginning of what the National Advisory Commission envisioned as a unified, systemwide approach to the task of reducing crime and delinquency. When police, courts, and corrections agencies operate independently of one another, the inevitable results are duplicative efforts, wasted money, poor communication, and, ultimately, an inefficient criminal justice system.

The Commission adopted a broad, functional definition of the term "criminal justice system." If an agency's function is to reduce crime, either directly or indirectly, it may be considered as part of the criminal justice system even though it may not fall within the scope of police, courts, or corrections. For example, a youth services bureau that offers young delinquents an alternative to crime is as much a part of the criminal justice system as is the court that refers the youth to the bureau. This type of service, as well as any other activity directed toward the reduction of crime outside the conventional criminal justice system, is defined by the Commission as "community crime prevention" and is the subject of the Commission's task force volume, *Report on Community Crime Prevention.*

ORIGINS OF THE CONFERENCE

On November 9, 1972, LEAA Administrator Jerris Leonard initiated action establishing the National Conference on Criminal Justice. On December 27, 1972, Mr. Leonard held a press conference to announce plans for the Conference.

On January 12, 1973, the National Advisory Commission held a press conference to make public its findings and recommendations and to announce that two of its reports—*Courts* and *Police*—had been submitted for printing to the Government Printing Office.

CONFERENCE EVENTS

The National Conference on Criminal Justice was held at the Washington Hilton Hotel. All of the delegates' expenses were paid by LEAA, including travel, lodging, and meals. A precedent for this type of expense was established by three White House Conferences—on Youth, on Children, and on Aging—which assumed all or part of the expenses of those invited to attend.

Attorney General Richard G. Kleindienst issued

the formal invitations to Conference delegates, who were selected as follows: 1,000 delegates were nominated by the 55 State and territorial Governors; 200 delegates were directly associated with the National Advisory Commission; and the remaining 300 delegates— including some members of Congress—were invited by the Conference staff in consultation with LEAA.

The Conference took place three days after the second inauguration of President Richard Nixon on January 20, 1973, and one day following the death of former President Lyndon B. Johnson on January 22, 1973. January 25th was declared a national day of mourning for President Johnson, and Mr. Leonard ordered that buses be chartered to take Conference delegates to the Capitol Rotunda to pay their respects to the late President.

Because of these events, Vice President Spiro T. Agnew, originally scheduled to speak, was unable to attend. In a letter to Jerris Leonard, Administrator of LEAA, he sent his best wishes to the delegates and staff of the Conference. The Vice President also said: "The recommendations of the National Advisory Commission constitute a truly significant contribution to the expanding effort of our State and local governments to combat crime in a systematic, intelligent and effective manner. All of those who served on the Commission, assisted in its work, or were instrumental in its creation, under the auspices of the Law Enforcement Assistance Administration, merit the profound gratitude of the entire Nation."

Formal greetings came from President Nixon who expressed his support of the objectives of the Conference. In a message to Jerris Leonard, the President said: "No task is more basic to America's domestic security than that of reforming and improving our criminal justice system. . . . I applaud your initiative and determination and I seek your assistance, as together we strive to realize these objectives."

The delegates brought with them to the Conference a copy of the Conference *Working Papers* that had been sent to them for their review and study. The *Working Papers* were a digest of the standards and goals developed by the National Advisory Commission. Many of the Commission's major recommendations in the areas of police, courts, corrections, and community crime prevention were reproduced in whole or in part in the *Working Papers,* but the entire document represented only a small portion of the Commission's total findings. The incompleteness of this document, however necessary, caused many delegates to comment that the Commission had failed to deal with a number of important issues, such as training for police officers. Most of the subjects thus cited in the Forum Session discussions are included in the Commission's full reports.

The incompleteness of the *Working Papers,* and the fact that delegates received them less than two weeks before the Conference began, were the subjects of some delegate criticism of the Conference management.

CONFERENCE AGENDA

Three types of meetings constituted the National Conference Agenda: Plenary Sessions, Conference Sessions, and Forum Sessions.

There were six Plenary Sessions interspersed throughout the Conference. Seating was by State and all delegates attended each session. Mr. Leonard presided at the Plenary Sessions and presented the keynote address at the First Plenary. The Plenary Sessions provided delegates with an overview of the work of the National Advisory Commission. Topics covered included the role of the Federal Government and the Federal-State-local partnership in crime reduction efforts.

At the three Conference Sessions, delegates convened by profession in four separate groups representing the major components of the criminal justice system—police, courts, corrections, and community crime prevention. The Conference Sessions were conducted as panel discussions, each concentrating on one aspect of the Commission's work. Delegates heard speeches given by Commission and task force members. Topics covered included highlights of standards and goals, innovation and change in the criminal justice field, and a number of "Special Issues," such as plea negotiation, juvenile justice, and the role of the private sector in crime prevention.

Delegates attending the First and Second Forum Sessions were divided into 40 small seminar groups by discipline. The purpose was to review and critique the Commission's standards. Delegates were given the opportunity to express their opinions about the standards and the Conference and to suggest means of achieving reform in the criminal justice field.

Discussions at the Forum Sessions disclosed the differences in needs and practices across the country. Some of the Commission's recommendations, especially those calling for centralization of State corrections systems and for abolition of plea negotiation, were almost unanimously rejected by delegates. There was general agreement, however, on many issues, including the need to streamline court procedures and the desirability of citizen involvement in crime prevention activities.

The Third Forum Session was the culmination of the National Conference. Here, delegates convened in interdisciplinary meetings by State to hear reports on the police, courts, corrections, and community crime prevention forums and to discuss strategies for implementing the Commission's standards and recommendations.

The State Caucus meetings, as the Third Forum discussions were called, gave delegates another opportunity to voice their feelings about the Commission's work and to exchange ideas with their fellow State delegates. This was the first time that all segments of a State's criminal justice community met together in a forum-type setting. Many delegates felt that the Conference agenda should have provided for more interdisciplinary meetings than it did, particularly in view of the Commission's emphasis on the need for interagency cooperation and coordination.

Some delegates also were concerned that adoption of the Commission's standards might be a prerequisite to the receipt of future Federal anticrime funds from LEAA under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. This is not the case. The Commission developed its standards independently of LEAA and LEAA awards Safe Streets funds independently of a State's adoption or rejection of particular Commission standards or recommendations. The Department of Justice supports the process of devising standards and goals as a planning tool, but it neither endorses nor supports the implementation of any particular standard or recommendation set forth by the National Advisory Commission.

THE *PROCEEDINGS*

As stated above, the main purposes of the National Conference were to introduce criminal justice practitioners to the Commission's work, to stimulate discussion on ways to reduce crime, and to provide the impetus for criminal justice system reform at the State and local levels. If these goals are accomplished, then the Conference was successful in terms of its stated objectives.

Nevertheless, there was an undercurrent of frustration among the delegates (vocalized at many of the Third Forum meetings) that they had been asked to participate in a Conference about the National Advisory Commission's standards and goals but had been given no voice regarding input into the Commission's work. They thought that their comments and suggestions would be meaningless since the Commission's findings had already been made public, and two of its reports were already being printed.

The decision to call the Conference was made by LEAA, not the Commission, and it was a decision made at a time when the Commission had almost completed its work. Commission and task force members attended the Conference on an equal footing with the rest of the delegates: they were there at the invitation of the Attorney General.

In order to obtain a formal record of the Conference and wide dissemination of delegate opinion, the decision was made to publish the *Proceedings of the National Conference on Criminal Justice* as the official record of the Conference. The views expressed by delegates concerning the Comission's standards and recommendations are now a matter of public record and are available to the Nation.

The *Proceedings* volume is compatible in design and format to the six volumes published by the National Advisory Commission and thus may be considered as part of the package that constitutes the Commission's final report. It is envisioned that this volume will be useful not only to Conference delegates, who may study it to learn what their colleagues were thinking, but also to anyone else interested in the work of the Commission.

FORMAT OF THIS VOLUME

Most of the speeches reproduced in this volume were recorded verbatim at the time of the Conference. Following the Conference, the transcriptions were mailed to speakers for their approval and editing. In some cases, particularly in regard to footnoted speeches, typed versions supplied by the speaker were used instead of the actual recorded transcripts.

In the case of the First and Second Forum Sessions, Reporters' summary notes were used. Information specialists provided by the Conference staff took notes on each State Caucus meeting. Later the Conference staff mailed the transcribed notes to the 55 State Planning Agency directors, who moderated the State Caucus meetings, for their review and approval.

Synopses of the Commission's standards and recommendations are included in this volume and in the National Advisory Commission's summary report, *A National Strategy to Reduce Crime*. A synopsis is a capsulized verison of a standard or recommendation. The synopsis method was used because it highlights the main thrust of the standard more than the broad heading that covers all of the standard's provisions. The synopses are neither comprehensive nor exhaustive. The actual standards and recommendations may run to many hundreds of words and cover

considerably more subjects than indicated in the synopses. The synopses provide the interested reader with a reference index to the Commission's major proposals. The reader is urged to consult the other five volumes of the Commission's report to gain a full understanding of the standards and recommendations.

For the convenience of the reader, the *Proceedings* volume is organized functionally on the basis of the type of session—Plenary, Forum, or Conference—rather than by the chronological order of Conference events. The six Plenary Sessions, the three Forum Sessions, and the three Conference Sessions are contained in separate parts, each having an introduction that explains the purposes of the sessions, how they were organized, and who attended. A chronology of Conference events is contained in the Conference Agenda reproduced at the front of the book.

STANDARDS AND GOALS IMPLEMENTATION

At this writing, in early 1974, a number of States are in the process of implementing the National Advisory Commission's standards and goals. A post Conference survey by LEAA revealed that at least 35 States were planning to hold seminars or conferences on the Commission's reports. A number of these States either have established or are in the process of establishing State commissions and task forces to review the Commission's work.

A resolution adopted by the National Governors' Conference in June 1973 called on "every State and unit of local government in that State to evaluate immediately its criminal justice system, to compare its criminal justice system with the standards and goals developed by the National Advisory Commission and make such changes in their criminal justice system as are deemed necessary and appropriate by that State or unit of local government."

LEAA has established a Division of Standards and Goals Development in Washington, D.C., to assist and encourage States to go through the process of analyzing their criminal justice systems, reviewing the Commission's work, and adapting and implementing such standards as each State and unit of local government finds appropriate and necessary.

The primary responsibility of this office is to coordinate the Standards and Goals program and to provide assistance to States in their efforts. This office also provides technical assistance to States in the form of speaking engagements, planning for State conferences and task forces, and overall planning for standards development and implementation.

The Administrator of LEAA has issued a policy statement that emphasizes the importance of the process of developing meaningful standards and goals, in light of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Plans are also being made for the creation of a new standards and goals commission that will concentrate on implementation and evaluation strategies.

Part II

Plenary Sessions

INTRODUCTION

At the six plenary sessions of the National Conference on Criminal Justice, the delegates heard major addresses by prominent public figures, State and local officials, and experts in criminal justice and related fields. These speeches gave Conference delegates an overview of the work and intent of the National Advisory Commission on Criminal Justice Standards and Goals and explored the role of the Federal Government in criminal justice planning as well as the Federal-State-local relationships in that area.

These sessions, which were attended by all delegates and where seating was by State, were interspersed by three conference sessions and three forum sessions. Jerris Leonard, the Administrator of the Law Enforcement Assistance Administration, presided and was the keynote speaker. The main speakers included the Attorney General of the United States, the chairman of the Commission, an Associate Justice of the U.S. Supreme Court, a Governor, a Senator, and a mayor.

The First Plenary Session opened the Conference with addresses by Mr. Leonard and by Governor Russell W. Peterson, chairman of the Commission. At the Second Plenary Session, Governor Reubin Askew of Florida spoke to the delegates on "Local Governments Need Help." Senator Roman Hruska of Nebraska addressed the Third Plenary Session on criminal justice legislation then before the Congress.

At the Fourth Plenary Session, Mayor Richard G. Lugar of Indianapolis, Ind., spoke on "Federalism and Criminal Justice: An Agenda for Reform." At the Fifth Plenary Session, William Rehnquist, Associate Justice of the U.S. Supreme Court, spoke on "Federal, State, and Local Law Enforcement—The Proper Balance." At the Sixth Plenary Session, the final one, Attorney General Richard G. Kleindienst spoke to the delegates on "Resources for Implementation."

Overview of Commission and Conference

These plenary sessions enabled the speakers to outline for the delegates how and why the Commission arrived at the standards and goals that it did, and what was expected of the delegates themselves, both during and after the Conference.

Mr. Leonard said in his keynote address that although the job of crime reduction would be debated in Washington, it would be accomplished by the delegates and their colleagues across the country. He asked the delegates to view the findings of the Commission from the perspective of the entire crim-

inal justice system, rather than from the perspective of one component or from personal bias.

Governor Peterson told the delegates that the Commission set specific standards by which each component of every local criminal justice system could measure its progress. The Commission sought to establish a degree of uniformity—an overall strategy to reduce crime and improve the administration of justice. It proposed standards that showed what works—whether they were innovative or traditional—those standards could be adopted with conviction on a broad scale, he said.

The key goal of the Commission was the reduction by 50 percent over the next 10 years of the rate of high-fear crimes in America. That goal, Governor Peterson said, provided a rallying point for Americans in the fight against crime.

One premise under which the Commission developed its standards and goals was that the components of the criminal justice system must develop and maintain a constructive and cooperative relationship with one another if control of crime is to become a reality, Mr. Peterson said. Each component operating in its own self-interest often works at cross-purposes with the other components and perpetuates outmoded, inefficient practices, he said.

Attorney General Kleindienst said the Commission report was not the final word on crime control. Reform is a continuing process, he said, "a process . . . of deciding what kind of world we really want." He asked the delegates and other criminal justice practitioners, who would be leading the reform efforts, to remember that justice includes the rights of the victim, of the innocent, and of the law-abiding public, as well as the rights of the defendant.

"The rights of defendants and of convicted offenders are an integral part of our American justice system and should never be compromised. Neither should they be permitted to thwart the basic imperatives that hold our society together. These imperatives include the reward of honesty, the rejection of wrongdoing, the triumph of law over barbarism, and the sanctity of the individual against attack by others or even by Goverment itself," the Attorney General said.

Justice Rehnquist noted the monopolistic nature of criminal justice systems. Unlike private enterprise, each system has a built-in market—its citizens—and no competition, he said. A Commission such as this one, then, he said, provides the "competitive" spur that makes each system strive to improve itself and serve its market more effectively. The innovative suggestions of the Commission, whether adopted or not, stimulate discussion and evaluation, he said.

Role of the Federal Government

Of particular concern to delegates and speakers alike was the role of the Federal Government in criminal justice planning, from both a philosophical and practical viewpoint.

Mr. Leonard emphasized that the guiding philosophy behind the Commission was the concept of New Federalism—local solutions to local problems, with Federal support. The standards and goals of the Commission, he said, were intended as guidelines, to be discussed, modified, and adapted in conformity with the particular needs of each State, city, and county. They would not be imposed on the localities by the Federal Government as a prerequisite for Federal funding of criminal justice programs, he said.

Although crime is a local problem demanding local action, he said, the Federal Government, primarily through LEAA, has the responsibility of providing funds and other resources to enable localities to handle that problem. Mr. Leonard said: "LEAA views itself as the catalyst that supplies the funds, technical knowledge, and expertise to initiate crime-fighting efforts, no matter if they are at the State, the county, or the local level."

Mr. Leonard pointed out that the Commission itself was a prime example of New Federalism: a Federal-State-local partnership in which State and local officials, supported by Federal funds, developed a unified approach to a local, yet universal, problem.

Attorney General Kleindienst stressed that the report of the Commission was not a Federal project. It is the work of State and local professionals; it covered areas where no Federal policy exists; where Federal policy did exist, the report might be at odds with it, he said. "In brief," he said, "the Federal role has been to facilitate the creation of standards and goals by other jurisdictions."

Senator Hruska said that the concept of New Federalism was at work when Congress passed the Omnibus Crime Control and Safe Streets Act of 1968, which created LEAA. One of the guiding principles behind development of that act was that the States and their local subdivisions must retain their autonomy in criminal justice, he said.

"Instead of creating a new Federal agency to parcel out financial aid to obedient and subservient local recipients, Congress resolved to put the State and territorial Governors in charge of their own programs," Senator Hruska said.

New legislation on law enforcement special revenue sharing, proposed by President Nixon, would give the States and localities even greater flexibility and freedom in expending funds for criminal justice purposes, the Senator said.

Federal-State-Local Partnership

The partnership between the Federal Government, the State, the counties, and the cities in criminal justice planning was discussed by two officials who were part of that partnership: Governor Reubin Askew of Florida and Mayor Richard G. Lugar of Indianapolis.

Governor Askew, noting the problems and successes his State had experienced in improving its system of criminal justice, said that State government has grown to the point where it can develop meaningful programs to help its citizens, yet it remains small enough to keep those programs manageable and relevant. At the same time, he said, it is at the local level—the city and county levels—that the struggle against crime will be won. ". . . the greatest contribution that State government can make at this time is by helping local governments to work together and to develop fully their own great potential for crime prevention and control," Governor Askew said. He urged the Federal Government to continue and increase its financial and technical aid to the States and localities.

Governor Askew said the success of the 1972 national political conventions, held at Miami Beach, Fla., was possible because of the Federal-State-local partnership. An LEAA grant of $3.5 million and Department of Justice support enabled Florida, and particularly Miami Beach and Dade County, to ensure that those conventions were peaceful, he said. An unanticipated benefit was that Florida criminal justice personnel received on-the-job training and equipment they otherwise would not have had, he said.

Mayor Lugar explored the barriers to an effective and progressive partnership. "A successful intergovernmental assault on crime will depend essentially on specific determination of who will do the job," he said. "We may find that we are disturbed about the rise of crime but become even more agitated when anyone suggests governmental reform to meet the problems of crime. Thus, we call upon the Federal Government to save us both from crime and from the folly, inefficiency, and heartbreak of some current local governmental arrangements that we shelter deliberately from change or reform."

Citizens must study and use the numerous options of intergovernmental relationships available under federalism to find the most effective method of combating crime, he said. Local efforts, intrastate consolidations, State programs, interstate compacts, and increased national assistance are some of those options, he said. Mayor Lugar cited the danger of supplying criminal justice resources to States, cities, and counties that are unprepared to use them effectively. On the other hand, he said, Federal control of these resources through the use of officials, inspectors, and auditors may ensure that funds are spent correctly but it does not ensure the growth of local institutions or the support and consent of the local citizenry.

Chapter I
First Plenary Session

First Plenary Session — Keynote; Wednesday, January 24, 1973, 9:00 a.m.

PRESIDING: **Jerris Leonard,** Administrator, Law Enforcement Assistance Administration, Washington, D.C.

ADDRESS: **Governor Russell W. Peterson,** Chairman, National Advisory Commission on Criminal Justice Standards and Goals, Washington, D.C.

Mr. Leonard: It is my very distinct pleasure to call this first National Conference on Criminal Justice to order.

It is unfortunate that we do so at a time when America has lost one of its great leaders. As all of you know so well, Lyndon Johnson was vitally interested in law enforcement and criminal justice reform in this country. In fact, under his leadership, the President's Commission, headed by then Attorney General Nicholas Katzenbach, was created and represented the beginning, in my opinion, of criminal justice improvement in this country.

Attorney General Mitchell extended that effort in convening the National Advisory Commission on Criminal Justice Standards and Goals, which we are going to be talking about in great depth here at this Conference.

It is now my pleasure to open this Conference with some commentary and remarks and to try to set some tone for you and indicate to you, to my associates in the Law Enforcement Assistance Administration, and to everyone who is connected with this Conference that it is a deep pleasure to be here with you this morning on this most important occasion.

We are meeting at a crucial time in America's history to mark a significant event in our national progress toward a safer society. We are here to convene the National Conference on Criminal Justice—an unprecedented event in our continuing struggle against lawlessness and disorder.

There is no Nation on earth that does not have to grapple with the problem of curbing crime. Wherever people live together in communities, they must protect themselves against those who remain outside the common rules of conduct. In modern democratic nations, laws are made by the citizens' elected representatives.

Since history's beginnings, criminal justice has evolved from simple folkways into highly complex functions of government. But government, like all human institutions, is by no means perfect, and we

know from past progress that what we are doing today can be done even better in the future with improved tools and techniques. American skills have carried mankind across the frontiers of space. And so shall we also perfect our technical expertise to meet the domestic challenge of crime.

Now you will soon start discussions of new ways to improve crime control and the administration of criminal justice at the State and local levels of government. You are not beginning emptyhanded. You have before you a carefully thought-out series of goals and recommendations for their accomplishment.

These findings and suggestions have been prepared by a very distinguished group of citizens—the National Advisory Commission on Criminal Justice Standards and Goals. The Commission is not an agency of the Federal Government. It is composed of laymen and professionals with deep experience in State and local problems, and that was intentional.

You have often heard President Nixon speak of the New Federalism. It foresees the principal initiatives for improving what are essentially local problems as coming from the men and women who are most directly involved—the citizens at home.

In accord with this philosophy, the Commission's work is not something the Federal Government intends to impose on the smaller units of government. Far from it.

The Commission's report is being submitted for use in any way that the people see fit. Its findings and recommendations, in my opinion, are the very best that are now available. But they are open for discussion, modification, and adaptation, all in conformity with the particular needs of each State and city and county.

This approach is in harmony with the self-governing institutions that were created by the Founding Fathers—for they had the example of the British monarch's arbitrary administration of government fresh in their minds. The authors of our Constitution determined nearly two centuries ago that the individual States must retain their sovereignty in almost every matter touching on criminal justice.

This precludes a national police or court system. Frankly—although there has been some talk about that in recent publications—if anyone is here to talk about the establishment of a national police force, I really would suggest that you are going to waste your time and everybody else's. There isn't one scintilla of support among the people for that kind of a concept, and it is a waste of time to talk about it. This precludes the imposition of mandatory Federal criminal justice standards on the States, counties, and cities.

On the other hand, the United States Government has a clear duty to help the States perform their individual tasks in the best possible manner. It was for this very reason that the Congress created the Safe Streets program and the Law Enforcement Assistance Administration.

Now, allow me a short personal note. As you know, I am about to leave the Law Enforcement Assistance Administration. And this will be my last address as Administrator of this agency before I return to private life. So let me give you some plain talk—some thoughts that come straight from the heart.

I have worked for crime reduction programs as a layman, as a State legislator, and as a Federal official. From that experience, I have developed the strongest possible conviction that crime reduction is up to you at the State and local levels of government. No matter what the bureaucrats here in Washington dream up, nothing worthwhile is going to be accomplished in this area unless you folks get out there and do it yourself.

I have spent enough time here in Washington, and I know that the Federal bureaucracy has many, many, many limitations. I say this now because I know you want to hear what I really think and what I really believe. And what I think is: If you and I and everyone of us do not get out there and pitch in for ourselves, the job of crime reduction will not get done. It will continue to be talked about and debated on the banks of the Potomac, but it will not be solved on the banks of the Potomac.

During the next few days you are going to hear a lot of talk about the criminal justice system. When you do, I want you to remember that the system really means you—you and your colleagues around the country. You are the criminal justice system.

Now that isn't my view alone. It says so right in the statute that created this agency. That statute says that the legislation's purpose is to get the States and the local governments to do their own work, and I quote: "... based on their evaluation of State and local problems of law enforcement."

Now that means each and every one of you—every police chief, judge, corrections official, probation officer, job counselor, and anybody else, whatever you do in this important area. It also means particularly those of you who are legislators at one or the other levels of government. And there are well over 200 such people here. We don't run this program. You do.

You have heard the saying that people get the kind of government they deserve. Well, they get the kind of crime reduction programs that they deserve also; and, in my humble opinion, they deserve the very best.

Now, I know that there may be a thing or two in this Commission report that you don't particularly like. There are some things that I may not like. No human institution is perfect.

But let's not nitpick this report to pieces. Let's get on with the essential issue—the issue of reducing crime. We must concentrate on the broad areas where we agree—rather than dilute our work here by concentrating on the very few areas where we may disagree.

The standards and goals material charts a way for us to do a better job—the way to reduce crime faster. That is where we must concentrate all of our efforts. And if we don't, then we default on our responsibilities. When that happens, people become victims of crime—people who otherwise could have been saved. The job rests with the States and the localities.

I remind you of the President's words in his second inaugural address to the Nation, and I quote:

> Your national Government has a great and vital role to play. I pledge to you that where this Government should act, we will act and lead boldly. But just as important is the role that each and every one of us must play as an individual and as a member of his own community.

I ask you to remember those words during this Conference and when you leave to return home.

LEAA has deliberately turned away from bureaucratic centralism in favor of local initiatives. Through the current fiscal year, the Safe Streets Act has provided more than $2.4 billion to support the Federal-State-local partnership.

Money alone does not work miracles, but the aid has enabled State and local governments to create innovative new programs to combat crime of every type.

The assistance has enabled LEAA and the States and cities to concentrate on programs that really work. It has given us crime-specific planning for the first time in our history. It has financed the High Impact Cities Program, which has as its goal the reduction of street crimes and burglary by 5 percent in 2 years and 20 percent in 5 years in those 8 impact cities. It has made possible the regionalization of criminal justice operations on the Federal, State, and local levels.

Admittedly, much remains to be done, but what we have accomplished thus far has already wrought fundamental changes. There is a new understanding that in a unified, integrated, pragmatic approach, the problems can be met and they can be solved. There is an appreciation that working together rather than at cross-purposes is going to get the job done faster and better. There is a new confidence that government really can improve the quality of our domestic life and increase safety on city streets, in the suburbs, and in the countryside.

This revitalized attack on lawlessness and violence is rapidly bringing us nearer to the time when crime will no longer be one of the Nation's most serious domestic problems. There is already every reason to believe that the rise of criminality in the 1960's is leveling off and that we are well on our way to bringing crime under control.

I say this because the national crime rate increases have been slowed in dramatic fashion. From the FBI statistics we know that crime rose nationally by 17 percent in 1968, by 12 percent in 1969, by 11 percent in 1970, by 6 percent in 1971, but by only 1 percent in the first 9 months of 1972.

This pattern is particularly evident in the Nation's major cities, where much of the worst crime occurs. The figures also show that 83 of the country's major cities reduced serious crime in the first 9 months of 1972. And I think these are truly remarkable achievements when we look at the pattern and the flood of crime increase that was upon us during the 1960's when it rose during that decade by 148 percent.

One of the jobs we simply must do is to get this message across to the men and women who are concerned about these problems. They should be told that crime and disorder are being brought under control again. Many of you may recall a Gallup Poll announcement earlier this month in which it was shown that crime and the crime-related heroin problem are still at the top of the list of issues bothering the American public.

So our long-suffering citizens should be given the good news that things are getting better, that the enormous gains already made are paying off.

But we also know that there is much more to be done. And it has to be done faster and more effectively than in the past. For example, State and local governments still lack the one key ingredient they need to make the battle against crime fully effective. And in his 1971 State of the Union message, the President called upon the Congress to enact the Administration's law enforcement special revenue sharing legislation to add greater strength and improved local control to America's war on crime. The purpose was to provide more money with less Federal interference. That is still the President's purpose. He will call upon the new Congress to meet this need.

Special revenue sharing will bring this Nation an even higher level of cooperation—an even better partnership—between our Federal leadership and our local and State units of self-rule. However, special law enforcement revenue sharing will also put

enormous new responsibilities on State and local governments.

With the increased Federal funds these units of local government will receive, they will, for the first time, truly have the freedom, the discretion, and the means with which to meet their own needs. Moreover, under special revenue sharing the Federal Government will not be able to dictate policy to any State or local community.

There is an important link between New Federalism and the standards and goals recommendations that you are reviewing here at this Conference. The Commission's findings and suggestions are the work of State and local officials supported with Federal funds. It is an excellent example of the Federal-State-local partnership without the arbitrary constraints of outmoded categorical grant restrictions. With Federal help the people have written their own blueprint for fighting crime.

The standards and goals work should be of enormous assistance to the States and localities as they begin to fashion new and more effective anti-crime efforts with the New Federalism's support.

As you turn to your work here today, I hope that you will reflect upon the importance of this partnership. Good government must be grounded upon mutual understanding and assistance. I am convinced that if you and your colleagues will do your utmost in this worthy cause, the problems of crime will yield to our perseverance.

As you discuss the Commission's findings, I hope you will look at them not just from the viewpoint of your own particular profession or your own particular bias or your own particular agency. I urge you to regard them from the perspective of the entire criminal justice system.

You are engaged in a task of national significance. You have an opportunity that is truly unique in this generation. If done well, what you accomplish here will be a permanent contribution to your country's welfare.

Good luck and thank you.

Now I want to take a few minutes to thank the Commission members and those people who are on the operational task forces and on the advisory task forces who contributed so much of their time and effort to this worthwhile project.

They have spent a great deal of time many days at meetings and worked long hours in discussing and compiling this report, and I want to thank them at this time for the really tremendous effort that they put forth.

And I think everyone at this Conference—just take a quick perusal of the documents you've been mailed; this is only a synopsis of the actual work—would also like to express their appreciation.

I want to particularly thank two men—first, the Vice Chairman of the Commission who is up here on the podium with us. He's not only a great personal friend and a great law enforcement officer, but he's a great leader—personally and in his own right. He has provided great leadership to this Commission, and I would like to have you give him a very warm welcome. The very honorable, very likable, very popular Sheriff of Los Angeles County, Peter J. Pitchess.

Now I want to call next on the Chairman of this Commission. And I am going to give him a little introduction, too.

In all candor, I would be less than honest if I did not say that Russell Peterson's dedication and leadership have translated this original idea of a National Advisory Commission report on standards and goals for the system into an action program.

And that's not surprising—at least not to me—because I know something about this man. I know the great contributions that he has made in crime reduction, and that he has made it a priority of the highest order, throughout his personal and his public life.

Many years ago he was a moving force in the establishment of the Three-S-Citizens Campaign in Delaware. And the three S's—the motto of that campaign—were very simple but very hard-hitting: salvage people, save dollars, and shrink the crime rate.

And the campaign was truly a winner. Russ had more than 6,000 Delaware citizens enlisted in it. It was a 3-year effort that climaxed with the adoption of new corrections laws in that State to deal with both juvenile and adult offenders.

He later served on the Board of Directors of the Correctional Council of Delaware and was also a member of the Citizens' Crime Commission in his home State.

Thus, well before his election as Governor, Russ Peterson's reputation in the field of criminal justice was firmly established.

During his administration as Governor, he initiated a number of programs that again demonstrated his concern about law enforcement and criminal justice. But more than that, these programs were good for Delaware and for the people of Delaware.

One notable step was the legislation barring the jailing of petty offenders solely because they could not afford to pay a criminal court fine. That law ended an ancient practice that unnecessarily demeaned the poor, and wasted taxpayers' money.

Under his administration, Delaware initiated a plan under which the State provided matching funds to help local communities improve their police departments. The Peterson administration also

removed justice of the peace appointments from political patronage. This plan opened Delaware's first alcoholic detoxification center. It launched an attack on narcotics and drug abuse that included education, treatment, and enforcement programs. And some of this was done with LEAA help. In fact, a lot of it was.

Furthermore, Delaware now has a progressive work-release program for adult prisoners and a new parole board staffed with professionally qualified members.

As you can see, under Russ Peterson's leadership, Delaware has moved ahead on crime control and established one of the most forward-looking programs for criminal justice improvement in the entire United States. You can understand why we asked him to head this Commission. In addition, he was also chairman of the Natonal Governors' Conference Committee on Crime and Public Safety.

He had and has uncommon excellence. And we knew he would give this job the type of determined and practical leadership that we needed.

We knew that he would draft a rational, systematic approach that would emphasize the solving of problems in realistic terms. We knew that he would give us an integrated plan that would coordinate all of the elements that are needed to make a well organized criminal justice mechanism and make it work. And, above all, we knew that Russ Peterson would give us a clear picture of what was still needed in the fight against crime—and how best to get there.

So it is a pleasure for me to introduce the Chairman of the National Advisory Commission on Criminal Justice Standards and Goals, the Honorable Russell Peterson.

Governor Peterson: Thank you very much, Jerris Leonard. My colleagues at the head table, ladies and gentlemen. Today is a great milestone. I sat here at the head table looking out at this large audience, realizing that in this room is represented the criminal justice system—the law enforcement area, the courts, the police, the prosecutors, the legislators—all of those people who together have the responsibility to do something about reducing crime in America.

I first came into this area when I was assigned to the board of a prisoners' aid society. Back in the late fifties, I took on the job of going out to the prison every Tuesday night for 6 months to interview men who would be getting out of prison in the next 30 days. We followed them for 2 years and found that three-quarters of them were back in prison at the end of that time. And that experience drove home to me the tremendous problem that we had in the criminal justice system because it became pretty obvious that different branches of government were involved—different levels of government—and the various units did not even communicate with each other and were extremely suspicious of each other and blamed each other for the rising crime rate.

And so the human being passed the offender along like a baton from one agency to another without either an overall perspective of the criminal justice system or what the problem was and what could be done about it.

Here today, for the first time, I believe, in the history of our land, is such a large assembly of the many individuals involved in the criminal justice system. We need a system to do the job and not a collection of autonomous separate units that are not working together.

Before I give my prepared remarks, I would like to introduce the chairmen of the several task forces, who worked so hard on our reports.

Head of the Police Task Force, Chief Ed Davis, Chief of Police of Los Angeles.

Head of the Courts Task Force, Professor Dan Meador of the University of Virginia Law School.

Head of the Corrections Task Force, Judge Joe Frazier Brown, Executive Director of the Texas Criminal Justice Council.

Head of the Community Crime Prevention Task Force, Jack Michie, Director of the Michigan Department of Education, Division of Vocational Education.

Head of our Information Systems Task Force, Colonel John Plants, Director of the Michigan Department of State Police.

Head of our Juvenile Delinquency Task Force, Judge Wilfred Nuernberger of the Juvenile Court of Lincoln, Nebr.

Head of the Community Involvement Task Force, George Peters, President of Aurora Metal Corporation.

Head of the Drug Abuse Task Force, Sterling Johnson, Executive Director of the New York Civilian Complaint Review Board.

Head of the Education, Training, and Manpower Development Task Force, Lee Brown, Director of the Institute for Urban Affairs at Howard University.

Head of the Research and Development Task Force, Judge Peter McQuillan of the New York Supreme Court Trial Division.

Head of the Organized Crime Task Force, William Reed, Commissioner of the Florida Department of Public Safety.

Head of the Task Force on Civil Disorders, Jerry Wilson, Chief of Police here in Washington, D.C.

You and I who are here today share with other

Americans a great responsibility and a great opportunity—the responsibility to reduce crime in America and, in so doing, the opportunity to improve the quality of life for all of us.

Crime and the fear of crime constitute the most serious domestic problem in our Nation. The crime rate is a measure of the failures of our society—a negative index of the quality of life. Since the crime rate has been rising over the past few decades, it indicates that the quality of life has been deteriorating.

It is essential that we reverse this trend—that we bring the necessary resources to bear on the problem. What are the required resources? First, we need the conviction that we can do the job.

Second, we need to establish appropriate goals and priority programs and standards necessary to reach our goals.

Third, we must provide the finances and the brainpower to implement the program.

It is clear that the United States Attorney General's office and specifically the Law Enforcement Assistance Administration under the able leadership of Jerris Leonard has recognized these needs and is doing something about them.

I know I speak for all members of the National Advisory Commission on Criminal Justice Standards and Goals and the many members of our task forces when I thank you, Jerry Leonard, for appointing us and for giving us the opportunity to prepare the blueprints for reducing crime which all of you will be discussing at this Conference. I also want to thank publicly our outstanding Executive Director, Tom Madden, and his exempiary staff for their superb contribution.

You have received as background for this Conference the *Working Papers,* which cover many of the recommendations of our Commission. Additional information will be supplied during the Conference. The final complete reports including a brief cover report will be issued over the next few months.

By setting specific standards, the Commission has tried to offer a tool by which each component of each criminal justice system can measure its progress—or lack of progress. We are not making this evaluation. It must be made honestly, perhaps even painfully, at the local level. We are trying to help consolidate and focus the efforts of the diverse systems across the nation—to encourage greater efficiency and coordination in the operations of public and private agencies to prevent and reduce crime. We must get more results, and we must get more results per dollar.

Recently, in a conversation with Governor Nelson Rockefeller and Senator Jacob Javits of New York, I was talking with them about the great difficulty of getting solutions to problems plaguing America, including the problem of crime. We decided that we really had two things to contribute: money and brainpower, and we hadn't been using the latter adequately. We can do a much better job of deciding how to spend our money in these critical fields in order to achieve better results per dollar.

Now, I had a grandmother who was particularly thrifty, who looked to the future. In fact, the story is told about how in the last few years of her life she even made her own dress for her funeral. And she cut the back out of the dress and gave the fabric to my mother. And my dad said to my grandmother, "Mother, why are you so silly to do something like that? Why, when you die and go to heaven, Father will be embarrassed very much walking arm in arm with you with the back out of your dress."

And she said, "Oh, he won't be worried about that. Because I buried him without his trousers."

Yes, we need to plan ahead. We need to be thrifty. We need to get results.

What is needed is a degree of uniformity—an overall strategy to reduce crime and to improve the equitable administration of justice. This uniformity must not be stifling; creativity and innovation are certainly qualities that must come into play if progress is to be made in solving problems that have been with us for so long and have given us so much difficulty in trying to reduce them. But instead of having thousands of individual police agencies and courts and correctional institutions, each experimenting on a trial-and-error basis with remedies for the problems, the Commission proposed standards that set forth what works and the Commission's report comments on what has failed and why. This way, we feel, the most successful programs—innovative or traditional—can be adopted with conviction on a broad scale.

Some of you, in reviewing our standards, very likely will say, "Why, we've been doing that for years." I want to emphasize that what we have set forth are minimum standards. We have not ducked serious issues and we have been specific in our recommendations, trying not to be ambiguous. When we have set a standard, we have clearly listed the physical resources, the human resources, and administrative structures required to implement the standard. But part of our job was insuring that what we suggest is realistic: that the standard can be met in a practical manner. For that reason, we have not prescribed the purely Utopian approach. If in some cases you may feel we have not gone far enough, I ask you to consider that the vast majority of communities in this Nation will have to implement many

changes to realize our minimum standards. Of course, we certainly wish to encourage a progressive police agency, or court system, or correctional system to go the extra mile beyond what the standards recommend.

How did the Commission arrive at these standards that you are being asked to consider? We asked practitioners in the field to work on task forces in their area of expertise. We were asked to chart maps; we believed the best people to ask were those who have traveled the roads frequently. There were more than 200 people sitting on the task forces and the Commission and the main emphasis was on police chiefs, corrections officials, judges, and prosecutors, but we also had extensive representation from private citizens, Government officials, sociologists, educators, and political scientists. We have relied on people with a wealth of working experience, people who know the problems and can recognize what reasonable solutions are, but also people who were not so tied to the status quo that they were not willing and anxious to try new ways when the old ways were not getting results.

Staffs were assembled. The literature was surveyed; State criminal justice plans were reviewed; criminal justice and noncriminal-justice agencies were contacted across the Nation, all in an effort to find out what was being done or being urged to reduce crime. Hundreds of other experts were assembled to write the standards. Task forces on police, courts, corrections, community crime prevention, and information systems and statistics developed and debated standards in their areas. Seven other task forces reviewed many of these standards and made recommendations for additions and changes.

The Commission then discussed each standard recommended by its task forces—every single one of them. Many of them were debated and changes were made in many of them, ranging from pure semantics to substantive issues. What you have before you—and everything else we will issue in the coming months—represents the best thinking of a majority of the Commission. We had a formal vote on every single standard and recommendation. Unless it had at least a majority vote in our Commission, it was not included in our report.

We expect that some of our standards will kindle controversy. If the subjects we are tackling were free of controversy, standards would probably have been established and agreed upon years ago. You will observe in the commentary that accompanies the standards and in other material that we will discuss points of view other than those endorsed by the Commission. At this Conference, we expect some of you will tell some of us where you think we're wrong—and we shall do our best to defend our judgment. The Commission hopes and even expects officials and experts in State and local government to implement many of our standards. Open and frank discussion of the standards is one of the paramount goals of this Conference.

Let me now review a few highlights of our report. Other commissions have documented many of the causes and the effects of the crime problem. The role of this Commission has been to develop a national strategy to reduce crime through the timely and equitable administration of justice, the protection of life, liberty, and property, and the efficient mobilization of resources. The cornerstone of this national strategy will be the goals we choose to reach.

We believe the goals should be challenging and should require us to reach hard. People just yawn at little goals, but they can get excited by big goals. We also believe that we should not be preoccupied with failure. For if we are afraid of failing, we almost certainly will fail to succeed.

Among several goals that we have proposed, the one given the highest priority is a 50 percent reduction in high-fear crimes over the next 10 years. We define high-fear crimes as stranger-to-stranger violent crimes and burglary. Violent crimes are criminal homicide, forcible rape, robbery, and aggravated assault, but those involving strangers.

It is these crimes that have the most devastating impact on our communities. We propose to measure the crime rate by the victimization technique being pioneered by LEAA. This technique has reached a level of sophistication that should permit calendar year 1973 to be the base year for the 10-year goal.

Another high priority objective is to reintegrate young offenders back into the community and minimize their penetration into the criminal justice system. By 1983 the number of juveniles coming before the juvenile court on matters that would be crimes if committed by adults should be reduced by 50 percent from its 1973 level.

Much of the violent crime in America is committed by offenders who started on their crime career as juveniles and gradually escalated the seriousness of their offenses. Increased effort must be made to break the cycle of repeating crime at its earliest practical stage. This must be done mainly by community-based programs with treatment being tailored to the specific needs of the individual. It does not mean that chronic and dangerous offenders should not be incarcerated to protect society.

It is important to recognize two distinct areas of activity in reducing crime. One is within the criminal justice system and involves those people who have

already committed some offense. Here the objective is to direct and help the individual so he or she will not commit another offense.

The other area is the broad community where the objective is to prevent people from entering the criminal justice system—from getting in trouble in the first place.

We have in the past given much too little attention to this second area. Our Community Crime Prevention Task Force has prepared a comprehensive series of recommendations for your consideration—recommendations directed toward keeping people from getting in trouble with the law in the first place.

Among these is the need for our educational system to extend its programs and counseling to turn on each young person with a satisfying and rewarding career by the time he or she leaves school and for the private and public sectors to provide sufficient job opportunities so that everyone who needs a job will have one. Yes, education can play a major role in helping us reach our objectives. But we cannot blame all of our problems on educators. They have a tough assignment. Some of the kids they have to work with are difficult indeed.

I heard of one young person who was a special problem. In fact, the teacher had been having great difficulty with him. One day when asking him a question about some of our American history, she got particularly irritated and said to him, "John, who shot Lincoln?"

He said, "I didn't do it."

That was the last straw. She called his father in with him to have a conference and to explain all the problems she was having with John. And finally she said, "Just the other day I asked him who shot Lincoln, and he said he didn't do it."

And the father said, "Look, I've known that kid all my life, and if he said he didn't shoot Lincoln, he didn't."

But on the way out, he said to his son, "Hey, kid, did you do it?"

Yes, we have some difficult problems in education, but what we can learn from them can make a contribution to the problem we are discussing here. We believe that citizen action is fundamental. We need to get many, many thousands of Americans deeply involved in and committed to working with professionals in the criminal justice system.

So we strongly recommend that citizens should participate in activities to control crime in their communities and criminal justice agencies should seek this participation.

One theme runs through the Commission's reports constantly, whether in the volume on *Police, Courts, Corrections,* the *Criminal Justice System,* or *Community Crime Prevention.* If the criminal justice system is to be effective in combating crime, it must work together as a system. As I said in my introductory remarks, what the police do—or fail to do—has an enormous effect on courts and correctional institutions. What the courts do affects the police, and the corrections institutions, and so forth. Each group is dependent upon the others and needs the others in order to do its job properly.

For example, because the recidivist is responsible for a major portion of serious crimes, we have called for standards that on the one hand would improve the chances of correctional institutions effecting rehabilitation, and on the other, would remove large numbers of minor offenders from the process, so resources can be concentrated on those few offenders who present the most serious danger to our society. We have favored diversion of minor offenders where appropriate. We have also sought reasonable alternatives to incarceration. These include expanded probation and community-based corrections. To achieve these goals, close cooperation between police agencies, courts, and correctional officials will be absolutely necessary.

Police can cooperate by issuing summonses and citations in lieu of arrest for cases involving minor offenses and diverting minor offenders from the court processes. Courts can authorize diversion programs and use sentencing alternatives such as restitution, fines, and probation. Prosecutors can screen out certain cases. Corrections officials can aid the process by releasing offenders on parole, work release, or halfway-in, halfway-out programs when it is clear they present no major danger to society.

In the *Courts* report we have given priority to minimizing the time interval between apprehension and sentencing. Today the time interval all over America is excessive and leads to the recycling of criminals. Men on bail commit a second and a third offense while awaiting the disposition of their first offense for months and months. Swift justice appears to be an effective and much needed deterrent.

The *Courts* report also calls for getting rid of plea bargaining within 5 years. There is little justification for a bargain basement for negotiating justice.

We have recommended that the police develop a better partnership with the community by establishing youth clubs and working with schools and citizens groups. We believe that police agencies should adopt the team-policing concept, under which officers are assigned for a fixed period of time to a limited neighborhood area they can get to know well and are given primary responsibility for keeping the peace and preventing crime in that area.

We have called for public defenders' offices to be

located in the community, not in city hall or the courts building. This helps people perceive that someone nearby is interested in guiding them through the maze of the criminal justice system.

The Commission has prepared what I believe to be the most rational analysis of the drug abuse problem to date. It recognizes the popular folklore that handicaps this field. It calls for the establishment of a wide variety of treatment programs and the prescription of treatment to handle the specific needs of the individual abuser. It recognizes that compulsory treatment is in many cases a desirable alternative. It supports methadone treatment but strongly rejects heroin maintenance.

It has been our goal to express clearly what we feel needs to be done to reduce crime. This Conference presents the opportunity for you to compare our standards with the criminal justice system operating in your State or your city. Members of the Commission will be participating in the sessions and if our goals, priorities, and standards are not sufficiently clear, they will be pleased to discuss what we had in mind.

From now on, it will be up to you and your colleagues in State and local governments and the citizens in the communities across the country to determine what becomes of the Commission's report. We hope that some standards will be adopted immediately, and that others will be given thorough consideration. We on the Commission recognize that implementing the standards is the hardest task in this mutual undertaking. We expect that the results will prove worth the effort.

Let us keep in mind that our objective is to reduce crime, that no one element of the criminal justice system can do the job alone, that we must plan and work together.

I make this plea to you. Take this seriously. Recognize the need for you to work together: police, courts, correctional agencies, prosecutors, the broad community. The job will not get done unless we do it together.

Yes, we have a great responsibility to reduce crime and in so doing a great opportunity to improve the quality of life for all of us.

Let's accept that challenge and produce.

Thank you.

Mr. Leonard: I think you can now see why I was so excited to have Governor Peterson accept the chairmanship of the Commission. The dynamism and the perspective that he brought to the job was revealed to you here this morning in his well chosen and concise words.

Chapter 2
Second Plenary Session

Second Plenary Session	"Local Governments Need Help;" Wednesday, January 24, 1973, 12:30 p.m.

PRESIDING:	**Jerris Leonard,** Administrator, Law Enforcement Assistance Administration, Washington, D.C.
INTRODUCTION:	**James D. McKevitt,** Assistant Attorney General for Legislative Affairs, U.S. Department of Justice, Washington, D.C.
ADDRESS:	**Reubin Askew,** Governor of Florida, Tallahassee, Fla.

Mr. Leonard: Good afternoon, ladies and gentlemen. This is the Second Plenary Session of this National Conference, entitled "Local Governments Need Help."

I think it is particularly appropriate that we address this question, "Local Governments Need Help," for this session because, to a great extent, that is what the Law Enforcement Assistance Administration is all about—helping local governments, be they State, county, or city.

This help—the LEAA assistance—comes in two ways:

1. The most important and major way is through LEAA's block action program, whereby funds are awarded to State Planning Agencies, which in turn distribute the funds to local and State agencies.

2. LEAA also has a discretionary grant program, which channels money directly to the recipient for worthwhile projects and programs.

We have distributed more than $2.4 billion through these methods.

More importantly, this money is awarded without any long strings from Washington attached to it. This Administration believes that crime is a local problem and that local governments can best devise the most effective programs to fight crime in their areas.

We know that local governments do indeed need help, and that is why we are making these funds available. However, we don't believe we should constantly look over the shoulder of local people and tell them how to spend that money, or give them the money with the threat that it might be taken away. That smacks too much of the old saw about the little

boy who said that if he couldn't play in the ballgame he would take his ball and go home.

Well, I want to tell you that the LEAA won't take its money and go home. LEAA is in this game to stay because we have only one objective—and that is to reduce crime in the Nation and help those who are working toward that goal. That is why LEAA exists.

We have a very distinguished speaker for this plenary session. It gives me a great deal of pleasure and honor to introduce to you a new face at the Department of Justice. He is a distinguished Denver lawyer, former District Attorney of Denver, a former member of the U.S. House of Representatives and the Judiciary Committee of the House of Representatives. He is now Assistant Attorney General-designate for Congressional Relations of the U.S. Department of Justice.

To introduce our distinguished speaker, the Honorable James D. (Mike) McKevitt.

Mr. McKevitt: May I say that it's a great joy to be back with my friends in the criminal justice community. As a former prosecutor for the city and county of Denver, one thing that was pointed out to me was the need of State and local governments in this particular field—in which we face tremendous problems—and the need of sound Federal financing to back State reform. And so, I think that LEAA has wisely picked a gentleman who represents a State that has recently undergone many changes in its criminal justice system and a State that has done it through the leadership of its Governor, the Honorable Reubin Askew.

Governor Askew has gained national prominence in a short period of time. In just 2 years, he has made great efforts in the field of tax reform, prison reform, and, in particular, in the development of court reform in the State of Florida.

He's a native Floridian. He's a former prosecutor in the State of Florida. He also served a number of years in the State legislature. And he is now commencing the second half of his first term as Governor of the State of Florida.

You may recall also that he was the keynoter for the Democratic Convention. Then, of course, he saw the light and came over and gave us a welcoming address at the Republican Convention in the great city of Miami.

I don't want you to think, though, that with his national prominence he hasn't been controversial. He has, as many of us have, gotten his wrath from the press as well. For example, when I was prosecutor, I closed down "Curious Yellow," and they called me "Curious Mike" for years. One day I announced I was going to resign as district attorney to become a movie critic for the *Denver Post*.

Governor Askew was written up recently in *The New York Times* for his decision not to serve alcoholic beverages in the Governor's mansion. As a result, *The New York Times* now calls him "Super Square."

It's our great pleasure to hear a delightful person, the Honorable Reubin Askew, the Governor of the State of Florida.

Governor.

Governor Askew: Thank you very much.

I am kidded a great deal about not serving alcoholic beverages in the mansion in Florida. However, you'd be surprised how early people go home.

I'd like to begin my remarks first of all by indicating that local governments at this point also include the States. When I speak of local governments in some instances, I don't mean simply just the cities or the counties, but the States as well.

I'd like to begin by commending Jerris Leonard for the tremendous leadership that he offered when LEAA was revamped, and for the job that LEAA has done. I hope, Mr. Administrator, that as programs get reviewed, that this will not be a program that will be lost in revenue sharing. I fear that if this does not remain a categorical grant, that the support that the law enforcement community, corrections, and the courts have received thus far—good support—may well be overlooked, may well be lost.

I would like also to commend you on this Conference. I think this is one of the finest things that has taken place in this whole area. I have been tremendously impressed with the work of this Commission, Governor Peterson. In looking over the task force reports and the *Working Papers,* I'd like to commend all of those who have been a part of this effort because you have some very frank and some very important statements that, if we can but convey them to our constituencies, will go a long way in our fight against crime.

As you know, we're all here this week to discuss crime and the criminal and how best to free ourselves of both.

My assignment is to give you some perspective on our efforts and needs at the State level. I can't speak for all the States. I can't even speak for some of the States, because each of us has very different goals, very different problems, and very different approaches toward solving those problems.

What I do hope to do, however, is to draw your attention to the indispensable role that State governments can and will play in any crime control program that has a chance of success.

State government today is in a position to meet its 10th amendment responsibilities for the public safety more effectively than ever before. Generally, State

government has become large enough and resourceful enough to develop significant programs for meeting the problems of the people, yet it remains small enough to keep those programs manageable and relevant. State government is distant enough to escape the petty bickering and local pressures that can ruin a well-planned program of action; yet it's close enough to see that the program is appropriate to the needs and characteristics of any given locality.

I think it's important to remember, however, that the struggle against crime will be won at the local level—in this instance, I'm talking about cities and counties—if it is to be won at all. And so the greatest contribution that State government can make at this time is by helping local governments to work together and to develop fully their own great potential for crime prevention and control.

I think, for the most part, we're ready to do that. State government seems to be stirring again, shaking itself from a long and sleepy winter, and preparing to reassert itself as the priceless "laboratory of democracy" that it once was. And Jerry, you might convey to the President that I've been pleased at his attitude in this direction of reasserting the role of the States in the Federal system.

I think this whole approach is extremely fortunate for those who feel that the struggle against crime is handicapped by a muscle-bound Washington on the one hand, and a tired and often undernourished local government on the other. It is indeed a happy accident of history that this apparent renaissance in the statehouses is coming at a time of disillusionment in Washington, and often frustration at home.

If my remarks had to be reduced to one, single recommendation for this Conference, it would be that you take full advantage of that renaissance, help it along, see that it grows and flourishes, and make State government, in partnership with local government, the laboratory that might one day develop a more effective antidote for crime.

We know that this will not be easy. It could take far more money, in the form of special revenue sharing—hopefully within some categorical program—than the Congress and the President are presently prepared to give to the States. It could take far more freedom, independence, and innovation than Washington may be ready to trust to the States. And it could require far more patience with false starts, poor administration, and even faulty motivation, than any of us would like to grant to some of our States.

Yet, I honestly believe that this is the course we must follow in the years ahead . . . and that patience, trust, and financial commitment to the States will be rewarded in the long run. I speak from a certain amount of experience. My own State's first 2 years as a conduit of crime-fighting programs, under the Law Enforcement Assistance Administration, were something less than encouraging. Florida's efforts were handled by the State's now defunct Inter-Agency Law Enforcement Planning Council. A Federal audit of that agency's first years, under a previous administration, revealed gross mismanagement and improper use of funds and personnel.

I wish to say that Jerris Leonard showed his caliber with a State administration of his own party. His people pulled no punches in that report, nor do any of us expect in any way, whether we be on his side of the aisle or on our side of the aisle, to have any particular advantage or disadvantage because, my friends, we're all in this together. A victim can be consoled very little by any type of partisanship that would have resulted in his finding himself in that position.

Now, this audit pointed out there were about $475,000 in program funds that were spent or obligated improperly. It documented the governing board's failure to meet for nearly 8 months, failure to comply with the State's career service system, and payment of salaries and travel expenses to "ghost" staff members, who were actually working for the Governor's office. The audit told of the hasty and unauthorized purchase of exotic crime-fighting equipment for certain cities and counties just prior to an election. It told how Federal funds were used to pay for 1,000 banquet tickets at the Hotel Fontainbleau in Miami Beach. This was described as an unauthorized expenditure in the first place, but one that proved even more difficult to explain when only 508 paid dinners could be accounted for in the records.

I don't say these things with the idea of passing judgment on the past. I know in the early part of LEAA, it was not structured in such a way that it could respond. I am fortunate to have come along at a time after LEAA was restructured and had begun to monitor its programs more effectively.

Even so, no real signs of progress in Florida had occurred in our criminal justice system by virtue of our early programs.

I was told that some States had even worse problems.

So I say that you must be patient with some of the States and some of the Governors and legislatures in this great country of ours. In saying this I may be guilty of just a little understatement.

On the other hand, I think that the same Florida that demonstrated the need for patience in its early years is now proving that patience pays off. With the help of LEAA and others, I was able to begin my

term as Governor by identifying some of our major problems, by completely revamping our planning agency, and by making some encouraging progress toward the kind of system of criminal justice now envisioned by the goals and standards proposed by Governor Peterson's able Commission.

First, we changed the name of the State Planning Agency to reflect the broader problems of criminal justice as opposed to those strictly applied to law enforcement. We broadened the membership of its supervisory board to include judges and attorneys, as well as experts in corrections and community relations. We made it clear to the board members that they would be expected to meet regularly. No substitutes. In fact, I made it so clear that as their chairman—as Governor—I had to do some rather close-order scheduling, lest my own words be turned upon me.

We assured members in writing that they're protected from political purges or pressures. We established our own fiscal auditing section and introduced basic management concepts like centralized accountability for expenditures, program evaluation and monitoring, and accurate and dependable recordkeeping.

Moving beyond the agency itself, we made substantial progress in the area of prison reform in Florida—shifting our emphasis from the mere warehousing of bodies to the rebuilding of wasted lives. It's true that we still face severe overcrowding and other problems in our correctional facilities. But we're working as hard as we can and as fast as we can to solve those problems. We're not about to turn our backs and thereby set the stage for an explosion of human misery and violence.

The heart of our effort is to move from huge, impersonal prisons, to smaller ones with maximum capacities of not more than 500 or 600, and move to "community correctional centers." Thirteen of these centers are now in operation in Florida, and we hope to have 25 operational by February of 1974. As Governor, I am going to continue building as many of these institutions—which take care of between 50 and 55 inmates—as we have inmates within our population suited for this type of custody improvement.

We've just put into effect a model reform of our judicial system in Florida, including nonpartisan election of judges and a unified, two-tier trial court system supervised by the State chief justice. The reform also put into law my voluntary system of judicial selection by a nonpolitical nominating committee jointly appointed by the Governor and the bar.

Consistent with the recommendations of the National Advisory Commission, we have centralized our juvenile delinquency prevention and control programs, and shifted the emphasis from training schools to foster homes, halfway houses, and other community-based facilities.

Through the relatively new Florida Department of Law Enforcement, we provide crime-fighting technical assistance to local officers, as well as up-to-date statistics and laboratory services. This agency, incidentally, has the investigative powers to make a real difference in our fight against organized crime.

In pursuit of justice that is swift as well as true, we've adopted a rule that requires felony charges to be brought to trial within 60 days by request of the defendant—and within 180 days regardless—or the defendant is set free. I believe that one of the greatest deterrents to crime is a speedy trial—with the certainty that a person will have to account for his actions quickly. This is why we must continue to chip away at the lag that exists between arrest and trial in America.

We also have an active program underway to enlist citizens in the struggle against crime. It encourages people to notify the police whenever a crime is detected, and it advises them of crime prevention measures that can be taken in the home. I appointed Bob Shevin, our Attorney General in Florida, chairman of this effort and he's done an outstanding job.

In a related area, by 1976, all Florida citizens will be able to reach their local police simply by dialing 911.

In the area of cooperation and coordination, we now have criminal justice institutes that consolidate training facilities for police, courts, and corrections in our largest metropolitan areas.

We're also active in pursuing minimum standards of pay for police, and the establishment of a State academy for police officers. I think it's imperative that States have minimum training qualifications, but at the same time that they be tied to minimum pay. If, in fact, we want the law enforcement officer to receive the training and if we want him to be equipped, we must also recognize that we are going to have to pay him a living wage. He can't be expected to moonlight on the side in other legitimate jobs to be able to take care of his family simply to stay in his chosen profession.

We have also hosted two of the most potentially explosive political conventions in the history of our Republic, and we did this with a minimum of violence, a minimum of force, and a maximum of respect for the constitutional rights of all people. I had, prior to this time, a tremendous respect for the law enforcement community of my State. That

respect grew after the tremendous job they did.

An LEAA grant of $3.5 million and unparalleled cooperation from the Justice Department helped to make this possible. While I am commending people, once again I would like to commend Attorney General Kleindienst for the tremendous support that he gave our State as it sought to meet a national problem—a problem at a time when there were a few who would be willing to try to intimidate an entire State from having a national, political, nominating convention.

Many people wondered why in the world we would invite another after we had one, but I say to you that it would have been a sad indictment on this country had we not been able to have a place to continue our normal political processes. So Miami Beach and Dade County in Florida responded, and as they did, I saw cooperation as I had never seen before in an absolutely nonpolitical nature from the Attorney General to Jerris Leonard and on down.

It proved to me that, if we can come together and do this and be successful—as I think we were—that, if this country develops a commitment to fight crime and fight crime right, we can win.

However, our system responds only to an expressed demand, and one of the greatest challenges we all face is to convey to the public itself the necessity for support—grassroots support for the law enforcement community in particular—and for every phase of the criminal justice system. When we do this, you're going to find that our results will be substantially more than we've been able to show thus far.

In addition, one of the holdover benefits of these conventions is the tremendous training that our people, particularly those on the front lines, received—the training and equipment you've given us and for which we're grateful. The list could go on, but I hope I have made my point. By saying this, I don't want to appear to be boastful in any way, because we have so much yet to do, and there are many other States that have done more than we have. I share this with you only as an example of what we can do if we make up our minds.

Florida is one State that came, in a very short time, from the most discouraging of beginnings in this area to the most promising of positions in the race against crime and injustice.

Our local governments, which spend 75 percent of the LEAA funds in Florida, have been incomparable in their efforts to make this system work. They have my gratitude for that. I'm sure that other States and their local governments can recite similar records. And I know that still others can do the same, given the opportunity, the time, the motivation, and the realization that the job that we have is not an easy one. This is what we've got to encourage and build upon in the years ahead.

And so I recommend that the Federal Government provide the States with all the financial and technical assistance it possibly can in this area. I also recommend that the Federal Government allow the States, in conjunction with local governments, to decide how best to use that assistance as the "laboratories of democracy" that they really are. And as a check on abuse and mismanagement—which the Congress justifiably has a right to be concerned with—I recommend that the Federal Government continue its auditing function, because I think this is important.

What we're talking about is the transfer of control over these programs from a guideline book in Washington, to the good sense of the voter we're trying to serve. That voter needs good information if he's to judge fairly the performance of his State and local officials in the field of criminal justice, as in any other. And the Federal Government can provide no better controls than the information and the informed opinion available to the voters through well-publicized audits and critiques by Government experts.

The State and local voters are the ones who are most likely to stop outrageous abuse without stifling innovation in this program—and I recommend that we depend upon them in the years ahead. I don't think that this is a radical idea by any means. I'm confident that Florida's early problems in this area didn't, in themselves, bring a change in the administration in our State. However, I'm equally confident that they were a factor in that change.

In closing, let me acknowledge that we can't always agree on all goals and standards related to criminal justice in America—nor do I think we should. For just as diversity is the strength of our people, it is the wisdom of our Government. And just as diversity is a portrait of crime in America, it might also be a clue to peace in our streets. I'm convinced that we won't stop crime with our hearts only; we won't stop crime with only our fists.

It takes both, and a great deal more.

Let us therefore pledge ourselves to harness our own diversity, to work together patiently and to reach for that day when any person can walk through any park on any night without fear or danger or harm.

Thank you.

Chapter 3
Third Plenary Session

Third Plenary Session	"Pending Legislation;" Thursday, January 25, 1973, 8:30 a.m.

PRESIDING:	**Jerris Leonard,** Administrator, Law Enforcement Assistance Administration, Washington, D.C.
INTRODUCTION:	**Peter J. Pitchess,** Sheriff, Los Angeles County, Los Angeles, Calif.
ADDRESS:	**Roman L. Hruska,** U.S. Senator from Nebraska

Mr. Leonard: I have attended many conventions and conferences, but I have never attended one where the delegates were as loyal to their commitments as the delegates to this Conference are and have been. I would like to extend to you my personal thanks and appreciation for the loyalty that you have to these sessions, like the one this morning. It's truly inspiring for all of us who have worked on this Conference.

We are going to lead off this Third Plenary Session of the Conference with a subject very close to the Law Enforcement Assistance Administration and to those who benefit from its program. That subject is pending legislation.

Since 1968, when LEAA was created, we have been in the forefront of the Nation's efforts to reduce crime. We could not have taken our first step, however, without the legislation that established the LEAA, or the succeeding legislation that strengthened and expanded LEAA's role. This latter legislation gave us more crime-fighting muscle and it has produced results.

We are at a near-zero crime-rate growth. Crime rose just 1 percent for the first 9 months of 1972, and 1973 may signal the end of the increases that began in the 1960's. Indeed, 1973 may be the year we turn the tide against crime and actually experience a decrease in crime growth.

If we achieve that milestone, you can be sure that we are not going to stop there, because we want to reach the point where we can make our streets and homes safe and then keep them that way. We have made a good start in the last 4 years and with each day we are gaining more crime-fighting strength.

However, as I have mentioned before, we are dependent on legislation that defines and lists

LEAA's duties. This year a new Congress has convened and its members will once again review, among other things, LEAA's record. Undoubtedly, there will be legislative proposals relating to the LEAA.

We are fortunate to have with us today a member of the Senate who has played a major role in past LEAA legislation, and who can give us an insight into what is on the legislative horizon for this organization.

Now, Sheriff Peter Pitchess of Los Angeles County is going to introduce the Senator, and I have the honor of introducing Sheriff Pitchess.

As you know, Pete Pitchess is the Vice Chairman of the National Advisory Commission on Criminal Justice Standards and Goals. He is also one of the Nation's outstanding law enforcement officials. Certainly he deserves that kind of national reputation, for the Los Angeles County Sheriff's Department is truly one of the best in the country. It's noted for its progress, its innovative programs in law enforcement, and for its forward-looking views.

The credit for this highly thought-of department goes to Pete himself, for he most certainly is the catalyst that gets things done. I'm certain those who worked with him on the Commission know that. It gives me a special pleasure to introduce him to you because he is a good and close friend.

The Honorable Peter J. Pitchess, Sheriff of Los Angeles County.

Sheriff Pitchess: You see before you the objectives for which we have met. One short note. More than 200 people contributed much sweat and tears and came close to bloodletting on occasion. The fact that we all continue to maintain the pleasant relations that we do indicates that our studies were not in vain.

There is, however, a very important function that does remain. Of course, the final report has not been completed. It will be within the next month or so. It requires a little more editing. I want to say publicly that I have never served with a more dedicated group of people, both on the Commission and in the task forces. I have learned as much in this 18-month period of study as I have learned in my 33 years in law enforcement.

The important function that remains is your responsibility. You are to study this report, you are to criticize it, and we are hopeful that you will provide some input. We do not think that the report, as it stands today, is either complete or final or in its proper condition. We do believe that if you perform your function of criticizing it, of helping us correct it and revise it—and I have been told by LEAA that if Congress, in its infinite wisdom, sees fit to continue the existence of this program, it will become a continuing program that we will revise from month to month or from year to year, as necessary—if we all do that, I think we will have a bible for the criminal justice system.

Today it is my pleasure to introduce the next speaker, who is a personal friend. I have known him professionally and socially for many years. Through this long period of association, I have developed a great admiration for him.

He began his career in public service as a member of the Board of Commissioners of Douglas County, Nebr. He served on that board for 8 years, and he was chairman of that board for 7 of the 8 years.

He then came to Washington to serve his native State of Nebraska in the House of Representatives. He served for 2 years. He was subsequently elected to the Senate, where he has served continuously and illustriously for 18 years.

He is well acquainted with all facets of government by virtue of his 28 years of practical experience on local, State, and Federal levels. We know him to be a hardworking, practical, and levelheaded Senator. He appreciates and recognizes the changing conditions in this world, but he also expects to have some say in assuring that those changes that are necessary are for the better.

He has been one of the great friends of law enforcement and a great advocate of law and order. In Washington, he does not believe in the notion that the Federal Government has exclusive wisdom concerning society's problems. Yet, he rejects the doctrine that the Federal Government has nothing to offer.

He listens to the experts. He explores their proposals and suggestions. He is not by nature flamboyant, yet his very steady and loud voice penetrates the walls of Washington. He is presently the ranking Republican member of the Appropriations Committee for the Departments of State, Commerce, and Justice.

It's with a great deal of pleasure and pride that I present to you our friend, the Honorable Senator from Nebraska, Roman Hruska.

Senator Hruska: My first statement this morning is a warm greeting with congratulations and commendation to two groups: the members and staff of the National Advisory Commission on Criminal Justice Standards and Goals; and those of you attending this National Conference to partake of the fruits of the Commission's labors and to join in its mission of advancing criminal justice in America.

You are to be commended for the substance of the Commission Report and the deliberations upon it.

The spirit and intent with which you pursue the objectives are also noteworthy. They do not contain coercion or "heavy new pressures" upon any segment of government. Rather the spirit and intent is

to inform all concerned of the composite judgment and wisdom gathered in the standards and goals. Then to generate in each and everyone the intelligent yet driving desire to engage and utilize the very utmost in securing their adaptation and approval through regular legislative channels in the respective jurisdictions involved.

This is the truly enlightened way in which to proceed.

It is the method whereby effective and enduring results may be attained.

Your labors and concern are noted. There is appreciation for them. As time goes on both the notation and the appreciation will widen and intensify.

Pending legislation in Congress is voluminous in mass and variety.

It is of great depth and scope.

Of immediate and direct interest to those present is the major and early review of law enforcement activity and the Law Enforcement Assistance Administration.

Statutory authorization for this agency will expire on June 30.

The administration is preparing an extension proposal along lines of special revenue sharing. Members of Congress have some proposals to make. All of these I will elaborate upon later in my remarks.

Work is already well advanced on a total revision of Federal criminal laws. In 1966, a National Commission on Reform of Federal Criminal Laws was created. This group submitted an extensive report to Congress two years ago. Since that time the Senate Subcommittee on Criminal Laws and Procedures has undertaken an ambitious program of hearings on the Commission proposals and earlier this month Senator McClellan, Senator Ervin, and I introduced a bill—S. 1, amounting to some 540 pages—that would revise and codify the general structure and recommendations of the Commission.

Over the next months we will be asking for comments on this bill and a companion proposal soon to be submitted by the administration so that we can prepare for the full Senate our final suggestions on this massive and tremendously important project. It is our hope that by the end of 1974 the Congress and the President will have approved a bill that will modernize and standardize all aspects of Federal criminal law. In this bipartisan effort we will be addressing all of the tough questions that confront the criminal law today—such as capital punishment, gun control, abortion, narcotics, and obscenity—and we will have to take a stand on these questions—but beyond these controversial issues the real heart of the code will be such major improvements as standardized grading of offenses, systematized approach to jurisdictional questions apart from the substance of the offense, and the revision and codification rather than consolidation of criminal law for the first time in our history.

A number of varied proposals have been submitted in the past to deal with what we all recognize are deficiencies and weaknesses in this Nation's corrections systems. These range from my own suggestion of a National Institute of Corrections to pretrial diversion to a complete phase-out of incarceration as a penal technique. The 93rd Congress will have to take a hard look at these and other proposals in order to meet its responsibility to provide Federal leadership in this field. With the guidance of Senator Burdick of the Senate Penitentiaries Subcommittee, I believe that the Senate will approve some significant legislation in this area.

Other issues are waiting in the wings for our attention. Such matters as speedy trial, changes in present gun control laws, additional narcotics control legislation, consideration of the question of newsmen's privilege, and skyjacking. In the areas of the Federal judiciary: proposed rules of evidence; additional judges; revision of the appellate system; and reexamination and revision of the Federal jurisdiction.

This latter as to jurisdiction will be based on a 10-year study (1959-1969) of the American Law Institute. It is quite inclusive of all aspects of the subject, including three-judge court cases, and diversity of citizenship cases. State courts will be especially affected by diversity cases amendments. In my judgment all for the good.

There is no greater issue facing the Nation today than the assurance and the fact of safe streets and communities. The insuring of domestic tranquility.

If our people cannot feel secure in their own homes, then all other triumphs are diminished—and government has failed in its obligations to the electorate.

Congress has long recognized its responsibilities in this matter, and it referred to them 4 years ago when it passed the Omnibus Crime Control and Safe Streets Act.

In 1968, the year of the act's passage, the United States was faced with one of the greatest domestic crises of this generation.

Crime had become a threat to our survival as a Nation in a manner never before seen in our history.

To be completely frank about it, we were about to plunge over into the chaos of anarchy and lawlessness.

To us in the Congress, it had become apparent that our law enforcement and criminal justice

agencies faced a stark future unless they could be given prompt and substantial assistance.

In the United States—unlike many countries in the world today—police, courts, and corrections agencies are almost entirely dependent upon local financial sources. Except for the relatively modest-in-size Federal criminal justice system, all crimes and criminals are State and local responsibilities.

However, as we all know, State and local governments by and large are in great financial distress.

Congress felt there also was an urgent need for a new, vigorous, and forceful initiative to jar law enforcement and criminal justice agencies out of their old, outdated habits—to make them discard ineffective ways of doing things that were tolerated simply by force of habit.

Congress felt that it was time to restructure and to modernize, to develop needed new programs, and to review what was good about what we had been doing and what was in need of substantial improvement.

At the same time, there were certain principles we kept foremost in our minds as the Safe Streets Act was being written. Chief among them was that the States and their local subdivisions absolutely must maintain their autonomy in criminal justice.

It simply would not do if Congress were to revamp the system by imposing a national police system on the sovereign States and territories.

I feel safe in categorically stating that none of us wants a national police force. None of us wants any national agency to usurp or dictate or dominate State and local responsibilities in any part of their criminal justice systems.

This conviction is national policy. Congress formalized it in the act's preamble, which declares: "Congress finds further that crime is essentially a local problem that must be dealt with by State and local goverments if it is to be controlled effectively."

This, then, is how the block grant concept arose. Knowing that State and local governments needed help, but also recognizing that they should not tolerate or suffer Federal dictation, Congress wrote into the legislation safeguards to protect our freedom and self-determination.

Instead of creating a new Federal agency to parcel out financial aid to obedient and subservient local recipients, Congress resolved to put the State and territorial Governors in charge of their own programs.

Thus, 85 percent of the Law Enforcement Assistance Administration's action funds go directly to the States according to their populations; and 75 percent thereof must go to general local government.

This was not popular with a small minority in Congress that continued to cling to its dangerous theories of Federal dictation.

Nevertheless, it is what the people demanded. And what the Congress decisively voted.

In accord with these principles, LEAA was created as a self-help program that relies upon local responsibility.

It has been a success. It has created a dynamic new leadership at the State and local levels in criminal justice.

It has done much to erase old rivalries, and it has accomplished much in improving those agencies that had been lagging in crime control.

What I have just described is the essence of what the President calls the New Federalism. It means helping State and local governments to help themselves.

Last Saturday the President put it in these words: Ask not what your country can do for you; ask what you can do for yourself.

In so saying, he was talking to the individual person to be sure. But he addressed at the same time our State and local governments and institutions.

Indeed, the block grant concept written into the Safe Streets Act was the forerunner or prototype of the New Federalism. It has paid off very well.

To be sure, crime is still with us, but many extremely significant things have occurred in the struggle against lawlessness since LEAA was enacted.

Greater efforts have been made to combat crime than at any previous time in our history.

However, not everyone will admit this truth. There are still a few persons who have challenged block grants. Many of them have spoken without the benefit of all the facts.

An example of what I mean is the 1971 hearings of a House Government Operations Subcommittee into the Law Enforcement Assistance Administration's operations. This was purely a partisan effort to destroy the block grant program. The subcommittee report on these hearings was notable for its bias and inaccuracy, as the panel's Republican members pointed out so convincingly in their dissenting report.

There is another movement afoot to wreck LEAA, the block grant program approved by Congress in 1968 and again in 1970, and the concept of revenue sharing. It is the proposal to create a National Institute of Justice to replace the sound and workable program that we already have.

Institute advocates would substitute a public corporation for an existing Federal agency. The ostensible reason is the false charge that LEAA is not financing significant court reforms.

However, that accusation is belied by the fact that most of the institute's proposals would empower the proposed institute to establish projects in law

enforcement, corrections, parole, probation, and all other criminal justice areas.

What makes the institute idea all the more suspect is that many of its advocates have attacked LEAA by name or have ignored its many accomplishments in court reform and every other criminal justice discipline.

Not a few institute advocates, for example, have uncritically praised the Committee for Economic Development for its statement on "Reducing Crime and Assuring Justice."

The Committee for Economic Development is a distinguished body of businessmen and other leading citizens. However, the staff statement on justice made a number of superficial and unwarranted charges against LEAA that does the CED no credit.

The statement said, for example, that LEAA should be transferred to a new government agency, which it called the Federal Authority to Ensure Justice.

This, according to the CED statement, would serve "as a nucleus for an expanded unit to manage large conditional grants."

Such a program would do away with block grants and reattach all those old bureaucratic strings for which Washington is so justly famous—or infamous.

The National Urban Coalition and the Lawyers' Committee for Civil Rights Under Law also participated in the attacks on the block grants.

Let me state, so that there is absolutely no misunderstanding, that everyone in this country has the right, and even the duty, to take a critical look at what the government is doing. That is part of good citizenship and our responsibility as voters.

However, that examination must be fair, honest, and objective. In short, it must be judicious. There is no justification whatsoever for hysterical condemnations of programs that just don't happen to coincide with someone's preconceived ideological notions.

And that, I am sorry to say, is what was wrong with the Lawyers' Committee report on LEAA, which emotionally charged that the Safe Streets Program was financing an antidemocratic strengthening of police powers to be used against innocent citizens.

Nothing could be further from the truth, as every professional knows. As we have all emphasized so many times before, what this program is all about is more democracy, more local control, more responsibility for the people in their own communities.

It probably will come as no surprise to you that many of the persons who helped prepare the Committee on Economic Development statement and the Lawyers' Committee report as well as those who are most vigorously supporting the proposed institute are long-time opponents of block grants and the New Federalism.

Above all else, partisanship should not be allowed to interfere in such an important cause as the betterment of criminal justice.

Unfortunately, and to my great regret, too many of the New Federalism's critics have failed to take a close look at the Safe Streets program and the demonstrated effectiveness of the block grant approach.

For example, they have failed to give heed to the changing patterns of crime that have occurred in the last few years.

There is simply no denying that the soaring crime-rate increases of the past decade are moderating.

Crime rose 122 percent between 1960 and 1968.

But during the first 9 months of last year, serious crime rose just 1 percent.

That is the smallest 9-month increase since the FBI began issuing quarterly reports in 1960.

There was no increase in crimes against property during the first 9 months of 1972. This compares with a 6 percent increase in property crime during the comparable period in the preceding year.

Violent crime increased 3 percent during the first 9 months of last year, compared to a 10 percent rise in the first nine months of 1971.

The FBI figures also show that, in the first 9 months of 1972, 83 of America's major cities recorded actual decreases in serious crime, compared to only 52 for the comparable period.

So something good is happening.

A few critics have tried to quarrel with the score-keeping. But the facts speak for themselves. Progress is being made.

Many critics also fail to take note of the very real successes of the LEAA program.

Projects like the Crime Specific Burglary Prevention and Control Program in California, which received $1.5 million in LEAA funds.

Begun last April, the program has already achieved impressive results in a number of target cities in the State. San Francisco, for example, reported a 47-percent reduction in the burglary rate since the project began. Bellflower, another California target city, reported a 30-percent drop in burglaries.

Early last year, LEAA announced a major new program designed to achieve a tangible reduction in street crime and burglary—the violent crimes that generate the most fear among citizens.

It is the High Impact Program now under way in eight major cities: Atlanta, Baltimore, Cleveland, Dallas, Denver, Newark, Portland (Oregon), and St. Louis.

Results are already beginning to appear. In St. Louis, for example, a total of $5 million in Impact

funds has been awarded to finance 23 innovative projects to reduce crime. One of the programs funded is a special police patrol team, which the city says has helped to decrease burglaries by 19 percent since it began.

LEAA has also played a major role in the Federal effort to curb drug abuse, a menace that threatens the lives and well-being of a shocking number of our young people.

LEAA awarded more than $3 million last year to establish innovative drug treatment programs in Cleveland, Wilmington, Delaware, and Philadelphia. Called Treatment Alternatives to Street Crime—TASC, the programs are being conducted in cooperation with the Special Action Office of Drug Abuse Prevention. TASC provides for identification and treatment of narcotics offenders, rather than institutionalizing them.

In addition to the three cities I've just mentioned, TASC programs will be carried out in the other Impact cities as part of their total anticrime effort, and in a number of other major cities throughout the country.

LEAA also provides fund support for the Office of Drug Abuse Law Enforcement (DALE), which is conducting a campaign against street-level heroin traffickers in 33 major cities.

Another successful narcotics-related project supported by LEAA is underway in New York City. Under a $7.5 million LEAA grant, the city has established eight special narcotics courts to handle the backlog of felony narcotics cases. The special courts began operating in February and, in 3 months, disposed of 850 indictments by trial or plea.

This is just a brief sample of the kinds of successful projects now in operation all over the country. The range of programs covers every aspect of the criminal justice system—police, courts, corrections—and the most pressing crime problems—organized crime, juvenile delinquency, and narcotics abuse.

None of this progress would have happened without the LEAA program.

I believe that the overwhelming majority of informed American people support the LEAA approach to crime control.

The credit for this unprecedented national attack on crime should go in large measure to State and local governments. They have responded to the LEAA program and, in the overwhelming number of cases, made wise and effective use of LEAA funds.

But despite what already has been done, local governments still lack the one key ingredient they need to make the battle against crime fully effective.

They still are caught in a financial trap caused by dwindling resources and swelling needs.

The general revenue-sharing program sought for so long by the President has now become a reality. And it will be of enormous assistance.

It is essential now to take another step to make Federal assistance to local law enforcement and criminal justice even more effective.

As the President noted in a newspaper interview not long ago: "What we need is, basically, reform of existing institutions and not the destruction of our tried values in this country."

The President went on to say in the interview that his next administration "will be one of reform, not just adding more dollars."

He said there would be reform in all fields, and he specifically cited "reform in Federal-State relations."

In a radio address on crime and drug abuse from the White House last October 15 the President declared, and I quote:

> I will ask the new Congress to move swiftly in enacting my proposals for Law Enforcement Special Revene Sharing, to give the States and cities greater decisionmaking power in meeting their own needs.

I am not in a position to discuss with you in detail the exact language that will be in the President's request of the 93rd Congress—for it is yet to be submitted. It will be soon.

However, I can say that it will be a great boon for every State and local community in the Nation—make no mistake about it.

You will want to be behind it because it is a program specifically aimed at crime.

But despite the need for law enforcement revenue sharing, we can be certain that there will be attacks mounted against it.

There will be attacks mounted against continuing any efforts to aid the States and localities in reducing crime that involves block grants or revenue sharing.

Those who oppose these courses want the Federal Government to assume dictatorial powers in the fight against crime—dictatorial powers over State and local governments.

I believe they will lose again—as they have lost in the past. They will lose because the New Federalism is the wave of the future.

Law enforcement revenue sharing will provide the States and units of local government greater flexibility and freedom in expending funds for criminal justice purposes.

It is one of the most innovative and significant proposals of our lifetime. It recognized the long-felt need of States and localities for adequate and unfettered Federal financial assistance.

The President's program needs support. It needs the sympathy and understanding of all officials. It's your program, after all.

That does not mean that LEAA will not stand for any more criticism.

Far from it.

All I am saying is that we can no longer afford the luxury of aimless broadsides against legislation that was created to help you.

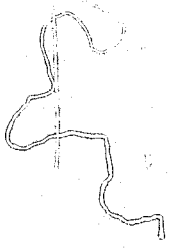
We need a higher level of cooperation—a better partnership between our Federal Government and our local governments.

I am firmly convinced that this is the course that the vast majority of Americans expect of all of us. This program has the support of the people who know it best, of the men and women who work with it day-in, day-out, all year long.

But it is also up to us to get this message across to those few who have not yet gotten the word. The safety of all Americans depends upon it.

Legislatively speaking the 93rd Congress could prove, if it successfully faces even a portion of the issues before it, to be one of the most significant legislative sessions on criminal law matters in recent decades.

May it come to pass!



Chapter 4
Fourth Plenary Session

Fourth Plenary Session	"Federalism and Criminal Justice: An Agenda for Reform," Thursday, January 25, 1973, 12:30 p.m.
PRESIDING:	**Jerris Leonard,** Administrator, Law Enforcement Assistance Administration, Washington, D.C.
INTRODUCTION:	**Elford A. Cederberg,** U.S. Representative from Michigan
ADDRESS:	**Richard G. Lugar,** Mayor of Indianapolis, Ind.

Mr. Leonard: This afternoon we are going to focus on the future of the national fight against crime through the Federal-State-local partnership.

During the 2 years that I have been the Administrator of the Law Enforcement Assistance Administration, we were forced to devote a great deal of time, manpower, and criminal justice talent to defense. We have had to defend the block grant concept. We've had to defend the integrity of State Planning Agencies. We've had to defend the effectiveness of dozens of individual projects. And we have even had to defend ourselves.

One of the beneficial byproducts that came out of this defense activity was a better perspective on where we should be going—and how we should move to achieve our goals—in short, how LEAA could best fit into the concept of the New Federalism.

We soon realized that our basic function was to establish a planning and management capability within each of the 55 jurisdictions that receive LEAA funds. To do this, we decided to disengage the Federal Government from the local decisionmaking process and the local priority-setting process. In that way, we thought we could respond more effectively to the letter and the spirit of the block grant concept embodied in the Safe Streets Act.

This commitment to the New Federalism culminated in a number of policy decisions within LEAA. These decisions—which were discussed, revised, abandoned, revived, and examined again—were focused on one area: to plan for the future and to strengthen the partnership of Federal, State, and local governments in their common assault on crime.

Out of these discussions, two basic elements surfaced: First, we would need to define crime specifically and we would need crime-oriented planning; and second, we should shift major responsibilities within the Federal-State-local partnership.

The overriding objective for LEAA was to increase the ability of State and local governments to reduce crime. The principle responsibility for crime control rests—not with LEAA—but with State and local governments. Consequently, we now see the Federal contribution as one of general assistance to help States and localities carry out their criminal justice responsibilities.

Today, we are honored to have with us a very distinguished member of the House of Representatives from the State of Michigan, who is going to tell us about the Federal Government's posture in this area. Representative Cederberg is the ranking minority member of the House Appropriations Committee. He is also a member of the Legislative, Military Construction, and State, Justice, Commerce, and Judiciary Subcommittees of the Appropriations Committee, and what that means is that he is pretty important to us because he serves on our subcommittee. He has been in the Congress for 18 years, and is one of its most respected members.

At the forefront of Congressman Cederberg's beliefs is fiscal responsibility at the Federal, State, and local levels of government. Throughout his congressional career, Representative Cederberg has worked toward a balanced budget at the Federal level, and has called for fiscal integrity in all phases of government—Federal, State, and local.

It is my sincere pleasure to present to you Congressman Elford A. Cederberg.

Representative Cederberg: Thank you, Jerry. Ladies and gentlemen.

As Jerry mentioned, I've worked for a balanced budget, and you can all see how successful I've been over the years.

I'm honored today to have the responsibility to introduce your speaker, the distinguished Mayor of Indianapolis. First, I want to apologize to you, Mr. Mayor. I've been introduced many times and the person making the introduction usually gives a speech longer than the speaker's. But I've been assigned this responsibility, so I'll carry it out.

I am glad to be here because this Conference gives me the opportunity to meet personally many of you and to discuss some of the concerns that you have as State and local leaders of criminal justice programs throughout the Nation.

As I looked over the program, I was struck by how this Conference represents another example of something that has become so crucial to us all—the New Federalism. But New Federalism means more than State and local and Federal officials getting together to talk about things. It means more than States and localities obtaining a substantial new measure of control over their own destinies.

What the New Federalism really means is an effective partnership for progress. The three levels of government must work together in developing new programs to cure old ills—programs that will produce results and substantial benefits for people.

For its part, the Congress has moved in new directions to implement the New Federalism. And the work of the Law Enforcement Assistance Administration, which is sponsoring this Conference, is an example of that congressional concern.

A few years ago, nearly all States and localities were hard-pressed for resources to mount an effective drive against crime. In setting up LEAA, Congress created the block grant approach for aid to the States. In its most elemental terms, the block grant concept means that the Federal Government supplies State and local governments with substantial amounts of anticrime funds—and gives them (and this is important) substantial discretion on how they are to be used.

The basic responsibilities for crime control rest with the cities and the counties and the States. It is proper that they should bear those responsibilities. But it also is proper that the Federal Government become a meaningful partner in these efforts by furnishing financial and technical assistance.

None of us, I am certain, wants the Federal Government to be the policeman on every Main Street in the land. In the first place, it probably would not be effective. But even if it did produce some short-term results, it would gravely erode our most cherished concepts of self-government. We also have to admit that widespread crime erodes our most cherished concepts of free men and women living in a free society—being free from crime and the fear of crime. It seems to me the answer rests with the States and localities firmly picking up their responsibilities, so that crime is reduced within the context of our constitutional traditions.

In the early days of the Law Enforcement Assistance Administration program, there were some abuses by States and localities in the use of block grant funds. The abuses were discovered by LEAA's own auditors and the audit staff of the General Accounting Office. While funds can be recovered, it is not possible to regain the time that was lost in programs that should have produced results in crime control but did not.

State and local communities must show wisdom in the use of Federal funds. If they do not, they are risking a reaction. And that reaction would come from

two sources—the public and the Congress. And the result would be the same—to decide that State and local control really wasn't working—that we should go back to the old way of doing things, go back to much more Federal control. Nobody wants that.

A great new opportunity has been given to State and local governments by the passage of the $5 billion general revenue sharing program. Revenue sharing means carrying the block grant concept to its ultimate potential. While the opportunities are great, they are matched by new burdens and responsibilities.

Whether the funds be from block grants or revenue sharing, State and local governments must show unequivocally that every penny of value has been extracted from the vast amounts being made available by the Federal Government. Their conduct and judgment must match their vision of bringing government—and government that produces better results—closer to the people.

It may be a year or more before there are audits of general revenue sharing funds to make certain that they are being used in compliance with the law.

Now every State and local official should make absolutely certain that their use of revenue sharing funds is proper and that they are producing what the Congress and the people intended. The stakes are very high. If the States and localities default on their responsibilities, the whole concept of the New Federalism is in grave jeopardy. If the States and localities should fail now—when they have the new power and resources sought for so long—then their integrity will be severely tarnished, to say nothing of the public's confidence in them.

All of this could lead to severe damage being inflicted on the fabric of our entire Federal system. None of these concepts is academic. They are real because they affect the well-being and safety of our citizens. Every dollar misspent, every opportunity wasted, means that somebody's safety has been placed in jeopardy.

I believe that the majority—the overwhelming majority—of State and local officials are able to do the job and will do the job in splendid fashion. Others will have to do more than a minimum job. But I feel that all can do better in the service of our people.

I think we need yardsticks of excellence. And I don't think we have to look any further for such excellence at the State and local level than we have in our next speaker. An ability to discern real problems and deal with them effectively is one of the attributes of the speaker I am pleased to introduce to you.

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It seems to me that Mayor Lugar has taken a very broad approach in his efforts to solve the problems facing his city. And it is one that many other cities could emulate. He has placed great emphasis on intergovernmental activities, one of the keys of making the New Federalism work.

Mayor Lugar has worked closely with the Federal Government to improve existing programs of joint concern and to fashion new ones. His work as vice chairman of the Advisory Commission on Intergovernmental Relations testifies to his dedication.

But he has not stopped there. His term as president of the National League of Cities was particularly productive—not only in working to help the cities but in fostering greater cooperation with the Federal Government.

He also has served on the Advisory Council of the United States Conference of Mayors, as director of the National Association of Counties, as a director of the National Service to Regional Councils, and as a member of the President's Model Cities Advisory Task Force.

He is a strong supporter of revenue sharing. I have never found a mayor who isn't. Let me mention some comments he made last year. Mayor Lugar said, and I quote:

> The President has hammered home the point that State and local governments must have the authority, the revenues, the geographical scopes, and the leadership talents which finally deliver services to American citizens in the local community in which they live.
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> If the criminal justice system in cities and towns across America produce better results, our country will be a better place in which to live.[1]

Mayor Lugar not only believes in the New Federalism. He has shown us how it can work. And I know he will give us fresh insights today on how we can set about to control crime more effectively. I am certain that what he says to us will make our jobs easier in the future.

With these remarks, I am honored to present the distinguished Mayor of the City of Indianapolis, Richard G. Lugar.

Mayor Lugar: Thank you very much. Thank you, Congressman Cederberg, Jerris Leonard, Governor Peterson, Sheriff Pitchess, ladies and gentlemen.

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[1] Annual Minnesota Republican Fund Raising Dinner, Minneapolis, Minn., February 25, 1972.

Out of these discussions, two basic elements surfaced: First, we would need to define crime specifically and we would need crime-oriented planning; and second, we should shift major responsibilities within the Federal-State-local partnership.

The overriding objective for LEAA was to increase the ability of State and local governments to reduce crime. The principle responsibility for crime control rests—not with LEAA—but with State and local governments. Consequently, we now see the Federal contribution as one of general assistance to help States and localities carry out their criminal justice responsibilities.

Today, we are honored to have with us a very distinguished member of the House of Representatives from the State of Michigan, who is going to tell us about the Federal Government's posture in this area. Representative Cederberg is the ranking minority member of the House Appropriations Committee. He is also a member of the Legislative, Military Construction, and State, Justice, Commerce, and Judiciary Subcommittees of the Appropriations Committee, and what that means is that he is pretty important to us because he serves on our subcommittee. He has been in the Congress for 18 years, and is one of its most respected members.

At the forefront of Congressman Cederberg's beliefs is fiscal responsibility at the Federal, State, and local levels of government. Throughout his congressional career, Representative Cederberg has worked toward a balanced budget at the Federal level, and has called for fiscal integrity in all phases of government—Federal, State, and local.

It is my sincere pleasure to present to you Congressman Elford A. Cederberg.

Representative Cederberg: Thank you, Jerry. Ladies and gentlemen.

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Johnson, and it is a day, I would hope, for a renewal of the spirit. It is a day for vigor of activity as we examine this great country and our possibilities. And certainly at the heart of that examination is a thought about federalism and the way in which services might be delivered, and how a great and diverse country might be governed better.

During the Constitutional Convention, James Madison articulated a set of viewpoints that led to federalism in this country. Many citizens interpret the words federal system to mean a centralized national government. In fact, federalism in the United States of America has meant the maturing of relationships among national, State, and local governments. The genius of the United States Constitution has been recognized universally because it states that while some functions of government are of paramount national concern, a nation of our geographic size and demographic diversity is best governed by States and by local authorities who derive their powers from States.

Our determination to strengthen the criminal justice system in the United States leads to searching questions about the Federal system. So pervasive are so many fears of citizens about crime, drug abuse, and the general fabric of our society and so widespread have been the alleged instances of dubious governmental performance at all levels that many are persuaded that federalism is a quaint, historical relic of past times and debates.

The Council for Economic Development in an important study entitled "Reducing Crime and Assuring Justice" states categorically:

> Piecemeal reform of the patchwork structure of criminal justice will fail; a more fundamental approach must be taken. The highly complex multilevel Federal system, evolved from simpler beginnings, has its merits—but an ability to solve the American crime problem is not among them. The present intricate division of responsibilities, functions, and financial support among national, State, and local levels is the chief barrier to acceptable patterns of criminal justice.[1]

Even then, the CED report would retain the basic element in the Federal concept, a close cooperation between the national government and State governments. The national government is encouraged by CED to establish a "Federal Authority To Insure Justice." The States are encouraged to undertake direct management of courts, prosecutions, and all corrections activities. Local governments are encouraged by CED to accept relief of all burdens of criminal justice except for maintenance of police forces and, perhaps, pretrial detention.

[1] Council for Economic Development, "Reducing Crime and Assuring Justice," (June 1972).

The CED report, published in June of 1972, has significant differences with President Lyndon B. Johnson's March 8, 1965, Message to the Congress entitled, "Crime: Its Prevalence and Measures of Prevention." In that message, President Johnson announced establishment of a President's Commission on Law Enforcement and Administration of Justice and a Law Enforcement Assistance Act as the first Federal grant-in-aid program designed specifically to strengthen State and local crime reduction capabilities.

President Johnson stated on that occasion:

> This message recognizes that crime is a national problem. That recognition does not carry with it any threat to the basic prerogatives of State and local governments. It means, rather, that the Federal Government will henceforth take a more meaningful role in meeting the whole spectrum of problems posed by crime. It means the Federal Government will seek to exercise leadership and to assist local authorities in meeting their responsibilities.[2]

Debate on the Safe Streets Act rarely touched upon the issue of whether crime reduction and criminal justice were appropriate national government activities. Historically, these areas of concern have been State and local responsibilities.

The Advisory Commission on Intergovernmental Relations, in a September 1970 report, entitled *Making the Safe Streets Act Work,* describes the heated debate that surrounded the more lively issue of whether the Federal Government should bypass State governments and deal directly with local governments in making financial grants for planning and action. Such arguments continue. As the ACIR points out, "Resolution of these intergovernmental tensions is a prerequisite for achieving the full potential of the legislation." [3]

A good reason for lack of debate on whether the Federal Government should be involved in areas of concern, previously the recognized domain of States and localities, can be found in public opinion. The recent Potomac Associates publication, *State of the Nation,* contains a poll taken by Gallup that asks whether Federal spending on various programs should be increased, kept at the present level, reduced, or ended altogether. The answers on the programs dealing with crime were 77 percent for increased spending, 18 percent for spending at the current levels, 1 percent for reduced spending, 1 percent for ending spending altogether, and 3 percent in the "don't know" category. Public demand for Fed-

[2] Address to Congress by President Lyndon B. Johnson, "Crime: Its Prevalence and Measures of Prevention," March 8, 1965.

[3] Advisory Commission on Intergovernmental Relations, "Making the Safe Streets Act Work," (September 1970).

eral anticrime spending exceeded demand for any other perceived objective.

An important reason for such a response can be found in the public evaluation of efforts to deal with crime in this country. The Potomac Gallup Poll reveals that during 1972, 1 percent of the public believed we had made much progress, 19 percent believed we had made some progress, 26 percent believed we had stood still, 32 percent believed we had lost some ground, 19 percent believed we had lost much ground, and 3 percent still don't know. Now as compared to the 20 percent who believed we had made some progress or a little progress, 34 percent believed we had made progress against drug abuse, 49 percent believed we had made progress in fighting air and water pollution, with drug abuse and the environmental causes ranking just behind crime as sources of greatest importance to the public.

Herein lies the paradox of governmental attempts to fight crime. In fiscal 1971, Federal Government outlays to combat crime totaled approximately $1.257 billion combined with recordbreaking expenditures of $3.633 billion spent by 50 States, the 55 largest counties, and the 43 largest cities. Yet in mid-1972, Americans felt that we had lost ground and demanded with near unanimity that the Federal Government spend much more money to fight crime. The Potomac Associates Gallup Poll question framed the issue of how we should do so:

> Now I'd like to get your views about the best way to deal with some of our domestic problems here at home. First, which two or three of the approaches listed on this card do you think would be the best way to reduce crime?

Sixty-one percent voted for "Cleaning up social and economic conditions in our slums and ghettos that tend to breed drug addicts and criminals;" 48 percent indicated, "Getting parents to exert stricter discipline over their children;" 40 percent opted for "Improving conditions in our jails and prisons so that more people convicted of crimes will be rehabilitated and not go back to a life of crime;" 37 percent said "Reforming our courts so that persons charged with crimes can get fairer and speedier justice;" 35 percent chose, "Really cracking down on criminals by giving them longer prison terms to be served under the toughest possible conditions;" and 22 percent voted for "Putting more policemen on the job to prevent crimes and to arrest more criminals." [4]

In summary, Americans are more disturbed about crime than about any other current subject, including international warfare. They are more eager for the Federal Government to spend money fighting crime than on any other objective. But they see the nature of the battle as an extraordinarily comprehensive and expensive struggle. They place higher priority upon improvement of slums, strengthening of family structure, improvement in jails and prisons, and improvements in courts rather than on meting out more punishment to criminals or putting more policemen on the job.

Each of us suffers through growing frustration that accompanies the witnessing of criminal activity on a grand scale. We want it stopped. We believe that the enjoyment of life in the United States depends upon curbing crime promptly. We believe that the problem is serious and widespread and that nothing less than a full-fledged sense of national community effort engaging our money and our best thought is likely to prove effective, and we want results.

From time to time, some public officials have tended to capitalize on our general mood and have suggested simplistic schemes for eradicating crime by cracking down on this or that group without regard to constitutional rights or reasonable tests of either humanity or effectiveness. But by and large, this type of campaign has not been successful in either winning elections or combating crime or changing the national mood because we are still looking for basic reforms in social conditions, in family relationships, and in institutional practices within the criminal justice system. Let me indicate some avenues of intergovernmental activity that ought to be understood and pursued in the intermediate future.

A successful intergovernmental assault on crime will depend essentially on specific determination of who will do the job. A glib answer that affirms that all of us will do our best in cooperation with each other does not address the primary questions of who at what level of governmental responsibility is in charge and who makes the assignment of specific tasks.

I believe that local efforts to improve the criminal justice system are likely to be the most effective, in the short run, and the most enduring over the years. Citizens of this country may speak of fighting crime as a national problem. Certainly violence and antisocial activity are viewed from coast to coast. But the most meaningful effort for most of us will be a successful anticrime fight in the specific locations in which we live and work and enjoy recreation.

Our concern and emphasis are local and we demand local safety before we have much confidence to fight crime elsewhere. But by local, I do not mean the balkanized, fractionalized geographical entities that characterize urban America presently. In terms of general government, the thousands of arbitrary boundary lines drawn by citizens fearful

[4] Potomac Associates, *State of the Nation*, N. William Watts and Lloyd A. Free, Universe Books, New York, 1973, pp. 104–120.

of overall change and fearful of rather immediate financial, racial, educational, transportation, or environmental crises—these lines, ironically, are virtually insurmountable barriers to the safety of property or persons for tens of millions of Americans.

Many Americans seem too battle-weary to fight the political line-drawing process at the local level. They have lost stomach for trying to unify or reform police forces, court systems, correction systems, and communication systems for public safety. They now call upon the President and the United States Congress to appear—miraculously, to leap over all local controversy and to produce battle plans for proper finance, equipment, manpower recruitment, and standards of performance to be observed without question.

The United States is not alone in such hopes. Many countries have long assumed that local reform, generated from the local level, was generally impossible. The national governments in those countries reorganized affairs much to the relief of many citizens, but the Federal principle of intergovernmental relationships was ignored, forgotten, or never discovered in the process.

Most Americans watch the mobility of criminals, the substantial armaments and communications they employ, the vast tentacles of many criminal conspiracies, and the omnipresence of hard drugs and other destructive materials. But having observed all of this, the sadness of the present situation comes in our seeming inability to establish local police forces, prosecution, judiciary, or corrections systems that have the proper size and scope to do a substantially better job of meeting the deadly competition. Many citizens, hopefully most citizens, would support local leadership that proposed thoughtful and effective reform.

In some instances, a State system of criminal justice would be most appropriate because the geographic area to be covered is small or the State is almost entirely urban. In other instances, interstate compacts to meet the criminal justice needs of sprawling metropolitan areas would be most effective in denying refuge and comfort to the criminal. The idea of federalism in this country is an enduring one because we have enjoyed the numerous options of a variety of intergovernmental relationships. We still enjoy those choices and options, whether we exercise them or not.

Let us not indulge in describing the spread of criminal activity without considering the effectiveness of the corporate structures of present governments to meet that dilemma. We may find that we are disturbed about the rise of crime but become even more agitated when anyone suggests governmental reform to meet the problems of crime. Thus, we call upon the Federal Government to save us both from crime and from the folly, inefficiency, and heartbreak of some current local governmental arrangements that we shelter deliberately from change or reform.

We have witnessed changes in the inner city areas of many large American cities for decades. Crime has shown great increases in percentage terms in suburban areas during recent years, both because of more criminal deeds and because the base of past performance was low. In absolute terms, crime in inner city areas remains high. In most cities in which a spirit of community has been flagging, citizens of means, citizens with school children, citizens who want greater peace from crime, noise, smoke, and traffic continue to move many miles into suburban and semirural areas. They are rarely replaced by citizens of comparable means and the tax base falters as the social problems grow. Without reciting the entire disastrous litany of such situations, let us ponder our private reactions. Some of us wish that crime would decline in large cities, but if it remains sizable in volume, some wish it would stay put.

Citizens who have moved from crime feel doubly cheated if they move and the expenses of new circumstances do not reduce the threat of crime. They want someone to do something about the crime problem other than themselves. Someone who suggests that something can be done about crime may enlist a temporary following. In some extreme situations, extremely logical steps have been taken, namely, construction of long brick or cement walls with turrets guarded by armed personnel, surrounded by large plant growth, moats, or other obstacles. Uncomfortable as such situations may be on occasion, some citizens find the fortress psychology preferable to governmental reform. They are prepared to hang on grimly while anticipating invasion by dangerous "other citizens" beyond the moat.

Most of us are more ambivalent. We would like to enjoy a society of relatively free activity in which we feel safe to move about. Most of us would like to enjoy people in all walks of life, and we may feel increasingly cheated of much joy by living in a homogeneous enclave.

Many Americans have taken bold political action. Indianapolis, Ind.; Nashville, Tenn.; Jacksonville, Fla.; Columbus, Ga.; Baton Rouge, La.; and Lexington, Ky., have all consolidated the inner city government with local governments in the surrounding county, and have thus bridged the inner city suburban difficulty. An even larger number of counties have reorganized to provide a single county executive and legislative structure that can provide comprehensive services for hundreds of thousands

of citizens living in diverse communities and circumstances.

Dozens of cities and counties are attempting reform and many are on the threshold of success. Remarkable attempts to effect consolidation or at least cooperative efforts can be observed nationwide. The Law Enforcement Assistance Administration is taking a leadership role in encouraging this development among small police forces.

State governments historically could have taken a much more affirmative advocacy role in encouraging such reformations. In most cases, States have the authority either to effect such reforms or to offer very strong encouragement. In reorganizing public school governments and districts of jurisdiction, State governments have often acted decisively and comprehensively. By comparison, most State governments have done little to encourage civil government vitality at the local level, and many have fought, effectively, local attempts to achieve consolidation.

The problems of the criminal justice system in this country are virtually insoluble without strong and courageous State leadership and money. With few exceptions, State leadership and money have been woefully short of the minimum requirements for progress. It remains a fact that most State governments are not strong in staff or experience in handling social problems. Some States show little inclination to change that posture, but many do want to change. And their struggle to do so and the success they have achieved are too little appreciated by citizens who want more dramatic and newsworthy results and not a series of growing pains.

The classic battles in Congress over the initial Safe Streets legislation reflected fear by large cities that States would be unwilling or incompetent to wage much of a battle to reform the criminal justice system. Large cities felt they knew the criminal enemy and they feared State shackles. That fear has died down in some quarters, but it remains strong in many others. Recognition of minority concerns must be an obvious concern as we effect a restoration of democracy at both the State and local levels.

Our common purpose in this National Conference on Criminal Justice must be to direct precious resources into the most effective channels. Sending money to buttress a hodgepodge of battling and relatively ineffective municipalities within a city that has not reorganized to meet its problems is an unhappy prospect. Sending funds to a State government that is neither temperamentally nor professionally equipped to make a difference in criminal justice and that scatters its efforts in ways so as to inhibit even modest reform at the local level is an equally unhappy prospect.

Let us add still a third distress situation. Sending into the field an army of Federal law enforcement officials, inspectors, and auditors of courts, prisons, and other criminal justice programs that might insure that funds are spent with correctness, if at all, will not insure the growth of institutions or the support and the consent of the governed in local areas where people must strive to learn to live together. The thought of a comprehensive Federal fallback position is a grand illusion—an emperor with no clothes—of lasting criminal justice reform.

For the moment, it is possible to make a good case for the weak and difficult access of governmental institutions at every level throughout our land, and many citizens take a perverse delight in doing so.

But on the other hand, equal attention could be paid to very substantial gains in strengthening intergovernmental relationships and developing the Federal system in the United States. Despite our desire for comprehensive, instant change, we should not ignore the reforms on a one-by-one basis. Each fight was difficult, too difficult for many who simply retreated into a "devil take the hindmost" copout. Literally hundreds of changes were made in State constitutions and essential institutions in the past decade, changes that have made a distinct difference in the safety and stability of those governments. The same can be claimed for countless counties and municipalities.

To be both specific and parochial, we consolidated the City of Indianapolis and Marion County to form a unified government with one mayor and one city-county council covering 402 square miles and 793,000 people by an Act of the Indiana State Legislature in 1969.

On another occasion, we established one municipal court system for the whole county with a presiding judge, prohibition of protem judges, prompt scheduling and disposal of all cases, and thoughtful probing of sentencing procedures. We established a bail-bond system providing for release on their own recognizance of many citizens arrested and awaiting judicial action on their cases. We doubled the number of criminal court judges and their offices from two to four.

We have increased the Indianapolis Police Department from 890 uniformed personnel in 1967 to its authorized strength of 1,100 at present, with waiting lists of 200 to 400 applicants during the past 3 years. We have experimented with smaller caseloads for juvenile court probation officers and noted marked declines in recidivism. In fact, crime rates for major crimes have declined substantially in the last 5 years and fewer citizens are incarcerated in a unified jail, and one that is not overcrowded. Merchandise sales in downtown Indianapolis enjoyed a dollar volume

upturn in 1972 for the first time in 10 years as many more people reappeared on the streets and sidewalks.

Yet all of this came about slowly and after the involvement of hundreds of women as court-watchers, thousands of men and women involved in political activity to effect consolidated government, extraordinary changes in the perception of police work and the total criminal justice system by almost all citizens, strong and continuing work toward racial and economic reconciliation, and, finally, a building boom in the central city for 5 years with dramatic increases in tax base, employment, and good reasons for coming to the central city.

Federal and State assistance in the reform efforts and the followthrough operations could have been much more substantial and hopefully will be stronger in the future if present national concern about crime has staying power.

Local governments are wary of new Federal standards and goals because standards have been mandated too frequently without visible means to pay for their implementation. Currently, Indianapolis is mandated, for example, by the State of Indiana to pay generous police and fire pensions but is prohibited by State law from raising money in any way except for property taxes, fines, and fees. It is no wonder that many citizens in Indiana and, for that matter, in many other States with similar financial arangements seek to limit law enforcement and justice facilities within narrowly drawn boundaries, hoping that someone else might pay for the criminal justice system or at least bottle up potential criminal menaces, thus leaving property taxes in suburban enclaves for schools, roads, hospitals, and sanitary service.

Sadly enough, most Federal anticrime measures, to date, have neither offered much financial strength toward containing crime in inner city areas nor have they encouraged the essential reform of cities to exemplify the "real city" or "real county" dimensions. On the contrary, funds have often served to further the balkanization of urban America and have been disappointing in strengthening ongoing operations of inner city systems. Changes in LEAA policies at the State level have come about markedly in the past year. We believe that cities and counties will be assisted materially in the future. Despite the funding discouragements we've had at the local level, we believe that the block grant principle of strengthening State-Federal relationships is such an important objective that we have not criticized LEAA during maturation of an important development of federalism in this country. Most governments at the local level have adopted the same restraint.

But LEAA and other Federal attempts to fight crime must now take on greater sophistication with regard to local reformation and delivery of services. State and local capacity to maintain a system of justice can be strengthened in many ways.

Publication of comprehensive standards and models is a major help. Development of new anticrime technology will help. Wide dissemination of new reforms, techniques, or general victories of criminal justice will be a constructive contribution. Encouragement of local government to reform structures, procedures, and operations is of the essence.

Despite much talk to the contrary, the country is not falling apart at the seams. The quality of life is demonstrably stronger in many cities, counties, and States of our Nation than ever before. This assertion does not ignore the weak spots that have come as a consequence of shifts of people and the development of technology that can facilitate, unfortunately, not only the invasion of privacy but the terror of hijacking or the distribution of heroin.

We wish that human beings had stronger nerves and that the pace of change did not unnerve some family members or neighbors into maiming or attempting to kill one another to say nothing about a loss of a sense of community and malicious pillaging that sometimes approaches a postearthquake scene.

But our intergovernmental Federal system offers a sound backdrop for renewal of the community, for reordering the structure, for bringing the relationships of citizens up to date. This can best be done when people genuinely care about one another, when fear abates, when the desire to live purposefully strengthens, and when we truly practice racial and economic justice. Ultimately, our criminal justice system reflects the best aspirations that we express about our eagerness to live together in a global village, on occasion, and in the villages we call home, every day.

Many of us have more time to devote to public safety and to civic reform. We should do so. As parents, we can do more in the thoughtful teaching of our children about law and community and in the provision of love in their formative years. This personal witness at home and in the neighborhood may be the most important contribution many of us will make to a safer and saner society.

Beyond that, we will organize neighbors to help each other in mutual outlook and protection. We will care genuinely about our neighbors' safety or property and person. And then we may approach a very difficult bridge of action and understanding. We will resolve with others that we are not prepared to fight civil war among racial and ethnic and economic groups in the communities we enjoy, and we shall work to unify the corporate structure of local government and to make certain that all parts of the criminal justice system are soundly in agreement

with the standards and goals that this Conference has studied. We will insure that organizations of justice are adequately staffed, financed, and supported to achieve public safety and justice among competing claims and forces.

State governments and the Federal Goverment will assist our logical and well-planned ventures. The Federal system will gain new vitality as it meets the crime problem, the one problem above all others that occupies our most urgent attention. Having met this danger and the challenge it offers, we will be invigorated to meet an exciting new agenda of the future.

Thank you very much.

Mr. Leonard: Thank you, Mayor Lugar. That address most certainly, in my humble opinion and from my point of view, falls into category of "I wish I'd said that."

Thank you.

Chapter 5
Fifth Plenary Session

Fifth Plenary Session	"Federal, State, and Local Law Enforcement—The Proper Balance," Thursday, January 25, 1973, 7:30 p.m.

PRESIDING:	**Jerris Leonard,** Administrator, Law Enforcement Assistance Administration, Washington, D.C.
INTRODUCTION:	**Governor Russell W. Peterson,** Chairman, National Advisory Commission on Criminal Justice Standards and Goals, Washington, D.C.
ADDRESS:	**William H. Rehnquist,** Associate Justice, U.S. Supreme Court, Washington, D.C.

Mr. Leonard: May I call the Fifth Plenary Session of this Conference to order, please.

Now, again, a little editorial note. Many of you have asked questions about the relevance of the discussions and debates that are going on in the forums and the conferences at this National Conference. I want to assure you that these proceedings are extremely important, because they will be published by the National Advisory Commission.

We didn't intend this to be a parliamentary session. If we had, we would have started off with a Conference set up like the plenary session. The purpose of this Conference is to react to the report of the Commission. The reactions that you're formulating here will become a very important part of the overall Commission report. Albeit, the Commission itself has adjourned *sine die.* If you think about the procedure and the total problem that we have involved here I think you will agree that the decision I made—and if you want to blame somebody, blame me—with respect to how we were going to handle the situation was a correct one. I hope that will allay the fears of some of you who would like to argue ad nauseum the question of plea bargaining.

Your input is noted here; it's in the record; and it's going to be a part of the overall proceedings of this Conference.

One of the questions that continually surfaces when we talk about Federal, State, and local law enforcement efforts is the proper role of each branch of government. Speaking for the Law Enforcement Assistance Administration, I can answer that ques-

tion in simple terms: LEAA views itself as the catalyst that supplies the funds, technical knowledge, and expertise to initiate crime-fighting efforts no matter if they are at the State, the county, or the local level. That, I believe, is the proper role for LEAA. And this Conference is an excellent example of what I mean.

During the past 2 days, we have been busy discussing and hearing discussions on the major findings of the National Advisory Commission on Criminal Justice Standards and Goals. This Commission was federally funded. The Federal Government also supplied technical advice to the Commission. And it offered other resources such as manpower, criminal justice expertise, and working quarters. In this role, the Federal Government acted as the catalytic agent and nothing else.

The report itself was written by State and local law enforcement officials. They discussed each standard and goal thoroughly before reaching a decision. The Federal Government did not interfere.

I do not expect that any one of you will agree with each and every Commission finding and recommendation. Although I am confident that the final report of the Commission contains the best advice currently available, I am certain there will be a number of matters that deserve further consideration and further discussion. Nonetheless, I hope that everyone takes the long-range point of view, the statesmanship point of view.

The Commission is not offering its work to us just to be nitpicked to death. This report is a blueprint, not a gabfest agenda. So it is important that we get right down to work, putting into operation everything that finds general approval. In other words, what we want you to do now is to take some action.

What we need, really, is broad agreement on the main directions of the standards and goals material. Those points on which there are disagreements can be ironed out later. But our mandate must be to fight crime, to reduce crime, to give the American people a much higher level of protection and safety. Undue wrangling over a few details will harm the standards and goals and reduce the chances of making prompt, lasting inroads against crime.

The standards and goals are important. The report is for the use of State and local governments. It is a yardstick by which they can measure their own performance. However, it is not something that is being forced upon State and local units of government. They can, if they wish, use the report; they can reject it; or they can tailor it to meet their own specific needs. But they must address the issues that are raised by the report.

The man I now have the pleasure of introducing is the Chairman of the Commission, Governor Russell Peterson of Delaware.

Throughout his private and public life, Governor Peterson has dedicated himself to improving the criminal justice system. This report is just one of the many contributions he has made in that area.

During his term as Governor, the people of Delaware benefited from the innovative and progressive programs he fashioned for that State. These wide-ranging programs have placed Delaware in the forefront of those States that can look at their criminal justice systems with pride.

LEAA was certainly pleased when he accepted the offer to chair this Commission. His dedication, his leadership, and his real commitment to this whole project were the chief reasons that we now have this important and impressive report.

And it is my honor to introduce Russell W. Peterson.

Governor Peterson: Thank you very much, Jerry. Justice Rehnquist, Sheriff Pitchess, ladies and gentlemen. Before I exercise the privilege of introducing our speaker tonight, I want to take advantage of this opportunity to make two points.

Jerry Leonard has been up here time after time during the past 2 days commending many of us for the work that we have done. But he has repeatedly ignored the most important contributor. In fact, I think it is extremely important for all of us here to recognize the tremendous job that Jerry has done in leading LEAA, in having a great impact throughout America on the criminal justice system, and on selling people on preventing kids from getting in trouble with crime in the first place.

Today, the State Planning Agency directors recognize the job that Jerry has done in bringing them together. And I think, Jerry, that you should feel very proud of the contribution you have made to America in advancing the programs to reduce crime throughout our land. I think it would be very much in order if all of us here gave Jerry a special round of applause.

The other point I wish to make is to call your attention once more to the key goal that we have recommended for America, and hopefully, that you and the people throughout our Nation will accept. It is a goal that symbolizes our overall effort, demonstrates our conviction that we can do a job in reducing crime, and it is a sort of slogan that we can use to sell people throughout America in getting behind this effort. And that goal is to reduce by 50 percent over the next 10 years the rate of high-fear crimes in America. And by high-fear crimes, I mean burglary and violent crimes committed by strangers. By vio-

lent crimes, I mean aggravated assault and robbery and rape and murder and willful homicide.

You know, we don't do this very often in the public sector—pick quantitative goals and put goal dates on them. But we think in the Commission that it's vital for us to do that.

You see, 10 years goes beyond any administration. This is a goal for America. And we are going to reach it, I'm convinced, but we will do it only because people all over America will buy it and go to work to make it happen. And you have a key responsibility to play a leading role in making it happen.

As you know, people throughout our country today say that the most serious problem we have is crime and the fear of crime. Therefore it's a tremendous responsibility to have to do something about it. And, of course, in doing so and fulfilling that responsibility, it's a great opportunity.

You think of the job satisfaction that all of us could get if we contribute to cutting the rate of high-fear crime in America in half in 10 years. And if we do that, we will markedly improve the quality of life throughout America.

Now I'm sure there are some people around who don't think we can do this. I suggest we ought to get them off the team. We have to have the conviction that we can do the job before we can do it.

Let's go to work to make it happen. I challenge you, challenge myself, challenge America—to reduce crime, to reach this quantitative goal that we have set for all of us.

And now I would like to introduce a most distinguished speaker. I am confident that you are all familiar with much of the background of our speaker, Associate Justice William H. Rehnquist of the U. S. Supreme Court.

It's a pleasant task, but I approach it with a large amount of caution and circumspection. I wouldn't want to mention anything that would prompt him to disqualify himself from hearing a case. Nonetheless, I do feel safe in saying that before accepting his present position on the Court, Mr. Justice Rehnquist was known as the Attorney General's attorney. In his work as head of the Office of Legal Counsel in the Department of Justice, he had an exceptionally good opportunity to become intimately familiar with the problems facing this Conference. It goes without saying that his subsequent responsibilities on the Supreme Court have broadened and deepened his insight into the interconnected aspects of law enforcement, adjudication, and offender rehabilitation.

Mr. Justice Rehnquist was born and raised in the Milwaukee area. That, plus the fact that he's a Swede, are two good attributes. Jerry Leonard was born in Wisconsin, too. This isn't a conspiracy, but all three of us are natives of Wisconsin, and we consider it a worthwhile item to mention.

During World War II, he was a noncommissioned officer in the Army Air Corps. He studied at Stanford and Harvard Universities, and graduated first in his class from the Stanford University Law School.

He served later as a law clerk for Justice Robert Jackson of the U.S. Supreme Court. From 1953 to 1969, he practiced law in Phoenix, and then came to Washington to take the position in the Department of Justice.

Mr. Justice Rehnquist is participating in this Conference because of his deep conviction that we as citizens of this Republic must pay increasing attention to the problems of crime reduction in modern society.

Mr. Justice Rehnquist.

Justice Rehnquist: Thank you. Thank you, Governor. And Jerry, I certainly join with the others in commending the way you managed this thing.

I want to comment, if I may, about the Commission's report to the extent that I've had a chance to examine it. Certainly, I think a fair amount of skepticism initially is a normal reaction to something like this.

It may fairly be asked, "What need is there for another blue ribbon commission to examine the administration of criminal justice in this country?" After all, we've had the report of the President's Commission on Law Enforcement and Administration of Justice in 1967, and the promulgation of the American Bar Association's Minimum Standards for the Administration of Criminal Justice shortly afterwards. But I think there are two very good and sufficient answers to this question, as to why the Commission is very highly desirable and why you of the Commission and those of you of the Conference are to be commended for this effort.

First, at least to the extent that I have read the report, and I have concentrated on the section dealing with the Courts, I have the impression that your Commission has approached the matter more as an original inquiry—what the system ought to consist of and how it ought to work, if we were free to make significant major changes in it—than have some of the other distinguished groups that have addressed themselves to the same subject. The other reports, if I read them right, have been more geared to an evaluation of existing procedures in the light of changing legal standards, with a view to changing these existing procedures where required, or where obvious shortcomings are indicated.

The question, of course, is one of emphasis and degree, rather than of polar opposites. We do have existing and established police, court, and correction

systems in all of the 50 States, as well as those operated under the aegis of the Federal Government. It would simply be wasted motion for any commission, no matter how distinguished its members, to spend its time designing wholly different substitutes for these existing systems.

On the other hand, given the traditional conservatism of the professions involved in the actual administration of any system—and certainly this is preeminently true of my own profession, which is that of the law—something more than just the tuneup that a garage mechanic gives a malfunctioning engine is occasionally needed in order to examine some of the more deeply rooted assumptions on which our existing systems are based. I think the innovative emphasis in your Commission's report is to be commended, not because all of the innovative suggestions are necessarily good, but because the very making of such suggestions stimulates the kind of discussion that is necessary in order to have the best possible system of administration of criminal justice.

I think the second reason for the desirability of periodic evaluations of systems for the administration of criminal justice is that these systems are essentially monopolistic. Only the state, in the broad sense of that term, is engaged in the business of administering criminal justice. Therefore, the spur of competition felt by a private business is lacking. True enough, the States may be compared with one another, but there are so many differing factors that such comparisons may be of limited usefulness. Delaware borders Pennsylvania and borders New Jersey, and yet I would guess that Delaware's problems of criminal law enforcement are quite different from those in New Jersey and in Pennsylvania. And I suspect it is equally true that the problems of law enforcement and corrections in Philadelphia are quite different from those in the less populated parts of Pennsylvania.

The Federal and State systems, which operate in the same territory, might offer some basis of comparison, but the limited responsibility of the Federal Government, and its vastly greater resources, make that sort of comparison of limited value.

More important, each system of criminal justice is a monopoly at least in its own area—its share of the market is 100 percent. Except for occasional overlaps of State and local jurisdiction, nobody enforces the laws of Delaware except the State of Delaware; no one enforces the ordinances of Wilmington except the City of Wilmington. This is so obvious as to seem commonplace, and yet think how different it is from the business world.

The administration of the system of criminal justice has a product that presumably justifies its existence—the control of crime by the apprehension, conviction, incarceration, and, hopefully, the ultimate rehabilitation of wrongdoers. This product is very much desired by members of society. As you have doubtless had occasion to observe more than once during the course of this Conference, a recent Gallup poll indicates that concern with crime is the leading concern of the Nation's citizens. Yet in the nature of things, the citizen has no alternatives to choose from, because the system is monopolistic. And those administering the system lack the material spur that would result from a competitor marketing the same product and gradually improving his position in the market as compared to theirs. The citizens can complain, but they can't stop buying your brand of law enforcement and buy a competitor's brand.

So an occasional review by knowledgeable specialists in the field is actually a substitute for the sort of competitive pressure for reevaluation of existing programs that a private enterprise would feel from market forces. Hopefully, it will be a stimulus to those who must make the ultimate decisions in these areas—the legislatures and the executives—again not necessarily to adopt each and every proposal, but to measure their existing programs against the proposals.

We all have a tendency, those of us who deal in the public sector, to make our expectations very much in terms of what we know, and frequently our expectations may be too low. A bar association journal came across my desk the other day that purported to show the way a man had sent an accident report in to his insurance company. His wife had gotten into an accident coming out of her driveway, and the way he related it was that she had come out, hit the garage door, run over the kid's bicycle, gone through the flower bed, and had then lost control of the car.

This man obviously didn't expect too much from his wife, at least in the way of driving. And we may fall into the same low-expectations syndrome with our system of criminal justice. If we're used to delays and used to malfunctioning, we tend to take them for granted. And that is why I think it is particularly helpful to have a periodic reevaluation by a distinguished Commission, such as that which is gathered here, in order to pull up and say, "Look, take a look at how your system is functioning; look at what you might be doing; look at the changes that you might make."

The importance of the Commission's recommendations is underscored by their presentation to this significant Conference for the purpose of discussion

and implementation. And certainly there is no more significant task in the Nation today than the business this Conference is about.

Let me turn now to several aspects of the Commission's recommendations on Courts that I found most interesting, not in my capacity as a judge, but on the basis of some 18 years in the private and public practice of law.

The Commission treats what it calls screening and diversion at some length. Both of these were new terms to me as I read the report, and yet I certainly recognized the procedures that were described under those heads. As you doubtless all know by now, screening is the decision on the part of law enforcement authorities to stop all further proceedings against a person who has become involved in the criminal justice system prior to trial or plea. Diversion takes place at a later stage in the criminal justice process. It is the taking of a person out of the criminal justice process some time before he is convicted, and assigning him to some alternate program.

Here it seemed to me that the Commission's recommendations are not for any radically new procedures, but instead for the formal recognition and systematization of what is already in fact done. We all know that discretion is exercised by police officers in determing whether or not to issue a citation or to make an arrest, and we know that discretion is exercised by prosecutors in determining whether to sign a complaint or file information against an accused. It is rather doubtful that the system would work at all well without the exercise of such discretion, and the Commission suggests that the standards for exercising this discretion be set forth somewhat more formally than has previously been done.

And again, it seems to me that the factors the Commission evaluates makes great sense. Some formalization is desirable in order to make sure that similarly situated people on the administrative level are treated similarly. By the same token, the recommendation against judicial review in most cases is probably also desirable just because you don't want to develop a situation where fear of judicial review prevents the administrative agency from making some classifications and from purporting to act on them.

Probably the most controversial recommendation of the Commission is its view that plea bargaining should be abolished over a 5-year period. I think the Commission is to be commended for its frankness in making clear that this is a controversial recommendation, and that in taking the position it did, it parted company with both the President's Commission on Law Enforcement and the American Bar Association project on minimum standards for criminal justice.

The reason for the controversial nature of the recommendation is clearly set forth in the Commission's report. And I suppose it would be recognized at the outset that the process of plea bargaining is one that very few would regard as an ornament to our system of criminal justice. Up until now its principal defenders have only contended that it contains more advantages than disadvantages, while others have been willing to endure or sanction it only because they regard it as a necessary evil. The Commission has bitten the bullet, however, and said that because there is risk both to rights of the defendant and concerns of the public in the process, it should be done away with.

The arguments on the other side, which the Commission certainly fully sets forth in its report, tend to be traditional or practical ones. It is a lawyer's commonplace that a bad settlement is better than a good lawsuit, and many of our profession have felt that this statement had enough applicability to criminal proceedings to at least make a consensual agreement to plead to a lesser offense permissible.

The practical argument, I suppose, is the major one, and the Commission certainly recognizes it as such in its report. With a figure of somewhere between 80 to 90 percent of all criminal cases being settled by pleas of guilty, what increase in caseload would result from the abolition of plea bargaining? If, for example, guilty pleas were to drop from 80 percent of the total to 40 percent of the total, we would not be talking about doubling the number of criminal trials, we would be talking about trebling the number. The Commission has basically taken the position that whatever the consequence, the practice should be abolished, and that the necessary resources will be made available to provide additional judicial manpower for whatever increase in docket load results from the abolition.

Now certainly to the traditional lawyer in private practice, plea bargaining has an aspect about it—and again, it is probably not an ornament of the legal profession. You like to be able to show your client you've done something for him, and to have the feeling that by consulting you he has gotten a better deal than he would have without consulting you. This may be part of the very vice of plea bargaining, but certainly the criminal defense lawyer is on occasion in a better position to get the cooperation of his client if he can indicate that in return for a plea of some sort a more severe charge would be dropped. This certainly doesn't justify the system, but I suspect that to a certain extent it has been the oil that made the machine go on a very practical level.

As I indicate later in my remarks, I would have

welcomed, as I am sure the Commission would have welcomed, some empirical data and analysis in evaluating this recommendation. Is it at all possible to predict the effect on caseload of the abolition of plea bargaining? Is it at all possible to predict whether or not the necessary resources to provide for handling the increase will indeed be available?

The criminal justice process, after all, has diverse strands to it. Perhaps this is what makes it so interesting. Highly important are the moral and policy value judgments that are necessarily embodied in any decision as to how the process should be administered, or in what direction it should move. But equally important are the highly practical questions of how much money, if it is possible to estimate, a particular change would require in a particular jurisdiction, in order to build the necessary new courthouses and create the necessary new judgeships, clerkships, bailiffs, and the like that necessarily attend a prompt dispatch of additional judicial business.

I think the Commission's recommendation on the subject of plea bargaining, whether it is ultimately followed in a number of jurisdictions or not, cannot help but contribute to constructive discussion on this difficult subject. And it may well be that some of the empirical data that many of us including, I'm sure, the Commission, would find helpful in fully evaluating the recommendation will become available during the course of the discussion.

Let me mention briefly another subject of the Commission's report, that of pretrial discovery in criminal cases. Here the Commission has again taken a fairly bold tack, providing that discovery may be initiated by the prosecution as well as by the defense, in requiring more substantial discovery on the part of the defendant than is generally permitted in most jurisdictions. And again the Commission candidly acknowledges that it is dealing in an area where there may be constitutional problems, but nonetheless it again bites the bullet and recommends fairly sweeping enlargement of discovery.

No one who has practiced law can doubt the extraordinary importance of the availability of wide-ranging pretrial discovery as a principal instrument of settlement in civil lawsuits before trial. Discovery, to those of you who are not lawyers, means the right of one party to take the testimony of the other party and have it recorded by a court reporter, and to require the other party to produce for examination any books, papers, or records on which he proposes to rely at the trial. All of this, in the best of all worlds, takes place a significant time before trial, so that in effect each side pretty well knows the case of the other by the time of the trial. An experienced lawyer is able to counsel his client on the question of settlement much more helpfully after the discovery of a case is completed than he is at its outset.

And unless you've been in practice, you have no idea how dramatically a case can change in the lawyer's estimation from the time that the client walks into his office until the time he is actually sitting in the courtroom. And I am speaking now primarily of civil litigation, which is where my own experience was. During that first conference with the client, you feel you've got a sure winner. He's been wronged, the other people have lots of money and are capable of paying a very large judgment if it should be entered, and both the facts and the law seem so heavily in favor of him that you feel you've just had an awfully good day to have him walk in the office.

Well, if that view persisted up until trial, there wouldn't be many civil lawsuits that were settled. The thing that changes between the time the client walks in your office and the time you walk into the courthouse to try the case is the lawyer's perception of the facts.

The client tells you that the light was green in his favor, he was going 20 miles an hour, he hadn't had a drink for 2 days, and there were three witnesses whom he can readily identify who will give exactly his version of the facts. Well, when you check out these three witnesses, it turns out that one of them says the light was orange and two others say the light was red. Another one smelled liquor on his breath, and by the time you get these people's testimony and the other side has that testimony, the lawsuit looks a lot different to you. So I think there isn't a lawyer in the country experienced in civil practice that wouldn't feel that full, sweeping pretrial discovery is a vital function of the process of litigation.

Now obviously, this principle can't be bodily imported into the trial of criminal lawsuits. The Constitution provides that no defendant shall be required to incriminate himself. We have a tradition in criminal trials that it's much more of a spectacle put on in court than one that is revealed prior to the trial through the discovery process.

It seems to me there can be no doubt that discovery in criminal cases would have an effect similar to discovery in civil cases. Whether it would be as extensive or not, I suppose would depend upon experience. Obviously at some point in expanding discovery, we reach an area where we trench on the defendant's privilege against self-incrimination. The Commission's report would require no discovery on the part of the defendant himself, as I read it, but would require discovery as to witnesses that the defendant proposes to call. The traditional impasse on the subject of pretrial discovery in criminal cases, as I would observe, has been the prosecution's

insistence that discovery be a two-way street, and the defendant's insistence that the privilege against self-incrimination not be violated. That is why criminal discovery today is in such a different and more restricted area than is civil discovery.

In resolving this thorny question in favor of full discovery, the Commission has undoubtedly moved into another controversial area. I think it has done another public service by doing so; and again, whether or not this proposal is adopted, the contribution to meaningful discussion of the whole subject cannot be gainsaid. Nor is it generally possible to obtain a definitive adjudication of the constitutionality of a particular proposal unless it is indeed actually enacted and tested in the courts.

I advert only momentarily to the Commission's concept of a review proceeding, which is the term it uses for what we would now call both a criminal appeal and collateral attack. I advert to it only briefly because it simply would not be possible to do justice to the Commission's recommendations in the time allocated to the subject in an after-dinner speech. The Commission has not been satisfied with simply tinkering with existing machinery, but has recommended the replacement or redesigning of some rather significant parts of the appellate process.

I think there will be few who disagree with the Commission's emphasis on speedy disposition of challenges to criminal convictions, in order that after appropriate review the judgment and sentence may be regarded as final. Indeed, I would think there is perhaps no more fundamental improvement that could be made in the criminal appellate process than one of expedition consistent with full and fair hearing for the defendant on his claims of error. Reasonable men may disagree, and disagree vigorously, about the most appropriate means for accomplishing this expedition. But again, the Commission's report cannot but contribute usefully and significantly to the discussion and ultimate resolution of this problem.

Finally, let me turn to two more general considerations, one of which is mentioned more than once in the Commission's *Report on Courts,* and the other which necessarily underlies the consideration of any report such as this.

The first of these is the absence of factual data. We are woefully lacking in studies of empirical data in the entire area of administration of criminal justice. I remember thinking myself while I was in the Justice Department that although the data collection and analysis there had undoubtedly vastly improved over what it had been 10 years previously—and was being improved at that very time—nonetheless, the board of directors of a medium-sized corporation would have felt quite in the dark and poorly served by their technical staff had they been required to make policy decisions for their corporation with as little empirical data and analysis of that data as we frequently had to go on. And I think the Justice Department is probably fortunate in that regard compared to its counterparts in the State, county, and city administration of justice systems.

For example, what does it cost to prosecute a Dyer Act case? (The Dyer Act is the law that forbids the interstate transportation of a car that has been stolen.) What would it cost the State in which the car is recovered to prosecute the same case? Would Federal prosecution or State prosecution produce more likelihood of convicting an accused who was, in fact, guilty? What about rehabilitation after conviction?

Every time we appropriate more funds for Dyer Act prosecutions, or every time we appropriate more funds for Federal judgeships or for State judgeships, we are very likely unconsciously making value judgments that the particular funds and the purpose for which they are going to be used could best be used for that purpose or at least could better be used for that purpose than some other purpose in connection with law enforcement. And yet, I sometimes wonder if it wouldn't be very helpful to us, at least to make that a more conscious part of our decision, and in doing that we really need to know an awful lot more about an awful lot of things than we know now.

It's not merely a question of an inadequate number of computers, though technology undoubtedly facilitates the sort of analysis about which I am talking. Let me focus on a specific example in the Commission's report. In connection with its recommendation on plea bargaining, the Commission forthrightly states:

> There is no information available on the extent to which the actual administration of plea negotiation results in conviction of the innocent or in improper distribution of leniency, if it does at all . . . [1]

It seems to me regrettable, as I am sure it seemed to the members of the Commission, that there is a void with respect to such important information as this. Certainly, if there were demonstrable evidence of significant numbers of innocent people pleading guilty, or improper distribution of leniency as a result of the plea bargaining system, the case for the Commission's recommendation would be significantly strengthened.

On the other hand, should it be shown empirically that neither of these conditions prevail, it may be that the Commission itself might have made a less drastic recommendation. It would not require, I sus-

[1] National Advisory Commission on Criminal Justice Standards and Goals, *Report on Courts,* Washington, D.C.; Government Printing Office (1973).

pect, any great devotion of resources or intellect simply to total the number of plea bargains made in any jurisdiction during any period of time, and doubtless this has been done. But what is needed on this particular point is some further and more imaginative type of factual research that would attempt to correlate factually the raw data to the more sophisticated inquiries about which we wholly lack information at present.

Other parts of the Commission's *Courts* report show that such analyses have been attempted, and that results may properly be used to buttress what would otherwise have to be largely recommendations based on judgment. The cost of screening and diversion, as opposed to actual prosecution, are compared in the Commission's report. And to the extent—even though it may be rather hypothetical and involve a fair number of assumptions—that you can reduce such a comparison to dollar amounts, we know a good deal more about where we want to go than where we can't.

I suggest that we are badly in need of this sort of factual information in order to be more certain than we can be at present as to which of several alternative directions we might wish to proceed in.

The second of these general considerations with which I wish to close lies in the basic purpose a report such as this, or a Conference such as this, may serve. In my 16 years in the private practice of law, I learned that a lawyer advises a knowledgeable client not in terms of categorical imperatives, but in terms of hypothetical imperatives. For those of you who weren't philosophy majors in college, as I was, it can be put this way: You don't say to a client, "You can't do this thing you are about to do." Instead, you say to him, "If you do this thing you are about to do, you will probably go to jail," or "If you do this thing you are about to do, you will probably be sued successfully and have to pay a judgment of several hundred thousand dollars."

The net effect of the two kinds of advice may be the same, but all of us in basic staff positions—which applies in the legal profession to criminologists, to penologists, and to many other related disciplines—perform our service best in an advisory capacity. We are not the deciders, but the advisers of those who decide. As such, it is not enough for us simply to say, "This must be done." We must instead state precisely why it must be done, and what we think will happen if it is not done.

Clemenceau, when he was Premier of France during the First World War, is credited with having made the observation that, "War is too important a matter to be left to the generals." By the same token, the administration of criminal justice is too important a matter to be left solely to the specialists in that field. One of the strengths of the Commission's *Report on Courts,* to my mind, is that it quite frankly faces up to alternative choices, and freely concedes that there are advantages and disadvantages connected with each alternative, and arguments pro and con as to the various choices. This is as it should be.

Fundamental notions as to what values and what moral principles should undergird the system of administering criminal justice are not the monopoly of any group of experts, however impressive their pedigrees; nor certainly the monopoly of any group of judges, particularly judges who are after-dinner speakers; nor of any prosecutors, police chiefs; nor of defense attorneys. Each of these has his own brand of expert advice to contribute, but the ultimate decision as to whether a particular proposal properly balances the moral considerations and the practical considerations involved is one in which the voice of every citizen is entitled to equal weight.

The choice between moral or policy values is not infinite or unlimited. The Constitution of the United States, and the constitutions of the various States, establish certain rights of accused persons that may not be nullified by legislative action. The availability of public resources, for which the system of administering criminal justice competes along with many other public enterprises, is another limitation on the range of choice. And frequently, one deeply held moral value may conflict with another, so that a decision can be made only by resolving the conflict. And finally, of course, people's moral values and policy judgments may and frequently do change when subjected to enlightened and constructive criticism.

I think it must be in this vein, and not in the vein of bearing the 12 tablets from Mount Sinai, that the recommendations of the Commission's report and the Conference's delibertaion must be pursued. One of the strengths of the *Report on Courts,* in my judgment, is its marshaling of supporting and opposing arguments with respect to each of its major recommendations, and its indications as to why the Commission chose to accept one set of arguments and reject another. It is in that spirit that the goals of the Commission and of this Conference can best be furthered. No one can doubt that both have performed a major service to the country in connection with a subject that is of absolutely critical importance to all of us.

Thank you very much.

Mr. Leonard: Well, the beautiful part about presiding at a session like this is that even with a Justice of the United States Supreme Court as your speaker, you still have the last word.

But I would make two observations. First of all, Mr. Justice Rehnquist, the delegates of this Conference and many others will read again and again the very important and impressive message that you delivered this evening, and I think that, irrespective of the fact that there may be some disagreements with particular issues, the context in which you approached the question will be reviewed again and again.

Secondly, I think there is an important message that is probably best exemplified by the message on a plaque that the Attorney General has hanging on his wall, which, I think, exemplifies a thought or a philosophy that all of us, whether we be in the criminal justice system or otherwise, ought to adopt. It says, "Tough decisions become easy when you have all the facts." And I think that message was rather clearly given to us tonight again by Justice Rehnquist.

Chapter 6
Sixth Plenary Session

Sixth Plenary Session — "Resources for Implementation," Friday, January 26, 1973, 11:45 a.m.

PRESIDING: **Jerris Leonard,** Administrator, Law Enforcement Assistance Administration, Washington, D.C.

INTRODUCTION: **Edward Hutchinson,** U.S. Representative from Michigan

ADDRESS: **Richard G. Kleindienst,** Attorney General of the United States
"The World We Want"

Mr. Leonard: In the last few years, I believe that we have witnessed a revolution in crime control and law enforcement. The overwhelming share of the responsibility for fighting crime, of course, rests with the States, counties, and local municipalities. However, these governmental bodies need help—tangible help—if they are to make meaningful inroads against crime. That help—which has been made available at levels never before seen in our Nation's history—comes from the Law Enforcement Assistance Administration.

In 1969, its budget was $63 million. In the past 4 years, it has been increased as we have widened our crime-fighting capabilities. First it was $268 million, then it was $527 million, then it was $700 million, and now it is $860 million. By the end of the current fiscal year, LEAA will have expended some $2.4 billion to assist States and localities to fight crime.

While others have talked, we have acted. While others have bemoaned the crime problem, we have attempted to provide leadership to get the job done. With financial aid from LEAA, every State has established statewide crime reduction programs in cooperation with their cities and counties.

These programs are designed to prevent crime and to help police apprehend more suspects. They are designed to help the courts process cases more rapidly and more effectively, and to help corrections agencies truly rehabilitate those offenders who are able to be rehabilitated.

The prevention and control of juvenile delinquency and juvenile crime has been emphasized. Large sums of money have been awarded for police-community relations programs.

High priority has been placed on helping the States and local governments prevent and control organized crime, and a variety of important new programs have been launched to control the use of narcotics and dangerous drugs.

In short, the LEAA program is comprehensive—and it is effective. The response from State and local law enforcement officials and public leaders has been heartening. They have responded remarkably well to the President's call for action. He has backed his call with tangible aid.

One thing each of us here today can do is to work for the passage of the legislative proposals that you heard Senator Hruska speak about and outline for us yesterday, and also to support wholeheartedly the legislation to reauthorize this program. The concept of special revenue sharing for law enforcement is a solution to the financial problems that face many State and local governments.

It also gives States and localities a full measure of responsibility—responsibility that they need to take fully effective action against crime. So as you leave this Conference, I ask all of you to take a close look at what the LEAA program has accomplished in your own community—in your own city, State, or hometown.

Wherever you go, you will find law enforcement and criminal justice agencies supplied with vital new resources, new goals, modern new crime-fighting techniques, and a purposeful new dedication.

One of the LEAA's strongest backers is the man I now have the honor of introducing—the Honorable Edward Hutchinson, Representative from Michigan.

Congressman Hutchinson, in his distinguished public career, was a member of both the Michigan House and the Michigan State Senate. He also was the vice chairman of Michigan's constitutional convention in 1961 and 1962. Presently, he is the ranking minority member of the House Judiciary Committee, and again by way of explanation, he's terribly important to all of us here. He is an advocate of fiscal integrity in government, and a stalwart spokesman for the separation of powers between Federal and State governments.

It is my great pleasure to introduce the distinguished Congressman from Michigan, Edward Hutchinson.

Representative Hutchinson: Thank you, Mr. Leonard, for that very generous introduction. Ladies and gentlemen of the Conference.

It is a pleasure for me to introduce the final speaker to this National Conference on Criminal Justice.

The subjects of your discussion during the past 3 days are the necessary ingredients of a system of criminal justice in our time—the accurate apprehension of those accused; a speedy trial, which the Constitution mandates; and a certainty of punishment for the guilty. You have examined these problems from the viewpoint of those whose duty it is to enforce the criminal law, from the viewpoint of the courts of criminal justice, from the viewpoint of those who receive the convicted into their custody for corrections, and from the viewpoint of citizen and community involvement in the whole field.

Your *Working Papers* have been the report of the National Advisory Commission on Criminal Justice Standards and Goals. Your own assessment of the Commission's recommendations to be reflected in your discussions and in the final report of the Commission and this Conference will be welcomed in the Congress, I can assure you. For the new Congress now organizing will, and must, address itself to the subject of your discussions as one of America's most pressing domestic issues.

The Law Enforcement Assistance Administration has furnished me with a copy of your *Working Papers,* and I have read through the summary sections. I want to tell you there is much with which I totally agree, but there is quite a lot with which I disagree, and that of course, is the nature of controversy.

Our system of criminal law enforcement and criminal justice is for the most part a responsibility of the States in our Federal system. We want no national police force.

The courts that try most criminal cases should be State courts, not Federal courts. It is appropriate that national conferences such as this be occasionally convened, if the real purpose is not lost sight of—that purpose being to strengthen the State systems of criminal justice.

Your Conference—made up as it is of delegates from States and localities—I am sure correctly weighs the role of the States in our system of criminal justice and will not confuse the desirable goal of upgrading the system of criminal law enforcement within and among the States with the completely undesirable abdication of criminal justice in whole or in part to the national government.

Ladies and gentlemen, I have the distinct personal pleasure and high honor to present your final speaker, the chief law enforcement officer of the Federal Government.

Richard Kleindienst is a native of Arizona who came all the way East to Harvard for his higher education. To make the trip worthwhile, he made Phi Beta Kappa at Harvard and he graduated magna cum laude. Then he stayed right at Harvard and got his law degree.

For 20 years he practiced law in his home State of Arizona and devoted a tremendous amount of his energy to civic improvement programs. He was quite nationally known before he became an official part of the Administration here now.

In 1969, he was appointed by the President and confirmed by the Senate as Deputy Attorney General. He served with great distinction in that post and, last year, he was appointed and confirmed to one of the toughest jobs in government. If I have calculated right, he is the 66th Attorney General of the United States.

Ladies and gentlemen, General Kleindienst.

Attorney General Kleindienst: Thank you very much, Congressman Hutchinson, for that very warm and generous introduction.

I have so many reasons to be glad to be here today. I'm glad to be here on behalf of the President of the United States. I had a chance to be with him this morning at the White House. He knows that I am here this afternoon. He wished that he could be here in my place, because I don't think that the improvement of the criminal justice system in the United States, the backing of the law enforcement community, and the preservation of an atmosphere where we do have law and order, has had a stronger friend and a more forceful advocate than President Nixon. He asked me to give each and every one of you his best regards and his best wishes, and to congratulate and commend each and every one of you for the fact that you are here, for what you are doing, and for what you will be doing in the future.

I'm also glad to be here to pay my particular homage to Jerry Leonard. It's with great regret that, for personal reasons of his own, he has to leave the Federal Government. Those are valid personal reasons—personal reasons that most young men find affecting their decisions at one time or another. He's been a great Administrator of the Law Enforcement Assistance Administration. I think this great Conference manifests the kind of leadership that he's given, and I just welcome this opportunity to say thanks to Jerry for this whole effort throughout our country.

I'm glad to be here as the Attorney General of the United States. Many Attorneys General got the job a little bit more easily than I, I suppose.

However, I just wish that every lawyer in this country could have the experience and the opportunity that I have had—coming from the mainstream of our country and our democratic processes—to be the Attorney General of the United States. If you are a part of the Department of Justice of our Federal Government, something will happen to your life. It will make an indelible impact that will stay with you as long as you live. So I am deeply proud and humble and flattered to be here as your Attorney General.

I'm also glad to be here with persons who come from every one of our 50 States and all of our territories. Every time I am with my fellow citizens from across this broad, beautiful, beloved country of ours, all of us who are bureaucrats here in Washington get the reinvigoration, the re-energizing, and the stimulus to be—to the extent that we are possibly able—effective servants of all the citizens of this country.

So I thank you for being here. I thank you for what you are. I thank you for the commitment that you make for an ordered continuation of a free society in America. I wish you Godspeed, and I ask you to go back to your homes and your communities with renewed determination to see to it that we all do our part to keep the basic institutions of freedom alive in America, so that you and I are sure that we are going to be able to pass them along to our children and our grandchildren, and so like you and me they will know what it is to be a free American citizen in this beautiful country of ours.

Justice Oliver Wendell Holmes once said, "Behind every scheme to make the world over, lies the question: What kind of word do you want?" This question, I think, goes directly to the heart of the reason we have assembled here for the past 3 days. For years, many of us in the criminal justice system have realized the need for reform. We called for many specific reforms; and we found that, too often, reform moves not on golden wings, but on leaden feet.

One cause, I believe, has been a general uncertainty as to which direction and how far we want to move. In calling for change we put ourselves on the brink of uncertainty without a map. We were like the man who, when asked the routine question, "How are you today?" replied, "Compared to what?" We wanted to change the world, but we were really not sure what kind of a world we really wanted. To be more specific, we needed a yardstick by which State and local governments could plan their objectives and measure their progress. Just as important, we needed a yardstick by which interested citizen groups could make proper demands for reform. In other words, the pressure for change was hampered for lack of real objectives.

This is the basis of the need for the National Advisory Commission on Criminal Justice Standards and Goals.

We in the Department of Justice have been especially aware of the need for such a commission for a long time. Since fiscal 1969 our Law Enforcement Assistance Administration has been given ever-

increasing funds with which to help the States and the localities. As you know, by law the initiative was up to those States and localities. LEAA must approve their plans and objectives, but it cannot impose its own plans and objectives on them.

This was altogether proper, because it was agreed at the outset that to do otherwise would be a dangerous step toward Federal control of these vital State and local agencies. All our American tradition is in a direction away from the concentration of police power in the Federal Government. As the distinguished Congressman said, we do not want a national police force in the United States of America. The sensitive nature of law enforcement in a democracy cried out for the diffusion of this power, both politically and geographically.

In short, if we were to get our yardstick, it would have to come from the States and the localities themselves. Attorney General John Mitchell, my predecessor, was profoundly aware of this need when, nearly 2 years ago, he made an address at the opening of a new courthouse in California. Detailing some of the shortcomings in the Nation's criminal justice system, he said at that time, "What is needed now is a set of national standards and goals in the operation of police forces, in the administration of courts, and in the establishment of corrections systems."

He then called upon State and local governments to join in establishing such standards and goals. He directed the Law Enforcement Assistance Administration to create and finance a means of bringing the States and localities together for this purpose. "By pooling the talent of professionals at all levels of government," he said, "we can set yardsticks to measure our progress toward a 20th century criminal justice system."

The result was, of course, as you all know, the National Advisory Commission on Criminal Justice Standards and Goals. Another result is this National Conference on Criminal Justice, called here to give consideration to the work of the Commission itself. Still another result will be the deliberations in the home jurisdictions of each one of you, stimulated by the materials and the impressions that you take away from this great Conference. Finally, a result will be the creation of necessary reform in law enforcement, courts, and corrections in your same jurisdictions.

At this point, in characterizing the work of this Commission, I would like to emphasize for a moment what it is not.

First, I want to make it clear that it is not a Federal project. The recommendations of this Commission do not bear a Federal stamp or imprimatur. It is true that the Commission was brought into being at the call of the LEAA, which financed the work and provided much of the technical staff support. However, this is primarily the work of State and local professionals. Much of it explores areas in which there has been no Federal policy. In those areas where Federal policy has existed, the Commission did not necessarily follow that policy and in many cases came up with different answers.

In brief, the Federal role has been to facilitate the creation of standards and goals by other jurisdictions. To paraphrase a familiar quotation, the work of this Commission has been "of the States and localities, by the States and localities, and for the States and localities."

However, we in the U.S. Department of Justice do commend it to your attention as a most useful tool in determining what kind of a world we want. We believe it is worthy of your earnest consideration, here and in your home jurisdictions. We hope that each jurisdiction will find in it many proposals tailored to its needs, and many others that will stimulate discussion leading to the adoption of more appropriate solutions.

In short, we do not consider the Federal Government to be the parent of this National Commission blueprint, or even the doctor presiding at its birth, but we are perhaps content and somewhat proud to be in attendance as a midwife. Where the business of the States and localities is concerned, that is the extent to which the Federal Government ought to participate.

Second, it is not a conservative report and it is not a liberal report. There are a number of recommendations some might characterize as conservative, and there are a number some might characterize as liberal.

In the field of law enforcement, for example, some of the proposals may seem to be impractical or unreachable, but the fact is that every one of them has already been achieved in various police jurisdictions across this country.

Regarding the courts, some of the proposals may seem extremely difficult for many persons in the judicial establishment to accept, but against this must be weighed the public's very large and mounting concern and impatience with the performance of some of the courts in the judicial process.

Turning to corrections, the Commission has proposed removing from the correctional process those who should be treated in other ways; it has proposed improving the correctional effort for others; and at the other end of the scale it has recognized that there are some incorrigible offenders who must simply be incarcerated in more or less the traditional manner.

Without taking any position of advocacy, I would point out that one of the contributions of the Com-

mission has been to try to stand apart from the familiar partisan debate on these controversial issues, and to try to cast them in the light of common sense. It is my hope that this Commission, by its efforts to approach the truth behind the emotional arguments, will open the minds of concerned Americans all across this country.

Third, this report is not mandatory on any jurisdiction. The key word, it seems to me, in the title of this Commission is "Advisory." It may seem superfluous, since the Commission obviously has no legal authority to direct or legislate, but I would emphasize that no one can or should claim more authority for this report than actually exists. Adoption of any or all of its proposals is voluntary. However, when you are acting across State lines and city limits, on business that is State and municipal in nature, the voluntary way, as you and I know, is the only way.

In this connection I would point out that the threat of lawlessness in this country has caused some sincere leaders to propose a Federal approach to enforcement. A national organization has proposed a "Federal Authority to Ensure Justice," which would establish guidelines for State and local agencies and would fund projects directly with localities without observing State sovereignty.

Perhaps this approach might show some speedy results, but it would threaten the system of Federal-State sovereignties, which is a cornerstone of American democracy.

I believe we do not have to use this method, which is so hazardous to basic American institutions. I believe the answer lies in a voluntary yardstick, created voluntarily by representatives of States and localities and considered for adoption by them on an individual basis.

Therefore, if we agree that the problem of crime and the threat of lawlessness truly constitute an American crisis, then the work of this Commission must be viewed as a tool to be used in strengthening the Federal-State system. Its use as a yardstick and as a springboard for new ideas can be a workable alternative to the more crudely drawn and dangerous approach of Federal intervention.

So much for what the Commission's report is not. Let me add a few thoughts, if I may, about what I think it is.

First, it is clearly a comprehensive approach to this problem, which heretofore has almost defied definition and analysis. Many have considered the crime problem to be almost entirely a police problem. This Commission has shown us, however, in thorough and convincing detail, that it is also a judicial problem, and it is also a correctional problem. For the first time, this Commission has given appropriate attention to the need for massive citizen cooperation and involvement. As you know, one of the major task forces devoted itself to Community Crime Prevention. When we get this kind of concerned public participation, in terms of personal time and personal skills, then we will truly find a permanent soution to the problem of crime in this country.

Second, unlike most other such proposal packages, this one provides a time scale for implementation. Just as "justice delayed is justice denied," it is also true that reform delayed can be reform denied. We are given here, in many of the most important proposals, a suggested reasonable time frame for accomplishment. In some cases these proposed time limits may seem unrealistic. Without endorsing any particular time schedule, I would insist that the time dimension is vital in achieving necessary reform. If these suggested time limits do seem difficult, I would observe that they should be difficult. We in the criminal justice field are not engaging in a game of low stakes or in low priorities. The successful operation of the law in this country is the critical requirement on which all else hangs. If we cannot maintain a government of law, and of public respect for it, and of public confidence in it, then the ordered society that we know will be living on borrowed time.

So, if we keep faith with our trust, we must be willing to make change, necessary change, on a demanding schedule. We had better recognize that if we are making progress at a pace that is easy and comfortable for everyone, then we are moving far too slowly. If we are making change at a pace that hurts, only then can we say that we may be able to change in time.

Finally, let me look with you for a moment at the work remaining to be done. These recommendations do not constitute a blueprint to end all blueprints. Reform is necessarily a continuing process. The business of piling change upon change will begin almost as soon as these recommendations are read in your home jurisdictions. In many cases they will be changed to meet your own requirements. In many other cases they will be only partially applied because the climate will only allow partial application. Other jurisdictions may believe that these reforms do not go far enough and will push beyond with still bolder steps. This is part of the continuing process, begun by this National Conference, of deciding what kind of world we really want.

I, for one, would like to further this process by suggesting a general area to be explored.

The National Commission has, almost inevitably, focused its attention on the treatment of defendants —their apprehension, their prosecution, and, if convicted, their correction. In this process the rights of the defendants and the convicted offenders have

received much attention. That is altogether to the good. We are dealing here with criminal justice, and justice must certainly include the constitutional rights of the suspects, the defendants, and the convicted offenders.

As we move ahead in considering and adopting reforms in criminal justice, let us also remember that justice includes the rights of the victims, of the innocent, and of the law-abiding public.

Let us keep a sense of perspective in remembering that the main objective of law enforcement is to uphold the legal framework within which all other human accomplishment is possible. Its purpose is to protect the community against lawlessness, to foster the respect for law that is essential in a self-governing democracy, and to build public confidence that justice will be served.

Let us remember that the main function of the criminal courts is to determine guilt or innocence. At all levels, including the Federal, this has sometimes been obscured by an excess of proceduralisms. The Commission has already addressed itself to this problem through some bold—some might say revolutionary—proposals. However, further ideas must be explored as we consider what the public has a right to expect from its justice system.

Let us also remember that the primary purpose of our correctional system is to correct. If, through an abuse of legal procedures, offenders are able to keep their cases alive with a succession of appeals that have nothing to do with their guilt or innocence, then the guilty will never take the first step toward correction—that is, as you and I know, the admission of wrongdoing and of the need for self-transformation.

It is, therefore, to these legal reforms, which can influence the entire criminal justice process from arrest through trial to correction, to which I commend your further attention as you look into the future. The rights of defendants and of convicted offenders are an integral part of our American justice system and should never be compromised. Neither should they be permitted to thwart the basic imperatives that hold our society together. These imperatives include the reward of honesty, the rejection of wrongdoing, the triumph of law over barbarism, and the sanctity of the individual against attack by others or even by Government itself.

Six days ago, President Nixon devoted his Second Inaugural Address to the kind of world we want, both abroad and at home. Among other things he called for "a new level of respect for the rights and feelings of one another and for the individual human dignity which is the cherished birthright of every American." If indeed this is part of the world we want, then we must begin with a justice system that protects the right, corrects the wrong, and enables us to tell the one from the other.

Thank you very much.

Mr. Leonard: General, thank you for those inspiring and thoughtful and motivating remarks.

Ladies and gentlemen, I'd like to ask you to do something for me and for yourselves.

There are those who say that this is not a justice system but a fragmented, uncoordinated group of institutions and people. And if this Conference has been successful, it has been successful because of you. So as a symbol of your unity, as well as your appreciation, I'd like to have you turn to the person next to you and say something like "Thanks for a wonderful Conference," or "Thanks for being here," something like that.

Part III

Conference Sessions

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INTRODUCTION

Three principal events of the National Conference on Criminal Justice were the First, Second, and Third Conference Sessions at which Police, Courts, Corrections, and Community Crime Prevention delegates from the State Caucuses came together to gain firsthand knowledge of the work of the National Advisory Commission on Criminal Justice Standards and Goals.

The Conference Sessions were conducted as panel discussions, each concentrating on a particular aspect of the Commission's work. Most of the panel members who spoke to the delegates were deeply involved in the Commission's effort. They brought to the discussions an in-depth examination of the Commission's ideas as well as insights into their own beliefs and experience in their field of expertise.

Professor Daniel J. Meador, of the University of Virginia School of Law, one of the presiding officers of the First Conference Session, set the tone for the Conference Sessions and the forum discussions that followed: "The question, I submit, is not whether you agree with every individual proposal, or whether you think the task force should have gone about its work in a different way. . . . The question, I submit, is whether, taken as a whole on its merits, the report provides a useful blueprint for action and discussion around which men of goodwill can rally in the national interest."

Each of the three Conference Sessions was divided into separate subsessions attended by members of three criminal justice system components—Police, Courts, Corrections—and one additional component identified for the first time by the Commission as an integral and essential partner in the crime reduction effort—the public, represented in the Commission's work by the Task Force on Community Crime Prevention.

The four subsessions of each Conference Session were conducted simultaneously. Each subsession was attended by State Caucus delegates representing one of the four criminal justice system components identified above. Thus, for example, the Police portion of the First Conference Session was attended by all the Police delegates from the 55 State Caucuses present at the National Conference.

Delegates to the three Conference Sessions heard speeches given by members of the Commission itself and members of the Commission's four operational task forces and their staffs—Police, Courts, Corrections, and Community Crime Prevention. Commission and task force members consisted of experts in the criminal justice field and of private citizens who contributed much of the "public" input of the Commission's work, particularly in the area of Community Crime Prevention.

The third (and longest) Conference Session consisted of a series of panel discussions, each devoted to a particular "Special Issue" highlighted by the Commission as one of the most important, and in some cases, controversial, elements of its work. A few of the speakers disagreed strongly with the Commission's recommendation to eliminate plea negotiation and took advantage of the Conference Sessions to defend the practice. One speaker took issue with the Commission's recommendation that all of a State's correctional services be unified under a State-operated system. These subjects, as well as subjects on which there was general agreement, were discussed later by the delegates in their individual State Caucus Sessions that were the culmination of the National Conference.

A detailed discussion of the standards developed by the Commission took place at the two forum sessions that were scheduled prior to the Second Conference Session and following the Third Conference Session.

FIRST CONFERENCE SESSION

The First Conference Session was scheduled for 10:30 a.m., on January 24, 1973. The four subsessions of the First Conference Session were convened simultaneously by the four task force chairmen who presided over the discussions and introduced the speakers. The task force chairmen were Chief Edward M. Davis (Police), Judge Joe Frazier Brown (Corrections), Professor Daniel J. Meador (Courts), and Jack Michie (Community Crime Prevention).

One of the topics discussed at each of the four subsessions was "Crime-Oriented Planning." Because the material covered in the planning speeches was somewhat repetitive, the speeches have been combined and are included as a separate section under the First Conference Session chapter (Chapter 7).

The topic of the First Conference Session was "An Overview of Standards and Goals." The purpose of the session was to acquaint delegates with the work of the task force in their own discipline and with the work of the three other task forces. Standards and goals were discussed in general terms. Among the topics covered by the task force chairmen were how the Commission and task forces were staffed and organized and how the Commission did its work.

A few of the speakers approached their topics by identifying certain philosophies or themes that seemed to underlie the Commission's recommendations. For example, Robert J. Kutak, presenting an overview of the Corrections Task Force report to the Courts delegates, named six themes that he believed permeated the Corrections report. The themes were "fewer laws, more alternatives, shorter sentences, more resources, more professionalism, and more public involvement."

Edith E. Flynn, also speaking on the subject of Corrections, told the Community Crime Prevention delegates that "corrections must stop being society's garbage can." Speaking on behalf of the Commission, she called for a "deemphasis on institutionalization and incarceration and a national commitment to the philosophy of community-based corrections." This last idea is emphasized throughout the Commission's reports and is taken up again in greater detail by speakers at the Third Conference Session.

SECOND CONFERENCE SESSION

The Second Conference Session took place at 7:30 p.m., January 24, 1973. At this session, the four groups of State Caucus delegates—Police, Courts, Corrections, and Community Crime Prevention—met in separate rooms and heard after-dinner speeches on the subject of "Innovation and Change."

The work of the National Advisory Commission presupposed a willingness on the part of State and local jurisdictions to strive for constructive change and system innovation based on sound principles, extensive research, and proven success in actual operation.

Chief Frank Dyson defined change and innovation in the police field in terms of restructuring the law enforcement function of the police, expanding the role of the patrol officer, promoting lateral entry, and upgrading police personnel and management.

Speaking to the Courts delegates, Arlen Specter focused on the issue of eliminating plea negotiation as "the most fundamental of reforms in the criminal justice system." The practice of plea negotiation, he stated, "destroys the adversary process, denies essential constitutional rights, and diminishes the prospect of sentencing the violent recidivist to the kind of term he really ought to get."

On the subject of change and innovation in the Corrections field, Ellis MacDougall described the model correctional agency of the future as "as small institution, well-staffed, well-programmed," one that relies heavily on the processes of screening and diversion and contains "only the inmate who must be incarcerated for the protection of society."

Walter Washington, Mayor of Washington, D.C., was the guest speaker at the Community Crime Prevention dinner. Mr. Washington cited several examples of private citizens contributing in small, personal ways to the fight against crime. These are "little things," he said, "but they mount up, they all add up to community involvement."

THIRD CONFERENCE SESSION

The Third Conference Session consisted of a series of panel discussions devoted to a number of topics under the general heading "Special Issues." As in the First and Second Conference Sessions, State Caucus delegates were seated by discipline—Police, Courts, Corrections, and Community Crime Prevention. The Corrections and Community Crime Prevention sessions were further divided into smaller panel groups. Each separate group had a presiding officer ("forum coordinator") and a special topic assigned for discussion. All of the groups met at 10:15 a.m., on January 25, 1973.

Police

The subject of the Police panel discussion was "Intergovernmental Cooperation in Crime Control." L. Patrick Gray, Acting Director of the F.B.I., emphasized the importance of Federal-State cooperation in the fight against crime. Dale Carson addressed the subject of Intergovernmental Cooperation from the "County Perspective," pointing out the advantages of contract law enforcement and of consolidating certain law enforcement services within a single agency at the county level.

Don R. Derning called for increased cooperation and coordination among municipal police agencies and for an "intelligent updating, redefinition, and reapplication of the term local police service." The word "local," he said, should not be synonymous with geographic or political boundaries, because local agencies thus defined were often unable to solve problems that might fall within their geographic area of responsibility but which had their origins and solutions beyond the reach of local resources.

Courts

The subject of the Courts panel session was "Non-Adversary Disposition," a term used to include the processes of screening, diversion, and plea negotiation.

William Cahalan devoted his talk to a defense of plea negotiation. He expressed his personal belief that "plea bargaining is good in and of itself," but stated that a better name for the practice might be "pretrial disposition of cases."

John M. Cannel spoke about the process of diversion as a means of deterring crime. "If our true interest is preventing crime," he stated, "then we should not be afraid to dismiss charges just because we've never done it before, or because it does not seem normal." His belief, and that of the Commission, was that diversion, when used selectively and backed up with proper referral resources, was more effective than a prison sentence in preventing future crime.

Eddie M. Harrison spoke about his experience with the practice of diversion as Director of the Baltimore Pre-Trial Intervention Project. The PTI program was limited to diversion of juvenile offenders. It was a community-based project. The PTI screening mechanism was so tight that its recommendations for dismissal of charges invariably were accepted by the court, he said.

Corrections

The Corrections portion of the Third Conference Session consisted of six separate panel discussions conducted simultaneously in different rooms. Each discussion group had a forum coordinator and three panelists, each of whom addressed a different topic under the board subject area assigned to the group. The subjects discussed by the panel groups were the following:

- Corrections 1—The Structure of Corrections
- Corrections 2—Fostering Innovation
- Corrections 3—Allocation of Correctional Resources
- Corrections 4—Juvenile Justice
- Corrections 5—Status of Offenders
- Corrections 6—Correctional Treatment

The theme of the Corrections 1 discussion was coordination and consolidation. One of the panelists argued against the Commission's recommendation to consolidate all corrections services under a single State-operated agency. Another panelist presented a number of arguments in favor of a nationally coordinated research and statistics program.

The Corrections 2 panel discussion focused on the shift from institutional to community-based corrections and on the need to reexamine the philosophies and practices that comprise this Nation's corrections history. David Fogel outlined what he termed the "justice model of rehabilitation," in which the "entire effort of the prison is brought into an influence attempt based upon teaching by program and example." Among the features to be included in the justice model for offenders are elements of self-governance, the opportunity to provide community services, an extensive furlough program, and a system of victim compensation and offender restitution.

The Corrections 3 group discussed the problem of allocating correctional resources. It was the view of the National Advisory Commission that correctional resources should not be used to care for alcoholics,

drug addicts, and the mentally ill. This position was examined by one of the panelists.

The Commission believed that juveniles charged with noncriminal conduct (acts that would not be illegal if committed by adults) should be removed from the punitive jurisdiction of the juvenile court. The Corrections 4 panelists spoke about the compelling need, in their view and that of the Commission, to keep juveniles out of court and out of jail.

The Corrections 5 panelists discussed the issue of offender rights—should offenders have a correctional bill of rights; should they have the right to appellate review of their sentence; should they be involved in formulating corrections policy and in corrections program development? Each of the three speakers addressed one of these questions and each answered "yes."

On the subject of Correctional Treatment, the Corrections 6 panelists spoke about a systems-oriented approach to offender rehabilitation. Robert Martinson emphasized the need for extensive research and evaluation to study the different types of treatment now being used and the outcome of these methods in terms of recidivism; vocational, education, and community adjustment; and personality and attitude change. Until such information became available, he said, offender treatment decisions would continue to be based on intuition and guesswork.

Community Crime Prevention

The Community Crime Prevention (CCP) segment of the Third Conference Session was divided into three separate groups. The following topics were discussed:

- Community Crime Prevention 1—Citizen Participation with Police, Courts, and Corrections
- Community Crime Prevention 2—The Private Sector and Crime Prevention
- Community Crime Prevention 3—Drug Abuse

Each panel group had a presiding officer and three or four speakers. A roundtable discussion by panelists followed the speaking presentations of the CCP 1 group and is included herein. The CCP 2 group devoted its session to the presentation of a filmstrip and tape narration. The narration is contained in this volume. The question-and-answer session in which delegates and panelists participated following the filmstrip viewing has not been included.

The CCP 1 discussion focused on ways in which individual citizens and groups of citizens can work with agencies of the criminal justice system in preventing crime. Henry J. Sandman pointed out that cooperation between the police and the public is not only desirable but essential. "There has emerged a consensus among professionals in this area," he stated, "that without citizen involvement the fight against crime will fail." Ruth Rushen, a panelist, spoke about citizen participation in corrections programs and Corrine Goodman, another panelist, explained how volunteers could work with young people under the jurisdiction of the juvenile court.

The filmstrip and tape narration presented to delegates at the CCP 2 session focused on the work of the six panelists who produced the filmstrip and a booklet entitled, *The Community and Criminal Justice: A Guide for Organizing Action.*

The community crime prevention groups and activities described in the tape narration were (1) New Detroit, Inc.; (2) The Greater St. Louis Alliance for Shaping a Better Community; (3) the Education to Action Program of the AFL-CIO National Council on Crime and Delinquency; (4) correctional programs sponsored by the W. Clement and Jessie V. Stone Foundation; (5) guidelines developed by Teledyne Economic Development Company; and (6) the Manpower Training Division of the Singer-Graflex Company.

In the CCP 3 session, William M. Tendy spoke about the problems of drug abuse from the law enforcement point view. Mr. Tendy explained that a number of factors made it extremely difficult for law enforcement agencies to curtail the booming business in international drug trafficking. Among these factors, he stated, were lax bail forfeiture penalties, cumbersome wiretapping regulations, and the lack of extradition treaties for apprehended drug traffickers.

Panelists Malcolm Wiener and Bernard Moldow addressed the issue of compulsory treatment for drug addicts and Peter Bourne spoke about the activities of the Special Action Office for Drug Abuse Prevention.

Chapter 7
First Conference Session

First Conference Session

"An Overview of Standards and Goals;" Wednesday, January 24, 1973, 10:30 a.m.

POLICE

PRESIDING:

Edward M. Davis, Chief of Police, Los Angeles, Calif.

PANELISTS:

Vernon L. Hoy, Deputy Chief of Police, Los Angeles Police Department, Los Angeles, Calif.
"Police Task Force"

Ellis C. MacDougall, Commissioner, Georgia Department of Offender Rehabilitation, Atlanta, Ga.
"Corrections Task Force"

John C. Danforth, Attorney General of Missouri, Jefferson City, Mo.
"Courts Task Force"

George B. Peters, President, Aurora Metal Corporation, Aurora, Ill.
"Community Crime Prevention Task Force"

Chief Davis: I don't have to tell police administrators that there is not a rule book to refer to. There is an absolute dearth of guidelines on how you run a police department.

For 18 years prior to my becoming chief of police, I spent part of my time as an adjunct professor in two universities allegedly teaching police administration. And when I think of the resource books I had to refer students to, and the things that I taught out of those books, I will have a guilty conscience for the rest of my life for those misled decades of policemen.

A great body of knowledge has developed within the police profession in the past 10 years. Law enforcement in the United States, having gone through the civil rights revolution, the war revolution, the social revolution, the dope revolution, has changed dramatically in the past 10 years. No other element of the criminal justice system has made such a dramatic change. And within this change, law enforcement in America has improved immeasurably.

When I was given an opportunity to participate in this effort, I considered all of these things, and thought that it would be worthwhile to attempt to gather together what administrators have done over America in terms of setting up effective and efficient programs to combat crime. I first checked what the Federal game plan might be—you know, who was going to tell us what to do? I was told that this Commission would be independent. I was told that this Commission could make up its own mind on what it wanted to do, and that the Police Task Force would also have this same prerogative. I have checked through the 18 months of my involvement with this project, and at no time did anyone on the Federal level mandate or even suggest anything being in these standards.

The task force that put together the *Report on Police* is a task force of professionals. The staff who worked for the task force was a group of police professionals, who did an exceptional—well, they did an impossible job, really. The commissioners, whom we reported to, whom you saw up on the stage this morning—and I checked this out first before I joined—and I found it to be true after working with them—are not politically motivated. Each member of that Commission has demonstrated in the life of the Commission that what they were interested in is a better functioning criminal justice system.

Now, the team that put together the *Report on Police* is outstanding because they represented every level of law enforcement at the State and local levels. The Police Task Force, of all the task forces, is really an interdisciplinary task force. It brings in the areas of skill and expertise an input from the other areas of the system that are so vital to having a police system that can do its job cooperatively with the rest of the system. Here is the task force.

The vice chairman of the Police Task Force was Dale Carson, the Sheriff of Jacksonville, a former FBI man. Dale did a great job representing the sheriffs.

Honorable Arthur Alarcon. Arthur Alarcon was a deputy district attorney, a clemency secretary for the Governor, the chairman of the parole board, a distinguished legal scholar. When judges have conferences they have a man like Arthur Alarcon lecture to them—and he is a judge of the superior court. He added immeasurably to the quality of our report.

Honorable George Bowman, now a judge in the municipal court, was corporation counsel for his city, and was a police association legal adviser.

Another is Bill Cahn, District Attorney of Nassau County. Bill Cahn, a very forceful representative of prosecutors, was the President of the National District Attorneys Association at the time he joined our group.

We had another one of the Davis boys on the Police Task Force. General Benjamin Davis with the Department of Transportation, the Administrative Secretary of Consumer Affairs, the former head of the Sky Marshals, former Public Safety Director of Cleveland, Ohio, a general of the Air Force, and a man who added greatly to the quality of our report.

Don Derning is Chief of Police of Winnetka, Ill., and the current President of the International Association of Chiefs of Police, a competent police administrator, a very wise man, a man who is held in esteem by all the chiefs in the Nation.

Al Ercolano. Al Ercolano is Director of the College of American Pathologists. He brought us all of the forensic insights from his profession, but most important, Al brought in himself as a citizen, someone with many insights.

David Hanes. David Hanes is a distinguished young constitutional lawyer, a former law clerk to a Supreme Court Justice, who added greatly to the dimension of our report.

Clarence Kelley. Clarence, the Chief of Police of Kansas City, a former member of the FBI and an executive committee member of the IACP, represented the middle-sized cities of America. And he runs a pretty good one, I'll tell you.

And then two Kelley boys got into this. Dave Kelly, Superintendent of New Jersey State Police, a man all of you know and all of us respect.

Dr. Charles Kingston of the John Jay College in New York.

In addition, Donald Manson, a former Chicago policeman, a lawyer, a staff member of the U.S. Conference of Mayors, bringing insight from that area, was a task force member.

John Shryock, the Chief of Police of Kettering, New York, and a past president—immediate past president of the IACP.

Joseph White, the SPA Director of Ohio, also brought in sociological insight, and a dimension that maybe we cops sometimes reject. And he brought that to us very forcefully. I think Joe changed us a little bit, and I think maybe we changed Joe a little bit.

Now that was the team that went on the field to play the game for you. As you can see, they are men of outstanding skill and reputation.

Now, in regard to the product that they came up with, this was a rough team. They said, "Don't bring us anything that hasn't been demonstrated to have worked." And the way that wound up is 85 percent of the standards that you have in that book (the *Working Papers)* have been demonstrated to work successfully in at least two police departments. Most of the rest of them have worked in at least one department. One or two percent of the standards might be good ideas—so-called innovative ideas.

Some people were disappointed with this, they wanted more innovative ideas in the police field.

Well, to me, an innovative idea is something that you're pretty sure is not going to work, and cops are pretty practical. So these people said, "We want things that are going to work. We're working with public monies." And because of the vast change in the police profession during the past decade, we have had all kinds of innovation. All we did was go out and measure and evaluate many of the excellent things that had been done and pick the excellent ones for standards.

Every word of this report was read by the task force. This was no rubber stamp agency. These were a bunch of tough administrators who don't just stick their name on something. They know they are going to have to live with it. They don't put their name on it unless they know they want to live with it.

There was a lot of interdisciplinary debate within our group because of the insights we had. And so it has a dimension that it would not have if it had been written solely by policemen for policemen. It has a positive approach.

Almost every other national commission which has come on the scene in the last century—or at least in the last 50 years—has been denunciatory to whatever part of the governmental system it was addressing. They damned things—they damned the police, or they damned the courts—whatever it happened to be. And they made great headlines. And we could have done that. We can find some bad examples of police administration in America. But the whole world knows about them. There is no point in pointing them out. And so the approach taken was a positive approach to point out the good that exists in police service in America. So instead of cursing the darkness, what they have done is lighted many, many candles.

Another thing the report does is to point out the responsibility of the 50 States to support local law enforcement. The Federal Government has had to get into this act. Many States do virtually nothing, particularly in terms of financial assistance to local police departments. And yet the States make the laws, the State courts interpret the laws, and in many cases the judges who administer a part of the system are appointed by the Governors. In most cases the States feel no real sense of responsibility for the very vital function of State government providing safety and protection to society.

In our report there are three main areas, the first one being internal to us—the internal administration of a police agency. There's probably more good material within those covers to assist any one of you, I'm sure, in keeping out corruption, in effecting efficiency and effectiveness within your organization than has ever been written down in the history of the world. As for internal administration, this is an excellent document. A lot has been done on internal administration.

But there are two other dimensions that are covered in the report that are vital. The first dimension is the interaction of the police and the public—the British tradition, pioneered by Sir Robert Peel more than a century ago. And you'll find in the police and the public portions of this report very important and historic philosophy about the impossibility of the police accomplishing their job alone—we being maybe one to a thousand, or at least one to five hundred citizens. Without voluntary, enthusiastic public cooperation, we cannot perform our mission. And you'll find that very beautifully, I think, covered.

The other important dimension to the report is the vital importance of the participation and interaction of the police and the rest of the criminal justice system. Without the interaction of the police, without the interaction of the whole system—regardless of the standards that are written—the system isn't going to work. And in many places in the country we found during our work that the police are, in fact, exercising leadership roles to bring the principals of the criminal justice system together to make the system work.

It won't be standards that make interaction of the whole system work in America. It's going to be the men in each part of the system who can work together within the guidlines of the standards to bring safety and peace to the streets of America.

On the Commission we are fortunate to have three police officials—the distinguished Sheriff of Los Angeles County, the Honorable Peter Pitchess. We also have on the Commission Dick Andersen of Omaha and Frank Dyson of Dallas.

Now the report is not all-inclusive. There are many things that some of us wanted in that report that are not there. Frank Dyson wanted certain things. The Sheriff wanted certain things. I wanted certain things. Other task force members wanted certain things. Standards that are not there, for example, that I think are vital, are the role and the functions of the chief police executive, so essential to the viable functioning of a police organization.

But we have indications that there will probably be a follow-up effort, not on the scale and scope of the present Commission work, but an effort where things like this can be picked up. And so as you discuss these reports in your forum sessions, your reporter will be making notes. This report will not be changed, but in the follow-up work that goes on, portions of the report can be changed and things can be added.

A word about working with the Commission. As task force director, I met with the Commission when the Commission met. And I had an opportunity to represent your views on corrections, and on the courts, to the Commission. And Peter Pitchess put it pretty well last night when he said, "It's sort of like going to your State legislature. It isn't really the laws that come out that are the judge of what you did, it's the laws that didn't come out of the legislature."

And so many of your views, reflected to the Commission, assured that certain things that you would have been extremely unhappy with, that would not have been in the interest of making the system go forward, were eliminated. There are many things in there that we have to show a level of tolerance for. Maybe they're not as we would have written them, in courts and corrections, but many things are in there that virtually were reflective of your strong views.

I think this is an excellent document to improve the police service. We have tried to put a dollar sign on just the *Report on Police*. About one third of a million Federal dollars was spent on it. Those of us who participated also turned our agencies over to the effort. Clarence Kelley, and the Sheriff, and several others. And we more than duplicated that amount of expenditure within our own organizations. And when you consider the staff—the task force itself who worked on this—about the lowest price you could put on this book is about three quarters of a million dollars, and it would have been impossible for it to have been accomplished in any other way.

Now the staff who worked for the Police Task Force, a vital thing. I used great skill in selecting the staff leader. I selected a man who had commander rank in my department, who was up to become deputy chief. And I told him that he was on probation a year in advance of his promotion, and that this job had to be done right. I selected the best man in my department to do it to start with. Toward the end of the effort I was able to promote him to the rank of deputy chief. What we asked him and his staff to do was absolutely impossible.

These men worked fantastically long days, and over the weekends. Anything to do with Washington becomes a little bit crazy at some point or another, and this was no exception. You know, the deadlines were such that it was impossible with the amount of money and everything else to do it normally in a regular work week.

And so I introduce to you our Don Quixote, who took up the challenge, and did a magnificent job, Deputy Chief Vern Hoy of the Los Angeles Police Department.

Mr. Hoy: I thank you, Chief Davis, for those kind remarks.

It was more than one year ago when Chief Davis and the Police Task Force became involved in this effort. As already has been indicated, the Police Task Force is made up of a lot of practitioners. More than one-third head police agencies. More than two-thirds are involved directly in the criminal justice process. And the remaining members are heavily involved in the criminal justice process one way or another and brought to us a very good balance.

Now, some people thought that there were too many practitioners on the Police Task Force, and we were in trouble. In selecting a staff for an effort of this kind, everybody knows that the only people to staff commissions like this are academicians and attorneys. I'm a cop. And according to some people, the whole thing then was doomed for failure. That is, we had a practitioner-dominated task force with a practitioner chairman and a practitioner staff director. So our only salvation was to get consultants who knew what they were doing.

I didn't know any better, nor did Chief Davis, so what we did was gather together cops as staff people. We had 10 full-time staff people who were writers—that's in addition to our clerical and administrative staff. We had six other full-time cops who came to us on a part-time basis, and there are many people who just scratched their heads and said, "The poor fools, they don't know what they're doing. They can never pull it off."

Now to set the record straight, I'd like to tell you that we did use two consultants. The highly respected and very efficient IACP was used, and just to show people that we weren't against academicians, we had an ex-cop turned academician as a consultant.

Now, as has been indicated, the staff and the Police Task Force itself worked. The staff worked 60-hour weeks including Saturdays and Sundays. You can only take this so long but we kept it up for almost a full year.

For the Police Task Force there were nine hard meetings—and I mean hard. They weren't fun and games. Each session was a 2- or 3-day session, and many times they went far, far into the night.

The Police Task Force tore the staff work apart, item by item. So it was worked on by everybody. It wasn't a strong staff and weak task force effort. I like to think that it was a strong staff, but certainly it was a strong Police Task Force.

The staff ranged in rank from patrolman to chief of police. You can't do much better than that. They represented the smaller police agencies, medium-sized police agencies, and the large agencies. We

had representation from State, county, and municipal police. So I think we had a pretty good balance.

Now the result. The *Working Papers* that you have before you, that Police part of them, contain less than one-fifth of the entire *Report on Police*. So you have only a smattering of what we produced. The scope was broad. That is, we covered many areas—24 chapters in all, 108 standards, and 15 recommendations. So you might say, "Okay, a broad study, short time—that's got to equal not much depth." Surprisingly, there is great depth in some areas, although not in all. But in some areas we were able to get, I'm sure you'll agree, a great deal of depth.

We touch on just about every knotty issue that a police chief executive runs into. So we cover many things. There are some things, as Chief Davis indicated, that we didn't get to—but we tried to get to the knotty issues.

We stuck to successful programs. What the *Report on Police* is, is the best of the American police service as we saw it. We were able to get voluntary research from a number of agencies. That is, we had police departments who volunteered to create information just for this report, and so we got additional practitioner input there.

And we found a very valuable thing was the cop-to-cop relationship that existed. That is, our cops on the task force came to you and your people, and you helped us identify problems, and you helped us identify solutions. And I think that is a strength of this report.

You might say, "Okay, only the successful programs are in there. This must be pretty stale. There's nothing new." And depending on your definition of the word innovative, I think there is real innovation. I think that the police are trying to look for and find different ways to cut crime. And they're doing it. They are coming up with new ways to police. Not all of them are winners. There are some losers. And you helped us identify the losers. Now we didn't make a big deal over the losers in the report, we made a big deal over the winners. That's what is in the *Report on Police*—the winners, the successful programs of the American police.

Now you might say, "Okay," looking through the *Working Papers* that you have, "this stuff is old hat." You heard Governor Peterson discuss that. There's nothing new. I'm sure that there's no police department in America that meets all of the standards in the *Report on Police*. But I am sure all of you can look at things and say, "Gee, that's old stuff. We've been doing that for years." And I'm sure that's true, and I think that's great. What you should look for, I believe, are the areas where you do fall short, and then strive to achieve the standards in those areas. If you do meet the standards, then of course, those are minimum standards, and you can go for higher standards. So these are the things that I think you should be looking for.

I indicated before how hard the staff worked. I just about drove them into the ground. They told me, "Boss, I can sit here till midnight, and I can sit at my desk, and I can have the paper before me, but I just can't produce." And initially I said, "Okay, sit there." And they did put in an awful lot of work. And I would like to introduce them now to let you see them and also to give you an idea of who those practitioners were that played an important role.

Lieutenant Taylor Searcy, my assistant, LAPD.

Sergeant Ron Banks, LAPD.

Sergeant Jerry Conklin, Los Angeles Sheriff's Department.

Sergeant William Cox, LAPD.

Captain Robert Earhart, Michigan State Police.

Sergeant Larry Fetters, LAPD.

Chief Jim Gibson, Arcata, Calif., Police Department.

Lieutenant Louis Reiter, LAPD.

And Sergeant Charles Sayle, LAPD.

In addition to this full-time staff, we hired part-time staff, that is, they were full-time cops, but they worked part-time on our effort.

Sergeant Dave Brath, LAPD.

Officer Mike Hooper, LAPD.

Lieutenant Don Letney, LAPD.

Lieutenant John Madell, LAPD.

Patrolman Steve Staffer, Kansas City Police.

Sergeant Anthony Toomey, Los Angeles Sheriff's Department.

I think these guys deserve a great hand.

Thank you.

Chief Davis: You have before you excerpts from the *Report on Corrections*.

Once we process a criminal offender through the court system, what the correctional system does is absolutely vital to our success. If there is no rehabilitation, and the best estimates are that maybe half the people convicted could be changed, could have their heads turned around—if that system does not have the resources, if it does not have the programs, those men who come out are much more likely to become a great problem to the community and a great problem to us. Because of its lack of visibility and its distance from the public, the correctional end of our business, which is the criminal justice system business, the back end of that system has gotten virtually no help or inspiration.

We cops, because we're out in the front line, interact with the public directly. And we have gotten

great public support. It's up to us to help look after our brother in corrections, I think, because you can translate a lot of your support that you have in the community into seeing that it's just as vital that a probation officer have a decent small-size caseload as it is to have another policeman out on the beat. And it's time we stopped worrying only about ourselves and give some concern to making the corrections end of the system work.

There are many dedicated, honorable men who have given their life and their hearts trying to make this end work with little success to date, because we have never really tried rehabilitation in America. They've done it in some European countries. But here we've talked about it, we've hung that kind of a name on systems, and we have never—America has never really put its resources there to make it effective.

And so, we have presenting the highlights of the *Report on Corrections,* the Commissioner of the Georgia Department of Offender Rehabilitation, a member of the Commission and a very fine gentleman, and a man who is going to help lead the correctional system of America into a high road of success, Ellis McDougall.

Mr. MacDougall: Thank you very much, Chief Davis.

I usually, at a point like this, say that I'm used to a more captive audience than this.

I see some familiar faces in the audience, though, and that pleases me. I see some friends from Connecticut and South Carolina that I served with both as a prisoner man and as a law enforcement officer, and now my friends from Georgia.

Our system has been fragmented. I don't think we need to go into greater depth than that. I hope that what Chief Davis says is most accurate. Police now need to take a new interest in what us guys, the prison bosses, have been doing.

Before I left Connecticut, a police officer came to my office (in Connecticut I ran the jails as well as the prisons). He said, "Commissioner, for 20 years I've been taking people to your jails, taking off the handcuffs, throwing the papers on the desk, and I turned around and walked out and I didn't give a damn what happened to them when they walked behind that steel door. But today I care because my kid walked behind that door yesterday and I want to know what happens behind that steel door. What's going to happen to my kid, Commissioner?"

Prison men for many years have been battling to try and keep their heads above water in conditions that have been almost impossible to live with. I think we've operated under a philosophy that I think is a good one and one that will serve the purposes of criminal justice in this Nation. And that philosophy is that people are sent to prison and corrections systems as punishment, but not for punishment. They are sent for correction, to be changed. But we haven't done it.

I think prison people generally feel that we have three responsibilities to a community—to you. First of all, we have the responsibility of the protection of the community. We do that with all of the same kinds of tools that you use in police work—guns, bars, steel, concrete, fences—and now we're even using some new weapons like the computer and the closed circuit television and other methods. Second, we have a responsibility to employ these people that we get into our system. And last, but not least, we have a responsibility to rehabilitate or correct these offenders.

Our problem is that 98 out of every 100 people you send us are coming back to your community. And the problem is made even worse by the fact that we haven't corrected them. So we haven't fulfilled our very first and foremost responsibility, and that's the protection of the community.

We've operated two types of prisons in this Nation, regrettably—the warehouse and the deep freeze. The deep freeze is like the freezer in your kitchen—you go and you buy a chicken and you take it and put it in your freezer and 6 weeks later or 6 months later you take it out exactly the way it was when it went in. Take the warehouse, like the large prisons we're operating in this Nation today. We jam hundreds and hundreds of people into institutions that were probably built only for hundreds. And when they come out they are worse than they were when they went in.

Prison people and corrections people, probation and parole, cannot prevent the original sin. Our task and our goal is to try to see that that sinner sins no more. A lot of what we have had to work with has been far from the effective methods that can prevent crime from recurring.

We've operated overcrowded institutions. We've been dumped with a lot of people who ought not to be in our system at all, and we've found ourselves understaffed from a custodial standpoint and a professional one. The people that we have have had no training. The pay has been behind everybody else's. In 1962 when I was Commissioner of Corrections in South Carolina, we paid our officers $2,900 a year. Some of those situations still exist in this Nation in prisons. The institutions are too big, and we're dominated by politics.

I'm 46 years old. I've been a commissioner 10 years. There is only one man in this Nation who's been a commissioner longer than I have. There are only six corrections commissioners in this country

who have been commissioners more than 5 years.

We've worked at new standards to try to attack some of the problems that have kept corrections a failure. These standards are in many ways, maybe, "in the sky." But they are the standards for the future, not for today. Many times I would sit at a Commission meeting and cringe as we passed some of these. Try to imagine how I was going to implement this in the regional State prison with 2,300 men in it. We've got to adopt something new for tomorrow. We've got to plan for tomorrow, and, I think, as you look at correctional standards, understand one thing: We're planning for tomorrow. If we had written standards for the type of institutions we are operating today, we would be mired down in failure forever.

As you look at these new standards that we are talking about, imagine the type of facilities that we are talking about for the future. We're not talking about prisons like Attica or Reidsville with 2,300 men in them, but institutions with 200 and 300 men. We're talking about institutions with excellent staffs that can approach and deal with the offender, keeping people out of our system who shouldn't be in it so we can be effective in dealing with those that are dangerous and shouldn't be allowed back in the community.

We've developed standards that talked of diversion—getting the people out of the system that can be gotten out of it, rather than miring us down with hundreds of people that shouldn't be in our system at all.

We're working on new opportunities and new directions in detention, rather than operating jails and keeping hundreds of men and women in prison and jails for days on end, years on end, only to dump them back into the community without any hope.

I was the keeper of Bobby Seale for some 9 months in Connecticut, and I think Mr. Seale sued me for everything I've ever been sued for in my life. One of the things that I had hoped to show was that Mr. Seale in his demonstrations in the jail would affect the prisoners going to my State prison in the future, and would cause a lot of insurrection in that institution. So I had them do a study of the number of prisoners in that jail that regularly got to the State prison. I had to back off, because only 4 percent ever reached prison. We kept these people in jail, days on end at great cost to the taxpayer, diverting them from their families and the ability to earn a living and pay taxes and support their families.

One of the areas that is probably going to give you concern is sentencing. Our standards on sentencing call for 5 and 25 years and possible life sentences. As a prison man goes about his job every day dealing with offenders, it's almost impossible to tell a man that he's gotten justice in our system, when he sits in a cell next to a man who got 6 months for the same thing he's serving 10 years for.

Unless we can bring about standards that are going to meet abilities to deal justly with people, there's no way for us in the corrections system to turn them back into your community as respectful, taxpaying, law-abiding citizens.

Mr. Hoover used to be a very big critic of probation and parole. I've never had the opportunity to discuss it with him. J. Edgar Hoover wasn't opposed to probation and parole. He was opposed to the ineffective way we used it. Probation and parole are good tools, if effectively used.

Now what we've done in many places in probation is really given judges just another bailiff. Where the probation officer sits around the courthouse and gets coffee for the judge and goes and get another case file, or sends for another lawyer, and doesn't deal with the offender, probation is going to fail. Where parole officers carry caseloads of 200 to 300 people, parolees are going to commit more crimes. But with an effective probation and parole system, as I think we have designed in these standards, I think we are going to find that we can successfully operate with many offenders in the community, who under present conditions we can't live with and we have failed with. We accept that responsibility.

Even to the point of prison industries—we're recommending that private industry come into the prison. A lot of people talk to me about the victim. They say, "MacDougall, you're always worried about the offender, what about the victim?" Well, maybe here we're beginning to talk about what we can do for the victim. Maybe in the future in prisons there's private industry in there paying the prisoner a going wage. We're going to be able to say then to the offender, "All right, now you're earning a going wage, you're going to have to pay restitution to that victim." And maybe this is going to bring back a little balance to what we do for the victim and how we treat him.

We're going to have small institutions with the kind of treatment programs that are going to change people, with professional staffs to deal with the chronically ill, the mentally ill, and the psychopath. If we can't, then the parole system will recognize that we have to contain this person until we do change him.

And then, hopefully, new types of release programs will be used, which put the offender back into the community on a release basis. He'll be back home working, successfully employed, before he ever leaves prison.

One of the best relationships I've ever had with police was in South Carolina, where the police in that State actually take part in the prerelease program. There, police officers come and lecture to prisoners leaving prison about the police responsibility in the future for picking that guy up if there's a crime related to his background. Sheriffs would come and tell me that prisoners then coming out with a new attitude about police, because for the first time they were able to sit down and discuss with a police officer what his job was all about.

Sure, we have a lot of offenders we're not going to touch. We're not going to kid each other about that. However, I think we're beginning to start dealing with the majority of them. The majority of our public hasn't recognized that the majority of our prisoners are not the heinous offenders that I too agree that we must keep separated from society. The average offender that we're talking about is the guy that's in the revolving door of failure, that you bounce in and out to us 15 times during his lifetime.

It's my feeling that the corrections standards we've written for the future are going to start bringing balance to how we're dealing with the offender, after you've identified who he is.

Really, prison guards, I guess, are there to save your lives if we do our job right. I'm an executioner. I've taken part in six executions in my career. An interesting story is that Leon Gasque right over here from South Carolina law enforcement division delivered two men to us for execution, and I remember the day he brought them in. Five years later we finally got around to executing them, we did execute them. The interesting story about them, though, is the death of the last one. We are expert at this, by the way. This is one part of my job I never fail at, I've got it down to a science. I went to the back of the death chamber, got him out of his cell, led him to the death chamber, seated him in the chair, put on the straps, stood back, and let him have his last say. He made a very short statement.

We put on the cap and mask and stood back and watched his breathing, and we pushed the switch. As the electricity hit him, it tripped him back in the chair with such force that it actually tore open his shirt. And after the so-called witnesses had left, we went to the chair and removed his body, and then, exposed by the open, torn shirt was a tattoo, "Born to Lose"—you've seen it. And he had. The interesting thing about this man was that he was a graduate of the regional State prison. And I've often wondered—I've often wondered, if we had done our job correctly, in those days, as we hope to do with these standards in the future, whether not only that man would be alive today, but the police officer that he killed.

If corrections people do their job properly, they then have a responsibility to protect police lives. But I think it's important at this juncture in the development of this program that we all today—police, courts, corrections—stop dealing with crime based on emotion, and start dealing with it based on fact. And I think this report now gives us some facts and a plan for the future.

Thank you.

Chief Davis: Thank you, Ellis.

You know, I had some doubts, reading the papers in the last few weeks, whether Ellis would make it or not, because he had to put down a riot or two, as I recall, in his system. He comes from that crucible of experience, and what he says I think we all have to agree with. Corrections needs our help and our cooperation.

Increasingly, over the past decades, the courts have become the tortoise of the criminal justice system; not because of the choosing of the trial court judges, but, in many cases, because of the decisions that were made by appellate courts in second second-guessing their judgments. The legislatures have not responded with corrective remedial legislation, and so we have no such thing as speedy justice in America today.

But we have a Courts Task Force composed of distinguished principals in the criminal justice system—many judges, attorneys general, district attorneys, and other responsible people—who have put together a plan that should make the courts system not the tortoise of the criminal justice system, but perhaps the hare of the system.

To present the views of the Courts Task Force, we have the Attorney General of the State of Missouri, a member of the Courts Task Force, the Honorable John C. Danforth.

Mr. Danforth: Thank you, Chief Davis, for your very "harey" introduction.

I've been asked to present in 15 minutes a distillation of a voluminous report of the Commission with respect to Courts. And I feel now that I have been warmed up for another assignment. I'm looking forward to being asked to give a 15-minute speech on world history in a nutshell. It's a very difficult task to distill something this voluminous.

For some time our courts have been criticized for the manner in which they have performed in the criminal justice system. All of us have read frequent newspaper articles and editorials, most recently in my case in the *St. Louis Globe-Democrat* yesterday morning, complaining about protracted proceedings, endless continuances, and repetitious appeals. The Commission has recognized these criticisms

and has set as its first priority for courts the speedy and efficient processing of criminal litigation. The rapid but fair completion of court proceedings is necessary if criminal law is to serve as a deterrence to crime, and if those who are eventually convicted are spending their time not on endless appeals but in actually being rehabilitated by a modern correctional system.

A necessary ingredient in expediting criminal litigation, the Commission members felt, is a rational means of determining which cases should and should not go before the court. The Commission noted three alternatives that exist for terminating proceedings short of submission of the case to a court and jury. These alternatives are: screening, diversion, and plea bargaining.

Screening is the termination of all proceedings at some point prior to trial without any further obligation being placed on the suspected offender. Diversion is the compulsory channeling of the probable offender to some activity or treatment outside of the criminal justice system. Plea bargaining is, of course, the presently common practice leading to a negotiated plea of guilty.

The Commission itself, unlike its Courts Task Force, flatly rejected plea bargaining and called for its abolition by the year 1978. According to the Commission, plea bargaining leads to irrational results in which penalties fit the convenience of the courts but do not necessarily fit the crime. Moreover, the Commission felt that a prosecutor looking forward to the possibility of a negotiated plea would tend to overcharge the defendant initially.

In any event, the Commission believed that the negotiated plea should be terminated within 5 years. It was also pointed out in the report, however, that somewhere between 80 and 90 percent of all criminal cases before a court are disposed of on a negotiated plea of guilty. One obvious problem presented by doing away with the negotiated plea, if this were done within 5 years, is that the caseload for the courts, if nothing else were done, would be increased somewhere between 500 and 1,000 percent.

There's an interim step, and before the abolition of plea bargaining, the Commission suggested a more open and formal procedure for the acceptance of a negotiated plea. Under this interim procedure, plea bargaining would be engaged in pursuant to a written policy statement of the prosecuting attorney. The terms of the agreement would be presented, in full, in open court, and the trial judge accepting the plea would engage in an extensive dialog on the record with the defendant. At this time the judge would inform the defendant of his various constitutional rights and would require that the defendant make a full statement of the details of the crime to which he is pleading.

Screening is the process by which a police officer or a prosecuting attorney decides not to charge a person with the commission of a crime. Obviously, this practice is engaged in frequently each day. A very mundane example would be a traffic officer who lets a motorist off with a warning. Also, prosecutors often decide, for one reason or another, that a case should not go to trial and that a defendant should be discharged.

The Commission recognized the practicality of screening. It also recommended that procedures be established so that the screening process would be more open to public scrutiny and less susceptible to accusations of favoritism or whimsy. Specifically, the Commission suggested that police departments should formulate guidelines for determining when a person should not be taken into custody, that prosecuting attorneys should adopt written guidelines stating those categories of cases that will not merit prosecution, and that the prosecuting attorney should keep a written record in each case in which he exercises his discretion not to proceed.

The Commission set forth numerous examples of instances in which screening would be appropriate. Illustrative reasons include insufficient evidence to proceed with prosecution, undue cost of prosecution considering the seriousness or lack of seriousness of the offense, prolonged nonenforcement of the statute, and the fact that the offender is an informant or a witness for the State.

Diversion, as opposed to screening, entails the imposition of an obligation on the accused as a condition for removing him from the adjudicatory process. Examples of diversion would include the admission of drunks to detoxification centers, referrals for psychiatric care, drug abuse programs, and family counseling in the case of intrafamily assaults.

The Commission recognized that any system of diversion must protect both the accused and the public. Diversion may entail a substantial deprivation of the rights of an accused without court adjudication of guilt. For this reason, the Commission recommended that any significant deprivation of liberty must entail court approval. Moreover, the Commission believed that there is a need to protect society, which could be weakened if prosecuting attorneys consistently abandon the alternative of trial in favor of diversion. Once again, the Commission suggested that prosecuting attorneys formulate written guidelines for determining when diversion is appropriate, and that such guidelines should be the subject of public scrutiny.

Finally, in determining what cases should not be brought before a court, the Commission recommended that minor traffic offenses should be disposed of by judicial officers who are not judges, with civil penalties imposed. However, the Commis-

sion stated that those traffic offenses that did not warrant a court's attention should not include the more serious traffic offenses, such as driving while intoxicated, reckless driving, driving while a license is suspended or revoked, homicide with a vehicle, or eluding a police officer.

The Commission established a time frame for the conduct of trials. It stated that the time between arrest and trial in a felony prosecution should not exceed 60 days, and the time between arrest and prosecution for a misdemeanor should not exceed 45 days. However, the Commission did not recommend the automatic dismissal of cases that did not meet this time frame. It suggested the time limits as a goal to shoot for as a norm, but not as grounds for dismissal if they're not met.

The Commission made a number of recommendations concerning procedures to be followed prior to the trial itself. It recommended that grand jury indictments be eliminated as a means of initiating criminal prosecutions. It recommended the use of summonses, in many cases, instead of arrest as a method of bringing an accused person before the court. In addition, the Commission believed that a prosecuting attorney should approve, at least by telephone, all arrests and search warrants. It was felt that the decision to apply for a warrant is best made by an attorney.

The Commission stated that, within 6 hours of his arrest, the accused should be brought before a judicial officer who would advise him of the charge against him and of his constitutional rights. The judicial officer would be authorized to take steps to procure legal counsel for the accused, and would have the power in certain cases to return the accused to the police for further custodial investigation which, however, would be limited in duration and purpose.

The Commission recommended expanded use of release on personal recognizance as opposed to bond, and stated that arraignment before a trial judge should be eliminated as serving no useful purpose.

A very significant recommendation of the Commission was that pretrial discovery—that is, exchange of information as to the facts between counsel and between the parties—be greatly expanded and made available to both the prosecution and the defense. The prosecuting attorney and the defendant should disclose all available evidence, consistent, of course, with fifth amendment protection. Evidence other than a defendant's own testimony should be excluded at trial if not disclosed in advance to the adverse party.

This expanded view of discovery would bring criminal litigation much more closely in line with civil litigation. There is a strong tendency in criminal cases for both prosecutors and the defense counsel to rely as much as possible on the element of surprise. The Commission reasoned that more extensive discovery would result in fairer and speedier trials, and would maximize the possibility of administrative diversion as opposed to adjudication in court on the merits.

Two other significant recommendations pertain to motion practice and pretrial conference. Motions should be filed not later than 15 days after the preliminary hearing. After the filing of the motions, a single hearing should be held on all motions not later than 5 days thereafter. Further, it was recommended that except in special circumstances a pretrial conference be held in each case between the judge and the lawyers to narrow the issues for litigation and to set the ground rules for the conduct of the trial.

The theory of the Commission in making these two recommendations is obvious. It is to maintain a pure trial docket unencumbered by motions and unnecessary preliminary skirmishes between counsels. I don't think that I have to stress the point with police officers who spend so much time in courtrooms that there is no reason why witnesses and jurors should be compelled to cool their heels for hours on end while the lawyers are meeting with the judge in chambers haggling over details and swapping yarns.

Recommended procedures to facilitate the conduct of the trial itself include trial by juries of less than 12, the conduct of *voir dire* by the trial judge and not by attorneys, greater control by the judge of repetitive evidence, notice to witnesses by telephone of when they will testify to avoid unnecessary time spent in court, and computerized docket control.

With respect to sentencing, the Commission recommended that all sentencing be by the trial judge and not by the jury, that the judge should set only the maximum term for which the accused may be held, leaving to administrative discretion the possibility of earlier releases, and that sentences should be subject to appellate review for the sake of greater uniformity and fairness.

Finally, and I think probably most importantly, the most novel and I believe the most exciting recommendations of the Commission with respect to courts relate to procedures for juridicial review of the trial court's judgment of conviction. The Commission pointed out that under present law, up to 11 separate steps are available to a defendant after he has been convicted by a trial court. Today, appellate review of a conviction is repetitious and apparently interminable. Cases are not unusual in which a single penitentiary inmate has been in the appellate courts

for 10 years or more. These procedures tie up not only the appellate courts but the trial courts as well since the trial court has jurisdiction over motions for new trials and original jurisdiction over collateral attacks against judgments of conviction.

The Commission recommended the abolition of motions for new trial and further recommended a single unified review combining what is now encompassed in both direct appeal and collateral attack. The Commission suggested that a unified review procedure be attempted on an experimental basis in a few jurisdictions. Under this procedure, the reviewing court would be assisted by a professional staff of attorneys who would be authorized to go beyond the transcript of the trial court and to search for matters now raised not only on direct appeal but also on subsequent collateral attack. Further review would be possible only in a limited number of cases involving very substantial questions.

Just one remaining point—the Commission did recommend abolishing separate magistrate and municipal courts, and unifying the courts into a single court system. I said earlier that minor traffic cases, according to the Commission, should not be handled by courts as such, but rather should be handled by administrative court officers as civil matters.

A unified court system would abolish municipal courts and magistrate courts, and all courts would become courts of record; that is, courts in which a transcript of the record is kept. It would do away with the now present and very wasteful way of appealing a judgment from a court that is not a court of record—the typical municipal court or magistrate court—by trial *de novo*. In the baseline trial courts, the Commission recommends, and the Task Force concurs, that this procedure be done away with.

Chief Davis: Thank you, General, and thank you for the excellent work of your task force.

It's quite obvious that your mission is not merely one of merchandising the report of the Police. If you can put these recommendations for the judiciary into effect in your jurisdiction, your work is that much easier, and the dawn of safety is going to be a lot closer.

Community Crime Prevention. This is something that you're pretty good at. In the last 10 years, we've been drawn out of our insularity. We've been forced to work in our communities. We've been forced to turn to the help of the community. And really magnificent jobs of this have been done in many, many places in the country.

We have to realize, as it was once said, that a policeman is merely—in a democratic society—a citizen in a blue suit with brass buttons on it. He is merely doing on a full-time basis what every citizen should do as an obligation of his citizenship.

So the great power that can be turned on in America to fight crime is the power of the people. Here to bring us a synopsis of the *Community Crime Prevention Task Force* report is a gentleman who is the President of the Aurora Metal Corporation in Aurora, Illinois, and chairman of the Community Involvement Advisory Task Force—George Peters.

Mr. Peters: Thank you, Chief. Fellow conferees. Ladies and gentlemen.

What a foundryman is doing here talking to such a distinguished group of gentlemen as you, I really don't know except that I am a concerned citizen.

We—the Task Force on Community Crime Prevention—didn't get started as early as the Task Forces on Police, Courts, and Corrections. This was because they tried to assign it to each of the other three and none of them would take it. So we started a new task force.

As we searched back and looked at prior commissions, many of them alluded to the citizen involvement aspect of crime prevention but apparently they had neither the time nor the resources to pursue it further. So, this Community Crime Prevention group was put together.

It was staffed by some very excellent people and I think that when you get the full report you will see some significant suggestions and aids that will help in our total approach to the crime and delinquency problem.

As I said previously, prior commissions realized the necessity of involving the community at all levels and in every area if success was to be achieved. The other three task forces—Police, Courts, and Corrections realized this also.

The citizens at large on this Commission also arrived at the conviction that the existence of the community crime prevention effort with responsible, purposeful, and concerted involvement of people in local communities and neighborhoods—must be a part of our national impact on crime. Basic to this premise is that the institutionalized activities of the criminal justice system could become more effective with community participation in the planning, implementation, and evaluation of a preventative effort.

The first thing we tried to do was to define community. We found that the word has always denoted territoriality. The community was the place where the householder lived, worked, went to church, and raised his family.

Today, the meaning of community has changed. As we have seen the population increase, we have seen lots of people moving around. Today, places

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of living and working are often widely spread apart. The old sense of community has therefore been lost to some degree.

Community has come to mean not only a neighborhood, but a meeting of shared values of a common interest—which may or may not have to do with where a person lives.

Community, then, refers to two distinct concepts. In one sense, it is still a geographical area. However, it often means the support of common goals.

We finally came up with a definition of community to mean nothing less than society at large—individual citizens, families and neighborhoods, schools, churches and recreational facilities, the public and private sectors of business, industry, labor, and government. No one is excluded, everyone is included—quite necessarily, if we're going to be effective.

The big question we addressed to all levels of society was: What can we do to get together to prevent or reduce the incidence of crime and lower its personal and economic costs?

The next thing we did was to define crime. Throughout the report, when we talk about crime, we mean crime against the person or property as well as crimes against the public. The crimes people fear most and that impose heavy personal and economic costs are recognized as priority problems in this report.

Certainly, we recognized the fact that crime is a community problem. By far the largest number of crimes that are committed in the community and the ones feared most are committed by the residents of that community.

The apprehension of the offender is accomplished by community police. He is tried in a community court, in which is seated a community judge, and is heard by a jury made up of community members. If he is found guilty, he is incarcerated in a community jail, or released to a community probation department.

What got the offender there in the first place also has community significance. All too often the temptations or conditions that brought about the crime have resulted from the failure of some citizen or citizens to do their part in the crime prevention effort.

While we realize that much new ground had to be broken and some working assumptions had to be adopted, we did know a few things. The individual who believes that crime happens only to the other guy, and who does nothing to make his voice heard —in support of better lighting, well-trained and well-equipped police officers, efficient court systems disseminating uniform and swift justice, and rehabilitative corrections—defaults on his obligations as a citizen.

Likewise, when local government officials fail to take action to maintain a high degree of professionalism in their law enforcement and criminal justice systems, they are failing in their responsibilities to their constituents. And then, it's the time for the constituents to take charge and get rid of the inefficient officials.

Interestingly enough, the task force found that the progressive elements of the criminal justice system asked for and welcomed the involvement of citizens. Over and over again, calls for assistance have gone out from police, courts and corrections, and they have been answered in a positive and productive tone. Many of the State Planning Agencies have found willing and result-oriented businessmen of great help. The opportunities are limitless for business, industry, labor, and private citizens to become involved in their local justice system.

We found that if we are to reduce crime, we need a willingness on the part of all citizens to give of themselves in time, energy, and imagination.

Isn't it ironic that we are trying to enlist the American conscience on behalf of community crime prevention when the very crimes we are trying to prevent through community efforts are being committed by the members of the community itself?

Prevention of delinquency and crime is hard to measure. However, we do know that crime rates go down in communities where citizens become involved.

It appears that the business of the criminal justice system is to marshal all resources possible to choke off crime at its roots. I don't feel as though we can get to these roots unless we get a worried citizenry to translate its indignation into active participation in the search for and implementation of an active solution.

The criminal justice system must inevitably fall even further behind in its crime control and rehabilitation efforts if this is not accomplished. This Commission believes that effective crime prevention is possible only through broad-based community awareness and involvement.

We have attempted to offer insights into the role which a citizen can play and have cited a number of the successful programs already in operation throughout the country. The success with which these people have met is an excellent commentary on the need for volunteer action as well as a tribute to their concern. What they have done in their communities can be done elsewhere. It is on the basis of their proven record that we offer the challenge to all citizens to become similarly involved.

Many communities have already recognized this, acted upon it, and we will have in the final report many, many examples of successful programs. Hopefully, these success stories will serve as an inspiration and incentive for other communities and we'll get citizen action going to accomplish these things. Crime and delinquency can never be reduced without public involvement.

We did get into some specific areas impacting on the amount and seriousness of crime. I'll just touch on them.

We took a good look at education. Governor Peterson referred to it earlier. When we looked at education, we said: "Education has changed over the past hundred years, but not very much." We were alarmed at the fact that a third grade pupil can move out of a classroom in Portland, Oreg., into a classroom in Portland, Maine, and pick up on the same page in the same book. Is this imagination in the educational procedure?

We were quite disturbed about the educators and their great desire to develop curriculum as if all students were college-bound. We certainly made some significant recommendations for changes that approach the necessity to provide vocational training and job-related skills.

Working with schools in many areas has created a new image of the law enforcement officer. You will have to break down the stiff, stodgy ideas the educators retain—described in the chapter on education. Many school-police liaison programs are very successful. Certainly, police participation in youth activities, such as Scouts, Little Leagues, YMCA's/YWCA's, Boys Clubs can only help.

I am sure the police have gripes about some of these social service agencies, such as the ones in mental health. Well, don't stand for it. Just because they work 9 to 5, get to them, and tell them we need their services around the clock. We are telling them that and you should, too.

Governor Peterson also referred to employment, and we took a good look at its role in the crime problem. Here, too, we found practices of the past that must be changed.

And I'll speak for industry—we need some changing, too. The area we looked at was: Where is that available job opportunity for the potential offender that will keep him out of crime? Where are we misusing talents by underemployment? It's a very interesting chapter and I recommend it to you.

We took a look at recreation. We know that sometimes when a kid picks up a rock and throws it through a window or at a passing car, that's a form of recreation. If he doesn't know any better and if he doesn't have the appropriate recreational facilities in which to let off the steam, some of these things are bound to result in court appearances. We've got a very interesting chapter on expanding and providing recreational programs. We call on the total resources of the community to participate, not only in providing the facilities, but to get them in on the planning of what should be done when the facilities are available.

We even took a look at the very sensitive area of religion, and made some recommendations as to the role of the church in community crime prevention. And as we heard this morning, we took a hard look at drug abuse, and the main results are that methadone maintenance is to be tested further. However, heroin maintenance is not to be tested. Other treatment methods are also discussed.

We also took a look at the community services that are being delivered to people. How fast and how well are they achieving their goals?

Youth Services Bureaus are one way in which we can keep kids from ever entering the criminal justice or juvenile system. They could be human services bureaus.

And finally, we took a good hard look at integrity in government. I think that some of the polls were a little bit shocked about what the American people feel about people in government. I guess they feel that everybody is just a little bit shady. I think we've got some guidelines in this report to improve public confidence in elected and appointed officials. If properly followed, it might be very effective.

Integrity in the police department is a paramount concern. When members of the police department are found guilty of bribery, payoffs and other crimes, it tears at the heart of our civilized society and our form of government. There is no way to calculate the cynicism engendered in the citizen, especially the young person. How do you measure the erosion of confidence as the diminished respect for law and order? These actions certainly undermine the efforts to get citizens to enlist in crime prevention efforts.

It's a well known fact that citizens will rally behind and support crime prevention efforts if, in the eye of the community, the status of law enforcement is honorable. If it's corrupt, forget it. This means minority suppression or political machine tactics as well as the police integrity.

In essence, I think the result of this work has been a new dimension added to the criminal justice system. In the past, it's been referred to as courts, corrections, and police. What we, as citizens, are saying is: "Move over. Let community crime prevention in. You'll never solve the problem without us."

Thank you.

Chief Davis: Thank you, George.

There are probably hundreds of thousands of men like George Peters in business and industry around the country, though not all are up to George's level of dedication, not all are willing to help you. Many of you are working with them. There are hundreds of thousands of other citizens willing to do the same job.

Let me suggest, as we close, that when you go back after these 3 days to your home communities, you think about being a host in your police headquarters to a meeting of all the principal actors in the criminal justice system, the presiding judges, the city prosecutors, the county prosecutors—if you're a chief, a sheriff, a chief probation officer, the head of the parole board—and you sit down and start a dialog on the basis of this report.

I can tell from experience that when you've been doing that for a year or so and a crisis comes up, that you can respond to rapidly and effectively with no beating of one another in the newspapers and so forth, there can be almost instant change that can never be brought about by outside pressure.

And so I give you the challenge, you law enforcement officials, of assuming a new role of statesmanship in making the criminal justice system work together.

Thank you.

First Conference Session

"An Overview of Standards and Goals," Wednesday, January 24, 1973, 10:30 a.m.

COURTS

PRESIDING:

Daniel J. Meador, Professor of Law, University of Virginia Law School, Charlottesville, Va.

PANELISTS:

George Dix, Professor of Law, University of Texas, Austin, Tex.
"The Courts Task Force"

Robert J. Kutak, Attorney, Kutak, Rocke, Cohen, Campbell and Peters; Omaha, Neb.
"The Corrections Task Force"

Arthur L. Alarcon, Judge, Superior Court of Los Angeles County, Los Angeles, Calif.
"The Police Task Force"

Arnold R. Rosenfeld, Executive Director, Massachusetts Commission on Law Enforcement and the Administration of Justice, Boston, Mass.
"The Community Crime Prevention Task Force"

Professor Meador: Our task this morning is to give you a panoramic overview of the entire scope of the Commission's work with some special attention to the section on Courts. There will be small workshop discussion sessions this afternoon and tomorrow in which you will have a chance to talk, ask questions, and discuss the contents of the *Working Papers*. I'm afraid under the program format you are going to have to listen for a little while longer this morning.

As chairman of the Courts Task Force, I will begin by saying something about the way in which this task force went about its work, what we did, and how we did it. Then I will present the editor of our report, who will outline some of the highlights of the *Courts* report, and then we have several other speakers who will outline to you the other reports of the Commission.

As you can see, the *Courts* report is merely one slice of a very much larger pie. It is a rather inspiring occasion, I think, to see this outpouring of people interested in the courts coming together with people from other segments of the system in an integrated, unified effort. You may begin to get a feeling somewhat like that expressed by the farmer who said to someone offering to tell him how to do something, "Man, what I need is help, not advice." We hope that our report will give you some of both—help and advice—in how to go about meeting the problems.

Now the Courts Task Force, operating under and created by the National Advisory Commission, commenced its work in February of 1972. The 15 members were a broadly based and diverse group in experience and outlook. They were drawn from no one section of the country. They represented no single political attitude, no single viewpoint about the courts. The membership included a State attorney general, a State supreme court justice, a State court administrator, a busy prosecuting attorney, a State public defender, a private defense lawyer, a judge of general jurisdiction, a juvenile court judge, two

law professors, a director of a State criminal justice planning agency, and others. And I want publicly to express my appreciation to these people for the enormous amount of time they invested in this effort.[1]

The task force was supported by a staff of four lawyers who worked full-time for over 6 months. At this point I want to recognize Harvey Friedman, the director of that staff, whose name was inadvertently omitted from the printed material you have. Harvey directed that staff for some 7 or 8 months. He's now pursuing a doctoral degree at Columbia Law School, and I greatly appreciate the contribution he made to this report.

A large part of the drafting of the original proposals was done by consultants who were engaged for that purpose. Altogether, some two dozen persons contributed drafts of material. Another dozen advisers were utilized for their ideas and suggestions. For the final editing and revision of the report, a number of law professors were engaged.

Many of the contributors and advisers, as well as task force members, are affiliated with organizations and groups actively involved in the work of the courts and the criminal justice system. Some of the groups whose interests and views were thus fed into the work of the task force include the National Legal Aid and Defender Association, the National District Attorneys Association, the National College for the State Judiciary, the Institute for Court Management, the Institute for Prosecution Management, the American Bar Foundation, and the Criminal Law Section of the American Bar Association. As drafts of the report were assembled, copies were made available to the Federal Judicial Center, the National Center for State Courts, and the American Bar Association.

From the outset, the Courts Task Force realized that, though the time schedule was tight, the charge was potentially one of immense scope. While this created difficulties, it had the salutory effect of forcing thought into priorities. Where was the most pressing need for change in the criminal courts system? The task force was thus compelled to be selective. The report does not purport to be comprehensive. Rather, the report focuses on those aspects of the judiciary and the judicial processes deemed to be most in need of improvement or reform, or on those areas where there is a realistic chance of effecting change in the near future.

In selecting certain topics for treatment and in omitting others, we faced additional consideration of the extent to which a consensus of opinion could be mustered around an idea. Certain issues not dealt with one way or the other are not dealt with simply because informed opinion in this country is too divided. This is not to say, though, that all controversial issues were avoided. A reading of the report will show otherwise.

The membership of the Courts Task Force met on six different occasions between February and December of 1972. These meetings ranged in duration from 1 to 3 days each. In between, there were innumerable informal meetings of staff members, consultants, and individual task force members. Initial drafts of proposals were developed in many quarters. Yet, in the end, every standard and recommendation in the final report has been before the task force itself and, later, the Commission for approval at one or more meetings.

In line with its mandate, the task force did not undertake any empirical research of its own. It drew instead upon existing literature, studies, pilot projects, and the ideas of its staff, consultants, members, editors, and others. From these, the task force sought to assemble the best contemporary thinking on ideas relating to improving the role of the courts in the criminal justice system. The report embraces proposals which, to the task force and the Commission, appear to have the most promise of producing results. This report is not designed simply as a study to be looked at and placed on the shelf. It's designed for action, and action now.

Among the many sources drawn on, those which were especially helpful were the reports of the President's Crime Commission of the mid-sixties, the work of the American Law Institute, and the published reports of the American Bar Association Project on Standards of Criminal Justice. The ABA standards have been a particularly rich source of proposals. Had it not been for that large and comprehensive effort, the work of the task force would have been indeed difficult. As it was, this task force could pass by numerous aspects of the system because they had been treated quite well in those ABA standards.

To give you a more specific notion of our coverage, as compared to that of the ABA standards, I can indicate that the ABA standards not dealt with by this report are: sentencing alternatives and procedures; the urban police; joinder and severance; probation; fair trial and free press; and electronic surveillance.

There are other ABA standards which cover topics touched on only in a very small way by this *Courts* report. They include, for example, functions of the trial judge, trial by jury, and pretrial release. There is a relatively small degree of overlap. Portions of the *Courts* report which address problems also dealt with in the ABA standards include the

[1] See the listing of Courts Task Force members at the end of this book.

chapters on screening, the prosecution, and the defense. On most such points of common concern, this *Courts* report is consistent with the ABA standards. In the main, our report reinforces the work of the ABA, as you can see from the excerpts you've been provided. In my judgment, this *Courts* report should give added impetus to the current efforts to implement the ABA standards.

The recommendations and standards developed by this task force and adopted by the Commission are organized into 15 chapters. You have in your looseleaf booklet excerpts from 11 of those chapters. There are some further revisions, not reflected in what you have, and there is much more. The other four chapters from which you have no excerpts deal with court-community relations, computers and the courts, juveniles, and mass disorders. In the final report there will also be an introductory section on the role of the courts in the criminal justice system and a concluding section on priorities. The Commission's entire *Report on Courts* is scheduled for publication in the fall.

The Commission throughout has been persistent in focusing on its objective of mapping plans to reduce crime. The Courts Task Force itself spent much time attempting to select subjects and to formulate standards in relation to that objective of the Commission. The conclusion was reached, however, that it is difficult, if not impossible, to relate the work of the courts to crime in the same direct way, for example, that police work can be related to crime. Meaningful data are lacking and experience itself does not provide any clear guide as to the impact on crime of many facets of the judicial process. Nevertheless, the task force realized the magnitude of the national crime problem and sensed the public necessity for remedial steps. Accordingly, it felt justified in acting on certain widely shared beliefs and assumptions.

Foremost among the assumptions that underlie this report is the proposition that cumbersome and protracted litigation of criminal cases blunts the deterrent effect of the criminal law. Conversely, there is the proposition that prompt disposition of cases heightens deterrent effect. Thus, many of the proposals are aimed at making the judicial process more efficient in terms of time and costs. Others are aimed at routing defendants out of the courts altogether.

The effort here is to streamline and to modernize court processes while preserving all that is necessary to a full and fair hearing on the merits. The courts certainly are not crime control agencies in the common sense of that term. Yet, we believe they should not needlessly obstruct the efforts of those that are. The task force also acted on the assumption that no system can be better than the people who man it. In criminal cases this includes judges, prosecutors, defense lawyers, and court administrators. These standards are directed at upgrading the professional competence and continued training of all these key officials, and at providing them with resources that make it possible for them to perform in an optimum way.

The task force confronted another difficulty in going about its work. That was the realization that, in our system of government, courts perform roles that may at times be actually inconsistent with law enforcement efforts. Our courts have the responsibility for insuring objective determinations of guilt. They are an independent branch of government designed for that purpose. They must insure also that, in the guilt-determining process, a fair procedure is followed, and that all the safeguards provided by law for an accused are observed. Functioning in that way makes it difficult at times to convict.

The courts stand between the police and the prison. The fight against crime might be carried out much more simply and efficiently, at least in the short run, if accused persons were processed directly from the police to the correctional system. That arrangement has not been unknown in world experience. But it is not our way or the way of constitutional government.

In the *Courts* report, we propose to structure the system so as to preserve fully the constitutional protections for defendants and to preserve the role of the courts as objective adjudicators of criminal accusation. The Courts Task Force and the Commission see no war between due process and efficiency. Indeed, it is our view that due process as well as effective law enforcement is threatened by the inefficiencies which now afflict the courts. This report seeks to prescribe remedies which will restore public confidence in the judiciary by making the courts fairer, more efficient, and more objective. Thereby, in our view, the courts will contribute, insofar as they can, to the reduction of crime.

Now we realize that no document will command universal acceptance. It is unlikely that you will agree with every point in the *Courts* report. It is doubtful that every member of the task force or of the Commission agrees with all of its details. This is only natural. Yet, I believe the *Courts* report is apt to have a wide appeal among thoughtful persons concerned with improving the system. A large majority of the standards and recommendations will, I predict, have few dissenters. If implemented, they will work vast improvements. So I commend this report to you not only for thought but for action.

The question, I submit, is not whether you agree with every individual proposal, or whether you think the task force should have gone about its work in a

different way, or whether this person or that person should or should not have been involved. It would be easy to fall into useless squabbling over many such small matters and thus do nothing. The question, I submit, is whether, taken as a whole on its merits, the report provides a useful blueprint for action and discussion around which men of goodwill can rally in the national interest. It does not purport to provide an answer for all time or for all places, or any ultimate solution. It is simply a statement of what informed, concerned, and experienced people think should be done in our time and place to improve the system.

I hold the view that this decade promises to be genuinely a decade of judicial reform. All signs seem to me to point that way. And yet it will not be so unless we meet our responsibilities. Every person here is here because he or she occupies a place of influence. However large or small you may gauge your own influence, you are in a position to make something happen. Otherwise, you would not be here. So I ask you to join in this Conference, these discussions, these considerations with that in view and also keeping in view one of my favorite dictums out of the past: It's necessary to reform in order to preserve.

Now that concludes my general overview of how we went about putting this report together. I want to present to you now the editor of the report who will outline some of the highlights and the themes of its contents which you will be discussing in more detail this afternoon and tomorrow. So I present our task force editor, Professor George Dix of the University of Texas Law School.

Mr. Dix: Well, in general terms let me make some comments and then go on to some of the specific chapters.

The report obviously addresses itself in no small detail to such things as formal procedures and the hardware that is involved in the criminal justice process—things such as libraries and so on. In addition, however, it addresses itself in large part to the discretionary decisions, primarily those of the prosecutor. And in this area the report—following trends in much of the modern thought—I think tends to stress the need to raise the visibility of these kinds of discretionary decisions. This can be done by drafting guidelines for their exercise and so on, and by structuring the making of decisions in particular cases. An example of the latter is keeping better records of the bases upon which individual decisions are made and periodic internal reviews by agencies, prosecutors, and others to give us some assurance that, in fact, the decisions are being carried on in a manner that is consistent with the objectives of the criminal justice process.

Given that general approach, let me go down, chapter by chapter, and give you what seems to me to be the essence, the most fundamental points of the chapters in which the Commission has addressed itself to individual problems.

First of all, we began with screening: the decision by a prosecutor to stop formal criminal proceedings against an individual with no expectation that the individual would do anything in return. Chapter 1 makes it quite clear that the Commission regards this as almost exclusively a discretionary decision of the prosecutor.

It does, however, provide that in limited situations there ought to be judicial review of this decision. A complaining witness or a complainant or the police ought to have access to the judiciary to determine whether the prosecutor's decision not to proceed is an abuse of discretion. The Commission obviously felt that this would occur in only very limited situations, but that there was a need for some recourse from this discretionary decision of the prosecutor.

The chapter also provides for guidelines to be promulgated for the decision as to screening, emphasizing the need for the prosecutor to address himself to particular crimes in much greater detail as to those circumstances under which he will or will not proceed. While there was a recognition that standards such as those in the report could not deal with this degree of specificity with the problem, the report does attempt to set out the general kinds of factors that ought to be considered in promulgating guidelines in more specificity.

The chapter also urges that records be kept concerning the reasons for screening out individuals and for stopping formal criminal proceedings. Periodically, prosecutors' offices should make efforts to review the ways in which these decisions are made and to ascertain whether, in fact, they are being made with the best interests of the community in view and are effectuating those interests.

The report then turns to the matter of diversion, which the Commission defines in this context as the cessation of criminal prosecution on the condition that the defendant do something—engage in a rehabilitative program or some other similar program. The report makes clear here that the prosecutor's decision is a discretionary one without any formal avenue of review as was provided in screening.

The report contains general approval and encouragement for the development of diversionary programs, but with a note of caution that we need to assure, before jumping into this wholeheartedly, that

we are engaging in a program that does have some reasonable hope of success. The report in the commentary does not set out areas in which the Commission has found that the evidence already available does provide some assurance that further efforts in this area are likely to provide reasonable returns.

There is also an emphasis on the need for specific programs to which to divert offenders. Diversion ought not to be a helter-skelter matter, but rather ought to be a situation in which there are identifiable programs developed specifically for the diversion of offenders from the criminal process.

Again, the report stresses the need for specific guidelines for the exercise of this discretionary decision by the prosecutor. It sets forth general criteria that ought to be specified, ought to be tuned down into more specific guidelines. The report also stresses the need, in making this decision, to consider not only the interests of the offender in being directed to that course of activity that best enables him to return to the community, but also the needs of the community to retain the criminal justice system as an effective means of deterrence. Where no other alternative is available, preventive detention is to be considered. Some consideration should be given also to the interests of the complainant in having some satisfaction for the violation of his interests that has occurred.

The chapter on diversion also stresses that, where a diversionary program would involve a significant deprivation of liberty, the informality ought to be modified to the extent of requiring that diversion, suspension of criminal prosecution, be made only pursuant to a court-approved agreement. Thereby, the procedure is formalized to some extent when, in effect, diversion may involve a deprivation of liberty very analogous to that which would follow a formal criminal conviction.

It's in the area of negotiated pleas, or plea bargaining, to use what I suspect some would call a more "dirty" word, that the Commission's recommendations are probably most radical—if that is an appropriate word—or at least most debatable. The Commission has taken the position that it is not only desirable but feasible to abolish plea bargaining within a 5-year period, that plea bargaining does not have the potential for being a worthwhile part of the criminal process, that it is feasible and desirable to eliminate plea negotiations as a matter of the processing of criminal cases. During the interim, however, the Commission has recognized that plea bargaining will inevitably continue. The chapter contains a number of recommendations by the Commission designed to minimize the abuse and the cost of this process.

Again, there is an attempt to formalize the process to a greater extent than is often the case contemporarily. The details of the bargain itself ought to be on the record of the case. The reasons for the approval or disapproval of an offered guilty plea ought to appear on the record—put there, of course, by the trial judge.

In addition, the standards contain a recommendation that a time limit be set in each jurisdiction after which a defendant will not be permitted to plead guilty other than to that with which he's charged. The essence of this recommendation is, of course, to remove the problems that last-minute plea bargaining causes in the scheduling of cases, and to establish, in effect, a pure trial docket—a trial docket in which cases can be scheduled with reasonable assurance that they will not result, on the morning of trial, in a plea of guilty to a reduced charge, or pursuant to any other agreement.

In addition, for the procedure for judicial approval of the plea negotiation, the Commission has taken the position that a defendant, prior to entering a plea, should be required to make a formal statement concerning the details of the offense. This essentially means that unless he is willing affirmatively to admit guilt of the crime and to say enough to establish that he is, in fact, guilty, the bargain ought not to be accepted. In effect, a defendant who is unwilling or unable to admit guilt of the crime should not be permitted to plead guilty. In addition, the trial judge is specifically authorized to reject a plea of guilty if to do so would be in the public interest—for example, if accepting a guilty plea would tend to degrade the criminal process in the eyes of the general public.

Finally, the standards provide that the plea of guilty ought to have no impact upon sentence whatsoever, that the determination of sentence ought to be unaffected by the manner in which the defendant was convicted. This is an area where the Commission somewhat deviates from the equivalent American Bar Association standards.

In Chapter 4, the Commission turned to the litigated case. Among the highlights of this chapter, I think, are the time recommendations. The Commission has suggested that the desirable and practical objective is for the general run-of-the-mill felony prosecution to involve no more than 60 days from arrest to trial. The Commission has suggested that the defendant's initial appearance before a judicial officer ought to occur within 6 hours of his arrest. In addition, this has been perhaps counterbalanced by the suggestion that the judicial officer be given specific authority to remand, under appropriate circumstances, a defendant to police custody for purposes of investigatory techniques. In the commentary, the Commission has discussed the variety of

problems that might arise with such a proposal, but it feels that this can be done within current fourth and fifth amendment restrictions.

The guidelines call for abolition of the grand jury as a charging device, although the guidelines also recommend its retention for certain investigatory purposes. At this point, I call your attention to the fact that, in the prosecution section, the Commission has recommended that prosecutors be given subpena power. This would greatly remove, I think, the necessity for the use of the entire cumbersome grand jury procedure, where the real need is for the subpena power for purposes of investigation.

In regard to discovery, the Commission's proposal goes beyond many contemporary proposals in calling essentially for full discovery by both sides, with the exception of the defendant's own testimony or of the fact that he will or will not testify at trial. The Commission's report does call for full disclosure.

Chapter 4, in addition, calls for abolition of the arraignment as a formal procedure in criminal litigation. The feeling of the Commission was that this served very little purpose under contemporary procedure. On the other hand, it often constituted a burden on the part of all involved and little would be lost by eliminating it.

Chapter 4 also calls for a pretrial conference in all criminal cases unless the trial court judge finds specifically that a pretrial conference would serve no value under the circumstances of the case.

Chapter 5 on sentencing is relatively brief. The section on Corrections of the Commission report deals with this in great detail. It was felt that in this context it was appropriate only to take the basic position that sentencing ought to be a function of the judge himself rather than the jury. In essence, the minimum responsibility that the trial judge ought to have is, in effect, to set a maximum, to set a period of time beyond which an individual may not be held. This is obviously not inconsistent with proposals for indeterminant sentencing.

Chapter 6 of the report, dealing with review or the equivalent of appeal, is again one of the most innovative chapters—at least in my view—of the report. In effect, this chapter proposes the substitution of what the report calls a review procedure for what is currently regarded as appeal. Essentially, this would direct much heavier reliance upon a single procedure following conviction and put much greater restriction upon the availability of subsequent opportunities for review of issues raised. The initial review procedure—which the Commission believes in most cases ought to occur no more than 90 days after trial—would be one that, in effect, would substitute not only for appeal, but also for motions for new trial in the trial court that tried the case.

In this review procedure there would be an extensive scope of review. The authority of the court would extend not only to errors, but also to such things as the appropriateness of the sentence under the circumstances, and to the existence, if any, of newly discovered evidence. The coverage of the court would involve not only coverage of those issues raised by counsel, but also the recommendations call for a more beefed-up staff in the reviewing court, which itself would make an independent examination of the record and present issues, if they appeared, that were not raised by counsel on review.

The appellate court would have a much more flexible procedure than is currently the situation. They would have the option, if necessary, to hold a hearing themselves, to take testimony, or to refer the case back to the trial court for the resolutions that appeared on the review examination.

The chapter on review also calls for a limitation on the writing of opinions or the publication of those opinions in an attempt to remove the criminal process from the avalanche of appellate case law that is currently enveloping it, and, among others, law libraries.

Once this procedure had been followed, the further availability of review would be greatly restricted and essentially limited to those situations in which there was some indication that further review would help develop the law in the area where there were assertions that there was some defect in the proceedings that invalidated the entire proceeding. This, of course, would include the review proceeding, situations in which there was newly discovered evidence, or those limited circumstances in which the prior proceedings could not really have reasonably been regarded as having resolved the issues.

Following the chapters dealing with the flow of the case, the report turns to some of the elements of the system itself. In the chapter dealing with the judiciary, the Commission has, in effect, adopted the Missouri Plan for initial selection. Selection is to be by the executive from a panel of individuals selected by a nominating commission. After a period of years, these individuals—the judges—are to run against their own records, not in a contested election, on the basis of: "Should Judge X be retained?" The Commission has recommended a 4-year term of office for trial judges and a 6-year term of office for appellate judges. It has recommended a 65-year mandatory retirement age with, however, authorization for appointment of a retired judge to sit for limited periods with the permission of the presiding judge. It has also recommended a judicial conduct commission that would have authority for disciplinary removal.

In the salary area, I make a broad comment at this point. The Commission has attempted to equate all agencies of the criminal justice system—or the courts process at least—by providing that the salary of the presiding judge of the trial court should be also the standard by which the salary for the prosecutor and the public defender should be determined. The Commission attempts to equate these as individuals of equivalent importance in the administration of the court process. As a general matter for judicial salaries, the standards recommend that the salary and retirement benefits for the Federal judiciary be used as models for State judicial officers and followed to the extent feasible.

In Chapter 8, dealing with the lower courts, the Commission has recommended an entirely unified trial court procedure. All trial courts should be unified into a single level trial court that would have jurisdiction over all criminal offenses. This standard provides that courts should be manned by full-time judges, all of whom should be members of the bar.

The standards also recommend that there be no judicial officers other than judges. In effect, it would not provide for, and it affirmatively recommends against, the creation of magistrates or other individuals, not judges, to perform other functions (such as the issuance of warrants, the hearing of preliminary hearings, or initial appearances). The only judicial officers authorized to perform functions in the court would be the judges themselves.

The standards also recommend the abolition of trial *de novo,* recommending that appeal or review from any conviction in the courts be on the record as in all other criminal convictions.

The standards also recommend that minor traffic offenses not be regarded as criminal matters, but as infractions. They should be disposed of by an agency other than the court. An administrative procedure should be developed for the resolution of minor traffic matters, which would include fewer of the complexities currently involved even in minor criminal litigation. So, for example, no jury trial, proof only by a preponderance of the evidence, and no strict application of the rules of evidence would be followed in this situation.

Chapter 9, dealing with court administration, is fairly straightforward, I think. The Commission takes a position that encourages the development of and reliance upon court administrators. Furthermore, the Commission recommends a system under which court administrators would be appointed at all levels, but would be appointed by a State court administrator subject to the supervision of the State's highest appellate court. I just call your attention to the fact that the commentary on page 147 of the *Working Papers,* dealing with the method of selecting the presiding judge, is no longer in the *Report on Courts.* The Commission decided ultimately not to address itself to the method of selection of the presiding judge of the trial court.

The section on court-community relations, which you do not have in the *Working Papers,* addresses itself, to some extent, to physical facilities in the courtroom for witnesses, and so on. This section also deals extensively with the need to make matters a little easier for witnesses, jurors, and even defendants by providing more adequate information, sources to which individuals can go to get information—basic things such as where to go and when to go there, in courthouses.

It also deals with the need to deal better with witnesses in criminal cases. It recommends that more attention be given to calling only those witnesses necessary to the proceeding at hand, the extensive use of telephone alert systems so that witnesses need not wait hours until their case is called, and in addition, provides for, in almost all cases, better compensation. It recommends that police be compensated at a better rate in accordance with their regular salary rate, and that civilian witnesses be compensated for their time at a rate double the prevailing Federal minimum wage requirements.

As to the section on the prosecution, let me first make a comment on what it does not deal with. The decision was made not to deal with whether or not prosecution services should be organized on a statewide versus local basis. On the other hand, it is clear that the Commission is recommending that there be a statewide support organization to provide supporting services to local prosecutors. This organization should be controlled by those prosecutors it serves, rather than by any central State apparatus.

The standards provide that a prosecutor ought to be full-time. Where local caseloads do not justify this, jurisdictions ought to be consolidated. The essence ought to be a full-time prosecutor devoting all his efforts to the duties of his office. There was a very difficult attempt made to establish caseload standards. Basically, the Commission found that it did not have adequate information before it to enable it to recommend specific caseloads that ought to govern the manpower the prosecutor should have available.

In regard to functioning, the Commission did take the position that the prosecutor should have control over the charging and warrant applications. No warrants ought to be obtained except with the approval of the prosecutor. It did recommend the subpena power, of course, with the obvious condition that no contempt be levied other than pursuant to judicial procedures.

The material on page 162 of the *Working Papers,*

regarding the investigatory resources, has been somewhat modified in the *Report on Courts*. The Commission finally took the position that the investigatory resources that a prosecutor ought to have ought to be more limited than is recommended here. Basically, the resources ought to supplement investigations by police agencies where the police do not have the ability to do so. This includes conducting initial investigations in some sensitive areas, such as political crimes or those crimes in which the expertise of a legally trained person is necessary for the investigation. I suppose obscenity cases might be a prime example. But the Commission finally took the position that the prosecutor ought not to have as broad investigatory resources as the *Working Papers* tend to suggest.

In regard to the defense, the Commission took the position that defense services ought to be available at the time of arrest or at the time a defendant is in any way compelled to participate in proceedings or compelled to participate in a line-up. The Commission did not mean to suggest that defense services ought not to be available for that, but it was not sure how specifically to address itself to this issue. The Commission did not intend to discourage the availability of defense services at a point at which a defendant would consult an attorney if he had the money to do so.

The standards take the position that defense services provided by the public ought to be available to one who is only partially able to provide his own defense. However, a defendant ought to be required, in effect, to reimburse the State for defense services rendered to the extent possible. Thus, a defendant might receive public services and reimburse the State only for a part of the expense the State has incurred. The report also discourages, quite enthusiastically, *pro se* representation. The report took the position that, in the interest of both the defendants and the criminal justice system, wherever possible, a defendant should be represented, especially in serious felony prosecutions.

The Commission took the position that the defense services should be rendered in a given jurisdiction by both a public defender office and appointed counsel. It saw as an important factor the need to preserve the role of the private bar in the criminal process. The Commission also saw as a method of effectuating that, a method of delivering public defense service that would require rather extensive participation by the private bar as well as by a professional public defender.

Addressing itself to the public defender, again, the Commission took the position that it ought to be a full-time position—consolidating jurisdictions, where necessary, to provide a sufficient caseload to justify a full-time defender. For selection of the public defender, it adopted a process very similar to the provisions for selection of judges. The report took the position that the selection of a defender requires a process assuring almost as much, if not more, impartiality and independence as the selection of a judge.

The workload for public defenders was set out with a significant degree of specificity. A trial attorney in a public defender's office, according to the Commission's standards, ought not to have more than 150 felony cases per year. If he tries misdemeanors, he ought not to have more than 400 cases. If he handles appellate work, no more than 25 appeals.

In terms of priorities, the Commission placed first priority upon all those provisions of the report that tended to assure efficiency and speed in the ultimate disposition of criminal cases. Obviously, this covers a broad range of the specific standards in the report.

A second priority was specifically given not only to prosecution services, but also to defense services. This second priority ought to be given to development of greater resources and capacity in the provision of prosecutorial and defense services.

A third priority was given to judicial personnel—the task of getting better and more effective judicial personnel in the court process.

In all of these areas, the Commission was clear that, in choosing where to attack, priority ought to be given, first of all, to those things that are now matters of lower court concern and to those matters that are presently of juvenile court concern.

Although they are significant, and the Commission saw them in the priority indicated in all areas, the Commission saw particular problems and particular needs for immediate action in the area of lower court jurisdiction and in the area of juvenile court jurisdiction.

Well, believe it or not, that is only a summary.

Professor Meador: Now, we are going to turn our remaining time here to three persons, each of whom will give you a quick overview of other segments of the Commission's work and concern.

They are going to do this chiefly from the standpoint of what in these reports is apt to be of chief concern to persons in the courts area who are interested in the courts.

First, to present an overview of the *Corrections Task Force* report is Mr. Robert Kutak, an attorney from Omaha, Neb., who is a member of this National Advisory Commission. He also is serving as vice chairman of the American Bar Association on Correctional Facilities and Services.

Mr. Kutak.

Mr. Kutak: After the rather bitter and bloody uprising at Attica, I'm told that reporters began to call persons of authority in penology to get their views and ideas on how to prevent further Atticas. Certainly, one sought-after expert in the field was David Fogel, then the Commissioner of Corrections of Minnesota, and as of this week, the newly appointed Director of Corrections of Illinois. However, David Fogel had an unlisted phone number and another David Fogel, also living in Minneapolis, with a listed number, got the calls. After a while, this second Mr. Fogel managed to reach the Commissioner, complained about his situation and suggested that the Commissioner get a listed phone number. After listening, Commissioner Fogel told his namesake, "Why don't you just go ahead and answer the questions. At this point," he said, "anyone knows just about as much as the experts do."

I think, perhaps, that's the best case I can make for the abolition of a "hands-off" doctrine. But it is truly apt for another and more relevant reason this morning. Whenever people interested in prison problems get together these days, there are always implicit and indeed, I woud say, more frequently than not, explicit admissions of ignorance about how to make corrections work better. What the Task Force on Corrections of the National Advisory Commission, and then in turn the National Advisory Commission, accomplished by the work that it presented to you (again, only in excerpt form) was the development of ways and means to make corrections work better.

The chairman of our Commission at the plenary session this morning introduced to you the people who were principally involved, and I will not repeat their names here. I point out to you that when the task force report comes—and I urge upon you, when it does come, to look at it—that you will be duly impressed with the fact that the Commission did not act from a lack of expertise. It may not always act from a foundation of wisdom. But the point is that the Commission did have considerable expertise—and I assure you, who are principally judges and court officers of one kind or another, that the task force recommendations, standards, and indeed, goals, were not spun out of whole cloth.

I'll also point out to you, in the event that you have not had a chance to read it, that the report itself is broken into 15 chapters. They cover the whole range of Courts-related topics, and of course they are extremely relevant to the subject at hand. They address, for example, standards with respect to the rights of offenders; standards with respect to diversion, pretrial release and detention; sentencing; offender classification; the relationship of corrections and the community; juvenile intake and detention; local adult institutions—a synonym now, I guess, for what we used to call jails; probation; major institutions, of course; parole; manpower; research; and finally, new statutory modes.

I do point out to you, because it is quite important for you to appreciate it, that there are only 63 standards listed in your excerpts on Corrections. Actually, by my count, in total there are 129 standards that have been developed. So only approximately half of them are in your possession now. But from these numbers, you can sense the broad range and, I hope, from inspection of them, the specific character of the standards that are being presented in the area of corrections.

Unfortunately, the excerpts in your folder did not really present the full scope of the presentation that will eventually be in the cover report and in the task force report itself. For those of you who are enthusiasts of bibliographies, the report is a dandy for that reason alone. I would urge upon you the task force report simply for its bibliography, which, of course, was not its purpose.

I also urge upon you the footnotes, which are separate and apart from the bibliography. They're terrific also and will be a very reliable source of information. But, of course, the two things that they were written for, the things that we call your attention to, and in part, you have a portion of, are the commentaries that give you a rationale for the standards, and the standards themselves, which give you a rationale for justice in corrections.

But it is terribly significant, and I point this out to you because this is what makes this task force report different from almost any one of any kind that you would otherwise see. It is, in other words, almost unprecedented as well as distinctive. That is, it is a task force of standards that we are talking about. It is not, in other words, another compilation of general principles about corrections. These are specific standards.

Unfortunately, general principals abound in corrections today, and have since 1870. But specific standards are dismally scarce. A precise definition of goals, and of standards that mark steps toward the achievement of those goals, is what really has been lacking in corrections today and which we submit has been furnished by the task force report for you today. As one observer wrote, operating without specific definitions of standards and goals does not guarantee failure, but it certainly invites it. And that is, of course, what we hope to have avoided today.

Now, I give you the appalling news that in the raw edition of the task force report there were some 3,900 pages of text. In even the distilled final version of the task force report, there are several

hundred pages of text. And, as you can see, in the excerpts that are included in your volume, there are even 236 pages of text. And I am a practical man who knows that this distinguished group, individually or together, would not have a chance to read certainly the 3,900 pages or even the several hundred pages of final edition—perhaps your law clerks will—or even the 236 pages submitted for this report.

So as a practical man, I've tried to reduce that message to 13 words. These 13 words are what I am going to leave with you as really the thrust of the Commission's report. They represent, I believe, the basic trends of the report and permeate all the standards and influence all of the underlying principles. These 13 words, incidentally, I tried to reduce to 12—they are really sets of two words each—but I couldn't. Perhaps you could help me when I finish.

The first theme of the task force report that permeates all of the recommendations with respect to standards is that we should have fewer laws. Fewer laws. That our criminal justice system, in the first instance, and of course, the correctional subsystem, in the ultimate position, is plagued by the problem of overcriminalization in our society.

Those of you who are judges and officers of the courts, and certainly those who are in corrections, realize that your systems are choked with individual cases and individuals who simply don't belong in jail. But society today has found no other place to put them. And, therefore, there is an appeal throughout the standards for decriminalization of so many acts that today constitute crime. You know what they are. I won't necessarily recite them, but I will make passing reference to them—such problems as vagrancy, such problems as the victimless crime, perhaps such problems as narcotics. You will find them in the report. The main thrust of the task force report is that in order for corrections to survive and for the courts to survive, and, therefore, for our society to survive, we must have fewer laws.

The second theme is more alternatives. This group is poignantly familiar with the dreadful alternatives with which you are faced—prison or probation, and little else. You either put them away because you have no other alternative or you put them on probation because you feel that prison is just too bad a place for even criminals to go. There must be, of course, more alternatives for the courts, and indeed, more alternatives for the criminal justice system, and recommendations are made in that regard.

The third theme is, of course, shorter sentences. I do not have to argue that brief again to this group. There is no civilized nation, at least in the Anglo-American system of law, that imposes—or at least provides for the imposition of—such sanctions as does this country. And there is an appeal and, indeed, a standard that provides for shorter sentences, not because we want to be soft on crime, but because we want to be realistic with respect to the goals of the criminal justice system.

The fourth theme of the report is the need for more resources within the correctional apparatus. As those of you who are familiar with corrections know—and all of you as judges I hope are familiar with jails or prisons or whatever correctional facilities you want to refer to today—except in rare instances, there are literally no resources to perform the missions that you envision for corrections to perform when the act of sentencing is imposed. Today there is utterly too much idleness, there is a serious lack of capacity in corrections to provide services. And, therefore, the call for more resources in corrections is the fourth theme.

The fifth theme, which is perhaps as obvious as the other four that I have mentioned, is for more professionalism in corrections. You all know that corrections usually is the last to be served and the first to be cut in any sort of budget provided in our society, and as a result, all too often the correctional apparatus simply lives off its capital, and simply cannot attract the kind of people to handle the problems that should be handled. More professionalism in corrections is the call of the task force report.

The final theme, which I couldn't get into two words and had to use three, is more public involvement. Simply said, we cannot allow our prisons to remain isolated, unknown, feared institutions—feared not by the criminal, but really feared by those who have expectations they realize would be dashed if they examined them in the first instance. We've got to bring not only corrections to the community but the community to corrections. That is to say, we not only have to bring the resources of the community to the institutions, but its most valuable resource, the volunteer, the citizen, the concerned individual, whom you have eloquent testimony of today in the remarks of Governor Peterson when he said he started several years ago first as a volunteer. More of that and there would be the kind of change we envision here today.

As Professor Meador observed, and as others will probably repeat continually throughout these sessions, we acknowledge that, for some, these standards may have gone too far. Some of you, perhaps, feel these standards have fallen far too short. Some of you may think they are terribly specific and therefore impractical for operation. And others may argue that they do not cover enough. I submit to you that, of course, these standards are a com-

promise. They are a compromise as any group must compromise to work out a blueprint. But do not lose sight of the fact that the conditions in corrections today are so dismal that changes have to be made, and that the changes that are proposed in this task force report are not being made out of sympathy for the criminal, or out of disregard for the threat of crime to the quality of life we today subscribe to, but precisely because that threat is so serious that present day policies and present day conditions and practices can no longer be tolerated.

I'd like to sum up the task force report in the words of Maurice Sigler, the former president of the American Correctional Association, now chairman of the United States Board of Parole, when he gave his swan song at the American Correctional Association last summer. He said, "If these standards are too low, practitioners in the field, be they lawyers, be they judges, or be they correctionaries, will lift them up to the level to which they belong. If these standards are too high," and then he said, "—is it possible that standards in corrections can be too high—I trust that they will be brought back down to earth again by the same people." But we will have now for you, as judicial officers and officers of the court, standards in which we seek and believe we can obtain guidance for change in corrections.

Professor Meador: Thank you, Mr. Kutak.

Now, next, to tell you something of the Police Task Force report, we have Judge Arthur L. Alarcon of the Superior Court of Los Angeles. He served as a member of the Police Task Force, and therefore, participated in the formulation of this report, which has been ultimately adopted by the Commission.

Judge Alarcon.

Judge Alarcon: The Police Task Force report does not have a great deal of impact upon the court system itself. I've tried to highlight for you in just 4 or 5 minutes some of the things in the recommendations I think should be of interest to you, because they do signify possible changes in the relationship of the police to the courts system throughout the United States.

The Police Task Force report is broken down into four objectives. I'll use their breakdown and go through them with you.

The first objective that the Police Task Force developed was this: to develop fully the offender apprehension potential of the criminal justice system. Now, most of this first section deals with matters of personnel and hardware, budgetary needs, response time, radio communication, deployment of patrol officers, and other matters that have no direct impact on the courts and as to which we have little expertise.

But I would like to make this comment and again to point out what was said by Governor Peterson earlier. All of us in the criminal justice system must keep in mind that we are a system. If the police department is poorly staffed with inadequate investigative and laboratory facilities, then our criminal dockets will be crowded with cases that are doomed to dismissal, acquittal, or reversal on appeal, because of these very deficiencies. So it's needless to point out to you that much time is lost in our courts daily for want of corroborative evidence, for want of a photograph of the scene or of the defendant who claims he was brutalized by the police, for want of a recording of a confession or a fingerprint, or for want of the scientific analysis of paint or clothing or debris. With the upgrading of our police throughout the country, we will have an improvement in the kind of corroborative evidence needed to shorten the time to dispose of cases before us.

I would urge, then, that you consider supporting your local police executive to bring your police agency up to the standards recommended in this report for personnel and for equipment. I would urge that you do this, if only for the selfish reason that it's going to make your job better in presiding over cases that are well-prepared rather than poorly prepared because of inadequate personnel and inadequate budgets.

One recommendation within this first objective of interest to judges and to people who are concerned with the court system is the recommendation that a new specialist come into the police field. That is the case technician specialist. This is a new level of police officer. Beyond the patrolman and beyond the investigator, the case technician specialist is charged with the responsibility of preparing all the reports, systematically gathering the evidence, and presenting the evidence to the prosecutor for his consideration either for filing or for an order of release of the defendant. This officer would free, then, the investigating officer to continue his work in the field rather than have him cooling his heels in the prosecutor's office or out in your courtroom.

Another job assigned to the case technician specialist, which might intrigue some of you, is the duty to prepare reports for the court, if you wish them. These are, in effect, what are referred to by Chief Ed Davis as Environmental Impact Statements. That is a statement in the court of what's going to happen if you release this man back to the community. What resources does he have? What injury has he done to the victim? What kind of environment will he return to on a realistic basis rather than

on the pie-in-the-sky hope that you sometimes see in a probation report? I think that that kind of information weighed with all the other information might well be of great assistance in deciding what to do with a given individual.

Another responsibility of the case technician specialist, of course, is to feed back to the police department inadequacies and deficiencies in the protection and safeguarding of evidence and in the investigative techniques that were utilized.

Objective 2 calls for getting the police and the people working together as a team. Again, this objective has very little real impact on the courts system as such except for Standard 1.1, which talks about the police function. And in that standard the Commission asks police executives throughout the country to establish priorities in the use of available resources and manpower in trying to enforce the law. As the speaker before me said, we've got too many laws in this country. And I don't think any part of the country is free from that problem.

The police do not have the manpower or the technical backup to enforce every law that the legislatures and the counties and the cities throw upon us. So the Commission recommends that police executives establish priorities based primarily on the seriousness of the crime. The highest priority should be given to those crimes that stimulate the greatest fear and cause the greatest economic losses. The police should direct their manpower to enforceing those laws. Now, if this standard is followed, it will mean, of course, that our court calendars will also be concerned primarily with serious crimes. So this standard, if followed by police executives in this country, will have an impact on our courts system.

Objective 3 is to get the criminal justice system working together. This objective touches the courts in several of its recommendations. Standard 4.1(2) recommends local criminal justice coordinating councils. Many of you already have these in your States, but for those who do not, the Commission recommends that you establish them to involve the police, the courts, the probation department, the detention system, and all facets of the criminal justice system to work together in establishing priorities with the available tax money to attack the criminal justice problems within your community.

Standard 4.3(1) is interesting in that it recommends that the police throughout the country obtain legislation or authority by law, if it is not already available, to divert juveniles and mentally ill persons out of the criminal justice system before they ever get involved in the courts system.

The same recommendation, however, points out that there are certain persons who are categorized as criminals and involved in what some people call victimless crimes. The Police Task Force has recommended that, in the view of the police and the police experience, such persons should not be diverted by the police before they get involved in the courts system; but instead, that such persons be processed through the courts system. Then the courts should divert these persons away from prison or incarceration, if suitable programs are available.

Standard 4.1 also recommends that each State enact legislation that would provide for the civil commitment of alcoholics and drug addicts. The recommendation also includes that such legislation should also provide for the funding of treatment centers and for follow-up care.

And finally, Objective 4 calls for full development of the police response to special community needs. This is strictly a problem for the police and their relationship with the public, with no direct impact on the court.

Thank you.

Professor Meador: Thank you, Judge Alarcon.

The fourth of the major reports produced by the Commission is on Community Crime Prevention. It's a report of enormous scope, and I don't envy anyone the task of trying to summarize it in a few minutes. But here for that purpose we have Mr. Arnold Rosenfeld, who is the Executive Director of the Massachusetts Commission on Law Enforcement and the Administration of Justice.

Mr. Rosenfeld.

Mr. Rosenfeld: The Task Force on Community Crime Prevention really faced the most difficult task of the four task forces in that it had first to try to define exactly what is meant by community crime prevention.

The second problem of the task force was selecting areas of concern that could be related to direct action. It was considered critical that task force recommendations offer a practical course of action rather than a mere summary of concepts.

Third, the task force sought to define the term community so that it had meaning to the general public and to the criminal justice system.

And finally, the task force had to select priorities from among the innumerable subject areas that could be covered in this report. Thus, while the Commission might not cover all areas, those that would be identified would be the most important, the most tangible, and the ones most directly amenable to action.

In making all of these decisions, certain basic assumptions were made by the task force.

First of all, it was recognized that the criminal justice system by itself could not successfully combat or ultimately reduce crime without the strong support and participation of the public and the community. Thus, the role of the community has to be expanded in criminal justice-related programs as well as in programs whose secondary purpose might be crime prevention.

Second, the task force assumed that the basic causal factors of crime are more closely identified with such issues as education, employment, discrimination, and other social and environmental problems than they are with the criminal justice system itself. As a result, the Commission selected five areas of emphasis, which are citizen action, education, integrity in government, responsiveness of government, and employment.

I would like today to look at each of these in the terms that the Commission looked at them, and summarize quickly what the recommendations of the Commission are with respect to each of these areas.

Citizen action has been taken to mean many things by many people. What we mean here is legitimate activity by citizens to take steps that will not only provide better and more timely information to criminal justice agencies, but that will support them through utilization of community resources to deal with anticrime behavior in a preventive manner. Thus, not only must citizen and community groups take the leadership in undertaking anticrime activities, but government and criminal justice agencies must establish means to allow greater citizen and community involvement.

A major problem that confronts citizens and people in the criminal justice system is how you go about this. And as the Commission looked at these issues, it found that there was little available in terms of guidelines.

There is a variety of options available in citizen action efforts. Activities may be focused on causal factors: education, employment, recreation, and the like. Or, they may be directly related to criminal justice agency activity. Or, they may be related to governmental integrity and responsiveness.

Having looked at the types and scope of activity, the Commission has gone on to examine methodologies for citizens and agencies desirous of exploring action. Thus, examples of questions, programs, and activities are described by the Commission.

Let me use some examples from the court-related activities. The largest group of volunteers assisting the criminal justice system are within the courts area, primarily through volunteers in probation. These volunteers act in a variety of ways: coordination, employment counselors, tutors, facilities planners, public relations, and so forth. Another activity is court watching, under which the performances of judges, attorneys, bail bondsmen, and others are observed. Additional groups examine pretrial detention, participate in diversion programs, perform management studies, counsel families, accept referrals, act as liaison workers, and do many other things. The point is that utilization of citizens is only limited by the imagination of the court, prosecution, and defense.

The Commission sought to analyze these programs and to determine what are the successful ingredients of community crime prevention programs, of court-related programs, of police-related programs, and of correctional-related programs. And in analyzing these, it set out certain criteria for people who are interested in undertaking those types of programs.

So the citizen action component of the Community Crime Prevention Task Force report really deals with an analysis of these programs and a set of criteria that people in the system and outside the system can follow.

The second major area is that of education. And this required an examination of the educational process and its relationship to the family and to job opportunities and employment. A series of assumptions have been made that can be briefly summarized in the following statements:

1. The school is as important as any other area in terms of dealing with crime prevention;

2. As now organized and developed, the educational system falls far below achieving its potential as a crime prevention resource; and

3. Schools have generally been resistant to change.

To remedy these problems, the following courses of action are proposed:

1. There must be an educational restructuring. This would include:

a. Initiation of parent involvement in the teaching process, so that all educational responsibility does not rest with the school. This means training parents to supplement education at home, especially in the areas of language and understanding. It also means compensating education for parents.

b. Increased orientation of education toward career selection and development. The lower grades would deal with career awareness, junior high school would deal with career exploration, high school with career preparation and specialized training, and after high school with adult and continuing education.

2. The school resources should be utilized more effectively, including:

a. Better utilization of counseling resources and advocacy services;

b. Development of alternative educational experiences focused on special problems such as dropouts and the incorrigibles and unmanageable;

c. Utilizing the school facilities for community programs on a year round and night basis—called the community school; and

d. Providing increased teacher training and standard setting.

The third area of emphasis is employment. Here the task force has examined the relationship between economic inequities and the causation of crime, the dimensions of these problems, and efforts to reduce crime through the development of economic opportunities. These efforts focus on three areas:

1. Identifying the high risk potential offenders and developing employment programs for them. These programs are principally focused on minority youth living in large city ghettos, on arrestees and ex-offenders, and on drug addicts. These programs include antidiscrimination projects, experimental education, manpower training—such as Job Corps or Manpower Development Training Act—and first offender programs. It also involves removing restrictions that are placed on ex-offenders through licensing and other methods.

2. Development of special employment for young persons, such as summer work programs and work-school programs.

3. Improving the general economic environment, which deals generally with antidiscrimination and development of specialized inner city programs designed to improve the community's economy and foster business opportunity for minorities.

The final area concerns government—integrity in government and responsiveness of government. Both of these issues are complex and sensitive, but, in the opinion of the Commission, both are critical.

In dealing with integrity, it is the belief of the Commission that:

1. Corruption is perceived by the public to be widespread;

2. Its costs are staggering; and

3. It breeds crime by providing a model that destroys the moral foundation of the law.

The Commission has selected several areas for special attention: conflict of interest, campaign financing, procurement of goods and services by government, zoning, licensing and tax assessment, and official corruption and organized crime.

The proposed standards lay out an ethics code, disclosure rules for public officials, and suggested criminal penalties to deal with conflicts of interest.

Campaign financing proposals include limitations on political spending, on contributions from different groups who might have conflicts of interest, or from business and labor.

To deal with procurement, the Commission calls for carefully developed State procurement policies and procedures, recordkeeping, public bidding, and nonpolitical operations of procurement agencies.

In the other areas, the Commission proposes standards that will enhance public exposure of decisionmaking and development of criteria for decisionmaking.

Finally, the Commission examines official corruption and organized crime and looks to expanded State and local investigating and anticorruption efforts. Among the standards here are maintenance of integrity in prosecution offices, State commissions of investigation, and the use of other tools.

The area of governmental integrity is one that requires the close involvement of prosecutors, courts, and defense. Indeed, it is this group that should provide the leadership in formulating clearly defined and useful laws and guidelines that will insure greater governmental integrity.

Government responsiveness, on the other hand, proposes methods to improve the delivery of services. Specific examples include multiservice centers and youth services bureaus, which have been established on a large scale as a result of recommendations by the President's Crime Commission. The Commission on Standards and Goals follows up on proposals by establishing specific criteria for operation and delivery of services through these entities.

In summary, the proposals of the Task Force on Community Crime Prevention attempt to offer guidelines for action. What has been proposed in the past in this area has been primarily theoretical; what is now proposed is based upon experience. We must act now to expand our horizons so as to deal with crime at its earliest stages of development. To successfully accomplish this will require the full cooperation and participation of the community. The leadership to get this cooperation and participation is on the criminal justice system. And the courts, prosecution, and defense have just as important a role to play in this as all the other agencies.

Thank you.

Professor Meador: Thank you, Mr. Rosenfeld.

Now, we are at the end of our program. Let me close on just one note. I think that you will agree that you have a rich array of material here. I hope your appetite has been whetted to look at it all in text form when it appears in print. I think each of you here will find more that you agree with and can endorse than you disapprove of.

One cautionary note. If you think you disapprove of something you hear about in the report, withhold your final judgment until you are sure you understand the proposal and the reasons for it. Many

misimpressions are gained simply by surface impression of a proposal that turns out later to be unfounded. I hope you have an enjoyable and fruitful discussion the next couple of days.

Thank you very much.

First Conference Session "An Overview of Standards and Goals;" Wednesday, January 24, 1973, 10:30 a.m.

CORRECTIONS

PRESIDING: **Judge Joe Frazier Brown,** Executive Director, Texas Criminal Justice Council, Austin, Tex.

PANELISTS: **Frank Dyson,** Chief of Police, Dallas, Tex. "The Police Task Force"

Allen F. Breed, Director, California Youth Authority, Sacramento, Calif. "The Community Crime Prevention Task Force"

Henry F. McQuade, Chief Justice, Idaho Supreme Court, Boise, Idaho "The Courts Task Force"

Judge Brown: Ladies and gentlemen, my name is Joe Frazier Brown. I'm the director of the staff of the State Criminal Justice Council for the State of Texas. Since my background happens to be in the legal and judicial field, perhaps you might wonder how I managed to be working as chairman of a Task Force on Corrections. There's no pride of authorship in getting to this particular position. It was just a willingness, I suppose, of the Law Enforcement Assistance Administration to ask us to work with this task. We were glad to do it. I learned a great deal from it. We hope that we may share some of this knowledge with you in these 2 days that we're here in this session.

I will tell you that we began work on this particular project with the formation of the task force itself in October and November over a year ago. We'll give you the names of the persons with whom we were working a little bit later.

This task force resulted in the development of the various standards that were presented to the Commission for their refinement, for their additions, their subtractions, their deletions, and their changes. Many thousands of hours of work have gone into the task force report.

The work of the Commission and the standards and goals that will be presented to you here in the next 3 days in all of the different areas or different components—Courts, Corrections, Police, Community Crime Prevention, and the other areas—are an interrelated work. They are, as Governor Peterson explained to you, closely tied to one another.

This morning, the panelists will tell you about some of the reports. We will introduce each one of these panelists in the order in which they will be speaking to you. On my immediate right, and we'll tell you a little bit more about him later on, is Frank Dyson, the Chief of Police of Dallas. Allen Breed, sitting next to him, will be one of your panelists this morning. Next we have Justice Henry McQuade from Idaho.

Now, to tell you how we went about the task of trying to put together suggestions to the Commission on this task force report, I will review with you some of the instructions that were given to various contributors. These contributors are named in the task force report, but in fairness to them, no one contributor is credited with any particular part of this report. This is because many deletions, changes, and rearrangements were made by the task force and by the Commission itself.

We think you will find many items in these reports that will be of great value to you. It is hoped that the work of this Commission will be a continuing effort, so that improvements can be made from time to time as they are warranted and as changes become necessary.

I assure you that there are many controversial subjects in this *Report on Corrections,* because the task force and the Commission tried to meet all the issues. Trying to meet all issues, of course, will not produce unanimity throughout the entire system, in police, courts, or corrections.

The purpose, as presented to you and to each one of the contributors to our report, was aimed at the ultimate goal of crime reduction. And this is important in the corrections field because if we did not look to the reduction of crime in setting these standards and goals, then I fear we would have a continuous cycle of people passing through the system again and again, with a loss to society and to each of your programs that we can ill afford to continue.

In the section on *Corrections* in the *Working Papers,* each standard is followed by an explanation

of that standard, its pros and cons, and the reason for its existence. The total of this is about 3,000 manuscript pages. It has been edited and brought down into close-set type, both sides of the page, to a few hundred pages of explanation by the Commission and the task force. So you will not be getting the full rationale on each one of these standards. But the standards themselves do contain operational performance, measurable, where possible or where applicable, in recidivism and replication rates, personnel, physical resources, organization—that is, the legal and administrative relationships between agencies and people—and the background information on these standards.

As was explained to you earlier, we didn't go into the lengthy history of the correctional system because that would make far too long a report. But the report covered functions currently performed in some of these correctional areas, adequacies and inadequacies of our present system, some of the future demands that might be placed on the corrections process, and some definition and redefinition of the corrections role.

Following the preparation by contributors, the various chapters were reviewed by many operational agencies and persons in the corrections system, and then brought again before the task force for final submission to the Commission.

These subjects are set out in this task force report —the settings for corrections, the definitions of corrections, the objectives, the assessment of correctional agencies and services, the jails, the correctional institutions, institutions for women and for children, probation systems, parole systems, community-based programs, and the need for and projected uses of national standards, goals, and priorities. Also covered are the effects of other components of the criminal justice system on corrections, and, with some distinctions, how these components relate to juveniles and to females.

You may wonder why in the *Corrections* report we were interested in the sentencing process. Of course, the sentencing process and the adjudication process vitally affect you in the corrections field—the length of sentence, the manner, the method, and the basis by which the sentences are made.

The effects of other components, such as police practices, the organization of the lower courts, the bail system, the defender system, the delays in disposition, the detainers, the lack of procedures for expunging convictions, prosecution—all these issues you will find treated in this section on *Corrections*. Corrections also affects the other systems, and we tried to reflect some of these effects in this particular task force report.

The standards are quite long-range—some of them cover 10 years, some of them 15 years, and some might be effected immediately. And as Mr. Leonard told you this morning, there is nothing mandatory about the standards from the Federal viewpoint. No attempt will be made to force them upon you.

A great deal of the section that concerns the legal and social status of offenders was contributed by the American Bar Association Section on Corrections.

Also considered were social attitudes toward offenders and the effects of these attitudes upon the corrections process and legal rights—the evaluation of present and past studies and trends in this area.

Standards that should govern, immediately or in the future, are noted with legal bases for these standards and court decisions that have led to their development.

The statutory framework for the corrections system is covered in this section. This, of course, includes items you might think a little outside the correctional field.

Also considered were State penal codes, which have a vital effect on the corrections system. The persons you will have within your purview in the correctional system are affected by the penal codes that brought them within your jurisdiction.

This section contains an evaluation of model laws, such as those of the American Law Institute, other types of model laws that have been proposed, and various Commission proposals.

The trend toward community-based programs in the development of model penal and correctional codes is important because the codes affect many of the actions that might be taken in referring persons to community-based programs.

There were specific recommendations for statutory improvements that would affect corrections. These are standards that might be implemented within the near future, or on a long-range or intermediate-range basis. And in each of them we have sought some means of explaining how they might be achieved.

Another area is diversion from the correctional process. Identification of offenders is important because our task force and the Commission itself feel strongly that corrections has been burdened with many persons with whom it is ill-equipped, ill-staffed, or ill-funded to cope because these people really belong outside the correctional field. I speak of people such as the mentally ill and those who are at the retardate level to such a degree that they are ineducable or untrainable. I speak of the alcoholic, the addict, and the nonsupport case. The recommendations and the diversion standards are designed to remove these types of cases to other agencies or to divert them out of the criminal justice field.

The same is true in the juvenile field. It is suggested that those young people brought before the juvenile court be those who would be in court if they were adults, and that other agencies for treatment might be used for individuals who are not within the purview of what would be the criminal statutes were they adults.

So the emphasis in diversion is on juveniles, on females, and on the types of offenders who might be more appropriately handled by others than those in corrections.

We are concerned with evaluation of the existing practices regarding the pretrial detainee. Those of you in the corrections field who are interested primarily in the operation of city, county, and local jails will easily recognize that the pretrial detainee is one of the persons who collectively crowd your jail capacities beyond their limits. So standards are aimed toward methods of working with the pretrial detainee (including programs of release on recognizance, or by other methods) between the time release is effected and the time the individual is brought to trial.

Sentencing and disposition are areas to which I would invite your attention because they are areas that cause much discussion in many other fields. On the subject of sentencing, you will find that there is a recommendation for sentencing by judges and for the tools judges may use—such as adequate presentence reports or diagnostic help, to arrive at a proper sentence for each individual. And in the sentencing standards themselves we have two classes of offenders: the nondangerous offender and the dangerous offender.

The ideas recommended are a whole lot like those we are using right now as far as length of sentence is concerned. However, suggestions are offered concerning the institution and the parole facilities and all types of programs concerning rehabilitation, for those who are capable of being rehabilitated, and protection for society from those people who seem to be incapable of being rehabilitated.

The report refers to evaluation of the roles of defense counsel and the prosecutor in the correctional system, as well as to community-based program, the role of the community in corrections, and the responsibilities of citizens.

There is coverage of probation, jails, juvenile detention, and parole functions. There was much discussion before the Commission on the parole function and its effectiveness under these particular standards.

Also discussed are major institutions, their facilities, and their equipment. There is discussion of offender classification and institutional treatment programs. Many of these subjects relate closely to the work-release, work-furlough, and other return-to-the-community programs—the bridges to the community. We also considered evaluating the activities and demands involved in preparing institutionalized inmates for release to the community.

We've gone into some cross sections, such as evaluation of functions placed upon organization and administration of correctional agencies, and evaluation of fragmentation of correctional services in so many areas. We also considered evaluation of past and present study on correctional organization and administration, and standards that might govern organization and administration in planning and budgeting for correctional agencies.

Manpower—a very important phase in research and development—was discussed, and its future success was considered.

After we received contributions from all of the persons who were writing on these fields, we then brought them before our task force. We had four members of the Commission who worked steadily with the task force. We had Sylvia Bacon from the Superior Court in Washington, D. C.; Robert Kutak, who is chairman of the Corrections Section of the American Bar Association and a very fine practicing attorney in Omaha, Neb.; Justice Henry McQuade of the Idaho Supreme Court, who was on the task force itself; Ellis MacDougall, who is the director of the State Board of Rehabilitation for the State of Georgia; and Reverend Elmer Prenzlow, who is with the Metropolitan Campus Ministry in Milwaukee.

Our task force was composed of many people whom you know: Norm Carlson, from the U.S. Bureau of Prisons; Edith Flynn, working with the Corrections Task Force at the University of Illinois at Urbana; Sanger Powers from the Wisconsin Department of Health and Social Services; Hugh Clements; Bill Nagel; Dr. Rosemary Sarri; Eddie Harrison, who's in the Pretrial Release Program in Baltimore; Martha Wheeler, your present president; Dr. George Killinger, who is one of your discussion leaders in this group tomorrow; Roberta Dorn, from the Law Enforcement Assistance Administration; Dr. Saleem Shah; John Wallace; Sheriff Fred Allenbrand from Olatha, Kans.; Oliver Keller from Florida; Bruce Johnson from the West Coast; Lance Jones, who's a prosecutor; and Pete Preiser, who's in the probation division in New York.

Then we asked other people in the field—as many as we could get to do it—to look at these various standards and further refine them. Finally, the standards were presented to the Commission and each one of them thoroughly and carefully debated. Some changes were made by the Commission—those were done to the best of our ability.

So, we will be discussing for the next 2 days all of these various subjects covered by the Corrections Task Force. I would recommend its full reading to you.

Now, to talk to you about some of the other Task Forces, I introduce to you a member of the Commission from Dallas, Tex. He is a graduate of Sam Houston State University, and has worked in their School of Contemporary Corrections and Behavioral Sciences. He is a long-time officer who has come up through the ranks from patrolman to assistant chief, to the Chief of Police of Dallas: a graduate of the Northwestern Traffic Institute and the FBI National Academy. He is a native Texan, a member of our own Council on Criminal Justice in Texas and a real fine friend of the system, Frank Dyson from Dallas.

Chief Dyson: Thank you very much, Judge Brown.

It is indeed a pleasure for me to be here today to talk about the work of the National Advisory Commission on Criminal Justice Standards and Goals. My responsibility here today is to give you an overview—and let me underscore that word overview—of the standards developed by the Police Task Force. In the time allotted, I'll only be able to skip over many of the important aspects of the work, but, nevertheless, I'll try to get to some high points that should be of interest to you in trying to give you this overview of the Police Task Force work.

Ed Davis, Chief of Police of the Los Angeles Police Department, who was introduced in the previous meeting, is chairman of the Police Task Force. In order for you to gain a greater appreciation for the work of this group, I would urge you to look in your *Working Papers* and review the representation on the Police Task Force. You will find a wide range of authority and specialists from various fields in that listing.

The *Working Papers* give you a summary of some of the standards of the Police Task Force work. The summary is not complete and it does not contain all of the standards, so I'll try to give an overview now of most of the work of the Task Force.

The *Police* report contains 24 chapters. There are 109 standards and 16 recommendations in the report. The vast majority of the standards by the task force were based upon successful models that were operational in one or more police agencies in the United States. Only in rare cases did the Task Force propose untested or unproved standards.

Some of the standards contain specific reference to agency size. The Task Force felt that the number of police employees—civilian and sworn—was the most important difference between police agencies for the purpose of applying standards. Thus, police agencies are differentiated in the following manner: Class I—1,000 or more personnel; Class II—400 to 1,000 personnel; Class III—150 to 400 personnel; Class IV—75 to 150 personnel; Class V—15 to 75 personnel; and Class VI— 15 or fewer personnel.

The National Advisory Commission ordered the task force to direct its efforts toward the immediate reduction of crime, and to determine the basic course of action that should be taken this year to begin reducing crime.

As a result of this charge from the Commission, the Police Task Force identified seven objectives, the achievement of which will improve police service and reduce crime. These seven objectives can be achieved through the adoption of specific standards listed under each of them. The task force called for immediate action regarding implementation of the seven priority objectives. They're not listed in any particular order, but these seven priority objectives are:

1. Fully develop the offender-apprehension potential of the criminal justice system. This may be implemented through standards:
   a. 1.1 The Police Function;
   b. 3.2 Crime Prevention;
   c. 5.1 Responsibility for Police Service;
   d. 8.1 Establishing the Role of the Patrol Officer;
   e. 8.3 Development of Patrol Officers;
   f. 9.4 State Specialists;
   g. 9.7 Criminal Investigation;
   h. 12.2 The Crime Laboratory;
   i. 23.1 Police Use of the Telephone System;
   j. 23.2 Command and Control Operations; and
   k. 23.3 Radio Communications.

2. Get the police and people working together as a team. This may be implemented through standards:
   a. 1.1 The Police Function;
   b. 1.2 Limits of Authority;
   c. 1.4 Communicating with the Public;
   d. 1.6 Public Understanding of the Police Role;
   e. 3.1 Crime Problem Identification and Resource Development;
   f. 3.2 Crime Prevention;
   g. 16.4 Interpersonal Communications Training; and
   h. 19.2 Complaint Reception Procedures.

3. Get the criminal justice system working together as a team. This may be implemented through standards:
   a. 4.1 Cooperation and Coordination;
   b. 4.2 Police Operational Effectiveness

Within the Criminal Justice System;

c. 4.3 Diversion;

d. 4.5 Criminal Case Followup;

e. 5.2 Combined Police Services;

f. 12.4 The Detention System; and

g. 23.1 Police Use of the Telephone System.

4. Clearly determine and act on the local crime problem. This may be implemented through standards:

a. 1.1 The Police Function;

b. 1.4 Communicating with the Public;

c. 3.1 Crime Problem Identification and Resource Development;

d. 9.1 Specialized Assignment; and

e. 9.11 Inteliigence Operations.

5. Make the most of human resources. This may be implmeented through standards:

a. 10.1 Assignment of Civilian Police Personnel;

b. 10.2 Selection and Assignment of Reserve Police Officers;

c. 13.1 General Police Recruiting;

d. 14.1 Police Salaries;

e. 14.2 Position Classification Plan;

f. 15.1 Education Standards for the Selection of Police Personnel;

g. 16.3 Preparatory Training;

h. 16.5 Inservice Training; and

i. 17.1 Personal Development for Promotion and Advancement.

6. Make the most of technological resources. This may be implemented through standards:

a. 23.1 Police Use of the Telephone System;

b. 23.2 Command and Control Operations;

c. 23.3 Radio Communications;

d. 24.3 Data Retrieval; and

e. 24.4 Police Telecommunications.

7. Fully develop the police response to special community needs. This may be implemented through standards:

a. 1.4 Communicating with the Public;

b. 1.5 Police Understanding of Their Role;

c. 1.6 Public Understanding of the Police Role;

d. 13.3 Minority Recruiting;

e. 16.4 Interpersonal Communication Training; and

f. 17.4 Administration of Promotions and Advancement.

Now, the third objective, "get the criminal justice system working together as a team," involves standards that probably will be of most interest to correctional authorities. Specifically, Standard 4.1, Cooperation and Coordination, states:

> Every police agency immediately should act to insure understanding and cooperation between the agency and all other elements of the criminal justice system, and should immediately plan and implement appropriate coordination of its efforts with those of other elements of the criminal justice system.[1]

One part of that standard is that:

> Every police agency should cooperate with other elements of the criminal justice system in processing criminal cases from arrest to trial within 60 days.[2]

This is consistent with the Courts Task Force recommendation.

Another is:

> Every police agency should consider and where appropriate seek the formation of a criminal justice coordinating council with members representative of law enforcement, other criminal justice agencies, and local government.

And another:

> Every police agency should support training programs that promote understanding and cooperation through the development of unified interdisciplinary training for all elements of the criminal justice system.[3]

Standard 4.3, Diversion, states that:

> Every police agency should, where permitted by law, immediatley should divert from the criminal and juvenile justice systems any individual who comes to the attention of the police, and for whom the purpose of the criminal or juvenile justice process would be inappropriate, or in whose case other resources would be more effective. All such dispositions should be made pursuant to written policy that insures fairness and uniformity of treatment.[4]

Standard 4.2, Police Operational Effectiveness Within the Criminal Justice System, states that:

> Every police agency immediately should insure its operational effectiveness in dealing with other elements of the criminal justice system." [5]

This standard calls for better cooperation and liaison by police with courts, prosecutors, and correctional agencies.

Standard 5.2, Combined Police Services, states:

> Every State and local government and every police agency should provide police services by the most effective and efficient organizational means available to it. In determining this means, each should acknowledge that the police organization (and any functional unit within it) should be large enough to be effective but small enough to be responsive to

[1] National Advisory Commission on Criminal Justice Standards and Goals. *Reports on Police.* Washington: Government Printing Office, 1973, p. 73.

[2] *Ibid.*

[3] *Ibid.*

[4] *Ibid.*, p. 80.

[5] *Ibid.*, p. 77.

the people. If the most effective and efficient police service can be provided through mutual agreement or joint participation with other criminal justice agencies, the governmental entity or the police agency immediately should enter into the appropriate agreement or joint operation.

This is a very important standard and I'm getting to the meat of it now:

At a minimum, police agencies that employ fewer than 10 sworn employees should consolidate for improved efficiency.[6]

And if you'll recall, the majority of police agencies in this country contain 10 or fewer personnel.

This standard further provides that:

Every local government and every local police agency should study possibilities for combined and contract police services.[7]

Standard 12.4, The Detention System, states:

Every police agency currently operating a detention facility should immediately insure professionalism in its jail management and provide adequate detention services. Every municipal police agency should, by 1982, turn over all of its detention and correctional facilities to an appropriate county, regional, or State agency, and should continue to maintain only those facilities necessary for short-term processing of prisoners immediately following arrest.[8]

In addition:

Every police agency that anticipates the need for full-time detention employees after 1975 should immediately hire and train civilian personnel to perform its jail functions.[9]

This standard also calls for regionalization of detention services with State or county control, whichever is more appropriate. This standard is consistent with recommendations of the Corrections Task Force.

There are two recommendations contained within the Police Task Force report that may be of interest to this particular group.

First, Recommendation 4.1 covers alcohol and drug abuse centers. The Task Force recommended that:

Every State enact legislation that provides authority for civil commitment and diversion of persons who, because of alcoholism or drug addiction, are in need of treatment and who should be dealt with outside the criminal justice system. Legislation should provide funding for treatment centers where such persons can receive both detoxification and followup care.[10]

In addition to noncriminal commitment, the recommendation calls for both pre- and postconviction commitment of persons accused of crimes. This recommendation is consistent with the *Report on Corrections.*

The second recommendation of interest to this group is Recommendation 5.2, National Institute of Law Enforcement and Criminal Justice Advisory Committee. This recommendation calls for the National Institute of Law Enforcement and Criminal Justice to be placed under the guidance of an Advisor Committee that will give it a sense of direction. This Advisory Committee should be composed of criminal justice practitioners and outside professionals who should be responsible for guiding the Institute in identifying needed research and development, setting priorities for implementation, and approaching ad hoc technical advisory committees to provide valuable expertise on specific projects.

Additionally, the Advisory Committee should encourage adequate funding for specific tasks that have been identified as valid research targets and should create momentum for criminal justice research and development by encouraging criminal justice executives to make known their needs for, and support of, such research and development.

In summary, the Police standards are an important initial step for the police in preparing to meet the critical issues of today. These standards recognize the need for improvement in the application of modern strategies and technology and the need to prepare police better to fulfill their responsibilities. They further recognize explicit agency responsibilities in clearly determining the local crime problem and in making the most of human resources. Most important, they recognize the need for greater interaction, both within the criminal justice system and between the police and the community.

Thank you.

Judge Brown: Thank you, Frank. You can readily ascertain from Frank's remarks that other disciplines, such as courts and corrections, were also considered in the *Report on Police.*

To speak to us now about Community Crime Prevention is a man who has done some work with and contributed to our own Task Force, the Honorable Allen F. Breed, Director of the Department of Youth Authority of the State of California.

Allen has spent an adult lifetime working with young people and the problems of young people. He is a member of some 15 professional organizations in the correctional and youth fields. He has had experience not only in civilian life, but also in the military, where, in World War II, he went from the rank of private to major.

The Honorable Allen F. Breed.

[6] *Ibid.*, p. 108.
[7] *Ibid.*
[8] *Ibid.*, p. 313.
[9] *Ibid.*
[10] *Ibid.*, p. 90.

Mr. Breed: I have one of the more interesting problems that has ever confronted a speaker at a national conference. I deliberately chose the word problem rather than task because a task has a known solution and a problem has an unknown answer. My problem is that I am to provide you with an overview of the *Community Crime Prevention* report, particularly as it relates to corrections. Unforunately, the *Community Crime Prevention* report, unlike the others, was not approved until this week. If you will bear with me, I will attempt to convert my problem into a task by drawing from the summary you have received and some very rough first drafts of materials made available to me. A quotation from Mr. C. Ray Jeffery's book entitled *Crime Prevention through Environmental Design* eloquently sets forth the basic proposition of the *Community Crime Prevention* report as follows:

> We can deal with crime before it occurs or after it occurs. If we deal with crime before it occurs, we are structuring the environment so as to prevent crimes; if we deal with crime after it occurs, we are treating or rehabilitating criminals . . .
>
> Our current method of controlling crime is predominantly through indirect measures, after the offense has been committed. The failure to control crime is in no small measure due to the strategies we select to deal with crime. It is obvious that we do not control crime if we allow it to occur before taking action . . .

Although there has been a tremendous proliferation of criminological literature in recent years, there are no royal roads to understanding the problems of crime and delinquency, its causes or its treatments. Those who expect readymade answers, simple formulas, and easy cliches, may well prepare themselves for disappointments because these types of answers will not be found in the *Community Crime Prevention* report.

Very clearly, this report sets forth the principle that knowledge of human behavior, particularly in its wayward expression or deviant character, is still meager despite progress in some fields. Simple solutions just do not exist. This does not mean, however, that there are not very specific programs that can be engaged in which have a high probability of reducing the incidence of crime and delinquency; it does not mean that we in corrections must sit back and wait for others to act or provide leadership.

Writers contributing to the *Community Crime Prevention* report agree that any program that reduces the probability of new or continuing illegal behavior can properly be labeled prevention. In this sense, program descriptions are offered for efforts outside of the justice system—programs that are specifically designed for both children and adults. There are also program descriptions for diversion—programs that take place during that short interval in the justice process between arrest and adjudication. There are other descriptions of programs that minimize an offender's penetration into the criminal justice system. Both of these are critical to prevention, since a substantial portion of all criminal acts are committed by known offenders. Prevention means not only avoiding offenses by new offenders but also avoiding the continuing illegal acts by known offenders. It means, in fact, improving the quality and performance of the various components of the justice system, as well as the effectiveness of correctional programs.

It is the position of the *Community Crime Prevention* report that crime is only preventable to the extent that it is predictable. The programs outlined demonstrate that society knows a great deal about why some crimes are committed, and also a great deal more about how to prevent them than our present efforts or resources would imply.

The existence of the *Community Crime Prevention* report is due to the widespread, growing conviction that responsible, purposeful, and concerted programs designed to reduce crime and deliquency must be a part of our national effort if the citizens of America are to be able to regain a feeling of safety in their homes and communities.

Unlike previous efforts, this report acknowledges the public cynicism and alienation produced in society when illegal activity is engaged in by the politically and economically powerful. Governmental corruption is not ignored; it is dealt with explicitly. Crime prevention activities for institutions, agencies, and citizens are described in considerable detail in a very courageous chapter that makes hard recommendations for increasing the responsiveness and integrity of local and State government.

The general position taken by the *Community Crime Prevention* report is that crime and delinquency can only be reduced through programs that offer people the widest opportunities for rewards for conforming behavior, while, at the same time, instituting programs that impose swift, equal, and sure sanctions against illegal behavior.

Unlike earlier theoretical arguments advanced by economists about economic man, the writers contributing to this report suggest that man calculates and reasons about a great deal more of his behavior than is generally assumed. Further suggestions are made that man's rational and calculating self is reflected in all behavior, not just that which is delinquent or criminal. Greatly simplified, a position is set forth that suggests that "man's behavior reflects to a great extent that which he thinks he can do and that which he thinks he can get away with."

The important emphasis is the word "thinks," because it is here that perception, socialization, personal capacity, skill, and many other attributes color or interfere with man's ability completely and effectively to predict the consequences of his own behavior. Man may calculate, but his accuracy in forecasting is based on the quality of his data and the way he converts that data into information that affects his behavior.

The President's Crime Commission report of 1967 subtly outlined two parallel approaches for society to control illegal behavior.[1] The report suggested that behavior is determined by the number of rewards and opportunities available equally to everyone. Further, it hypothesized that sanctions or penalties, if immediately or consistently and equally applied against unacceptable behavior, discouraged further unacceptable behavior. This latter point has been frequently overlooked by those referring to the Commission's report. This report was straightforward enough: rewards and sanctions for the whole of society (not just a privileged few), equally administered without regard to race, income, or political persuasion, are the critical issues.

The President's Crime Commission also reported that the extreme advocate for punishment and the extreme argument for permissiveness have both failed. It suggested to the man who says, "When my child misbehaves, I punish him," that he has earned the right to punish through the love and affection and the caring relationship demonstrated over a number of years. When the love and caring relationship has not existed, conforming behavior does not necessarily follow punishment. An example is to be found in the home of almost any child who has been consistently abused, physically punished, and seldom shown that he is either loved, cared for, or wanted.

It is in a balance between rewards and punishment that programs capable of reducing crime and delinquency are to found. It is within this framework that the writers who contributed to the *Community Crime Prevention* report have outlined significant programs for the effective reduction of crime and delinquency.

Because of a limitation of time, I will attempt to describe, briefly, highlights from some of the chapters that make up this report. I will not attempt to evaluate specific standards, but rather will try to focus your attention on the principles upon which the standards were developed.

The *Community Crime Prevention* chapter on citizen action is a very clear statement that crime is not someone else's problem. It is not simply the problem of agencies of the criminal justice system, but is, in fact, the problem of every individual in a democratic society. The chapter is first a call to action and then a "how to" guide for programs of community crime prevention. It develops ideas on building a sense of community; on reducing targets of opportunity for criminals; on the need for official integrity; and on the need for programs that attack unemployment, substandard educational opportunities, inadequate recreational facilities, and poor housing, just to mention a few. It suggests techniques for sustaining momentum for citizen action. It finally stresses the importance of an evaluation component that gives feedback for evaluating the effectiveness of program activities.

Here is an example of the message contained in the draft chapter on citizen action:

> Individual citizens acting in joint voluntary capacities should be held responsible for the incidence of crime in their neighborhoods. Neighborhoods should receive financial incentives and subsidies to plan, decide, and implement comprehensive neighborhood programming. The neighborhoods should utilize the assistance, guidance, advice, and recommendations of professionals as well as experienced volunteers.[2]

Through programs of this nature, the individual citizen will be brought closer to government and government closer to the people. A community's most long-lasting protection against crime is to right the wrongs and cure the illnesses that encourage people to harm their neighbors. No system, however well-staffed or organized, no level of material well-being for all, will rid a society of crime if there is not a widespread ethical motivation as well as a widespread belief that, by and large, the government and the social order deserve credence, respect, and loyalty.

In the chapter on education, I am sure that educators will be happy to hear that they alone are not blamed for the criminal and delinquent failures of the whole of society. Others are given equal billing. This chapter stresses the importance of education and describes some exciting, creative programs, but it also addresses the problem of the rigidity of education to change. It suggests that traditional approaches must be altered if the educational system is not to be dysfunctional in American society. The chapter calls for change and cites examples of possible models to be emulated. It does not suggest, however, that this is solely the responsibility of educators. The

[1] President's Commission on Law Enforcement and the Administration of Justice. *The Challenge of Crime in a Free Society*. Washington: Government Printing Office, 1967.

[2] National Advisory Commission on Criminal Justice Standards and Goals. *Report on Community Crime Prevention*. Washington: Government Printing Office.

examples and content clearly suggest that changes in the educational system are the responsibility of all of us, not just the educators, and it suggests that change requires support as well as criticism or attack.

The thrust taken by the report in this respect is aptly set forth in the following. The relationship between social class, schools, and deliquency raises important questions about priorities for crime and delinquency reduction programs. If social class is the primary determinant of delinquency, then reduction programs should deal with such issues as narrowing the income gap or providing more specific crime programs in ghetto areas. However, if lower class status leads more directly to school failure, and this leads to delinquency, then priorities lie with programs that make schools responsive to the needs of all students as a means of delinquency prevention.

The chapter on employment clearly indicates that unequal economic status is a major factor contributing to crime. The report takes the position that the greatest impact upon crime prevention will be brought about by improving the economic status of individuals who impose high risks and also by systematic efforts to improve the economic environments that produce our highest crime rate areas. Improvement of economic status requires such measures as better training and rehabilitation efforts and the removal of unrealistic barriers to employment of ex-offenders. The larger institutional issue must be dealt with by a realignment of public policies and corporate and individual commitments in order to eliminate factors that are the wholesale producers of unemployment, such as job discrimination and the economic abandonment of large segments of our inner cities.

The chapter on recreation approaches the subject as a meaningful part of an adult's or child's life pattern. It suggests that, for many young people in American society, delinquency is a recreation. Further, it suggests that in the highly automated, urban areas we are creating, recreation, in addition to becoming a major industry, must also come to be seen as a positive and legitimate use of human energy and resource. It suggests, among other things, that men who no longer have the opportunity to work with their hands, must have the opportunity to work with their minds, even in such areas as poetry, music, literature, art, and the other activities that enrich the lives of us all. A number of exciting and realistic program descriptions are presented as models for the kinds of activities the writer of this chapter envisions. Recreation is not seen as a panacea, but it is seen as a very legitimate, constructive effort to contribute to our overall goal of reducing crime and delinquency.

One entire chapter is devoted to youth service bureaus, a subject that was probably the single most important recommendation and the best-remembered statement about prevention made by the President's Crime Commission. Recently, a national study completed by my Department for the Youth Development and Delinquency Prevention Administration concluded that, as a matter of national policy, youth service bureaus were never tried at a level of funding, or at a level of involvement, that would make much difference in the way that society deals with young people having problems. This major finding should make us all cognizant of how we freely advocate prevention, yet seldom support it in a manner that is necessary to make any real change or real difference.

Run by young people generally outside of the mainstream of public influence and decisionmaking, youth service bureaus tend to lack the political clout that will significantly change the nature of services delivered to children and youth in trouble. Further, youth service bureaus provide a preponderance of service to status offenders rather than delinquents. If the youth service bureaus are to have a direct impact upon crime and delinquency in America, then, obviously, they must also accommodate delinquent youth who represent the kinds of cases about whom the general public is concerned and fearful.

There is ample evidence that youth service bureaus have, in spite of many limitations, pioneered programs that are, in their own communities, changing the nature of the system by providing real and needed services to children and youth. It is equally obvious that the positive features of the youth service bureau would do much better if actively advocated at the Federal, State, and local levels of government.

The chapter on youth service bureaus in this report picks up where the President's Crime Commission left off, and again, urges the implementation of major programs to advance youth service bureaus. It provides detailed standards for the establishment, structuring, functioning, and staffing of youth service bureaus. The purposes of the bureaus are clearly spelled out as advocacy, brokerage, diversion, crisis intervention, and promotion of systems change. In a very practical sense, this chapter argues that, since resources are not unlimited, we must find new ways of reordering our present organizations to increase both the scope and the effectiveness of the serivces provided to people—regardless of age or legal status.

The subject of integrity in government is dealt with in its broadest sense in one chapter. It is concerned not only with direct, blatant forms of corruption, such as outright bribery, but also with more subtle issues, such as government officials' membership in law firms representing private interests, and

the propriety of campaign contributions by persons doing business with the government. Unique in its approach, this chapter goes to the heart of citizen involvement in community crime prevention and begins to suggest that bribery may well begin with our acceptance of the first free cup of coffee. It also deals with very technical issues, such as conflict of interest, campaign financing, procurement, zoning, licensing, and tax assessment. I would suggest it is one of the more courageous chapters that the Federal Government has ever published.

The chapter on government responsiveness makes recommendations on how to improve citizen access to government. It outlines devices, such as multi-service centers, little city halls, and mini-cabinet meetings, that take government to the neighborhood level. It begins to touch upon, and moves in the direction of, the development of new organizational structures that more effectively meet the needs of individuals through comprehensive human service systems.

One of the most difficult chapters to write was the one on religion, and, to the best of my knowledge, a final decision has not yet been made as to whether it should be included. Regardless of the theological problems involved, it is my hope that such a chapter will be part of the final product. In one of the early drafts on religion, there was a quotation from a sign found in one of the many missions in Los Angeles. In four uncluttered words this quote eloquently summarized the issue of religion and its relationship to the changing role of activist churches: "Eat now. Pray later." The draft also makes the point that, except for schools, there is no other major institution, except religion, that has neighborhood facilities through which human services might be directed.

Despite rapidly expanding efforts to control crime during recent years, illegal behavior—particularly by young people—has continued to increase. While today, as yesterday, the vast bulk of young violators continue to be involved in petty theft, truancy, vandalism, and the like, there have now been added to these simple forms of delinquency crimes such as drug abuse, felonies of all types, planned violence against established institutions, and even a reemergence of the juvenile fighting gang experienced in the forties and fifties.

Any reasonable person must, based on the facts available today, accept that our corrective efforts are by themselves insufficient for the task of significantly preventing or controlling crime. The increased crime and delinquency rates are themselves partial indicators of our failure.

Clearly, a fresh look at the problem is warranted. This needs to be based on a reassessment of our public policies for dealing with crime. The information contained in the *Report on Community Crime Prevention* makes it very clear that we are using very little of what we know actively to support massive programs to reduce crime and delinquency. In an effort to remedy this situation, the Community Crime Prevention Task Force has offered decision-makers at all levels examples of practical programs that can have a direct effect on reducing crime and delinquency.

Our current emphasis continues to be placed on control of an individual after a criminal act has occurred. This report directly addresses the need for public and private agencies, individuals, and groups to demand prevention rather than just detection and correction. From both a human values standpoint and a cost effectiveness basis, it is less expensive to design a community and an environment in which crimes are unlikely to occur than it is to continue to try to rehabilitate all those who have the opportunity to commit crimes.

Unlike the President's Crime Commission report, which focused on correctional efforts that were assumed to be associated with prevention, the Community Crime Prevention Task Force has forcefully addressed one of the major issues of modern times —that is, the refusal of public and private agencies actively to support, financially and in policy, programs designed to reduce crime and delinquency—programs that will assist citizens to feel safe again in their homes and on their streets.

Of the various public agencies that are in a position to assume a leadership role for prevention, none is better informed nor has a greater investment in bringing about successful community programs to prevent delinquency than we in the corrections field. For too long we have waited for others to initiate programs that we could support.

The practical programs described in the *Community Crime Prevention* report are programs we can support now, but, more important, they are programs upon which we in the correctional field can begin to build.

It is my personal conviction that any department of correctional services has a responsibility for prevention if it is to be effective in reducing crime and delinquency on the streets—whether mandated in the laws or not. Logically, prevention may not be our job, but until someone else takes up the cause of prevention in a serious way, we have no alternative but to assume an aggressive leadership role in this field.

Judge Brown: Thank you, Allen Breed.

The next speaker to make a presentation to you this morning is a native of Idaho. He was born in

Pocatello, just a short time prior to the time that I'd discovered America, and this makes him a young man. We're about the same age. Justice McQuade was educated in the local schools back in Idaho and then went through the University, getting his baccalaureate and his law degrees. While doing this, he had the unique distinction of being the youngest justice of the peace—and this was while he was still in law school—in the United States. At the same time, he also served in Idaho as a judge of the police court. Following his service in World War II, he returned to his home State where he was in prosecution, then was a district judge, and has, since 1955, been on the Supreme Court of the State of Idaho. He's been in the judicial business now for almost half a century.

Justice McQuade.

Justice McQuade: Thank you very much, Judge Brown.

I'd like to mention to you that we're delighted to participate with the conferees and to share the results, in a small way, of what the Task Forces and the Commission have come up with. It's been my assigned task, as an overview of the standards and goals, to view the highlights of the Courts Task Force as they interface with Corrections.

What is corrections and how does it relate to an individual and society through the courts?

I'm not going to give a section-by-section report on the Courts or a review of judicial policies, but I'm going to try to give you an overall summary of the *Courts* report as it relates to Corrections.

I don't pretend to be an expert in corrections. As a matter of fact, we in the judiciary are very much aware that corrections is a very highly specialized field, and we don't know much about it. However, we're willing to learn, and we want to share and participate.

What is corrections and how does it relate to an individual and society through the courts?

We are talking about an understanding system of corrections in relation to the system of strict retribution and deterrence. The enlightened concept relates to community involvement rather than unalterable incarceration. You'll notice that time and again the Task Force and all of the members and people that talk to you are talking about community involvement. This is important.

The method used in corrections must be humane, with the objective of instilling dignity as a human being and developing a sense of personal and community-related responsibilities.

I would like to quote at the outset from the *Corrections* report in this vein: "Behind these clear imperatives lies the achievable principle of a much greater selectivity and sophistication in the use of crime control and correctional methods . . . The criminal justice system should become the agency of last resort for social problems; and the institution, the last resort, for correctional problems."

The Corrections Task Force suggests that every step of the criminal justice process has an effect on corrections. They advance the caveat that if an offender has been detained before conviction, the nature and quality of his confinement may affect his attitude toward the system and his participation in the correctional programs.

To carry out the criminal judicial process in relation to corrections, the task force has recommended that procedures which have heretofore been resorted to without specific statutory or court rule delineation hereafter be made through court rule or statutory procedures. These are generally: screening, diversion, negotiated plea, reduced time consumption in the judicial process, and correctional education for the sentencing judges. I know that many of you think the latter is a very meritorious subject. As to the negotiated plea, you have heard already that its elimination is recommended within 5 years, but, nevertheless, it was dealt with and I'll deal with it.

Screening is an administrative process in which the prosecutor evaluates an individual who has become involved in the criminal justice system. The process has two objectives. One is to stop proceedings against those for whom further action would ultimately be fruitless because there is insufficient evidence to obtain or sustain a conviction. The second is for cases in which formal proceeding would not best serve the dual objectives of the criminal justice system—that is, reducing crime and assuring fairness to the accused.

A variety of noninstitutional programs and services should be made available to individuals who have been screened and are in need of specialized assistance. Corrections and its services must be keyed to an entire community and not restricted to a specific group of convicted felons.

The second suggestion is diversion—a new name, I'm sure, for many of you. Diversion is the suspension of criminal justice proceedings against a person when some formal action already has been taken. This technique assures that the person charged will agree to participate in some remedial action. The corrections system must be available to the prosecutor or judge for evaluation and recommendation of remedial action. There must be a close relationship among all segments of the criminal justice system for the purpose of effectively reducing crime with emphasis on decreasing recidivism. And again, I mention to you a thought that permeates the report all the

way through—the cooperation among all segments of the criminal justice system.

Taking the offender out of the criminal process before conviction satisfies the desire to avoid placing the stigma of conviction upon an individual. Channeling him into a diversion program or requiring restitution also helps prevent the offender from committing future harmful actions. You remember, Governor Peterson this morning, in his talk, mentioned restitution as one of our procedures.

Diversion would be an economical method by which the criminal justice system could be effective and yet benefit the community financially by avoiding use of the formal judicial process. There are advantages and disadvantages to the use of diversion—that is, greater use can be made of technical services, but there is less protection for society. I think you have to equate those.

Heretofore, the negotiated plea to a particular crime, which may be a lesser crime than originally charged, has been practiced without formal recognition or procedures. Under established guidelines, counsel for the State and for the accused can formally present their recommendations to the court. The negotiated plea does not permit participation by counsel in determining the sentence that may be imposed by the court. However, the court does need assistance from trained personnel to evaluate the defendant and to ascertain the services available to the individual. Inclusion of the corrections phase of criminal justice in the negotiated plea process is of the utmost importance. Corrections will become far more meaningful in our system of criminal justice through the negotiated plea process and by assistance to those needing such intervention.

Then, we get into the litigated case, which you're all familiar with. The litigated criminal case is a traumatic experience for an accused. He may be guilty; nevertheless, the process carries the public limelight, the drama of the trial, the experience of the postconviction process, and finally, the sentencing process and its relation to the defendant and society. Today, these processes of the litigated case are time-consuming and in some cases inordinately time-consuming. A defendant released on bail or on his own recognizance derives considerable benefit by being able to continue his daily life experiences. Aids and rehabilitative services should be made available through the court to the defendant and his counsel. Now, I think it is important to know and understand this.

Such procedures are new to the criminal justice system; nevertheless, they are positive steps forward toward the reduction of crime. Early cooperation among all of those involved in the criminal justice system is necessary to make it fully meaningful and to eradicate the obsolete concept of working only with the convicted felon. The old concept did not relate fully to the entire community or to all age levels. Corrections must relate to the community and must fully utilize the community resources. With the court's approval, the pretrial use of corrections will be of substantial benefit to marriages, to employers and social institutions, and will aid in the reduction of governmental responsibility toward those who are on welfare.

I am placing more emphasis on this area than on others because it is new and innovative; however, I must alert you to the thought that it may be contrary to some legal concepts. We do get into that every once in a while in the Commission report. Yet, many corrections people have long known that a tremendous step toward acceptable rehabilitative attitudes could be formulated, and, in many cases, a formal trial avoided through the use of corrections. The avoidance of trial would be brought about by counsel for the defendant and the prosecutor coming to agreement concerning services available to the defendant, and his indication of willingness to participate. This mechanical procedure would not be by diversion, but would be through the formality of a plea of guilty, the court withholding the imposition of sentence, and then placing the defendant on a probation program formulated and supervised by corrections people.

Of even greater concern during the pretrial period are those persons held because they cannot provide bail. Under the present rules of procedure, there is no method available to the courts to evaluate the defendant as to the probability of his being available for trial if released upon his own recognizance. An investigation of an accused by court-oriented persons could substantially assist the program by the establishment of standards for setting bail and for releasing those accused of crime on their own recognizance or a reasonable bail. If an accused is to be preventively held for his own security or that of society, such conclusion should be realistically evaluated and determined.

This method would permit open hearings to arrive at segregation and evaluation. Naturally the mental attitude of an accused is of first importance toward utilization of corrections and its allied services. It is of the utmost importance that a defendant be reached when his mental attitude is the most conducive to receiving assistance from society and from its institutions.

The delays accompanying a full trial can impose greater burdens upon our system. The jails throughout the country were not conceived in the sense of aiding prisoners. Their fundamental purpose is incarceration. This concept is abrasive and contrary

to rehabilitation, which is the ultimate goal in the criminal process. Corrections must ultimately be employed to return a defendant into a meaningful societal relationship. The question often asked is, "When does this phase commence?" And most assuredly, the answer should be, "When a person first becomes involved in the criminal system."

We in the judiciary recognize this problem of delay, and, hopefully, we'll deal with it more effectively in the future through the aid and assistance of the Commission's report.

Delay causes the defendant to remain in a jail housing inmates who have unsuitable social characteristics, and others who have been charged with the entire spectrum of criminal offenses. This does not enhance the opportunity for corrections to be applied. Courts must utilize corrections at the time of arrest and, most assuredly, before the setting of bail, if we are to achieve corrections' highest aim of placing the subject back into society on a meaningful basis. And I say "place him back into society" because otherwise he has been, at least temporarily, forcibly set apart.

While the accused is in detention, his family, employer, and creditors are deeply involved in the resulting problems, and each should receive individual attention. There is also the concern of an injured party who was the recipient of the accused's alleged wrongdoing. The magnitude of the problens and the degree of effort needed to best serve the accused and society can stagger the imagination. However, to be staggered is not to solve these problems. What we must have are answers and aids. Therefore, we must encourage everyone in the criminal justice process to utilize corrections to the fullest during the pretrial procedures.

Courts are being urged to assist corrections by reducing the time an accused must await trial. It is suggested that reduction of time while awaiting trial can be another meaningful step in the corrections process. The courts section of the report advances the proposal of a 60 day maximum interval between arrest and trial. The theory is proposed that a speedy trial tends to eliminate the probability of an accused becoming involved in trouble during this pretrial interlude. If speedy trial eliminates the probability of further trouble by an accused, it would logically follow that an element in the argument for pretrial incarceration is also eliminated. With these forces working in harmony, the corrections process is being employed to achieve a constructive attitude.

The almost final phase in a litigated case is the sentencing process. This is what most of you are intensely interested in.

The technique of sentencing includes a presentence evaluation of the defendant and an assessment of the rehabilitative procedures or remedies that may be employed or specifically brought into play in relation to him. As a general rule, the defendant is entitled to introduce evidence to the court that would be in mitigation of the crime, or otherwise, in justification of leniency. The evidence introduced by a defendant, together with a presentence evaluation report, provides the judge with many meaningful options.

Judges are being urged to attend seminars relating to sentencing. I can almost hear a lot of people say, "Hurrah." These seminars are extremely helpful because they impart techniques of sentencing and analyze the philosophy of rehabilitation. Presuming the judge has had the opportunity to avail himself of seminars to become knowledgeable in sentencing procedures and doctrines, we may next presume that a meaningful sentence will be imposed or a probation program be provided for the defendant.

The corrections personnel involved in every phase of the process should employ procedures to communicate with all of those in the criminal justice system. It is extremely important that the judges be advised and kept current on all individuals in the system for whom they have some responsibility; and this includes information from corrections. I cannot overemphasize the importance of the relationship achieved by communication among the various segments of the criminal justice system. Lack of communication has been a major fault of the judiciary.

Revocation of probation or other action reintroducing a defendant to the sentencing authority must be upon a proper hearing before the judge. The judge will determine if additional measures and safeguards should be employed or if a harsher sentence should be imposed. Again, the judge must employ specialized training, knowledge, and correctional information.

When the accused is sentenced to long-term imprisonment, there is little residual responsibility or jurisdiction. In some States there is statutory authority for continuing jurisdiction over a subject for a particular time, such as 120 days, during the first part of incarceration. During this period of time, corrections can further evaluate and resolve the possibilities for the subject's future. From results to date, it appears that this technique (120 days) is a very useful tool in rehabilitation.

I cannot go without saying something about juveniles. Juveniles must be treated as a separate category. Juveniles are subject to different considerations from adult offenders, partly because crimes or offenses of juveniles do not apply to adults, and partly because of the overriding societal interest in persuasively shaping those who are errant.

The *Courts* report urges that specialized courts be developed and maintained for juveniles, and for families, in the larger sense. The judges would engage in specialized education and have staff assistance of trained specialists. More and more, the legislatures and public are perceiving that judicial and correctional people require indepth training and the ability to coordinate their responsibilities and functions.

Community resources must be made available on a willing basis to assure a high degree of success in the juvenile area. Judicial process for juveniles has changed considerably in the past few years. However, this alteration of the hearing process does not negate the comprehension by the court and corrections as to the larger function of assisting our youth to become useful and participating citizens.

In summary, it can be said that much is being done to train judges in their responsibility relating to corrections. It is hoped that statistical information, and I emphasize it again because it is so important, can be developed to give better direction to both judges and corrections. Lastly, there is more meaning and direction in the criminal process when there is unity of purpose among judiciary, corrections, police, and community.

I want to thank you very much.

First Conference Session — "An Overview of Standards and Goals;" Wednesday, January 24, 1973, 10:30 a.m.

COMMUNITY CRIME PREVENTION

PRESIDING: **Jack Michie,** Director, Michigan Division of Vocational Education, Lansing, Mich.

PANELISTS: **Alfred S. Ercolano,** Director, College of American Pathologists, Washington, D.C. "The Police Task Force"

Sylvia Bacon, Associate Judge, Superior Court of the District of Columbia, Washington, D.C. "The Courts Task Force"

Edith E. Flynn, Associate Director, National Clearinghouse for Correctional Planning and Architecture, Urbana, Ill. "The Corrections Task Force"

Mr. Michie: The purpose of the session is to introduce you to other areas of the entire effort of the Commission, one of which is Community Crime Prevention.

As you know, in the *Community Crime Prevention* section of the *Working Papers,* we covered such areas as: citizen action, education, employment, religion, drug abuse, responsiveness of government, youth services bureaus, integrity in government, planning, and implementation. However, this morning we are going to have presentations from the people who were involved in the other areas: namely Police, Courts, and Corrections.

I'll call first on Al Ercolano to give you the Police material.

Mr. Ercolano: I don't know why I got appointed to the Police Task Force. I'm not a policeman. I'm not a judge. I'm not a Senator. I'm just a citizen. I'm just like most of you. I guess they appointed me because I had a lot of "chutzpah."

For those of you who are not from New York and don't understand Italian, that's a Jewish term and it can mean almost anything you want it to mean. However, the definition that my mother, who's Italian, gave me was of the boy who was standing up before the judge and he had killed his mother and father. The jury found him guilty and the judge said, "Before I pronounce sentence on you, is there anything you would like to say?" The boy replied, "Yes, your honor, have mercy on me. I'm an orphan."

The *Working Papers* that you have constitutes about one tenth of the size of the total Police Task Force report.

When I got appointed to the task force, they said: "Al, it's going to be a piece of cake. You'll meet two or three times in Los Angeles. It'll be really sweet. You'll be out there in that nice sunny weather."

I ended up traveling 40,000 miles, making eight trips to California, missing my five children's birthdays, my anniversary, and my wife's birthday.

I think this Conference really is a first. It's the first time that the people have been brought together to talk about crime. I disagree with some of the things that are in the *Report on Police.* The thing I do agree on is the effort that went into the development and the writing.

The task force report was put together with a view not only of how the police can look better, but what effect this is going to have on the other segments of the system. How can we develop some criteria, goals, and standards that police departments will have to measure up to so that they can do a better job in the total criminal justice system?

I think we did a good, objective view. We shed some blood at those meetings. People who had convictions had to bend. People who were not committed to any particular thoughts when they went into the meetings had committed themselves to particular thoughts by the end of the meetings.

Part of what we talked about in this report was developing community resources—developing ways, means, methods, and systems to help the police do a better job. How can the police draw upon experts in the community to assist them in doing a better job? How can the people in the community offer their services to assist the police in doing a better job? I don't know if I agree with Governor Peterson when he says that people are worried about crime. If the people were worried about crime to the extent that everybody says that people are worried about crime, maybe we wouldn't have any crime.

You know, we have policemen, corrections officers, people who work in the courts who, in addition to working, are having to moonlight, so that they can make enough money to live the way they would like to live. There are newspaper reports about policemen being on welfare because the salary they're being paid isn't enough to keep them in the manner in which they would like to live.

If the community was really concerned, they'd see that the wherewithal was there for good police departments, for good courts systems, and for good corrections systems. I don't know if the community is concerned. I know I wasn't until I got on this task force and found out the problems that the police have.

One of the men on the task force brought up a point that one day his department was involved in putting down a riot at a prison. The next day the corrections officers went on strike, so his police officers were in there guarding the prisoners.

How do you work with a system that is a nonsystem? And I guess in a lot of respects it is a nonsystem, because we don't really talk to each other too much. My job, when I work, is being Director of the Washington Office for the College of American Pathologists. I'm not a pathologist. I'm not a doctor. However, the people that I work for are the guys that see the end product of crime. They perform the autopsy. They're the medical examiners. They're the coroners.

When we talked about the criminal justice system and setting up criminal justice coordinating councils, in the task force, the medical examiner— the coroner—wasn't included in the initial draft. And I asked a stupid question. I asked why they weren't included. And the answer was, "Well, you know, what have they got to do with crime?"

Well, they've got a lot to do with crime. Their basic job is to say yes, somebody did die by violence, or no, they did not die by violence. It means that when you get to court, somebody can be found innocent or somebody can be found guilty, based on the autopsy, based on the findings of the forensic pathologist or the medical examiner. So, now there is a piece in the *Report on Police* about utilizing the medical examiner, the coroner—whatever title he carries in the community—as part of the coordinating council.

We wrestled with a lot of subjects like education of police officers. One of the requirements—I don't think it's in the *Working Papers*—is that, by 1980, I believe it is, all police applicants must have a college degree. By 1975, the recommended requirement is that all police applicants must have completed 1 year of college.

Now, why did we even talk about a college education for police officers? The reason that we went into it was that we are asking police officers to work in a community where, in all probability, most of the people they deal with are better educated than they are. The requirement of high school graduation for police officers dates back 30, 40, 50, years when very few people graduated from high school. So, we were getting the top. Between 80 and 90 percent of the people in that age bracket go on to college and finish college. However, we've still got that police officer at a high school graduate level.

We talked quite a bit about minority recruiting. How do you develop programs to attract minority people to police work?

We talked about the woman police officer. And that was a beauty, that was really a beauty. What, some woman, riding in a patrol car with one of my men? Just think of the divorce rate. We'll have sex in the squad cars. Women are too small. The're too frail. They can't compete physically with a man that they're trying to arrest. The point was brought up that what would you do if an Olympic gymnast came down and applied to your police force and challenged some of your chubby 50- and 55-year-old desk sergeants to anything they wanted to do? It is not in the *Working Papers,* but there is a section in a chapter on women in police work, and there is nothing in there which specifies that they have to be a certain size or a certain height.

When we talked about recruiting we made up our minds that we weren't going to talk pie in the sky or dream about the way things should be. We set down a rule that, before we would put something in the report as a recommendation, it would have to be something that was tried and had worked in at least two places. Therefore, most of our recommendations and most of our standards were based on actual experience by local police forces.

We gave tremendous consideration to the small police force. I found out that something like 95 percent of the police forces in the United States have less than 25 men. I thought everything was like New York, Los Angeles, Chicago, Detroit, etc. Most police departments have 5, 6, 8, and 10 men on them. So we gave consideration to that.

We talked quite a bit about diversion. How do you keep people out of the system? How do you relieve the police officer of getting involved in finding lost dogs, getting cats out of trees, etc.? How do you get the police officer out of picking up drunks and taking them to the police station? How do you get the juvenile offender and keep him out of the system before he gets ground into that system?

We talked about technology—the age of the computer—all the sophisticated new detection systems that exist. Part of the report—it's in the *Working Papers*—deals with the problem that police departments have with private alarm systems, where the rate of false alarms in alarm systems is around 85 or 90 percent. The police officer, however, has to respond because the alarm went off. One of the points raised in the report is that we ought to sit down and set some standards for alarm systems, so we don't have police officers going off on wild goose chases because there's a false alarm.

We talked about requiring police officers to continue their education after they get on the force. We also talked about requiring police officers to put in so many hours—that's inservice education—not only at the police academy, firing pistols, but at a junior college or a community college, continuing to upgrade themselves so that they can cope and live in the complex society that we live in today.

One of the things mentioned this morning was the team approach to police work, where we assign a man to an area and have him there so that he'll know what's going on. Well, that happened 40 and 50 years ago. I grew up in New York City. We had a cop on the beat. He knew everybody. He knew who was running the handbook. He knew which bar was selling booze after hours. He knew everybody. He knew who had problems. He knew who to look out for, who to take care of.

I think we lost some of that closeness of the police to the people when we mechanized them—when we put them on wheels. Now, they aren't as close to the people as they were then. I'm not saying that what was true then—30 or 40 years ago—was good or bad. In fact, in New York City, I was 17 years old before I found out that an Italian could be a cop.

But, a lot of effort has gone into the report. Personally, I have to stress that there were always questions in the back of each man's mind who was on that task force. How will this be accepted by other police departments and other police professionals? How will it fit into a community system?

I think that what we have to do when we leave here—and I say we, because I'm a citizen, I pay taxes, and I worry about local budgets—is to really sit down and look at what we've got. Have we got policemen who are underpaid? Have we got policemen who are working with tools that were fine 20 years ago but are not fine today? Do we have a court system that's not functioning properly? Do we have a corrections system that's not functioning properly? How can we tie all of these little pieces together so that we get a system, so that we can achieve some of the goals and standards that are in not only the *Report on Police* but also the other reports?

Many have said that you're not going to agree with this, you're not going to agree with that. And there are certain points in here that are going to hurt people. You can't satisfy everybody. There's no report that's ever been written that could satisfy everybody. And the answer, I guess, is to pick and choose. Continue to do the things that you are doing that are working well. The things that you aren't doing, that might work if you tried them, sit down, see how you can put them together. See how the police can become part of the community. See how the community can start directing what goes on in the criminal justice system. I don't know if I've really given you any insight, any glowing comments on what went on in the Police Task Force. The Conference *Working Papers* really don't contain anything that resembles the total amount of what the final report will deal with.

I know that I went to the task force and worked there, and when the task force finished its year's work, I came out a lot better than I went in. I understood the problems that exist in developing a criminal justice system.

Thank you.

Mr. Michie: I think what Al has said is an understatement of the kind of effort that went into these task forces and the task force reports. I had the opportunity yesterday to view the *Report on Police* in its entirety. I would judge it measures something on the order of 28 inches, and that's quite a bit of material.

So, with that, I'm going to introduce my good friend, the Honorable Judge Sylvia Bacon, who is going to speak to us. Sylvia is one of the real contributors on the Commission, and she's going to talk to us about the Courts standards.

Judge Bacon: As I talk with you this morning, I come hoping to say something meaningful to individuals who are involved in community crime projects. Now, as you are aware, I'm talking about the Courts Task Force report. And it's loaded, as any task force on Courts might be, with judges, lawyers, and other practitioners in the field. And I think one of the terribly significant things the task force report which is before you today says is that there is a role for citizen involvement in the court aspect of crime control.

If each of us stepped back and thought about this, I don't think we would have any particular difficulty with the rationale or the conclusion that says you and I, be we citizen, judge, prosecutor, defense attorney, bailiff, deputy marshal, secretary, or warden, have a tremendously important effect on crime control. I think the thing that is so terribly important in the documents that are before you today is that laymen—what I used to be until somebody gave me a title which didn't really invest me with a great deal of knowledge—must be involved in criminal justice and what ought to be done.

The courts are not the special purview or the fiefdom, to use the old term, of the judges. The courts can only solve their problems today and can only become effective if there is public participation and understanding.

First, the public must understand the need for and the methods of securing a unified court structure. Second, the public must understand, as set forth in the recommendations of this Commission—which are before you in volumes, in pages, and with additional pages yet to come—that public membership—call it lay membership, call it community memberships if you wish—is necessary on commissions for the appraisals of judges' qualifications for appointment and dismissal. Third, out of all of this, you cannot hope to have the central fixture in criminal justice functioning effectively unless you have adequate appropriations—which each of you, as voting members of the community, may be responsible for—for carrying out the responsibilities of the court.

Does it sound too simplistic to say that the police put them in, the courts decide what's to be done with them, and the corrections department ultimately returns human beings to be part of our community again? And somehow, somewhere in the course of time, that unit in the middle which makes the decisions about guilt and about the method of rehabilitation—be it prison or probation, be it long sentence or short sentence, be it probation with strict supervision or mellow supervision—is the unit in the criminal justice process that has most frequently been deprived of the resources necessary for making a decision.

With that background, I say I want to talk about this particular unit. I don't think it does me, as a judge, a lot of good to talk to lawyers about uses of the exclusionary rule, about problems of search and seizure, or about whether or not we ought to have mandatory minimum sentences, because I think the action is here, and for these reasons.

One reason may be an assumption, an assumption that there is a crisis in the courts in the United States today. I haven't had a chance to look at the list of where each of you comes from, but in most places in the United States today, the backlog is large, the workload is increasing, the delays are pretty nearly intolerable, and more than that, confidence in the efficacy and in the fairness of the courts is lacking. This crisis is exacerbated by the crisis in crime control.

I suppose over the next days your ears are going to become deaf to suggestions that the flow of criminal cases is unending or to suggestions that social agencies are not able to care for the problems that produce crime. I suggest to you that the offender or the crime situation, in relation to the court and the correctional institution, has been a situation which has become unbelievable in proportion over the last 10 years.

Look at your Uniform Crime Code (UCC) statistics. The courts are crowded with situations, civilly and, more particularly, criminally, which reflect the failures of our social service system. And the courts are absorbing, but failing to deal adequately with, an ever growing number of problems thrust upon the courts system. Resources are spread thinner. And we are forced to deal with circumstances for which we have no resources.

The facts—if you want to narrow them to the criminal system—are painfully clear. And that is, many courts are unable to perform adequately their critical role in crime control. In fact, some courts may be actively contributing to the crime problem. This is not a burden we like to bear, but it is probably true. In this time of crisis, not only for courts in general but for courts reflecting sociological crime patterns in the United States, most courts are the victims of fiscal starvation, and they are also, unfortunately, the producers of what I call "the ostrich complex," that is, resistance to change and failure to engage in self-examination. I am not sure whether

resistance to change or failure in self-examination comes first.

I think an honest look at your own court system, whether you come from, if I can be so bold as to use particular cities and places—Watertown, S. Dak.; Pocatello, Idaho; Omaha, Neb.; or New York City—will confirm these findings vis-à-vis court and crime, if you look at them.

Now many criminals are out on bail in your city or county because the court has not had time to try them. How many times does your local prosecutor go to court unprepared to take a DWP (Dismissable Warrant to Prosecution) or any other nontrial disposition. That prosecutor is unprepared due to the press of criminal cases, due to his own involvement in his own personal cases, and often, because he is a part-time prosecutor, or because he happens to be the only inexperienced attorney in the county you could find to run for the job.

I might ask a similar question with respect to your defense counsel. How many of them are there because they are squooshing some kind of criminal business with some kind of feeling about "I've got to do my good deed for the day," instead of being professional, able, criminal law experienced persons.

And, again, I ask you, have any of your court personnel, and if you may have been among them, have you ever been to any of the seminars which are conducted on how to handle criminal cases? How many of your cities and States have ever concluded that they ought to increase the budgetary appropriations for the court system commensurate to the increase in the number of crimes? I can guess, although I haven't done an absolute survey. If it was like my experience in the District of Columbia, it's zero.

The problem that I have tried to set out to you is a national one. It's all of us. It's you and me and our local jurisdictions. Is there a solution? Well, I wouldn't be here if I didn't think that there was a solution. But it's not the solution we have used for a number of years—leaving it to the judges, the law professors, the appellate decision. I suggest to you that the National Advisory Commission on Criminal Justice Standards and Goals has proposed to you in those portions of its *Working Papers* relating to criminal justice the things which you and I can do.

The Courts Task Force report has more than 60 specific recommendations. These do not have one cure-all. What they have in them are the result of the views of 21 Commission members, 15 task force reporters, 5 professional staff, 8 researchers, and 24 professional people.

Out of all this I suggest to you three priorities that you can bring back to your community, to those who are involved in your court system:

Goal 1. Reduction of the time lag between apprehension and final determination of guilt or innocence;

Goal 2. Improvement in prosecution and defense practices and resources; and

Goal 3. Improvement in the quality of the judiciary.

Now the rationale for these priorities is clear. First, attaining speed and efficiency in pretrial processes and trial processes and achieving final appellate determination should result in a deterrence of crime and earlier and more effective rehabilitative treatment for the person who comes into the criminal justice system.

Second, well-qualified prosecutors and defense counsel must be so skilled that they can keep the speed of the process with the fairness that is inherent in the judicial task. Next, it is only a high-caliber judiciary whom we can expect to make sound judgments in criminal cases and to select the appropriate sentence, which is what much of this process is really about—rehabilitating people and bringing them back into the system.

In terms of the reduction of delay, I call your attention to Standard 4.1. It says 60 days from arrest to trial in felony prosecutions. Compare this to your jurisdictions. I suggest, as in Dallas, it may be 260 days to the date of trial.

With respect to improvement of defense and prosecution services, I suggest the standards that call for a public prosecutor with a term of 4 years and a salary equal to the judges of the highest trial court—a standard not commonly found. This individual is charged with determining who shall go through the system, determining who shall be the subject of informal processing by screening or diversion. These judgments, if not exercised personally, but exercised by his staff, represent the most important judgments made in the criminal justice process, if you and I are concerned about rehabilitation rather than punishment. It is the prosecutor with an equally skilled defense counsel who puts an individual into the informal screening processes, the handling method for 80 percent of the persons in the criminal justice system.

I'm coming down to one thing which I want very much to say to you, particularly because every other group may focus on exclusionary rules, rules of procedures, whether or not it's 60 or 90 days, and never get to the real issues about what citizens, you and I, can do about the improvement of the court system and the judiciary as a whole. Now, I suggest to you that the unification of the court system has a big payoff and it has to be done across the board to civil areas. You will find that in your report there are recommendations for unification of the court system, for State administration of the court system, for

selection of judges based on judicial nominating commissions that have lay members, and for lay participation on removal if those judges got out of hand.

It seems to me that the basic role of persons who are concerned about citizen participation is in the areas of Chapters 8 and 9 of the Task Force report with respect to court unification and with respect to court administration. You will find these in detail and you will be able to build your LEAA plans against those standards.

In summary, what I can say is—the task is before you; it is the result of serious study. I believe it can be done and that the only remaining question is: Shall we do it?

Thank you.

Mr. Michie: Thank you very much, Judge Bacon.

Our next speaker is Dr. Edith Flynn, the Associate Director of the National Clearinghouse for Correctional Programming and Architecture. She'll talk to you about the business of corrections.

Dr. Flynn: It is my great privilege to present to you the section from the Task Force on Corrections. It was our specific purpose to assist the National Advisory Commission on Criminal Justice Standards and Goals in the selection, articulation, and promulgation of standards explicitly designed to improve the delivery of correctional services so that a significant reduction in crime and delinquency can be achieved.

First, let me tell you about the task force itself. Our chairman was Judge Joe Frazier Brown, Executive Director of the Texas Criminal Justice Council, Austin, Tex. Lawrence A. Carpenter, also of Texas, was the staff director for the 16-member group, which was composed of members of the criminal justice system, State and Federal Government agencies, universities and private agencies functioning in the area of corrections. The selection of members for the Task Force was based on the need to obtain professionals with demonstrated competency and exceptional achievement in the fields of corrections and criminal justice planning. Included among the key professions were representatives of minority groups as well as ex-offenders, who are recognized as an essential and vital component of any correctional reform.

The report of the Task Force on Corrections is a bold document. It is a blueprint to change the face of corrections. It recommends, in unprecedented scale, a dramatic realignment of policies, resources, and practices perceived necessary to make corrections more effective in reducing crime and more responsive to the needs of a rapidly changing society. Although the desired levels of crime reduction cannot be achieved in American society without substantial changes in relation to poverty, unemployment, ignorance, and discrimination, there is no doubt that corrections can and must make a greater impact on crime than it does now.

An analysis of the history of corrections reveals that it is an area filled with plans, procedures, policies, and laws that have been built on faulty premises and that have failed to achieve their purpose. They survive regardless of their utility or obsolescence. Corrections has consistently pursued inappropriate concerns and ineffective solutions. It has emphasized facilities and the banishment of offenders to isolated, large-scale, anonymous, and dehumanizing institutions. Corrections has overemphasized custodial considerations, neglected individual offender needs, and imposed restrictions and hardware on all, when such were needed by only a few.

Corrections has accepted unquestioningly every conceivable type of social problem case lying outside its proper scope and competence, in spite of the fact that such cases could be treated far more effectively by other human service agencies. All these problems reflect corrections' traditional willingness to let society shun its responsibility for criminal offenders and for other special problem cases. We can no longer continue on this path. We must recognize that corrections is only a small sector in community responsibility for the reduction of crime and that corrections must stop being society's garbage can.

The report covers the entire spectrum of the criminal justice process, from the first involvement of alleged offenders to the institutional aspects of corrections to the total reintegration of offenders into the community. After a brief presentation of the key recommendations of the report, I will highlight those sections that may be of particular interest to you as elected officials, members of the judicial and law enforcement branches, educators, professionals in the human service areas, volunteer workers, businessmen, and interested citizens.

In the sincere belief that corrections must at last begin to take an active role in guiding and shaping the polices that vitally affect it, we have devoted considerable attention to the interrelationships among corrections, the various subsystems of the criminal justice system, and the community at large. We are convinced that progress in corrections is firmly tied to progress in the entire criminal justice system. As a result, the report goes beyond the traditional confines of corrections and considers in its recommendations the entire spectrum of criminal justice. To bring about the urgently needed reform of the correctional system, the task force and the Commission selected the following priorities:

Equity and Justice in Corrections

Alleged and convicted offenders should retain all the rights that citizens have, with the exception of those rights that must be limited to administer successfully a correctional program. The frequent characteristics of corrections—inhumane conditions, arbitrariness, lawlessness, discrimination, and brutality—must cease. As a civilized society, we can no longer tolerate such practices. Those who have been accused or convicted of disrespecting the law must see respect for the law demonstrated, not violated.

Exclusion of Sociomedical Problem Cases from Corrections

It is clearly beyond the competence and scope of corrections to deal effectively with the mentally ill, the alcoholic, and the drug addict. Today we know that applying criminal sanctions exacerbates the problems of these persons and contributes heavily to the revolving-door syndrome that characterizes our jails and penal institutions.

Although the Commission considers the issue of overcriminalization and victimless crimes in a separate report, the Corrections Task Force does note our propensity for outlawing private and frequently widespread behavior, simply because we find it to be morally objectionable. As a result, it encourages the development of a legitimate, formalized system of diversion from the criminal justice system.

Shifting of Emphasis from Institutions to Community Programs

In terms of a reduction in recidivism, prisons, jails, and reformatories are the least effective kind of correctional disposition. Frequently, the facilities create more crime than they prevent. Because of the documented bankruptcy of the old institutions, it would be a mistake to continue to provide new settings for such traditional approaches. The megaprison and the penitentiary must yield to community corrections. As a result, the report recommends that we pursue a national strategy to transform our present institution-oriented correctional system into one that is community-based. There are many reasons for pursuing this policy:

1. The current approach of institutionalization of offenders intensifies and compounds their problems;

2. The cost of institutionalization, with its excessive emphasis on security and hardware, is reaching epic dimensions;

3. Our current approach treats most offenders as violent and dangerous, despite the fact that only a few fit this stereotyped image;

4. The notion of gaining protection by confining offenders to jails and penitentiaries is largely a myth. It rests on the tenuous, unproved assumption that incarceration is synonymous with rehabilitation. The evidence, however, points in the other direction: time spent in confinement is inversely related to success when the offender is paroled. In addition, community-based programs appear to be more effective than traditional institutional programs. As a result, the argument that incarceration provides community protection, at least for the duration of confinement, is of little comfort when it is coupled with the realization that almost all offenders eventually return to the community.

5. Imprisonment has negative effects on the offender's ability to develop sufficient skills and competencies to perform culturally prescribed roles. Imprisonment critically disrupts the offender's life cycle: schooling, job training, and employment. In contrast, community-based programs are designed to help the individual through these processes; and finally,

6. The move toward community corrections implies that communities must assume certain responsibilities for the problems they generate. Problem and person, crime and criminal, are embedded in community life. They must be dealt with there. This is the critical task for the future.

Manpower Development

It is recommended that corrections develop a comprehensive nationwide strategy to improve correctional manpower, to develop underutilized human resources, such as women ex-offenders, volunteers, and members of minority groups.

Increased Involvement of the Public in Correction

Implementation of community corrections is dependent upon citizen involvement—and on an unprecedented scale. Not only will the degree of citizen acceptance determine the swiftness with which community-based corrections will be implemented, but it will also be the deciding factor in its ultimate success or failure.

Citizens must become involved at all levels of the correctional system: from policy determination to the shaping of specific community-based programs, to active participation in these programs. Involvement must come not only in the planning stages but at all critical functions that involve the implementation and operation of actual programs.

Systems Planning

Corrections today is nonsystem. It is so complex and the interrelationships are so varied that it resembles more an incomprehensible administrative maze than a rational approach to crime. Wide variations exist in the extent to which Federal, State, and local governments administer, finance, and operate correctional services.

To overcome such fundamental problems, effective relationships among the various components of the criminal justice system must be established, and corrections must end its social and political isolation. Beyond these essential requirements, however, lies the need for uniformity of definitions, standards, and practices—all requiring an integrated system that is administratively manageable, fiscally sound, and responsive to public needs and scrutiny. Such requirements suggest that planning activities be coordinated to the highest possible degree to reduce organization fragmentation, jurisdictional ambiguity, and costly duplication of correctional services.

Having given you a brief overview of the Corrections Task Force report, and having identified its key recommendations, I will now discuss those sections of the report that have particular significance for crime prevention and for the public at large. The specific topics at issue are diversion from the criminal justice system and community corrections.

Because one of the major objectives of this report is to hasten the implementation of community-based corrections, to the degree that this may be safely accomplished without detriment to the welfare of the community, the issue of diversion of suitable candidates from the criminal justice system becomes crucial. Diversion refers to the formally acknowledged and organized use of alternatives to early or continued processing into the criminal justice system. Such efforts come after a delinquent or criminal act has occurred, and before adjudication.

Operationally, diversion involves halting or suspending formal criminal or juvenile justice proceedings in favor of processing violators through noncriminal dispositions. Diversion, therefore, differs from prevention and minimized penetration. Prevention involves efforts made before an illegal act occurs; minimized penetration describes the least drastic means for dealing with offenders within the criminal justice system.

Our preference for diversion is based on the recognition that it is frequently more effective than criminal sanctions and that it serves to encourage offenders to become law-abiding and fully functioning citizens in the community.

Diversion of sociomedical and moral problem cases has already been identified by the task force as one of this Nation's uppermost goals. Although diversion from criminal justice has been used by the system since its inception, the development of purposful diversionary programs is new. Such programs are community-based, utilizing community resources that provide direct services or referral assistance to offenders in lieu of the traditional options of probation, jail, or prison. These programs can be used at every stage of the judicial process—from the point of the offender's first contact with the police to the point before adjudication or conviction.

Diversionary methods have clear advantages over incarceration: delinquents and adult offenders are spared the dehumanizing experience of the jail or prison environment; they retain the important social ties with their families and their communities; they can pursue the infinitely more productive activity of work or study. And, many more offenders can be handled at less cost.

There is increasing evidence that the most effecgive diversionary programs may well be those that divert individuals from the system before they become enmeshed too deeply within the system and labeled as delinquents or offenders. As a result, it is recommended that the development of diversionary techniques, which focus on preadjudication or pretrial diversion, be given the highest possible priority.

The report recognizes three diversion models, based on the point at which diversion occurs and on the respective agencies responsible for carrying it out.

Community-Based Diversion Programs

Community agencies and citizens organize planned alternatives to the criminal justice process. It is hoped that these alternatives will be more successful than criminalization and will simultaneously increase in more effective ways the capability of communities to handle unwanted behavior.

Police-Based Diversion Programs

Police agencies may administer diversion programs internally or through referral relationships with other community agencies.

Court-Based Diversion Programs

These programs may be administered directly by the court or by public or private agencies working with the court. The court may hold criminal charges while an offender participates in the program; or it may file charges and then suspend further action while the offender is participating in the program. In

either case, a recommendation to cancel all legal action against the offender results if he or she successfully completes the program.

To implement diversion programs, the task force recommends that the local jurisdiction, in cooperation with related State agencies, develop formal programs of diversion that can be applied in the criminal justice process. It becomes vital that criminal justice agencies seek the cooperation and resources of other community agencies to which juveniles and adults can be diverted for services. Comprehensive planning, communication, and sharing of resources are the key words for the implementation of diversion programs. Planning for diversion should be systematic and should include thorough evaluations of policies and procedures. Furthermore, it is recommended that community and participating human resource agencies be represented in the planning process and become as much an integral part of the program as possible.

Diversion programs become particularly important in the handling of juvenile delinquents. The report recommends that only those who have committed acts that would be criminal if they had been committed by adults be subject to the delinquency jurisdiction of courts. Because most jurisdictions do use the juvenile justice system for children who have committed acts deemed by the court to be conducive to crime—truancy, incorrigibility, and disobedience—the task force recommends that residential detention care be an exclusive service for the juvenile court and never be used for dependent or neglected children or for those in need of supervision. It emphasizes the use of resources outside the juvenile justice system, even for first-time and minor offenders, so that the limited resources of the juvenile justice system can concentrate on the more serious juvenile offenders.

Extended use of police discretion to divert youngsters into alternative community programs and agencies is also recommended. Appropriate intake services, organized under the juvenile court system, are extensively described. Such services should be explicitly designed to screen, assess, and evaluate youngsters and to refer appropriate cases to human service agencies, to the extent that this may be accomplished without undue risk to the safety of the public.

Furthermore, the task force recommends a moratorium on the construction of major institutions for juveniles. Existing facilities should be phased out in favor of local programs and activities.

The commitment on the part of the task force to community corrections is clear. The topic permeates the report. The recommendations that corrections shift its emphasis from institutions to community programs have already been discussed. What remains is to delineate the philosophical base, the basic components, and principal implementation strategies for community corrections.

The theoretical basis for community corrections is the recognition that a considerable amount of delinquency and crime is a symptom of failure both on the part of the individual committing a crime and on the part of the community. Community corrections, then, focuses on the individual as well as on the community. Since law-abiding behavior in the community is the ultimate test of success for correctional programs, the emphasis is on achieving not only rehabilitation but complete reintegration of the offender into the community.

As a result, past correctional philosophies stressing retribution and punishment must give way to the consideration of the requirements for offender socialization and reintegration. We know that more emphasis must be placed on the offender's social and cultural milieu if any substantial relief from crime is to result. This is not to say that individual responsibility for delinquent and criminal behavior is to be disregarded. Far from it. Those who clearly transgress the law with malice and intent must be held responsible for their actions, and our consideration of individual rights must be delicately balanced against considerations for rights of society.

At the same time, criminal behavior must be considered within the setting of the offender's social group, the community, and his specific subcultural matrix. In this sense, it may be said that if the vexing pressures of an offender's social milieu contribute to his criminal behavior, the social milieu itself must be changed.

In addition, the community must come to accept a responsibility for participating in and contributing to the corrections process. An informed and concerned citizenry, willing to insist on exercising its right to make informed judgments involving correctional processes, must be attained to improve criminal justice standards and goals. So far, this objective has not been realized. A massive public information campaign is therefore required to bring about citizen involvement and to reverse the pattern of the past.

Corrections itself must assume more responsibility for enlisting human service agencies and community support for its programs. This means that jails and penitentiaries will need to open their doors and establish a strong flow of information to the public concerning the issues and alternatives involved in implementing correctional programs. Only if corrections emerges from its resplendent isolation can citizens and community agencies participate intelligently in the decision making process.

We can distinguish three dimensions in our approach to community-based corrections. The first dimension is humanitarianism. The Task Force recommends that no juvenile or adult be subjected to more control than he or she actually requires. This recommendation is based on the recognized need for much greater selectivity and sophistication in the use of criminal sanctions and correctional methods. We must reserve these great powers for those offenders whose behavior seriously threatens the safety of others. We must refrain from treating society's rejects and nuisance offenders in the same manner in which we treat the Richard Specks and Charlie Mansons. We want the criminal justice system to become the last resort for correctional institutions and the last resort for correctional problems. This recommendation is crucial if we wish to avoid the continuation of the gross inadequacies of our present approach.

The second dimension of community-based corrections is a restorative one. We need to help the offender to achieve a position in the community wherein he no longer violates the laws. It would be wrong to interpret the notion of assistance and aid as mollycoddling. On the contrary, closer analysis of this approach will make it clear that society has the most to lose if offenders continue to violate its laws. On the other hand, it has the most to gain if they become law-abiding and productive citizens. Viewed in this light, the means to achieve the desired ends appears comparatively inexpensive.

The third dimension to community-based corrections is a managerial consideration. The Task Force recognizes that protection of the public is the uppermost mandate for corrections. Though there will always be a need for incarceration of the persistent felony offender, the professional criminal, and the dangerously predatory individual, it is recognized that the majority of offenders can be treated much more effectively in the community. As a result, the report recommends a dramatic shift in emphasis from institutions to community services. We recognize that no other course of action will suffice.

By allowing offenders to associate with "normal" persons, in situations kept as normal as possible, an entire range of social support services can be made accessible. This consideration is based on the assumption that if the offender learns to handle himself in the community, while he is under correctional control, he will be able to do so after the control is lifted. It is further assumed that this offender will be better prepared for reintegration into the community than the offender whose correctional experience has been limited to the frequently dehumanizing process of the prison system.

Before turning to the principal components of community-based corrections, let me give you a definition of the term. Community-based corrections, as defined by the Task Force, is the widest possible number of noninstitutional correctional programs that are designed to rehabilitate, reeducate, and redirect attitudes and behaviors of offenders for the purpose of integrating or reintegrating them into society as self-sufficient and productive members.

Among the alternatives to incarceration we recognize diversion, probation, parole, nonresidential treatment, foster and group homes, and the community correctional center. There is also an entire range of aftercare programs, all of which are designed to enhance the probability of attaining successful reintegration into the community.

Other components include community adjuncts to institutions: work release, vocational and academic education, family visits, ethnic cultural group activities, prerelease programming, and arrangements for short-term return to halfway houses rather than reinstitutionalization in jails and penitentiaries. A systematic approach to increasingly involve inmates in community programs is recommended. This recommendation is based on the premise that the only way that readiness for release can be assessed is to "test" offenders by allowing them to demonstrate that they can handle increased levels of autonomy with responsibility.

The planning strategies designed to bring about implementation of community corrections involve maximum utilization and coordination of existing community service agencies offering resources in areas such as family planning, counseling, general social services, medical treatment, legal representation, and employment. They also include the involvement of the public and of volunteers in the mission of corrections. The latter is absolutely crucial to success. Citizens and private business must become involved in planning and in advisory roles, in developing and maintaining needed resources, in direct service roles, and as citizens interested in improving the correctional system.

To bring about implementation of the fundamental changes we have discussed, the report of the Task Force on Corrections recommends uniform statewide planning. It provides a blueprint for a logical, systematic planning approach, which can be responsive to changing problems and changing priorities and at the same time provide a framework for developing more relevant programs. It recommends systems planning as opposed to subsystems planning. Only in this way can delinquency and crime control needs be anticipated and hindsight and *ex post facto* responses to crisis and problems be avoided.

In conclusion, the Task Force on Corrections is calling for a dramatic realignment of correctional methods, for increased reliance on community and

citizen involvement in corrections, for a deemphasis on institutionalization and incarceration, and for a national commitment to the philosophy of community-based corrections. The time has come for fundamental changes in corrections. We must cease to hide our social problems behind grey walls and barbed wire. We must change radically our attitudes toward the offender and toward the problem of corrections. We must have a commitment from corrections to change. We must also have a commitment on the part of the public. If the philosophy of reintegration is to gain public favor, the public must come to recognize that present correctional practices do not serve the public's interest in the long run.

Furthermore, the confidence and cooperation of the law enforcement and judicial branches of government and of the public will be critical in the transition to a more enlightened correctional system. Public trust and public involvement will be indispensable to achieve such major change. Legal and economic barriers and social ostracism must yield to commitment, involvement, and the sharing of responsibility. The relationship of corrections to the public at large, to human service agencies, and to the remainder of the criminal justice system must be nurtured and based on the principles of symbiotic cooperation. Only then will the goals of crime prevention and crime reduction be realized.

First Conference Session

"An Overview of Standards and Goals," Wednesday, January 24, 1973, 10:30 a.m.

CRIME-ORIENTED PLANNING

SUMMARY PRESENTATION

[During the First Conference Session, there were four speakers on Crime-Oriented Planning. Martin Danziger, Assistant Administrator, National Institute of Law Enforcement and Criminal Justice, spoke at the Police Conference Session. George Trubow, Director, Office of Inspection and Review, Law Enforcement Assistance Administration, spoke at the Courts Conference Session. Gerald P. Emmer, Director, Office of Inspection and Review, LEAA, spoke at the Corrections Conference Session. George Hall, Acting Administrator, National Criminal Justice Information and Statistics Service, spoke at the Community Crime Prevention Conference Session. Because all four speeches covered the same material, they have been combined into one speech.]

Introduction

It is much too easy to think about criminal justice in terms of police, courts, corrections, and community crime prevention without taking an overall look at what it is we're trying to do. Governor Peterson said this morning that an overall strategy was needed for the reduction of crime and delinquency. He handed you one of the major tools in that strategy—standards for criminal justice operations. These standards, in the final analysis, can only be tied together by comprehensive crime-oriented planning.

This discussion concerns what we call a crime-oriented program development model, which shows you how the system as a whole works together and makes contributions toward ultimate achievement of this goal of reducing crime and delinquency. The concept calls upon the interdisciplinary analysis and planning that will aid in bringing about a criminal justice system, rather than the proverbial nonsystem.

Criminal justice planning has generally proceeded with an analysis of the system's needs and problems. It was this comprehensive assessment which then served as a basis for program development. Police, courts, corrections, and community-based agencies would describe what they needed in terms of facilities and equipment, operations and manpower. It was felt that tying all of these together in one massive document constituted comprehensive criminal justice planning, or comprehensive planning for the criminal justice system.

The trouble with this is that there isn't any criminal justice system. There is a criminal justice process, but it's not a system in the sense that a factory or a hospital is a system. It's not a system in the sense that every element that is a part of the system contributes aggressively to the achievement of some

goal. And the goal established by these standards is the reduction of crime and delinquency.

If we were charged this morning with undertaking comprehensive planning, for example, for water pollution, we wouldn't go at it the way it's been done in the criminal justice environment. We would develop a planning strategy that would run something like this. We'd say, "Well, where is this water?" We'd map it out, we'd look at it carefully, we'd categorize it as still or running, how large it was, what it was used for, and whether it was relatively clean or unclean. Then we'd begin to test it.

We'd test it and we'd find out that polluted water is not just polluted water; it's water that has a variety of unacceptable elements in it, such as nitrogens, phosphates, or whatever. When we tested it further, we would find out that nitrogens aren't just nitrogens; they are composed of a variety of elements from a variety of sources, like human waste, runoff of agricultural fertilizers, and so forth.

After we got the facts about what pollution was, we could begin to evolve a planning strategy based on data, facts, and knowledge. After we analyzed those data in great detail, we could begin to address the elements of the system that will be our eventual tool to reduce water pollution—legislation, laws, prosecution, enforcement, and so forth.

Improve the System

The first chart is entitled "Improve the System." This chart exemplifies some of the activities that go on when you are improving a system and setting system-improvement objectives. If you are going to improve a system, we're emphasizing here that there are essentially only three areas of activity with which you can work. You are looking at three major resources of the system—facilities and equipment, operations, and manpower. As for objectives in system improvement, you think about some quantitative and possibly qualitative ways of improving the system.

What does this mean? If you are talking about the police area, generally you would look at whatever equipment you are using and you would make it better by some notion of improvement. If you're using a gun, then you get a gun that shoots straighter or farther. If you are using a car, you get one with a bigger motor in it so that it goes faster. If you are using a radio, you get a radio that has more channels on it so you can communicate further with it or so that more people can talk on a radio at the same time.

If you're talking in terms of manpower, note throughout the system that there are only three kinds of things you can do when you are talking about

CHART 1. "IMPROVE" THE SYSTEM

	POLICE	COURTS	CORRECTIONS	COMMUNITY CRIME PREVENTION
FACILITIES & EQUIPMENT	CARS RADIOS GUNS	COURTROOMS TRANSCRIBING EQUIPMENT	HALFWAY HOUSES RECREATION EQUIPMENT	RECREATION FACILITIES
OPERATIONS	COMMAND & CONTROL	MANAGEMENT STUDIES BAIL REFORM	OFFENDER CLASSIFICATION WORK RELEASE PROGRAMS COUNSELING	COUNSELING PUBLIC EDUCATION
MANPOWER	RECRUIT TRAIN PAY AND FRINGE BENEFITS	RECRUIT TRAIN PAY AND FRINGE BENEFITS	RECRUIT TRAIN PAY AND FRINGE BENEFITS	RECRUIT VOLUNTEERS TRAIN MOTIVATE

manpower. You can recruit better people by whatever better means, give them better training, and increase their pay and fringe benefits. In the area of operations—translating that to the police area—this generally means command and control and some sort of more sophisticated system of recordkeeping. That means if you are using a pencil, you get a ballpoint pen. If you're using a pen, you get a typewriter. If you're using a typewriter, you get a computer.

This sort of system tinkering has been evident to us in the past and what we need to do is keep in mind that we're focusing on crime and delinquency. That's the problem. The system is not the problem. The system is the solution, hopefully. The system is the technique by which we are going to respond to our goals and objectives.

And as you've heard today, the Commission is telling you it believes that we can, within the next decade, achieve a 50 percent reduction in crime. When we talk about a mode of program development that is crime-oriented, what we're going to talk about borrows from what we call a classic system of problem solving.

Attack the Problem

The second chart is entitled "Attack the Problem." If you have a problem which you need solved there are basically two things you can do about it. One is to improve controls on the manifestations of that problem. Another is to reduce the causes of that problem while you fight the manifestations of the problem. That simple model of problem solving applies if we're suggesting whether you are talking about water pollution, air pollution, noise pollution, health and transportation, or highway safety—whatever it may be.

What is the problem? You look at the manifestations of that problem and you try to control it, while at the same time you try to discover causes of that problem and eliminate them. Of course, there are appropriate strategies, whether you go both or either one of these routes.

A criminal justice agency should take a more critical view of the relationship between system improvement and crime reduction. It's time we paid a bit more attention to the problems of crime itself. If crime reduction is our basic objective, we have no reasonable alternative but to initiate a planning process that is clear and explicit in its intention to reduce crime.

Crime Analysis and Program Development

The third chart, Crime Analysis and Program Development, is a document that is central to this

CHART 2. ATTACK THE PROBLEM

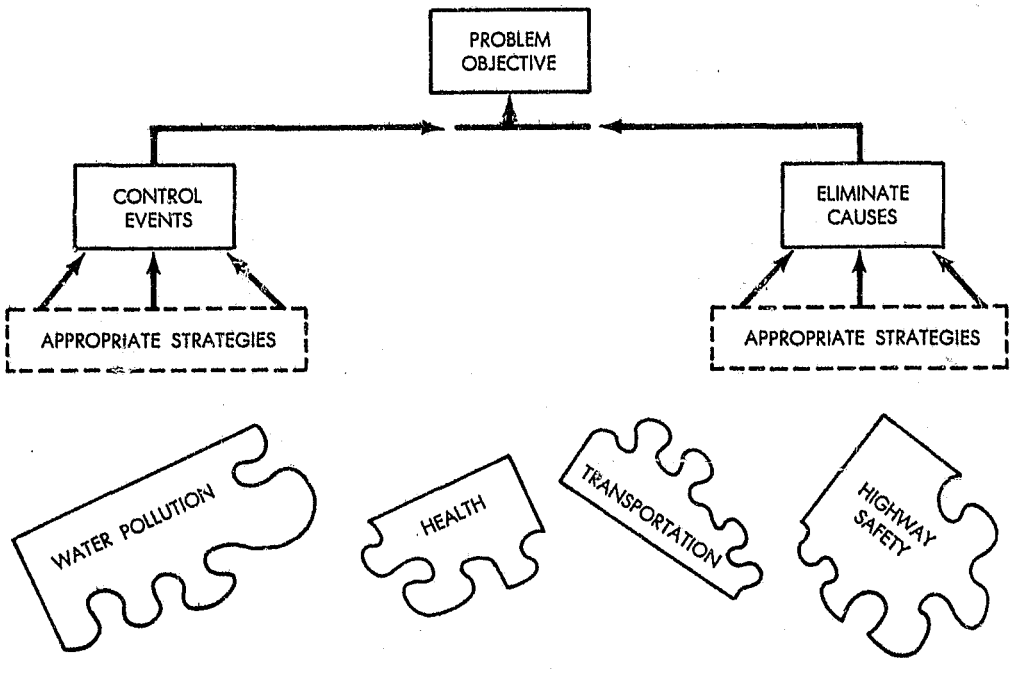
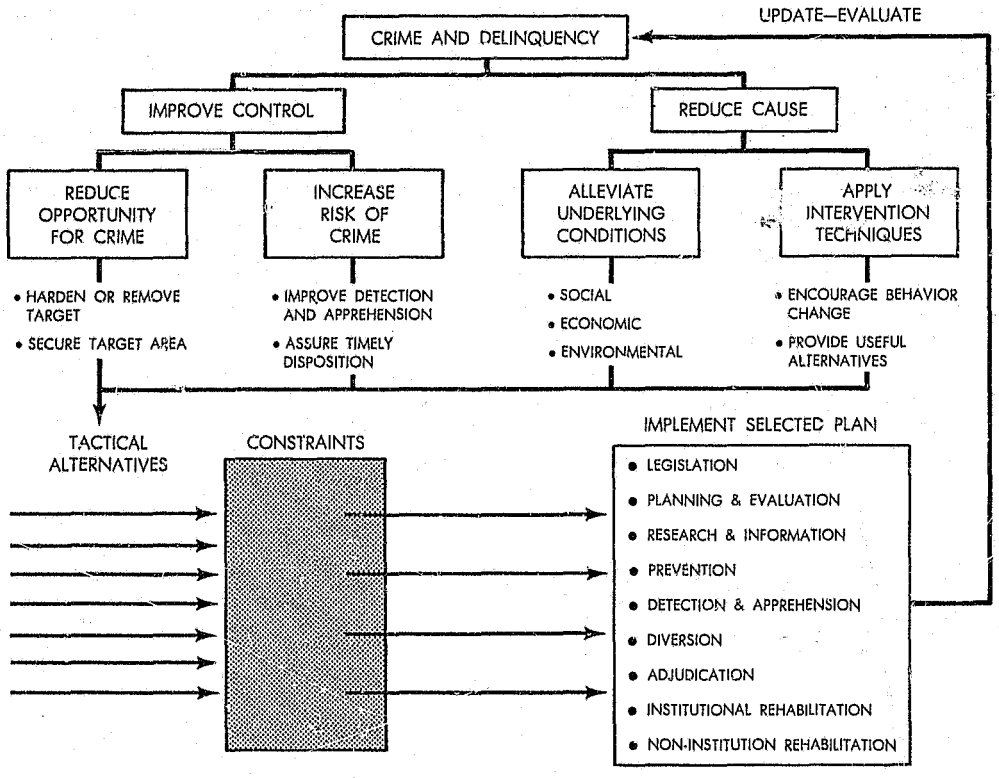


CHART 3. CRIME ANALYSIS AND PROGRAM DEVELOPMENT



whole discussion. The problem that we face is the problem of the quality of life, and basically, the problem of crime in this society.

The logical starting point for a crime-oriented planning process must be a thorough analysis of the particular crimes which—due to their incidence, their social costs, the public's concern—warrant priority attention. And we recognize that police agencies are dutybound to deal with a whole range of criminal activity.

There are several reasons why it is necessary to begin crime analysis by selecting one or two crimes for special consideration. The sum total of all forms of criminal behavior is simply too vast a problem to attack at one time. Crime reduction analysis programs must focus on particular types of offenses, or upon several offenses with similar characteristics, in order to be effective.

Also, resources for planning and programing in the field of criminal justice are limited. Thus, it will not be possible to plan for the reduction of crime in general in any State or local jurisdiction over a short period of time.

Another reason is that it is important to be selective. Not all forms of criminal behavior are equally serious; therefore, judgment is required in our choice of crimes that need priority attention.

A planning process which accepts the reduction of specific crimes as its objective must begin with an analysis of basic elements—common to any offense—the event itself, the victim or target, and the offender. It is necessary to discover all we can that is relevant about the crime in question from the point of view of each of these three elements, so that appropriate strategies and tactics can be developed that will result in a balanced and comprehensive attack upon the problem.

We want to point out here that there is a relatively small number of strategies that we are going to employ in bringing about a reduction in crime and delinquency. These strategies, however, have to be implemented by the entire system working together to accomplish that ultimate objective of the reduction of crime and delinquency. What I have here is a planning model, a process model, and a dynamic model for program development. You apply basic

strategies of program development, strategies of analyses of data, to data that apply to a particular kind of crime problem—burglary or robbery—or whatever your classification.

As you apply these strategies to the data that you have available for analysis that indicate to you matters relevant to cause and control, a variety of alternatives which we call tactical alternatives will be developed—a variety of approaches you can take that may bring about a solution to that problem. Now, all of these approaches cannot be implemented. The resources will not be sufficient. In fact, some of the alternatives may be conflicting. So, we will apply a series of constraints to screen out some of those alternatives. From those constraints we will end up with something we call in the criminal justice system our plan of action, that which we implement to achieve this goal. We then go through a process of updating information, analyzing what we've done, evaluating it, and recycling again.

Now, the things we do—the things we actually put into motion in order to achieve this objective—involve an impact on the criminal justice system. It is these areas of action—performance standards and goals—that you are going to be discussing during the next 2½ days. These kinds of program areas must be implemented by the criminal justice system to achieve its objective. What sort of standards and performance guidelines do we need?

In the areas of control, there are essentially only two things you can do. In this case, you're talking about controlling crime. First of all, you can reduce the opportunity for a crime to occur, and second, you can increase the risk to a person who would commit an offense. These are the two strategic areas of control activity.

In reducing the opportunity for a crime to occur—in deterring crime, that is—we try to harden or remove targets. We try to secure target areas or target environments. For instance, if you're talking about burglaries, you try to develop methods to harden the target—make the house less vulnerable to burglary or invasion. If you're talking about securing the target area or the environment, you're talking in terms again of burglary. You would want to make an area less hospitable to invasion or less likely that a crime can occur—lighting streets, and doing things of that nature.

Now, these strategies are universal, in that they apply to any kind of crime. However, what you do is apply the strategy to the particular kind of offense. If the crime that you're worrying about is forgery or passing bad checks, then the target varies and the nature of the target environment varies. However, these are the strategies you will employ.

In the area of increasing risks, again we see deterrence at work. The police were talking today about their need to improve their ability to detect and apprehend offenders. In the *Report on Courts,* they focused directly on the fact that in order for deterrence to be effective, we have to assure a timely disposition. Much of what was discussed by the Task Force on Courts addressed the need for timely disposition.

In the area of cause, once again, we heard some talk about the things that affect the causes of crime. There are two ways in which cause may be reduced—through alleviating the underlying conditions that tend to promote crime, and through the application of intervention techniques that may benefit the individual once he has entered the criminal justice system.

We refer to root causes or the underlying conditions that promote crime. As Arnie Rosenfeld pointed out, his Task Force believed that there were some correlations between housing, education, poverty, discrimination, and social conditions that indeed might have some relation to crime. These are correlations that need to be examined.

When we deal with people who are involved in program development, we find that searching out the basic root causes of crime is, in fact, a longitudinal, long-range, deep research effort.

We know a lot of correlations today but we don't really know causes. We know, for instance, that most people who commit crimes are poor people. We also know that most poor people don't commit crimes. We try not to be misled by the correlations while we take whatever we can get. Hopefully, we'll gather some research that will give us a little bit more information about what the causes of crime are.

In the application of intervention techniques, we find corrections, the community, and the courts deeply involved. We heard the call for more alternatives for correctional treatment. We also heard the call for shorter sentences, because that's the fact that we have to face. When we're dealing with high-risk groups of offenders, we don't have too many choices about what we can do with them. Given offenders, what can we do? Generally, don't we have about three kinds of choices available to us? We can kill offenders: that certainly eliminates recidivism problems. However, the societal reaction is very, very negative to killing them. Or, can we warehouse and just lock them up forever?

Well, those of you who know about corrections, for instance, know that the vast bulk of offenders who are incarcerated today are incarcerated for periods of less than a year before they are released and put in the streets again. If we were just to raise

the average length of incarceration, say, increase one year to two years, we would essentially have to double the size of the facilities and the amount of equipment used in the correctional system today.

A third choice is left to us in corrections, which is rehabilitation—that is, return the offender to society in a productive way and in a way that will discourage him from being a recidivist. This is what the Corrections Task Force is aiming its efforts toward. The Community Crime Prevention Task Force is talking about ways in which the community can be of assistance.

Constraints

Going through the whole process of analysis of particular kinds of offenses, a variety of tactical alternatives will be developed, and we have to screen them out with constraints.

Now, we've listed some constraints on Table 4. The constraints are those aspects of reality that have to be dealt with in selecting your program.

Table 4. Constraints

- Cost to Achieve Goal
- Time Required to Reach Desired Effectiveness
- Feasibility of Alternatives
  - Technical Feasibility of Plan
  - CJS Organizational Feasibility
  - Social Feasibility
  - Related-Program Feasibility
  - Economic Feasibility
  - Legal Feasibility
  - Political Feasibility

We mention cost, time, and feasibility. You're familiar with cost and time. Certainly, the impact of cost and time on selection is self-evident. Feasibility involves a variety of constraints. Technical feasibility: can you do it? Do you have the technical ability to accomplish whatever the alternative may be? What about criminal justice system organizational feasibility? For instance, in the courts area, the suggestion is that the reorganization of the courts today in some areas may not be such as to permit the feasibility of particular recommendations.

Legal feasibility is another area of court involvement, in that it's an important constraint. The courts certainly are responsible for seeing that we have a quality of justice that is consistent with the constitutional system and consistent with what the resources of this country can provide.

Table 5 sets out some program objectives. Let's quantify it. In your community, what is the extent of the problems of assault, of robbery, of burglary, or of the violent stranger-to-stranger crimes that you heard Governor Peterson mention this morning? How significant, that is, are qualifications? Is the public concerned? This is your descriptive analysis of public concern. This would include economic costs, available resources, and indirect social and economic implications of the decisions. This, in turn, includes how susceptible to control a particular form of criminal activity is, and what we can expect the impact of the effort to be.

Table 5. Setting Program Objectives

- How Much?
- How Significant?
  - Public Concern
  - Direct Cost
  - Drain on CJS Resources
  - Effect on Socio-Economic Environment (Indirect Costs)
- How Susceptible to Control?
  - Primary or Secondary Event
  - Opportunity vs. Calculation
  - Degree of Concentration
- Anticipated Impact in Terms of Increase, Maintenance or Reduction

You must also have a clear enunciation of the goals. We go through this form of analysis, we attempt to quantify, and we attempt to anticipate the impact in terms of increase or maintenance or reduction. We simply wrestle with the questions of susceptibility to control.

During the course of the analysis of a particular crime and the context of that event, the victim, or target and the defender, some general strategies of dealing with the problem will begin to suggest themselves. It comes about in the examination of the data, and starts to indicate to you, as professionals, the tactical alternatives that might be most useful both in attacking the causes of crime and in improving the control of it.

Basic Crime Analysis Strategy

Looking at Table 6, one sees that the further refinement of the strategy of control includes both reducing the opportunity for offenses to occur, and increasing the risk of offending. Reduction of opportunity comes through target hardening—that's

community crime prevention, in part. Area security includes such actions as securing door and window frames, making homes less vulnerable, using the concept of defensible space, making neighborhoods less hospitable to crime, and making transportation systems less vulnerable to crime.

Table 6. Basic Crime Analysis Strategy

Control Offensive Conduct

- Reduce Opportunity for Offenses to Occur
  - Harden or Remove Target
  - Secure the Target Area
- Increase the Risk of Offending
  - Improve Detection and Apprehension
  - Assure Timely Disposition

Reduce Causes of Crime

- Minimize Underlying Conditions
  - Social
  - Economic
  - Environmental
- Apply Intervention Techniques
  - Encourage Behavioral Change
  - Provide Useful Alternatives

The risk of committing an offense is increased through improved police surveillance and timely disposition of cases. You see work being done in Kansas City and Miami through the development of special units. Essentially, they are carrying on these kinds of efforts in order to increase the risk involved in engaging in particular forms of criminal conduct. If a person commits an offense, he must reasonably feel, and we must be assured, that he's going to be detected, apprehended, and adjudicated fairly and within a reasonable time.

Now the general strategy of cause can also be subdivided into two strategies. The first is attacking the underlying conditions—the root causes of crime, such as poverty and unemployment and poor education. These are long-term programs, which, of course, normally do not fall within your bailiwick.

The second is intervening on behalf of those who have already come into contact with the criminal justice system by attempting to provide offender populations or high-risk groups with alternatives to criminal behavior.

These, in part, are research and development questions that behavioral scientists, psychologists, criminologists, and a host of other disciplines and agencies—within and without the criminal justice system—are seeking to resolve.

In any event, the careful consideration of these strategic approaches, in light of the data that have been collected, should result in the development of an entire range of possible changes in every area of the criminal justice system. In addition, some programing changes may be suggested to non-criminal-justice agencies. You have to be free to bring this to the attention of those other agencies within your municipalities or State governments, or for that matter within the area of the Federal Government, where they have some responsibility.

The tactical alternatives that are suggested by a thorough analysis of the data then must be compared and evaluated with respect to their relative costs, social acceptability, and general feasibility. These, of course, are the possible constraints. Following this, a final selection is made of activities that will comprise the overall program. And, of course, that's the implementation of a selective plan.

Tables 7, 8, and 9 outline the general range of the data that must be gathered and dealt with when we try to wrestle with the crime-oriented planning approach. We must have knowledge of the event, the target or victim, the environment, and of course, the offender group characteristics. We must know much, much more about the individual. We call these offender-specific characteristics.

Table 7. Data Selections and Analysis

Actual Event

- Modus Operandi & Crime Patterns
- Violence Characteristics
- Property Taken or Damaged
- Victim Response
- Community Response
- System Response

Table 8. Data Selection and Analysis

Target/Victim

- What Are Its Characteristics
- When Is It Attacked
- How Is It Attacked
- Where Is It: Environment

- Density of Potential Targets
- Accessibility
- Transportation Patterns
- Land Use/Topography
- Population Profile
- Uniqueness of Environment
- Stability; Recent Trends

Table 9. Data Selections and Analysis

Offender Group Characteristics
- Age
- Occupation
- Economic Status
- Education
- Ethnic Background
- Geographic Distribution

Offender Specific Characteristics (Intervention Criteria)
- Educational Status; I.Q.
- Vocational Potential
- Attitudes, Values & Aptitudes
- Physical Defects
- Emotional Makeup

It is only through coordinated and comprehensive examination of information and data that we evolve a planning strategy—the kind of planning strategy in which these standards can be related to each other and in which priorities can be assigned. It is only this kind of comprehensive planning that is going to force the judiciary to talk to correctional officials, and the police and correctional officials to talk to each other, so that all can examine the facts about crime and what can be done about crime.

Conclusion

In broad outline, we've tried to describe a crime-oriented approach to crime reduction. Let us be sure that it is clearly different from system tinkering, mainly in its definition of the problem or objective that planning must serve.

What we're suggesting to you is a process of planning in which you look at what it is you are trying to do. Look at that overall. Don't be diverted by seemingly simple solutions like building walls, installing safety devices, and so forth. These are stopgap measures, and they may be counterproductive to overall system planning.

When you begin to do your work, look around for hard data. This Commission, in all of its work, looked for hard data upon which to base its recommendations, standards, and goals. Look at hard data. Determine what your priorities are. Determine what the problems in your community are, and how you are going to address those problems. Then begin to do it in some kind of coordinated way.

We have such a series of problems that you have to look at the volume of the problem, the significance of the problem, how susceptible it is to control, and the anticipated impact, or you will not be able to operate.

In order for your efforts, for any of our efforts, to be effective, we have to utilize hard data. We have to take hard looks at those data to develop our objective, to develop our strategies, and to develop our tactics. Second, we have to do this in a coordinated fashion. And third, to echo Governor Peterson, we cannot fear failure. We have to be willing to take hard looks at what we've done. We have to evaluate the efforts we took last week and modify them with the kinds of things we are going to do next week.

Crime-oriented planning must be systemwide. It must embrace prevention, deterrence, detection, apprehension, adjudication, and postadjudication. Design, implementation, and evaluation require the participation of many parts of the criminal justice system, many parts of the planning and operational system, and the social systems at all levels of government. Unless we move forward and coordinate our efforts and bring into reality that criminal justice system, we'll be like that rock song the kids used to sing, where they suggest that you can be walking down the street, and get a greeting from your friend saying, "Hallelujah, brother!" when, in fact, all the while he's going to sock it to you.

Over the next 2½ days, we must be sure not to lose sight of the point that was mentioned so many times this morning during the opening speeches. Our ultimate objective is to make an impact on crime and delinquency. The standards we are talking about are standards and goals for the criminal justice system in its response to the problem of crime and delinquency. Let us not be swayed by the temptation to system tinker without regard to why we're making suggestions for improvement. Let us keep in mind the need to put together standards that will help achieve the objective of reducing crime and delinquency.

Chapter 8
Second Conference Session

Second Conference Session — "Innovation and Change;" Wednesday, January 24, 1973, 7:30 p.m.

POLICE

PRESIDING: **Clarence Coster,** Associate Administrator, Law Enforcement Assistance Administration, Washington, D.C.

ADDRESS: **Frank Dyson,** Chief of Police, Dallas, Tex.

Mr. Coster: I'm a smalltown boy from San Francisco and I'm really overwhelmed by this audience—the mayors, city managers, heads of State police, people from the private sector. This occasion brings to mind a story I heard just a short time ago. It deals with finding it hard to determine who is the most important man.

On a recent Sunday, St. Peter was approached by three sergeants from the police: a sergeant from a State police department, a sergeant from a county sheriff's office, and a sergeant from a local city police department. And upon greeting them, he said, "You people have well earned your place here, you've seen your share of hell on earth and I'm glad to greet you."

At this point, all three pressed forward and asked to be selected first choice. The State police sergeant said, "I have the greatest amount of prestige. I represent the largest entity of government." And the sheriff's sergeant said, "I represent an official who is elected and close to the people, and I have the greatest amount of prestige." And the city police officer with good criteria stressed the same thing.

St. Peter was somewhat perplexed. So breaking the rules of a good staff man, a good administrator, he jotted off a note to God and he said: "Dear God, I hate to bother you with matters such as this, but I am dumfounded. I don't know exactly how to react. These people have all earned their place here and I don't know who to give top priority to. Will you please give me your opinion and your direction?"

In a short while, the Angel Gabriel came back with a message addressed to St. Peter. "St. Peter, as a leader, I rely upon my staff and my administrative personnel to make decisions and to give me the guidance that is necessary. I encourage you and caution you to select the most worthy, the most deserving, and the best individual without any type of preference or any type of influence. Signed, God, Los Angeles County Reserve Deputy Sheriff."

Gentlemen, we have all been exposed to many people mulling over the police role, the police responsibility, what we should and what we must accomplish. Perhaps the single most significant thing to me, as a police practitioner, is that this entire Conference and the report of the Police Task Force

are recommendations based upon knowledge, experience, and research. This is not an ivory tower, intellectual, philosophical, or sociological thesis based upon the assumptions that all men are good, or any other such nicety. It is based on today's world; known facts; perhaps, most important, known failures; known successes; and state-of-the-art projections. All of you recall that a short time ago many experts stepped forth and identified all the causative factors of crime and stated that if the criminal justice system would only react to those causative factors, the crime problem would be resolved.

And along came suburbia and the fantastic increase of crime in suburbia and all of the experts went back to their books to find the answers that still are not forthcoming. We do not have those answers.

It is easy to postulate that this item or that item is the cause of the difficulty the police are having in accomplishing their mission and, basically, the cause of crime. It is far more difficult for professionals intelligently and rationally to analyze the mission, undertake sound research and experimentation to determine if, in fact, this is the case.

Innovation and change—we've all heard a lot about them. God knows we need them. Does anybody need them more than we do? But concurrently, if we innovate, if we make a change, we all must seek courage. We need courage and integrity to experiment and innovate. But even more critical, if the experimentation and innovation do not produce the desired results, we need the courage to come forth and state that it was a worthwhile, noble experiment. But change is not the only answer, because only within a framework can change be meaningful.

Change has been underway for the past 10 years, the last 20 years—the task force report states the last 40 years. How many of us 10 years ago would have projected that the police would be operating helicopter aircraft, or would be involved with many other sophisticated programs, including computerization of everything from criminal histories to our actual daily operational data base? Change is with us. We must find better ways and more ways for change at all times.

Assuming that we do make all these possible changes, what impact will we have on crime? None, if we stand as a separate police entity; none at all, unless the other aspects of the criminal justice system are also effectively changed and improved—not solely changed, but improved.

Again, this does not mean swearing philosophically and oversimplistically to an approach that is change for change's sake. To say that a program has not worked, and therefore let us jump knee-deep, hip-deep, neck-deep, over our heads into a new and unproven program because we are frustrated with a program that has not been successful is not the answer.

God knows, all of us, when faced with frustration, if we give in to that frustration, we find that change is the easiest possible solution—in wives, in homes, in jobs, anything we look to. The frustration of change or the frustration that can drive us to change is not the change we are seeking. The change we must dedicate ourselves to is the change of improvement.

If the police were 100 percent effective—an environment we must seek and one we'll probably never reach—how much impact will we have when correctional programs fail to rehabilitate, and perhaps even more important, fail to protect the citizenry by failing to incarcerate?

Any police officer, all police officers, should encourage the correctional effort to be a great deal more effective than it is today. By doing so, the vast majority of our crimes would not be committed again. The vast majority of the felonious and deadly assaults on our police officers would not occur. But we cannot tolerate, we cannot stand back, and let well-meaning people in correctional programs that have at least a limited amount of success, totally run away with the philosophical approach that some other way might be better until this is a proven and tested way.

If our courts do not support and work within the system concept, what frustrations will the police and the correctional efforts have? In recent years, we've heard a great deal of major national publicity—the Attica Brigade, all of us know it as well as we know our middle initial—the Soledad Brothers, the San Quentin Seven, and all of the other very, very popular terminologies we hear bounced around. But have any of us, pray that I have not, heard of any type of a tumultuous shout for the victims of crime, for the individual who is subjected to the vicious attacks of the recidivist, the repeat criminal?

It is time for such a shout to be heard. It is time for the victims of crime to have a spokesman, for all of us as members of the criminal justice system—police, courts, and corrections—to have that concern and share the concern of the victim of crime.

The standards of this Commission in their broadest scope address this problem and all of the identifiable factors that must be accomplished. This report is more significant than I can possibly stress to you. Again, it is not a listing of niceties, it is not a listing of theoretical approaches. It is a compilation of what we know today, what can be projected to the future, what should be experimented with, what must be done.

The man you will hear from next is best described

as a doer, an innovator, a cop's cop, a true practitioner.

Frank Dyson is what he is today because he worked his way up. He is a man of experience and insight. He served with the United States Navy, was a telephone company lineman, an oil field worker, and became a patrolman in the Dallas Police Department some 22 years ago.

Once in the department, in 5 years Chief Dyson was a sergeant; in 2 more years, a lieutenant; in 9 more years a captain; deputy chief in 3 additional years; assistant chief in another year; and 6 months later, December of 1969, he was named Chief of Police of the City of Dallas.

He is a graduate of Northwestern Traffic Institute and the FBI National Academy. He has a bachelor of science degree from Sam Houston State University and is now a faculty member of the Southwestern Police Academy. He is a member of the International Association of Chiefs of Police, the Texas Criminal Justice Council Executive Committee, and the Law Enforcement Assistance Administration, Manpower Development Advisory Committee. As a member of the National Advisory Commission on Criminal Justice Standards and Goals, Chief Dyson played an important role in preparing what is being presented here at this Conference.

You know that you are listening to a man of experience—not an ivory tower intellectual—a man who has total knowledge, has education, and experience that stems from long years on the job. This kind of down-to-earth, day-to-day training has enabled Chief Dyson to make a most meaningful input, an unusually significant contribution to his profession, to this report, and to this Conference.

Chief Dyson has been the moving force in many, many notable advances. He's not sitting back and saying, "Do, when I have not done myself." The list of innovations, experimentations, and programs he has implemented in the Dallas Police Department runs pages and pages. Time does not permit me to deal with them. Believe me, a man with full experience, with total ability, has something most meaningful and worthwhile to say to you.

It is my pleasure to introduce Chief Frank Dyson of Dallas, Tex.

Chief Dyson: Well, thank you very much, Clarence, for a wonderful introduction.

Head table guests, ladies and gentlemen.

I consider this opportunity tonight—speaking before such a distinguished audience about police change and innovation—one of the highlights of my career.

And before I get into these remarks, I would like to share with you a comment I had from one of my officers not too long ago about change in police service. He said to me, "Chief, change in police service hurts like hell." And I think that describes change in police service of today more eloquently than anything else I can say.

For the next few minutes, I will discuss what change has meant to law enforcement up to now. But then, I would like to delve into several specific issues facing the police system today that will have to be explored and evaluated in terms of their impact on the police system of the future. Further, in light of the report by the National Advisory Commission on Criminal Justice Standards and Goals, I will discuss where emphasis should be placed to continue improving the police system and why progress cannot slow down or end here.

The police system is changing. The criminal justice system is changing. And if the average citizen were as close to the criminal justice system as we are, I'm sure he would join us in saying, "Thank God. It's about time!"

I'd like to say that "change" in law enforcement is coming about because of dedicated efforts of farsighted police administrators, but I can't. The police system is changing because the volume of crime demands it. It is changing because of technology. It is changing because—at long last—a higher priority is being placed upon the proper allocation of resources in the police system. It is changing because an increasing number of citizens are questioning the qualifications of our "umpires in the game of life." It is changing because of the breakdown in influence of other social institutions. It is changing because a more enlightened and informed citizenry expects more from the criminal justice system.

A generation ago, the police system faced a different set of demands. Although regarded to a great extent as low in status, the police were viewed by the community as a necessity that engaged in daily, traditional peacekeeping functions. Arresting suspected criminal offenders was a major emphasis of effort and the police resisted any idea that their role encompassed more.

Community concern over crime was only apparent when the more sensational events occurred, and then that concern was only expressed as passing interest rather than concern for individual safety and protection against a major community hazard.

The policeman needed little education. Instead, the chief requirement for the job emphasized physical stature and strength. In terms of technology, the policeman had added only the automobile and the radio to those same tools he had been equipped with since the turn of the century.

A veteran police officer in one city summed it up pretty well, I think, on the occasion of his retirement

several years ago. He said, "Things sure have changed around here. Why, when I went to work, a supervisor handed me a badge and a pistol, and said, 'Go with this officer here. He'll tell you all you need to know.' "

Today, the demands on the police system are new and different and have emerged as much more intense. There is no question that police activities are being affected because of a more liberal attitude, an increased air of permissiveness, a change in our manners and morals. At the same time, there is greater emphasis on constitutional rights—individual rights —as privileges of citizenship.

There is a growing recognition that environmental factors—such as poverty, unemployment, substandard education, prejudice, and the associated lack of opportunity—have an impact on crime.

Specifically, in terms of the police, the public now expects a broader range of socially valuable services—far beyond the more immediate problem of crime control. This is largely the result of the police evolving into the most visible representation of "the establishment."

Because the community has grown more complex, the role of the police is changing—indeed, must change—to cope with and respond to community needs. There has been a significant breakdown in the influence of other, more primary social institutions, such as the family, the church, and the school, in meeting society's need for responsible citizens. The burden, all too often, has fallen on the police to deal with the failures of these institutions and to act as the remaining barrier between order and chaos.

The demands on the police system today have pointed out an immediate, critical need for upgrading the police service and each individual law enforcement officer. To cope with these demands, police must be able effectively to define the real problems it faces, rather than react to symptoms. Further, individual officers must be personally equipped and prepared to understand and cope with the modern-day pressures. The key words for the professional law enforcement officer of today should be self-control, empathy, education, and dedication.

I believe that officers who go into the streets to regulate human behavior must be armed with more than a badge and a gun. When an officer's action can change the career of an individual, when a precious liberty may be denied, when a life may be at stake, decisions demand the skill and intelligence of a highly educated, professionally trained police officer.

For too long, police departments have reacted to events. Society has made little or no effort to help shape them. I have a different philosophy. I believe that a police officer must not only deal with society as it is, but has an obligation that goes beyond his area of basic responsibility—to change it for the better. Being a police officer must be a commitment to public service—not just a job.

With some idea of the demands being placed on the police system today, we must look at some specific issues facing the police, which will have to be explored and evaluated if progress is not to be hindered and meaningful change is to take place. First, there is a real need to develop modern police organizational structures that properly reflect the law enforcement role in a given community and that more effectively meet community needs. I believe part of this restructuring will involve decentralization of police services as a better means of identifying and dealing with individual community problems and providing total police service on a real-time basis. This concept recognizes that no community is homogeneous and that each of its parts deserves law enforcement service that reflects its unique problems.

Restructuring will also involve exploration of the concept of team policing, whereby highly qualified generalist/specialist police officers are utilized as the primary vehicle for delivery of professional police service. The real-time provision of police services may be carried from "cradle-to-grave," from preliminary response to ultimate prosecution, by this team of officers interacting to solve the problems of a given sector for which they have been assigned responsibility. Flexibility is a major point of the concept, compared to the rigid, hierarchical procedures of a generation ago. Managerial emphasis returns to the line officer, giving substance to the term, "Patrol is the backbone of police service," a term to which we have only paid lip service in the past.

In addition, restructuring recognizes that professional sworn personnel of the caliber needed today will not be easy to recruit. Thus, duties must be redefined to encompass essential police services. Those noncritical duties that have evolved as an officer's responsibilities through the years may be just as efficiently handled by paraprofessional personnel. The utilization of nonsworn people in noncritical police services can be of immeasurable value in supplementing and supporting the rendering of total police services by an agency. A long-recognized facet of managerial efficiency is the elimination of wasted resources, and a trained police officer, in my opinion, is a wasted resource when his time is occupied with abandoned vehicles and other noncritical activities.

Another specific issue that must be examined is the need for enlightened personnel policies that recognize the critical worth of each employee and carefully prepare him for his role. An immediate, critical problem in this area is that of enhanced minority career opportunities. In seeking to provide the most responsive police service, it must be recognized that

any community is best served by that police agency that most represents it. Thus, there is an inherent responsibility facing the police to examine critically its employment standards in order to eliminate inequalities and to recruit vigorously qualified minority members into its ranks.

We must also realize that women have much more to offer to the police task than the traditional roles they have been assigned in years past. Experimentation is now being conducted around the country with women in police functions traditionally closed to them, and initial results, for the most part, have proven optimistic. We must continue this research with a view toward all available resources operating to their utmost potential.

The police administrator today is looking more and more at lateral entry as a means of bolstering the personnel potential of his agency. In seeking to cope with complex managerial responsibilities, many police agencies have found themselves severely lacking in expertise. Lateral entry seems to be the most promising method of acquiring expertise in those areas not normally found in a police agency. I realize that there are several great obstacles to realization of lateral entry, but we must face this problem squarely if the police service is to progress as it should.

It is time to reassess inadequate civil service procedures. It is time to enhance career paths within a police agency through management selection and provide financial and status rewards for the officer in the field. As matters stand now, the only way for an officer to progress is up the vertical promotional ladder and, as a consequence, the good officer gets farther away from the more essential police tasks. It is my contention that an agency's best officers should be in the field. To keep them there requires a system for horizontal advancement. Very little has been accomplished in this area.

In Dallas, we plan to provide our personnel with a dual system of financial and status rewards. The way will still be open to advance up the vertical promotional ladder. At the same time, however, an officer who enjoys field work—and is particularly suited for that role—will have the option of staying in the field and being rewarded accordingly.

If the most critical area for a police agency is the beat patrol—and it's my contention that it is—then we must focus our attention on this operation. We must assign our best people to this function. And, certainly, we must provide them with a meaningful, prestigious horizontal path of advancement. This project carries a high priority rating in my department. While the concept is new, something along this order is long overdue in police service.

A third issue at hand is the need for more positive legislative guidance in many areas that have been traditionally turned over to the police, who do not have—and never will have—adequate resources to enforce them. For example, controversy continues to rage over victimless crimes, and the police have been forced into a role of enforcing legislated public morals. Such a role may be questioned, but as long as the police are sworn to enforce the law, and as long as the existence of such crimes invites the menacing presence of organized crime into the community, the police have very little choice.

Drug abuse is another area that has been a massive police headache, given the major role it plays in causing crimes. A concerted national assault on this serious crisis must be supported and maintained.

Also, there must be developed efficient and credible police complaint systems that, while protecting the individual officer against frivolous charges, nevertheless facilitate the weeding out of the unfit. There is no room in today's society for the myth that the police should not be held accountable for their actions.

One final issue facing the police system today is the need for more enlightened police management to accomplish police tasks more efficiently. Rather than remaining in the traditional reactive posture, police administrators must take positive steps to insure organizational efficiency. For one thing, there is a critical need for the application of modern technology in determining the most effective deployment and utilization of all available resources. With such technological deployment, we can more directly attack true crime problems with an eye toward cost effectiveness.

Police managers must also recognize that, as in any other true profession, there must be continuous research, planning, evaluation, and a willingness to experiment if meaningful innovation and change are to come about. For too long, we have been afraid to break away from traditional modes and explore the unknown.

Consideration of these issues magnifies the importance of continued and increased emphasis on police management, the police and the community, and the individual police officer as the major ingredients for meaningful progress and change. Police management has traditionally operated in a vacuum and must now recognize the need to depart from tradition. It must be more responsive to both internal organizational needs and its community responsibilities.

It must provide meaningful policies that properly guide and support the line officer in the daily performance of his duties. Police management must emphasize respect for human dignity and democratic values. Police procedures must be such as to minimize the potential for friction within the community, yet achieve the ultimate aims of justice.

At the same time, police management must not view crime as a singular police responsibility, but, rather, as a community responsibility. Through active partnership with its police servants, the community must assume its own responsibility for eliminating crime and those social ills that spawn such illegal activity. An alert and informed citizenry is the key to crime control.

Finally, emphasis on the individual police officer must underscore the fact that he is the most critical factor in the police system, and all resources available to the police administrator must be directed toward his support and development. The immediate need of the police system today is the police officer of professional caliber who is able to interact effectively within the community. The modern police officer must fully understand his role within the community and he must be dedicated to that end.

Without sophistication, intelligence, sensitivity, and resourcefulness in the professional police officer, all the expertise in management and technology I have referred to tonight will be for naught.

The Police standards adopted by the Commission are an important initial step for the police in preparing to meet the issues I have mentioned tonight. They recognize the need for improvement in the application of modern deployment strategies and technology to fulfill police responsibility more effectively. Further, they recognize explicit agency responsibilities in clearly determining the local crime problem and in making the most of human resources. Most important, they recognize the need for greater interaction, both within the criminal justice system and between the police and the community.

But such approaches to professionalization, upgrading, and change must not end here. It is good that all law enforcement agencies will now have accessible standards that will aid in bringing the entire police service up to a common level. These Police standards will provide the police administrator with the visibility as to what should be the current level of law enforcement and managerial capability.

There are many forces at work that will not allow the police to be satisfied with standards that only minimally guarantee some effectiveness in meeting critical community needs. The Law Enforcement Assistance Administration is a result of national recognition that the need for progressive change exists and that previously unavailable resources must be committed to facilitate that change. Further, the increased participation of other disciplines in the analysis of and research into the failure of the police and criminal justice system will not allow us to ignore these significant problems and retreat into the status quo for another generation.

Another force at work for change is the new breed of policeman who is making his impact felt and has demonstrated his dissatisfaction with traditional roles that have little or nothing to do with meeting community problems directly. We must make a place for this new breed, channeling his energies along constructive paths to implement more effectively improvement and innovation.

In addition to these other forces, responsible citizens are now rising from a history of apathy and demanding immediate and continuous improvement in delivery of service by the police. This is a demand that is ignored only at the peril of the police administrator and the community's well-being.

Change in the police system cannot slow down because the requirements for and standards of police service will be constantly evolving as a direct result of its involvement in a changing, nonstatic society. Traditional police roles will be continually modified and revised to accommodate community expectations. The police system is a "people system," and, as such, must adequately reflect the public conscience. To remain static and a generation behind is to do the greatest disservice to the general community. Regardless of this first step in establishing important standards for the police function, continued improvement to cope with our responsibilities now and in the future will call for decisive action.

First, despite its importance, the police role has not been defined by the community and will not be unless the police themselves responsibly seize the initiative and provide the guidance and cooperation necessary to bring the community around to accepting its responsibilities more fully.

Second, the concern over the criminal justice system, the police, and the serious crime problem in our cities must not be allowed to dwindle from public consciousness. The commitment which has been made at all levels of government to meet these issues head-on must be reinforced and greater effort expended.

Third, the necessary resources to meet the needs of progressive change in a police agency must be carefully identified and provided. Research and evaluation at the national level is essential, and local agencies must be willing to experiment with and adopt new concepts and ideas. Further, the community must be meaningfully brought into the change process.

Thus, tremendous challenges remain if the police system is to evolve into the most effective, efficient posture possible. There is the challenge for police management to move out of its traditionally reactive

posture and become prevention-oriented through the identification of basic causes of crime within the community. There is the challenge to the community to become involved even more in its own problems and actively to demand that its police respond effectively to those problems.

The adoption of these Police standards, the willingness to meet the challenges that remain, the positive attitude of this first National Conference on Criminal Justice all encourage me to believe that we will be equal to the task.

Thank you for your attention.

Mr. Coster: May I say, on behalf of all of the police, and certainly the head table, thank you, Chief Dyson.

And thank you for your attention and your attendance.

Second Conference Session "Innovation and Change," Wednesday, January 24, 1973, 7:30 p.m.

COURTS

PRESIDING: **Richard W. Velde,** Associate Administrator, Law Enforcement Assistance Administration, Washington, D.C.

ADDRESS: **Arlen Specter,** District Attorney of Philadelphia, Philadelphia, Pa.

Mr. Velde: Good evening, ladies and gentlemen.

Welcome to the Second Conference Session of the National Conference on Criminal Justice.

From what I understand about what went on in the Courts sessions this afternoon, perhaps this meeting this evening should more appropriately be called the Convention of the District of Columbia Chapter for the Society of the Preservation of Plea Bargaining in America.

Our program this evening will be efficient and to the point, and we think of extremely high caliber.

I am Pete Velde, Associate Administrator of the Law Enforcement Assistance Administration, and it gives me great pleasure to introduce to you an administrator from the field, from a major city, a man who has had a powerful influence on the administration of justice in Philadelphia as well as on this National Advisory Commission, of which he is a member.

His name is Arlen Specter. He is a graduate of the University of Pennsylvania and Yale Law School. He is a former Deputy Attorney General of Pennsylvania and was an assistant counsel for the Warren Commission, which investigated the assassination of President Kennedy. And as most of you know, he is now District Attorney of Philadelphia and has been since January 1966. Arlen.

Mr. Specter: Thank you very much, Pete Velde; and good evening distinguished guests, all.

I feel honored to have been asked to speak at the Courts banquet of the National Conference.

I sense quite a substantial interest in the issue of plea bargaining, which I've been asked about many times since my arrival. Charlie Rogovin, who worked with me as an Assistant District Attorney in Philadelphia for many years and who later served as an administrator of LEAA, said that it was good that I came in fighting trim as I might have to demonstrate some of it this evening, which is fine.

I am going to talk about the issue of plea bargaining because I think it is a very, very important one and I do agree that it is central to the conclusion of the Courts section of the National Commission's work.

Americans, as I see it, are looking to their public officials—the police, prosecutors, judges, and correctional authorities—to find answers to the problem of violent crime which confronts this Nation. Those public officials—immersed in the day-to-day difficulties of specific cases—are looking to this Commission and to this Conference to provide new insights and answers to the problem of crime in America.

In 15 months of deliberation and debate, this Commission believes it has produced a blueprint for vast improvements in the criminal justice system in the United States. We have approached our task realizing the deep and destructive impact that violent crime has on the quality of life in America, especially in our major cities. To paraphrase President Franklin Delano Roosevelt, what we have to fear is fear itself.

Referring to New York City, the *National Observer* (January 13, 1973) characterized that city's crime problems as "fear by day, terror by night." The *Observer* made the point that the after-dark fear of the Bedford-Stuyvesant ghetto has now moved into the elegant apartments on Sutton Place. The Observer quotes Herman Glaser, former President of the New York Trial Lawyers Association and a man who was mugged and robbed in broad daylight just off Madison Avenue, as saying, "There were about

100 people on the street, but nobody came to help me. Nobody."

This public paralysis is the shameful legacy of the 1960's when our population grew by 13 percent while the incidence of serious crime in America increased by 148 percent. Our citizens not only stand mute on the streets, but stay fearful in their homes at night.

Last month's *Newsweek* magazine analyzed the consequences of America's "fortress mentality." A generation ago, to have referred to fortress mentality would have meant concern about attack from powers outside our borders instead of prowlers inside our bedrooms. The *Newsweek* article cataloged the increasing insignias of a frightened society: "... four locks on an apartment door, the evening bridge game abandoned, cabs and buses that no longer make change, the armed guard inside a junior high school—and with nearly everyone, a perpetual feeling of vulnerability."

To confront this crime problem, I suggest to you that America has produced a criminal justice system where criminals too seldom go to trial, too frequently evade conviction, and too rarely go to prison. The unhappy result is more crime in the streets and more confusion in the courts.

But I believe, optimistically, that the problem of violent crime is susceptible to long-range solution and short-range improvement. While moving to eliminate the underlying causes of crime, I believe that we can put into operation immediate reforms in the criminal justice system to, first of all, make the speedy trial a reality so that criminal defendants are tried in a few weeks instead of months or years; second, to obtain adequate sentences for the guilty; and third, to provide a correctional system with realistic rehabilitation to curb the plague of revolving-door justice where defendants move through crimes, the courts, and corrections, and then right back to crime again.

The National Commission on Criminal Justice Standards and Goals has proposed specific reforms to make it happen—providing its recommendations are properly implemented. The first step in moving away from what has become a commitment to confusion is to move toward the elimination of trial delay. The speedy trial, at least in the big cities, is a myth. The detention centers are bulging. The defendant's right to a speedy trial is found only in the Constitution; it cannot be found in the criminal courtrooms of our big cities.

The delay in the trial of criminal cases, in my opinion, is the most pressing problem facing the prosecuting attorney of a large city. In far too many cases, the district attorney's hardest job is not convicting the guilty, but bringing a defendant to trial in the first place.

While defendants are out on bail for months and months, too many commit more crimes of violence. The hard answer is not to deny the defendants' right to bail, but to deny the court system the self-asserted privilege to trial delay.

To make speedy trials a reality, I believe, the court system needs more manpower, muscle, and methodology. More money alone is not the answer as I see it. Public officials cannot continue the perpetual plea for more money without applying creative innovations to reform the administration of the criminal courts.

To solve the massive problem of backlog, court resources must be increased, but even more fundamentally, court caseloads must be decreased. As a first step, cases should be screened by the prosecuting attorney before arrests are made by the police. Through such review, cases can be dropped at the police stations before they are dragged through the courts. Court time ought not to be wasted where the evidence is clearly insufficient to convict or where the evidence clearly must be suppressed because it was obtained by unconstitutional means.

We have put a case-screening project into operation in Philadelphia on a pilot basis funded by the Law Enforcement Assistance Administration (LEAA). Assistant district attorneys are assigned around the clock in selected police districts, and they review every criminal complaint prior to arrest and every search warrant affidavit prior to execution. And our statistics show that about one-third of all the cases which are brought to us by the police for review, about one-third of the cases, are rejected.

A second diversionary program has the potential to divert large numbers of cases from the trial courts where experience shows that jail sentences are not required. This program, which we started out by calling Preindictment Probation and now have renamed Rehabilitative Disposition, removes from the dockets those cases involving defendants with no previous record or an insignificant prior record where the charges involve nonviolent offenses. After a brief, informal conference, defendants are placed on probation with the stipulation that the charges will be dropped if they stay out of trouble for a year or two, as designated by the conference judge. Judge J. Sydney Hoffman of the Pennsylvania Superior Court, who is with us this evening, was the judge who activated this program, presided at the conferences, and made it work.

And after 2 years of successful operation in Philadelphia, where more than 12,000 cases have been handled through this process, the Supreme Court of Pennsylvania has promulgated rules which establish

detailed procedures for district attorneys around the State to divert cases through this asselerated rehabilitative disposition program.

As a third means for streamlining the trial process in lesser cases, we amended our Pennsylvania State Constitution in 1968 to establish a new municipal court where lesser charges could be tried without indictment or without jury trial, giving the right to *de novo* trial after indictment, with the right to jury trial when defendants request it, a situation occurring with some 12 percent of the cases. During the first 2 years of operation, the average length of time between arrest and trial was only 44 days.

I would submit to you that with diversionary programs with streamlined procedures, such as those which we have used in Philadelphia, and others which you have doubtless used in your jurisdictions, and many more which we should be experimenting with, it is possible to segregate out from the court catalog the lesser cases, giving us an opportunity to concentrate on the serious cases and giving us a realistic opportunity to meet the Commission's proposed standard of 60 days from arrest to trial.

In Philadelphia, we have reduced the backlog from 11,645 cases in 1965 to 5,079 cases in 1972, and we have done this with some of the reforms that I've described, without the use of the plea bargaining device as a tool for wholesale dispositions of our criminal cases. This reduction in backlog has been achieved in the face of a firm policy against wholesale dispositions through plea bargaining. Our statistics show that 32 percent of our cases in Philadelphia are disposed of by the guilty plea, contrasted with more than 90 percent of the cases in many other major American cities. But we have in our city the use of the jury trial waiver, which is used in a large number of cases, but we do not plea bargain.

Once we have isolated the important cases, the cases which require a determination of innocence or guilt and call for tough sentences for criminals convicted of tough crimes, those cases ought to go to trial without plea bargaining. The defendant always has a right to enter a guilty plea, but that should be done on the basis of taking whatever sentence the judge is going to hand down, in my opinion, without a prearranged determination with the prosecuting attorney. I believe that the long-standing reliance on plea negotiations to break up the logjam of the criminal docket destroys the adversary process, denies essential constitutional rights, and diminishes the prospect of sentencing the violent recidivist to the kind of a term he really ought to get.

I think in practical application that plea bargaining often turns into a sophisticated form of the coerced confession. All too often through the plea bargaining device, defendants are faced with the choice of either confessing through the guilty plea and walking out of court free on probation, or staying in jail for weeks or months awaiting a trial assignment and then facing a much longer sentence if they are convicted. And, in my opinion, that really is a very coercive procedure which extracts the guilty plea. We have all condemned the rack and thumb-screw confessions of 15th century Spain, and while it is vastly different in application, I believe that the 20th century counterpart of plea bargaining has similar, very coercive overtones in practice.

An unhappy byproduct of the courtroom bargaining is the cynicism it engenders in the defendant. Serving time on a charge which has little relation to reality corrodes and complicates the tasks of rehabilitation and correction. Now this finding appears in the report of the recent New York State Special Commission on Attica which concluded: "What makes inmates most cynical about their preprison experience is the plea bargaining system. . . ."

I feel that the pressures of plea bargaining are totally destructive of the prosecutor's effort to obtain tough sentences for the tough criminals. The district attorney should not be coerced by a crushing backlog to give away city hall in order to avoid trial through the guilty plea.

Experience that I have seen indicates that plea bargaining has taught a painful lesson, again and again, that the violent criminal who secures his freedom through probation or a very light sentence through plea bargaining is often encouraged to rob or to rape again. And I believe that the practical effect of plea bargaining unquestionably results in many, many cases of the violent recidivist receiving less than an adequate prison sentence.

The system has surrendered to the apparent necessity for plea bargaining because of the crush of backlog. Regrettably, again as I see it, plea bargaining received its ultimate sanction a year ago when Chief Justice Warren Burger wrote for the United States Supreme Court: "The disposition of criminal charges by agreement between the prosecutor and the accused, sometimes loosely called 'plea bargaining,' is an essential component of the administration of justice. Properly administered," the Chief Justice says, "it is to be encouraged." I submit to you, respectfully, that Chief Justice Burger is wrong and the system is wrong which clings to life through the artificial respiration of plea bargaining. This Commission is both correct and courageous in demanding an end to plea bargaining.

The experience of our criminal courtrooms has demonstrated that the bargained plea is really no bargain. I believe that we should not settle for a system which simultaneously deprives the innocent

defendant of the forum where the prosecutor is compelled to prove his case, and at the same time allows the public to be victimized by excessive leniency for hard-core criminal repeaters.

Through case screening and diversion plus increased court resources, I think we must be prepared to try the serious criminal cases. I think that this is a very high order of priority and I think that the Commission and this Conference ought to lend its full weight to having sufficient courtrooms and personnel plus innovations provided to try those cases. I believe that we are still laboring in our criminal courts in the horse and buggy era, where horse trading for guilty pleas has tainted the system and degraded its participants.

In calling for the elimination of plea bargaining in 5 years, the Commission has sounded the clarion call for the most fundamental of reforms in the criminal justice system. Following appropriate sentencing for the violent recidivist, the correctional system must then be in a position to provide realistic rehabilitation. These reforms, in my opinion, will provide the best opportunity for dealing with the problems of violent crime while protecting constitutional safeguards for those accused of crime.

Our first President, moving quickly in his first term to enact legislation establishing our judiciary, stated: "Impressed with the conviction that the true administration of justice is the firmest pillar of good government, I have considered the first arrangement of the Judicial Department as essential to the happiness of our country and the stability of its political system." In the finest tradition of that excellent advice, I submit to you that we should move forward on what George Washington started to do and that is to make our courts effective, even-handed agents of justice.

It may be possible that the fear which is rampant in our cities today and in our Nation today is the catalyst required to cause our collective efforts to catch fire. The message of this Conference and of this Commission is not blowing in the wind. It is written on the face of every citizen in this country who thinks he has a better chance of getting jumped in the streets than of getting justice in the courts.

Some of the problems have doubtless been defined and overdefined. The battle to overcome these problems, and perhaps to obtain sufficient resources, will not be won in a day, certainly, or perhaps even in 5 years, or possibly even in a decade. Our efforts and concern at improving our criminal justice system must be matched by efforts and concern at improving our system of social justice. We cannot overlook the ills of air pollution and water pollution, or inadequate food and housing for the poor in our cities, or of low-grade education in an era which demands high-grade skills. If we were to mark on a map the areas in our country where there is poor housing and inadequate education and poverty and crime, we would be pointing to the same place every time.

For this reason, we must help our Nation's poor not out of charity, but out of choice; not solely with money, but also with motivation; not because we are afraid of their increasing hostility, but because we are aware of our increasing responsibility. For the real greatness of a Nation must be measured against the wealth, not of its richest citizen, but of its poorest.

In closing, may I remind you of the famous colloquy in ancient Athens where an Athenian citizen asked one of the political leaders the same question we are asking here in Washington today: "When will there be justice in Athens?" The famous reply: "We will have justice in Athens only when those who have not suffered injustice are as outraged as those who have."

Only a sense of outrage, transmitted by the leadership assembled at this Conference to all America, can generate sufficient concern and action to reform our criminal justice system. Let America be the master of outrage by acting on it to secure justice in our courts instead of being the victim of outrage by suffering violence in our streets.

Thank you.

Mr. Velde: Ladies and gentlemen, may I simply say in closing, that in large measure, the work product of the National Advisory Commission reflects the kind of advocacy which we have been exposed to this evening.

Thank you very much.

Second Conference Session — "Innovation and Change;" Wednesday, January 24, 1973, 7:30 p.m.

CORRECTIONS

PRESIDING: **Norman A. Carlson,** Director, U.S. Bureau of Prisons, Washington, D.C.

ADDRESS: **Ellis C. MacDougall,** Commissioner, Georgia Department of Offender Rehabilitation, Atlanta, Ga.

Mr. Carlson: Good evening, ladies and gentlemen. Being here tonight gives me a threefold pleasure. I

not only have an opportunity to introduce an old friend and colleague, but to witness the payoff of more than a year of hard work by the National Advisory Commission on Criminal Justice Standards and Goals. My third pleasure is recognizing the faces of so many men and women with whom I have had the privilege to work or be associated during my 17 years in corrections.

As you know, many of us have occasion to communicate on an individual basis, but it is seldom that so many of us have a chance to get together like this to share correctional ideas, changes, and innovations. It is also significant that we have here the opportunity to share those ideas with others who are involved in the total criminal justice system.

During the past couple of weeks, I have been able to review the *Working Papers* developed by the Commission and its various task forces, and I must say that the careful thought and hard work that went into this project is most impressive. It was an honor for me to be associated with the Corrections Task Force in an ex officio capacity, but the real credit for the job is due the task force members who gave so unselfishly of their time, energy, and talent. After reviewing the *Working Papers,* I know that we may not all agree on every recommendation. However, the important thing is that we are finally getting away from individual, haphazard development of our respective disciplines in criminal justice.

Here at last, we have started the coordinated effort which is so necessary if we hope to develop a criminal justice system that is effective, efficient, and fair.

The recommendations of the Corrections Task Force are a reaffirmation of the deep commitment on the part of involved correctional administrators to develop humane conditions and effective programs for all of the Nation's criminal offenders.

It was especially satisfying to realize that many of the task force recommendations are already being implemented in a number of correctional systems. I noticed this particularly with regard to inmate rights and discipline—an area in which there is a critical need to eliminate opportunities for individual capriciousness, prejudice, and interpretation.

While we may have diverse views on the degree of emphasis to be given to particular recommendations, the report of the Task Force on Corrections is a significant blueprint for shaping American corrections. Those of us who work in the field owe a great debt to the men and women on the task force and the Commission who made it all possible.

It is now my pleasure to introduce one of those individuals. He is a man well known to many of you—a man who has been a front-runner in putting enlightened correctional philosophy into practice.

The choice of Ellis C. MacDougall to be on the National Advisory Commission was particularly appropriate. He is an individual with the special insight that can come only when a deep commitment to right the wrongs of corrections is tempered with wide experience in the field. He is a man of compassion and idealism but, at the same time, a man who is realistic—a man who recognizes that there are no panaceas for our correctional ills, and that only hard work will suffice in our continuing effort to diagnose and deal with the specialized needs of each criminal offender.

It has been my privilege to associate with Ellis MacDougall for the past 10 years, during which time he has made significant contributions to corrections nationally, and, especially, in three States. Ellis is currently Commissioner of Corrections for Georgia and previously held the top corrections posts in Connecticut and South Carolina. He is a past president of the American Correctional Association and now serves on its board of directors. He also served as chairman of the Joint Commission on Correctional Manpower and Training and is a past president of the Southern States Prison Association.

The recognition and honors which have been given to Ellis MacDougall form a lengthy list, but I'm sure he must have been especially proud last year when his alma mater—Davis and Elkins College in West Virginia—conferred upon him an honorary doctor of laws degree.

Ellis MacDougall is a native of New York and holds a master's degree in sociology from New York University. His early experience was as a probation officer in the South Carolina courts and as a case worker and job placement officer at the South Carolina Industrial School for Boys.

I am certain that these early experiences, with their community orientation, have given Ellis MacDougall a perspective on corrections which is especially valuable today when we are trying to develop the potential of community treatment to its utmost.

Coupled with his later institutional assignments, these experiences have given him the knowledge which he needs to preside over a balanced system in which community treatment and humane institutional treatment both can be given the attention they deserve.

It is now my privilege to call on Ellis MacDougall to deliver our principal address this evening.

Mr. MacDougall: Crime has increased within the last decade but on the whole has scarcely kept pace with the increased population, which, during the period designated, has made an advance of more than 30 percent.

I wish to speak of the increased interest which

has, of late, been awakened in the United States regarding the question of prison reform. From such revived interest in any great social question, and the increased agitation and discussion of it consequent thereupon, results—more or less marked, more or less important—may reasonably be looked for. How is it with the present case? Have we anything to show as the fruit of all this earnest thought, all this zeal of effort, all this busy toil of our brains and muscle? I think so. Decidedly.

The students of penitentiary science, the workers in the field of penitentiary discipline, in this country have come to substantial agreement on certain fundamental principles of criminal treatment, and are approaching such agreement in others. What are these great principles, these moral citadels, around which the din of battle has either wholly ceased or is, year by year, becoming more faint and feeble?

First, I would think that the protection of society against the criminal spoilage through the reformation of the transgressor is the primary aim of public punishment. On this point, the unanimity appears to be absolute; and the further point that criminals—especially of the younger class—are capable of reformation by the application of right methods and processes, is daily gaining suffrages.

Second, the principle of progressive classification—under which prisoners are advanced from grade to grade as they earn such promotion, gaining at each advance increased privilege and comfort—is generally admitted in theory, though unfortunately nowhere, as yet, fully committed to practice.

Third, the principle of rewards, as an inducement to good conduct and reformation, is one on which there is now little dissent. There is also a very general agreement that such rewards should consist of: a reduction in sentence, a share in the earnings, a gradual withdrawal of restraint, and a gradual enlargement of privilege.

I would think that the fourth principle is the principle of a probationary stage of imprisonment, in which the training shall be more natural.

Fifth, the necessity for both increasing and systematizing the religious and educational forces of our prisons is now universally admitted.

And sixth, all prisoners who have the requisite aptitudes should—through an effective system of industrial training—be put in possession of the power to earn honest bread on their liberation. This is a principle which commands universal and unqualified assent.

The seventh principle—that imprisonment ought to be continued until reformation has been effected, and, if that happy consummation is never attained, then during the prisoner's natural life—has become a conviction with a large number of American penologists. This involves, as a matter of course, the elimination of political control from our prison administrations, so that they may be made permanent in the hands of good, competent officers—a reform demanded, also, by other high interests of society.

The eighth principle is that the growing sentiment in favor of preventive institutions, as the true field of promise in which to labor for the extirpation of crime, is a cheerful indication of progress in the right direction.

The ninth principle is that a higher grade of qualification in prison officers is essential to a successful prison administration. This point is conceded by all, and the minds of thoughtful men are turned to the further question: whether they ought not to have special education and training for the work.

The tenth principle is that it is now commonly acknowledged that no prison system can be successful—to the broadest and most desirable extent—without some central authority at the helm to give unity and efficiency to the whole prison administration of the State.

There are other principles on which substantial concord has been reached, but I will not weary this group with a detail of them. I have an intimate conviction that—with a prison system embodying and effectually applying the principles already set forth—the problem of the proper treatment of criminals would be solved. Crime if not extirpated, would at least be brought down to its minimum limits.

It's interesting to note that these are not the words of Ellis MacDougall in January 1973, but are words taken from a speech by Dr. E. C. Wines, corresponding secretary of the Prison Association of New York, in a speech made before the National Congress on Penitentiary and Reformatory Discipline on October 12, 1870.

In looking back over these words, it's apparent that on this day in 1973 we still have not achieved the principles set forth in this 1870 meeting by our forefathers—over 100 years ago. We have been asked over the years by different meetings and efforts to correct the problems of crime—the Wickersham Report, the President's Report under President Johnson—and still throughout this Nation we find large pockets of failure in our detention facilities, our prisons, our probation and parole systems, and throughout many of our juvenile processes.

It is obvious that, looking at the return rate of our institutions and systems, we have failed. Many of you can point with pride to individual successes, but, as we look at the total system, I think that we cannot really feel that we have met the challenge.

We have failed. However, I think it is important to point out to those in the public who might be reading

this, that the failures are not necessarily those of the men and women who have struggled in the corrections system of this Nation over the past 100 years, but must be shared by the men and women who walk the street. For the system that the taxpayer has given to the correctional administrator, wardens, correctional officers, probation officers, and parole officers is a system that was almost doomed to failure to begin with.

The size of our institutions makes it practically impossible to operate with efficiency. But there again, too, we must look at some of the people that have planned them. We find ourselves planning institutions for economy. They don't plan mental hospitals or other hospitals for economy. They plan them to give aid and to reach a goal. We ought to plan correctional institutions to prevent crime, not to find out how many we can jam into them to operate cheaply.

Over the years, politics has continually been an enemy of success in corrections. The mortality rate among correctional administrators, I don't think, is touched by any other professional field in this Nation. Each year, as we gather at our national meeting, we don't come back together as a group to push forward for change because each year, as we meet, there are so many new faces that we must start all over again.

Certainly, the dollars have never been available to the correctional administrator to perform his function. Just 10 years ago, as a commissioner of corrections in one of our great States, my operating budget was $629 per year per inmate. We fed the prisoners for 29 cents per day. We paid the correctional officer $2,900 per year. That wasn't 50 years ago—that was just 10 years ago.

Our failures also must be attributed, in some degree, to the staffs that we have had to operate with through the years—staffs that have been underpaid and undertrained—operating almost without a professional staff, because in most cases our institutions are so far removed from the professional community that it is impossible to attract the professional to want to live in and work in the prison community. We have totally failed to recruit members of minority groups—to interest them in living and working in the kind of prisons that we have operated.

Overcrowded prisons have made it impossible for prison administrators to succeed. We administrators have had to deal with the fact that our society has failed to note the complexity of the criminals we have encountered. We have received the failures of every branch of society.

Rather than having to deal with the criminal only, we find ourselves mixed up also with the alcoholic, the drug addict, the person who commits the moral crime in our community—who really has no place with the group of prisoners that we should be handling in correctional institutions.

And then there is the fragmentation of the system—where we find probation going one way with one goal, institutions another, and the after-care parole system still another. All of this has directed itself to a public attitude of apathy. The same walls that we have used to keep prisoners in have kept the public interest out. So, as we look back now—although it has been practically impossible for the prison administrator of yesterday and today to make the system work with the multitude of problems with which he has had to live—we must now open ourselves to the public so that this interest will penetrate the systems we operate; so that the public will take not only an interest in what we are doing, but a responsibility for the failures.

The fear of punishment may deter some; the fear of exposure, others. However, there is no real reforming power in fear or punishment. Men cannot be tortured into greatness or into goodness. As I said before, all this has been thoroughly tried. The idea that punishment was the only relief reached its extremity in the old doctrine of eternal pain. However, the believers in that dogma stated distinctly that the victims would never be, and could never be, reformed.

The more enlightened man becomes, the more apt he is to put himself in the place of another. He thinks of his prisoner, of his employee, of his tenant—and he even thinks beyond these people. He thinks of the community at large. As a man becomes civilized he takes more and more into consideration: circumstances and conditions. He gradually loses faith in the old ideas and theories that every man can do as he wills, and in the place of the word "wills," he puts the word "must." The time comes to the intelligent man when in the place of punishment, he thinks of consequences, results—that is to say, not something inflicted by some other power, but something necessarily growing out of what is done.

The clearer men perceive the consequences of actions, the better they will be. Behind consequences, we place no personal will, and consequently do not regard them as inflictions, or punishments. Consequences—no matter how severe they may be—create in the mind no feeling of resentment, no desire for revenge. We do not feel bitterly towards the fire because it burns, or the frost that freezes, or the flood that drowns—because we attribute to these things no motives, good or bad.

So, when man perceives, through the development of the intellect, not only the nature but the absolute certainty of consequences, he refrains from actions—and this may be called reformation through

the intellect—and surely there is no reformation better than that.

Some may be, and probably millions have been, reformed through kindness, through gratitude—made better in the sunlight of charity. In the atmosphere of kindness the seeds of virtue burst into bud and flower. Cruelty, tyranny, brute force, do not and cannot, by any possibility, better the heart of man. He who is forced upon his knees has the attitude, but never the feeling, of prayer.

I am satisfied that the discipline of the average prisoner hardens and degrades. It is, for the most part, a perpetual exhibition of arbitrary power. There is really no appeal. The cries of the convict are not heard beyond the walls. The protests die in cells, and the poor prisoner feels that the last tie between him and his fellow man has been broken. He is kept in ignorance of the outer world. The prison is a cemetery and his cell is his grave.

These sentiments were expressed by Robert J. Ingersoll, who died in 1899. Again, in 1973, we are seeking a model. I approach this responsibility as a member of this Commission with mixed feelings. I have been a part of corrections for 21 years. Over those 21 years I have been a member of the American Correctional Association. As a member of that body, I have shared my responsibility of helping to rewrite our manual of correctional standards. I said to myself, "What new effort are you going to try to make that will change what we've done in ACA already?"

As I found myself working at this new task, under the excellent leadership of Governor Peterson, I found myself in consort with other minds, thinking towards new types of standards. And these are the standards we talk of today. I hasten to ask you to think, to hesitate, before you criticize. Look at the standards that have been developed, and read the commentary thoroughly. Do not try to write into our standards the problems of the types of institutions and agencies and the way they operate today. However, imagine the type of agency or institution these standards can bring about. And then compare the problems we have today with this new model. I think as you quietly and honestly imagine, with patience and a sincere effort, this model—I think you will find that the problems we think about today will diminish.

We are not suggesting that some of the standards that we have authored will necessarily work in large, medieval prisons, with some of the staffs now present with their lack of training, with some underpaid, or in some of the institutions that are greatly overcrowded with unnecessary prisoners, or with probation-parole agencies without programs.

However, let's look at what we're talking about. The model for the future is an institution or agency that talks about how we perceive the client that we are working with and how he perceives and understands us. The model we're talking about is not the large, understaffed institution without programs, but a small institution, well-staffed, well-programed, with reduced caseloads, where we have diverted out of the corrections program by diversion, improved detention facilities, improved sentencing structures, and improved classification. These institutions are small and contain only the inmate who must be incarcerated for the protection of society. That institution will be well-staffed, with well-paid, well-trained correctional personnel—a staff skilled and able to deal with the most complex of human problems.

When an institution holds out hope to every man in its structure because of improved parole procedures and opportunities for a change in himself within the institution, there is hope for the future. To be more specific, there is hope:

1. Where community-based parole and probation programs insure reduced caseloads for parole and probation officers;

2. Where at the elbow of that officer will be a bank of expertise to assist him to assist his client;

3. Where through community-based programs, work-release programs, halfway houses, and community institutions we will force the community to have an interest, and to take up its responsibility for the problems of the criminal;

4. Where every program in the system will be researched to measure its success;

5. Where we will share successful programs with other jurisdictions; and

6. Where even in the institution, the inmate, in many cases, will be able to earn funds for the support of himself and his family.

Under these types of conditions we will no longer have to worry about the question of rights of prisoners and the difficult job of operating a correctional institution, because I propose that in that kind of institution we can live with every inmate having every right as a citizen.

How can we possibly face up to ourselves and say that we are trying to teach human beings called criminals to respect, admire, and follow our society and its justice program when we are committing them to institutions that, in many cases, produce crime rather than endow people with a new opportunity and with new tools to meet their futures.

In the model institution, I think we can move forward without fear of the inmate, to allow him to have his rights, and, consequently, respect the system that is trying to offer him change.

I recently read an article about a speech that a Governor was making to his legislature. He said,

> Ladies and Gentlemen, the prisons of our State must go through sweeping innovations. Our prisons have been breeding grounds for crime. I want to call to your attention two nations in this world that have done amazing things with their approach to the criminal. One is Mexico.
>
> In Mexico today, they give people indefinite sentences where they may be kept in prison until such time as the team of human behavior scientists and law enforcement officers feel that that person is safe to return to society. In Mexico today, they deal with the whole family, not just the prisoner.
>
> I would like to tell you what Russia is doing today. In prisons in Russia today they are ensuring that every man will learn a skill or a trade, by operating vocational training institutions. The prisons are allowing men and women to leave the prisons to go to work for the State by day and return to the prison at night.

The interesting thing about this speech is that the Governor was Franklin Delano Roosevelt and the year was 1929, and the legislature, of course, was that of New York State.

And here we are in 1973 still continuing to talk about change—continuing to talk and hope for programs that even in some States don't exist today, that did exist in Mexico and Russia in 1929. As you read through the standards, I ask that you think about 1870, about Robert Ingersoll in 1895, and about Roosevelt in 1929. I beckon you to read the standards and realize that in many situations they are not calling for radical change, but for a plan for change—a plan to reach a new plateau of excellence in the product we produce for society. I challenge you to show leadership within the corrections system.

I challenge you to change the system from within, to show this Nation that correctional leaders are the people who want to and really can implement the changes that are necessary for the protection of our society, and that you challenge the people in the system who resist change.

I call to your attention that the other disciplines of police and courts have also adopted new standards that will consequently make our standards easier to live with. Our commitment and the commitment of the police and the courts will make the changes work.

I call further for improved working relationships in the criminal justice system; I call for a reduction of fragmentation; that the separation of corrections from police and courts cease; that we move forward now with the standards to a system of accreditation for probation, institutions, and aftercare parole procedures.

I call for an identification, where possible, of the good and the bad, and then an offer of assistance for change. I beckon to you to know that you have failed to protect the community when you read your morning paper and learn of another ex-offender being returned to prison. I call on you to assist in the setting up of these standards in a meaningful program in our institutions, not to let this group of standards be like those of 1870—gathering dust on the shelf. As you read through the standards—and again I say, with patience—there may be something you will disagree with; but I ask you to look at them with vision.

I think now of a statement of a great American, "Some men see things as they are and say, 'why?' I dream of things that never were and say, 'why not?' "

Why not?

Mr. Carlson: Ellis, on behalf of the audience, I want to say to you that that was a very thoughtful and certainly a very provocative speech.

Second Conference Session — "Innovation and Change;" Wednesday, January 24, 1973, 7:30 p.m.

COMMUNITY CRIME PREVENTION

PRESIDING: **Jerris Leonard,** Administrator, Law Enforcement Assistance Administration, Washington, D.C.

ADDRESS: **Walter Washington,** Mayor, Washington, D.C.

Mr. Leonard: I've been sitting here thinking tonight I'm in a really very wonderful position. I'm not running for anything. I'm not seeking any appointment to anything, but I'm still the administrator of an $850 million program.

I would like to throw in a little plug for the private sector—not because I'm returning to it, because I never really left it. I've always believed very strongly that no government program is ever going to work unless it has strong support and contributions from the private sector. But you have in your possession, or should have or have available to you, this little report called "The Community and Criminal Justice," and it gives you some indication of the great contributions that are being made by the private sector.

Herb Watkins and some of his associates from Singer are working in a very important program of placing ex-offenders in job placement, and the figures are fantastic. The recidivism rate is very low—10 percent, 12 percent, 15 percent. The placement rate and the retention rate for the people that they're placing are in the seventies or eighties.

There are a number of private organizations doing work. New Detroit, Inc.,—a new operation going on in Detroit, Mich.—is working in getting institutions to do their jobs properly and developing new institutional thrusts where they don't exist. The Greater St. Louis Alliance for Shaping a Safer Community is also doing good work. The list goes on and on and on.

Some of the groups are profit corporations, some are nonprofit, but they all represent the private sector and the great contributions that can be made. I think of an organization that's been around for a long time and that I had something to do with establishing in my own hometown—the Opportunity Industrial Center (OIC). Dr. Sullivan serves as a member of the National Advisory Commission.

Now, private organizations don't always work all the time, and they don't always operate at 100 percent efficiency, but they make great contributions. It's important for those of us who are in government to recognize the important contributions that can be made by those in the private sector. And to all here who represent the contributions made by the private sector, we want to give you some special recognition tonight.

And now it gives me a great deal of pleasure to introduce to you the only man I know who serves as mayor and has the city named after him. It's a very agreeable assignment, indeed, to introduce to you one of America's most distinguished urban leaders.

Your speaker tonight, the Mayor of Washington, D.C., is already well known to most of you. The list of his accomplishments and his honors is so long that reading them would constitute a full speech, in and of itself.

I would like to mention a few highlights. They include his bachelor's and law degrees from Howard University, his honorary degrees from Georgetown, from Catholic University, from Boston University, George Washington, Princeton—the list goes on and on and on. And his outstanding service on numerous citizen and volunteer groups is something that's known to all of us.

He has been the Mayor-Commissioner of the District of Columbia since 1967. During that time, he has also served as a member of the Advisory Board of the U.S. Conference of Mayors and a Vice Chairman of the National League of Cities.

He knows about crime. He knows about its control and about its prevention. He is a leader in a city where these problems have received as much attention as anywhere in the world. Therefore, it is important to recall what has happened in the Nation's Capital.

Eleven days after taking office in his first term, President Nixon called for immediate and forceful action to begin, and I quote, "curbing crime and improving the conditions of life" in the District of Columbia.

The President outlined a plan that combined local initiative and responsibility with the fullest possible Federal support. It included not only money but technical assistance. Crime control takes people in order to get action. Citizen support and local leadership are indispensable to the success of this kind of program, and your speaker responded admirably to the President's call for action. He provided the local leadership and inspiration that has made the city's progress a success story that is the envy of the entire Nation.

Since then, advances on every single front have been achieved. This improvement in every criminal justice agency has paid off sharply in reduced crime rates. And that is what counts.

The only true test of the criminal justice system's effectiveness is its ability to reduce crime. Without an improvement in the crime rate, the entire effort is largely meaningless.

The city of Washington has one of the best crime reduction records in the Nation. In 1970, the serious crime rate fell 5.2 percent. It was the first time in 14 years that the city's serious crime was less than it was the previous year. In 1971, the city's serious crime rate fell by 13.3 percent. In 1972, it fell 27 percent. That is a record of which any city in America could be proud.

Part of the progress was made possible through funds from the Law Enforcement Assistance Administration. This and other Federal programs have resulted in court reorganization, in a law enforcement improvement program, in the Narcotics Treatment Administration, in corrections rehabilitation initiatives, and in numerous other projects to improve the city's entire range of criminal justice services.

These are major accomplishments—among the most significant in this city in our generation. But the Mayor's leadership in the Federal-local partnership has made these advances possible. More than that, his enthusiasm and his vigor of purpose have helped to sweep away obstacles that might have defeated lesser men.

It has not been easy. There were times when the general public despaired as to whether or not we were going to be able to accomplish anything in this town. But he persevered. He kept his faith in the citi-

zens of this city and their ability to do the job. He inspired them and supported them and saw to it that they did the very best that they could do. For this remarkable effort, Mayor Washington has earned the thanks of the city, of the Administration, and, I know, of the President. The Honorable Walter Washington, Mayor of Washington, D.C.

Mayor Washington: Thank you very much, Jerris. That was beautiful. You know, I've come to a point in time where I normally just say thank you and quit while I'm ahead, but that was so beautiful. I think that all of you must know that Jerris Leonard is a great American, a man who has put everything into this program that he possibly could, who, whenever he made a mistake, looked upon it as a human error, and that's the thing that makes us love him. He's a man who has made a difference in this country.

I want to start, my friends, by saying I'm just glad to be with you. These have been 30 very difficult days for us here. We've lost President Truman and we've lost President Johnson. We've inaugurated a new President. And last night we had peace.

I've seen people in the millions come in and out of this city, and they've had mixed emotions—many of them sad of heart, but many of them happy because of the projections of peace. So you at this Conference have come to Washington at a peculiar time in our history and you are, therefore, a part of a peculiar history. It's been written in 30 days in a fashion that probably won't be written again in the annals of our Nation. And I think we should pause at this juncture to think a moment about what has happened to us in the last 30 days.

In starting my remarks, I must say there's no way that you can begin talking about the subject of involvement of people in the criminal justice process until you've "washed yourself" in the sense of coming to the point where you believe in this Nation. I do because in the past 3 or 4 years I've undergone something like 612 demonstrations. They happened to be on my turf, but they had nothing to do with my city. I think that it is true that by this process, America has become stronger. But there's no way that I can talk about the involvement of people until you understand what I mean.

I'm talking about a Nation that I think is the greatest Nation on earth. And you know, I said that before it was popular. It's becoming a more and more popular belief. In the days ahead you'll be able to say it easily, you know, because peace is at hand and the demonstrators aren't around. But I was saying it right along, and I say it again. In the past 2 years I've had occasion to travel around the world twice, representing this Government, and the greatest days I've had are the days that I've landed back on this soil. What I've seen has made me understand that this is the greatest Nation on earth.

I know this, my friends, that we have our imperfections—we have discrimination, prejudice, and hatred—but I also know that we have the capability to deal with them, if we resolve to do something about these problems at any given point in time. This is the goal of community involvement or citizen participation. But you have to have a base.

I've been around the world twice, as I've indicated, and I've come back and seen people running their cities down, running their counties down, and running this Nation down. You can't begin to talk about involvement as long as that prospect is at hand, because you don't understand what you're talking about. You can't develop any heart or soul or feeling for your neighborhood or your community or your Nation as long as at the same time you're saying, "It ain't nothin' anyhow."

Now there are those who opt out in this situation. They say that the situation is so bad, the establishment is so bad that they're not going to do anything because it's just so bad that you can't recover it. Well, that's just the biggest opt-out, you know that.

The biggest problem that we have is the problem of getting people to take responsibility, to put their shoulders to the wheel. But I want you to understand that in this Nation, we have tried to put together a system, and the LEAA program has been one of the great challenges and hopes. The thing that stands out most in the President's charge to me was to go out and get a system, that we can no longer work in a harem-scarem way on this whole matter of crime. We've got to develop it and put all the components together and move those components forward. Unfortunately, they didn't all move in tandem. But they have to move in tandem, as we know. We know that we cannot separate the role of the community from the criminal justice system.

If there's apathy in local neighborhoods or communities about preventing or controlling crime, then the disinterest will reflect itself in the rising crime rate. It's as simple as that. And I want to say this to you—none of you has to be a philosopher or a sociologist to understand that. Just have a little common sense about this and you'll come out just where I am.

There are many people, particularly consultants, who take about 50 volumes to say what I'm going to say. Actually, I could say what I'm going to say in about 3 minutes. And that is, get out there and do something about it. And you know, it would happen.

But I have to say it with a little more sophistication. I've got to tell you a little about what I think can be done to prevent crime. I think today that the most important ingredient in effective crime control is the active participation of the community.

It must do more than just give vague lip-service to the goals of helping to combat crime. It must get in there and work.

I am speaking in this sense about a kind of apathy that only I can talk to you about, but I know you understand. How in the world, my friends, can we have a community where people—12 in number—stand aside and see a woman raped in an alley? And how can we talk about preventing crime? How can witnesses deny an elderly woman who has just received her welfare check and who is raped in broad daylight by closing the door and saying, "That's somebody else's problem. I don't want to get involved."

Or how can they see a group of youngsters set upon a person on the streets, and say, "That's somebody else's problem. I might have to go down and give witness to this in the courts and I can't take the time because I'm working tomorrow." Is that what we have come to?

Each of you sitting here can repeat a story like that, about the apathy of the community, about a real problem that confronts us. To the extent that you develop a system which may be perfect in terms of expertise and mechanics and yet fails to do anything about the attitude of someone who sees a woman being raped and says, "Well, that's somebody else's problem" is the extent to which you have failed to develop a system that's going to be lasting and workable.

Now I know a little about this. I know a little about where you find people and I know about the problem you have. Frequently as officials we look and say, "Well, that isn't my problem, that's the problem of the social worker. That's the problem of those working in the social services." The question is: What have *you* done to see that they are activated to the point of understanding what they have to do to even help you?

The problem, you know, is simplified in what Jerris has done. For instance, I came to the understanding in prevention that the fire department was not the real department that could control false alarms. And you know, it's just as simple as that—they fight fires; that's what they're trained for; that's what they put all their work in—fighting a fire. And I have a good department, the best in the Nation—there's no question about it. But they can't handle the false alarm problem. The reason is: nobody taught them anything about it.

They hadn't learned about the participation of people in the process. It was a little kid who was pulling the alarm and running. Now that has nothing to do with learning to firefight. It just has nothing to do with getting on the engine, on the hook and ladder, and going out and putting out the fire. All that expertise is theirs; nobody had said anything while training firemen about what you do when a kid pulls a fire alarm and runs—a whole batch of kids. When they get a certain distance, they turn and throw rocks at you. It's as simple as that.

So we faced the process of recognizing people who have skills in the human dynamics of children pulling fire alarms, being away from home and running, and throwing rocks at anything. And so, we racked up a record of about 40 percent decrease in false alarms in one year. Well, of course, the fire department took credit for it. You know, they like to say, "Look what we did." I got on the television with them and said, "Yeah, you did it," and I got to make them feel good. You know, it's in their department.

And then the next year, we went down 30 percent. And then I said, "You know, you've got to share that with somebody else." What we were talking about, Jerris, was the participation, involvement by the community, with the community, in a process that had become very complicated because it involved people who had no relevance to the department that was attempting to administer it.

And I give this example because it's what I'm trying to say. As I talk about it—and, of course, you at LEAA financed it and I thank you—you all ought to look at that process too, because that's within the LEAA package. What you all need to know, as an essential part of what America must do to improve the quality of the Nation's life, is to give primary attention to preventing our young people from becoming involved in the criminal justice system in the first place.

Now there are a whole lot of us who are out here working after the fact. So many of the programs do not come together, and the community becomes rightfully indignant when they hear of some sordid cases. And when you come out to get the resources and involvement of people, they then want to squeeze somebody's neck.

What we have got to do if we are really going to get at this process—and LEAA has led us in this—is to look at the process of keeping young people out of the system in the first place. Of course, nobody wants to talk about it, but I do.

As you develop your expertise in the criminal justice system, there are some root causes you must remember. Don't forget. Remember the Mayor said this. Don't forget that there are other conditions under which people live in the city.

We must take measures that will eliminate poverty; that will provide better educational systems; that will train the unemployed and the underemployed. We must find ways to make decent housing available for everyone, and many of you will understand that because right out of many of your

housing projects come some of your most difficult problems. We must make quality medical care and ample health care and treatment available to every person. And don't forget these solutions as we put together our criminal justice system, because they're preventive; they're root causes. Nobody wants to talk much about them. Nobody wants to do it because we, for the most part, have become attuned to hardware—we want to look at that.

The greatest thing about LEAA, in terms of this city, has been their recognition that we also have a need for root cause treatment and we also have a need for what we call software. Hardware is good and it's needed, but in the long run, my friends, you're going to need the soft programs that really begin to involve the people, and really begin to make them understand.

In fiscal year 1972 alone there was a 27 percent decline. Now I mention this practical situation because there was a time when you all didn't believe in this. LEAA and Jerris came on and they were fighting hard. What you thought you would do is raise those crime rates and get some more money. But it doesn't work that way anymore. They caught up with us.

And now you've got to work to get a steady decrease and a rhythm in this stuff, and that's what they pay for. And some of you had better get on the ball and understand this. I'm talking for Jerris—he can't say that. I can, because I've tried both systems.

I know what works now. And not only that, it's good for your community. There is a thing about this that you all should understand. You all must understand that you've got to get a process, a system. You've got to get law enforcement, you've got to get your courts in motion. You've got to get a corrections system that really rehabilitates; one that does not simply stand as a monument of detention, but within its walls will begin to rehabilitate people, particularly the younger ones. For instance, we look at our figures. Some 15 years ago the average age of an offender was somewhere between 35 and 45. We look at the same situation in our jails today, and, for the most part, we find a population between 18 and 25.

They come as a microcosm of the city with all of the volatile situations, with all of the frustrations, and with all of the militancy. You're dealing with an entirely different situation. Many people fail or refuse to understand these changes in the whole situation.

And I say to you today, that, for the most part, corrections is the last line. No one has wanted to recognize this. All over the country we've had problems. No system is any better or worse than any other; every county and city is caught in the situation where jails and prisons are the bottom rung. Prison is the end of the line.

And if you get a well-trained police force, well-numbered, efficient, and effective, with all of the mechanical systems reacting, so that you catch more people violating the law; and you get a good court system and a good attorney system, where you're trying more and convicting more, and you then don't look at the bottom rung—what happens when they wind up down in the jails and prisons? One day your citizens are in an uprise. They say, "Well, what's the matter with that system? Who's doing anything about the jails?"

I remember when we used to take them around and exercise them and they were all happy. There ain't nobody happy no more. I mean, they're all doing just like they're doing in the middle of your town—talking that stuff, acting out, and getting out when they can. "Do or die," they say.

And you're still sitting around worrying about what's happening. Well, stop now! I'm telling you the way it is! Stop now and look at it. The whole process has got to work as a unit, as an entity. And this is what LEAA and Jerris are trying to tell us—that the system is a system. It's got to come together as a unit. All parts of it have got to function. All parts have got to be understood, and its basis is citizens—they have to participate in all aspects of it, because some parts of it are dramatic, and people love it.

There is nothing better than for the League of Women Voters to come up and say, "We're going to fight for more policemen in our neighborhood." You know. "We're going to fight for more attorneys to try those people." But not many of them are saying, "We're going to fight today to see that all of us are going to live better." It's important that they do so because those in our jails will be back in the community and will once again confront us.

But we've got to come to that point. That's what LEAA is trying to say to you. Look at your system. Get the people involved in every part of the process. Make sure that there's a full understanding in your community, in your neighborhood, of every element of the criminal justice process.

And then you build up support. You build a constituency, you build people who understand. And once you do that, everybody begins to deal with crime, not as something that happens to you when you walk out on the street one night and get hit in the head, but you begin to deal with it as a philosophical process in the community that has to be dealt with in a fashion that undergirds all social progress.

How can you talk about better health and better education if your streets can't be traversed? If you

can't get to school, how can you learn? And if you get there and everything that happens to you is bad or in the criminal element, then how in the world can you build a system?

Some of you don't really know and feel this as deeply as I do. You've got to understand that in this town if two bumpers hit, it rings around the world. You know, it's not like I was in Podunk, somewhere where you do these things and nobody sees it. But, you see, all I have to do is have a tire run over a diplomat foot and I have an international incident. That shows up in the crime statistics, you see. And so, we have a different dimension in this town, a different dimension in the sense that everybody is looking at us.

I read in the paper about five escapes somewhere in New York. I have a couple of escapes and everyone says, "Oh, isn't that awful?" You know, the same kind of jail, the same situation, they were trying to get out and they got out. This happened to be here, you know, in the Nation's Capital, and you just happen to have 247 reporters as against half a reporter up there. And so, I get it.

Of course, every once in a while, I get some good ones, too, out of it. I mean, we do some things; our crime rate went down 46 percent and they reported it. They reported it, and the paper said, "I don't think it really happened." They asked me to get on the television and talk about it. The only thing I can say is when you do good things, and you do something about your crime rate, tell them that, since they didn't raise those questions when it was going up, give me credit now, not suspicious analysis, since we made the crime rate go down.

That's important, and it's important to you in terms of this process. Ask them to give it to you when you make it. That's a part of having the people in the community understand what you're doing. The media, for instance, frequently is involved in: "It couldn't be that good. Somebody said to me last night that they were at a party and somebody picked their pocket." You know, they don't tell you it was a friend who did it. They want to make you think it was somebody from down in the slum. And he wasn't even at the party. As a matter of fact, he wasn't even serving the party.

I want to say that tonight is a real experiment in citizen participation; nobody went to sleep. I have been watching them, and they've been right on the edge of their seats thinking I was going to tell them how to get some more of LEAA's money.

But that's what citizen participation is; that's what it's all about, you know—waiting for the next line, making sure that you're all alert, making sure that I don't slip in any lines that cause you any problems, and making sure that I'm right here to give you what Jerris told me that you should have. The important thing about that is that he is suggesting that he isn't going to be here, so you know, I really didn't have to say it. I got a new leader.

But I think this is important, my friends. I really wanted to do this in a light vein because you've had so much hard stuff here. There are so many professionals and so many experts. And I'm really not an expert; I'm just a guy out here who believes greatly in this Nation, who believes greatly in these communities, who believes greatly in America and in our ability to overcome our imperfections and our deficiencies.

And one thing that I wanted to talk about tonight was this matter of community participation. You can't go anywhere without people. You know, in a city where crime is a problem, when people decide that they're going to end it, they're going to do it.

The question is: How are you going to get them motivated and out of their apathy sooner and faster and harder and in a constructive vein? There are many people talking about different things. I've heard people talk about community control. What's amazing in this area is that the most sophisticated system you're dealing with is the criminal element. They've got the resources, they've got the manpower—you're going to put some people out to fight this and you can't do it with your police force. I mean, you know, you've got to get down to talking about the constructive areas in which people can actually participate, and in those areas you've got to provide them with the opportunities and with the help and with the know-how.

We have a little group here of about 2,000 youngsters. They call themselves the Crime Stoppers. Their motto is: "We stop crime by not committing it." You ought to see them. I take them around and they whoop it up. They're about elementary age, 7 or 8 years old. What is the impact of youngsters like this on the radio and television telling people, "Our motto is that we stop crime by not committing it," as they're looking up and speaking in the faces of adults? What else do you need?

I mean, there are opportunities, there are many. We have a situation here which we call software, where we have 20 neighborhood planning councils. We've put together courtesy patrols. Amazing. And all they do is, they meet the grandmother at the bus stop. And they take her home—from the bus stop to home—nothing more than that.

But you know, it grew out of some young tough guys who saw their sister or their mother or their grandmother being set upon by some other youngsters. They snatched the pocketbooks themselves, and said, "I don't want it to happen to my mother. I don't want it to happen to my sister—or my grand-

mother." And so we have 250 courtesy patrols around the city where they'll meet the mother or the youngster and take him home. Just walk—no big problem. They don't attack anybody. They just say, "Come on, I'll walk with you." And they just walk sort of casually along, and if something happens, I'm told they're trained. As a matter of fact, we've given them, in some cases, the radio, and from time to time they call. They've stopped fires, they've stopped serious matters as they've gone along. But they're not policemen. All they do is walk the sister home.

This is a manifestation of a community coming together to deal with the problem. Little things, but don't overlook those little things, because as they mount up, they all add up to community involvement.

And this, my friends, is the name of the game. You can get the most sophisticated communications systems; you can get the best trained police in the world. You can get all of the resources at your disposal. But if the community is not there, you've got a gap in your program that's so big that nothing will happen.

And I say to you tonight, don't look upon this as a corny experience. Don't look upon this as just another exercise. Find a way in your own community to make it work. Find a way to get the little ones, the big ones, the grandmas, the grandpas, involved in the process. So that what you come out with is a total attitude that says, "My city will be safe."

Thank you.

Mr. Leonard: I just want to make two very brief comments before we adjourn.

There's a young lady in the audience tonight who's writing a story about LEAA and who interviewed me for about an hour and a half this afternoon here at the hotel, and I only wish that she'd wipe the slate clean of what I told her about LEAA in Washington, D. C., Mr. Mayor, and the effectiveness of its funds and what's going on. I think you have articulated tonight some of the many great programs and ways, not only with LEAA funds, but in other ways, that you're helping to make this not only a safer city but a more involved city.

The second comment is, with all due deference to Milwaukee, this is now my adopted hometown. I live in this city, and I'm just very, very proud to have a mayor of the quality and caliber of a great American like Walter Washington.

Thank you very much.

Chapter 9
Third Conference Session

Third Conference Session	"Special Issues," Thursday, January 25, 1973, 10:15 a.m.
POLICE	"Intergovernmental Cooperation in Crime Control"
PRESIDING:	**Peter J. Pitchess,** Sheriff, Los Angeles County, Calif.
PANELISTS:	**L. Patrick Gray, III,** Acting Director, FBI, Washington, D.C. "Federal Perspective"
	Dale Carson, Sheriff, Duval County, Fla. "County Perspective"
	Don R. Derning, Chief of Police, Winnetka, Ill. "Municipal Perspective"

Sheriff Pitchess: We'll get right down to business. The attendance here is a tribute to the men on this panel. I'm sure you won't be disappointed.

I have been requested again to remind all of you that in addition to the Police objectives that are shown here—you were not just given a free trip to Washington—you were brought here for a purpose. That purpose is for you to contribute to the ultimate bible we hope to prepare from your suggestions and from your criticisms, so that we may, in the final analysis, have what can be realistically termed a bible for the criminal justice system. We shall continue to update it, we shall continue to keep it as current as possible.

We will begin the session by hearing from the Acting Director of the Federal Bureau of Investigation (FBI), Mr. L. Patrick Gray, III. Mr. Gray, as most of you know, is a man who has had three professional careers in his life—that's in addition to the family career. He spent a very productive and successful career in the U.S. Navy—he graduated from the U.S. Naval Academy and retired as a Navy captain in 1960. That's evidence of the easy life of the Navy.

He received his law degree from George Washington University in 1949, and then, after he left the Navy, he began his second career in a successful practice of law. He also served as legal counsel to the

U.S. Department of Health, Education, and Welfare, and in 1970, he was named Assistant Attorney General. It was from that position that he was chosen as the Acting Director of the FBI.

It's with a great deal of pleasure that I present to you, L. Patrick Gray, III.

Mr. Gray: Good morning, ladies and gentlemen.

On an occasion such as this, very often an individual will have a tale or two to relate. However, today we are burying a man who was truly a great President of these United States—a man of courage, a man of great dedication to his Nation, a man who had the guts to make the tough decisions on behalf of the American people when they had to be made, a man who some have said was literally driven from his presidency by the vilification that he received. Yet a man who, today, in death, receives all those praises which he had earned, and which he justly deserved, but which he failed to receive in life. And I ask that those of us in this profession who appreciate courage, guts, and dedication, stand for a moment in silent prayer in memory of the Honorable Lyndon Johnson.

Thank you very much, ladies and gentlemen.

Crime brings fear. Fear breeds terror. And with terror comes the destruction of the spirit and freedom of a people. Although great strides have been made in combating crime, fear and terror still exist among us. More hard work lies ahead, and no one knows that better than we.

This is what this National Conference on Criminal Justice is all about. This is why former Attorney General Mitchell took the initiative in February 1971 in proposing that Federal, State, and local governments join to establish national standards and goals for our criminal justice system.

From the size of the looseleaf binder and its contents, the *Working Papers* of the National Advisory Commission on Criminal Justice Standards and Goals, it is obvious that quite a few people have done a powerful amount of thinking and writing.

We in the FBI have not had the *Working Papers* long enough to study and analyze them. I expect that we shall have some differences of opinion, just as I am sure that the drafters of these papers had differences. So also are there going to be differences among those attending this Conference.

But the fact remains that a very important and much needed first step has been taken. And decisions of considerable importance to each and every American may be reached at this Conference.

Although the primary responsibility for criminal law enforcement rests with the States, this does not mean that the Federal forces have a free ride. Let's take a look from the Federal perspective. The plain and very obvious fact of life is that our forces are thin indeed, and we could not discharge our responsibilities at the Federal level without the cooperation of the forces at the State and local level. There is just no "Big Daddy" in law enforcement, unless it is the Law Enforcement Assistance Administration (LEAA) with all those dollars that we all need so badly.

Criminal laws are written by others, but peace officers have to breathe life in them by enforcement. This is where the action begins and very often ends. As strange as it may seem to some, we in the law enforcement profession believe that the needs of our society in crime control are the same as the needs of the members of the law enforcement profession. What are these needs?

First, neither our society nor the law enforcement profession requires more enlightenment or more rhetoric. Support is what we need. Our people in our society need support and our police need support. Our police need support from those whom we serve as we take the necessary steps to purge our ranks of those who would dishonor our profession. We need the support of our fellow citizens as we take the necessary steps to improve our performance in their behalf. New concepts, new techniques, and new equipment are needed if we are to continue our forward momentum.

The record of support, when viewed from the Federal perspective, is a pretty good one and we intend to improve it each day if we can.

Recent events occurring in the period of the last 12 months or so indicate all too clearly that our police forces have some new missions—one is the assault on entrenched and dug-in criminals. The sniper and the terrorist appear to be a part of the criminal scene today and for the foreseeable future.

No other forces are volunteering to handle such situations and I don't expect to see any volunteers. This appears to be another tough job that will have to be handled by the police. And to do that job will require more than just more of the same.

Second, our society and our police forces need prosecutors that prosecute and prosecute well, and rapidly, too, so that quick-draw artists are not back through the turnstiles and shooting at us and our friends and neighbors, even before we have time to reload.

Third, our society and our police forces need judges that judge with fairness, impartiality, and compassion—compassion for the person on trial, yes, but also compassion for all the people. An accused on trial is not the only person whose unalienable rights are on the line in a criminal case. The people, the victims, in whose names the prosecution is delivered, have a rather substantial set of rights on

the line, too. They, too, are parties to the trial and are also entitled to receive due process.

Fourth, our society and our police forces need judges who know how to sentence, who to sentence, and to what type of correctional institution. Not every convicted felon is a hardened criminal or a sociopath, but those who are ought not to be permitted to return so easily to prey again and again upon society. Rehabilitation is fine for those convicted felons who show signs of being able to profit from such measures. It is a useless gesture for those who resist every such effort, or take advantage of such efforts to gain early release and do it all over again.

The real purpose of incarceration is to protect society, and if rehabilitation is going to contribute to the protection of society in a given case, let's rehabilitate. If not, let's incarcerate and protect society.

The objective of the criminal justice system is the protection of society, not just the protection of the rights of the accused.

In concluding these remarks, I just want to say that I am honored to be with you this morning, and to be with the distinguished chairman of this panel and with the distinguished peace officers who sit here with me, still a man in his novitiate. Actually the honor really belongs to the dedicated men and women of the Federal Bureau of Investigation. I bring you their warm greetings.

Sheriff Pitchess: Thank you very much, Mr. Gray, and on behalf of all of my colleagues in law enforcement we thank you and the men and women of the Federal Bureau of Investigation for the great support that you give us, and we look forward to its continuation.

I'm sure you're aware that the subject of this panel is "Intergovernmental Cooperation in Crime Control." You have heard Mr. Gray tell you of his desire and his intent to continue that cooperation from the FBI and from the Federal level.

Now we will hear from a representative of a county agency. I want to introduce you to the Sheriff of Duval County in Florida. He received a degree in criminology from Ohio State University, the school that hires those professionals and who come out to the West Coast every New Year's Day.

Dale Carson was appointed sheriff in 1958 and was subsequently elected. He served on the Florida Sheriffs' Association Board of Trustees, and is a member of the Florida Police Standards Board. He is a member of the Advisory Board of Governors, the Council of Criminal Justice, and the Jacksonville Planning Commission. He is vice chairman of the Commission's Police Task Force, and a member of the National Academy of Science's Traffic Enforcement Committee. In 1968, he became the chief law enforcement officer of a new government structure that consolidated Duval County and the City of Jacksonville, and he can tell you of the progress of that experiment.

We served together in the FBI, and I take great pleasure in presenting to you my very good friend, the Sheriff of Duval County, Dale Carson.

Sheriff Carson: Thank you very much, Pete. I appreciate the reference about the journey to Los Angeles that we make every so often. I hear you have a great city. I went out there to visit one day, but it was closed.

Members of the panel, ladies and gentlemen, I'm happy to be here today. We're going to talk about cooperation on the State, local, and Federal level. I think the reason the police have been so successful in the past is because of this cooperation.

Throughout our history, of course, we have had sheriffs who have been noted for their cooperation and those who have not, as well as Federal agencies and chiefs of police who have been cooperative and noncooperative. I think that we have had more cooperation than we have been given credit for in the past, and through conferences such as this, we will have more cooperation in the future.

I think the sheriffs have always received cooperation from the Federal level, beginning way back when the FBI began their training schools, going around the country with the National Academy, the FBI identification section, and recently, the National Crime Information Center (NCIC). We got all this cooperation free. The only thing we had to do was to recover their stolen cars.

I think there has been cooperation between the police and the Governors and all of the agencies on the State level. I think that we have received more cooperation from the States in the last few years—through revenue sharing, through police standards. States are trying to help the local level.

Now, right on the local level we can note cooperation between chiefs of police and sheriffs. I have known a few and you have known a few who haven't cooperated, and the reason we remember them is because it's so rare—not only stupid, but rare. I think that even in those departments, we have had only individual officers who did not cooperate. But I think this is fast disappearing. I think the sixties brought us together, it forced us together. In the turmoil that we faced then, we needed to and had to pull together our resources, we had to work together. We stood together in the streets. We had different uniforms and different badges, but we had the same duty.

Since that time, the chiefs and the sheriffs have stood together in the legislative halls. We've gotten

things like better pensions, we've gotten things like police standards, and more recently, we worked together for revenue sharing. We can accomplish so much together and so little apart. There's more to do than any of us can handle singlehandedly. And we can't tolerate a sheriff or a chief who stands aloof from his brother officers.

I know of no other local law enforcement agency or agency of any type that has had to change as much in the past few years as the office of sheriff. These advances have been brought about by the exodus of people from the core cities moving into the suburbs. It has been brought about by these people demanding and wanting better and more professional law enforcement. We have had a rise in crime in the rural areas, and we have had to improve our services. We have gone from cowboy hats to computers. We have gone from policing quiet villages to policing sprawling suburbs. And we have found that we have had to change to meet these challenges.

When we found that the disturbances moved from the streets to the campuses, we found that many of these campuses were located in small towns. Many times the students outnumbered the local population. And the sheriffs had to meet these problems. They became, in a sense, the chief of police for those communities. We met the challenges, and we are moving ahead.

The National Sheriffs' Association has helped in these changes. New sheriff manuals have been developed and distributed. A model law enforcement mutual aid compact has been developed and is a standard now for many of the States. We also have started a new institute to train sheriffs beginning their duties. And many of these programs have been financed by the Law Enforcement Assistance Administration (LEAA), and many of them are producing professional results. And although there have been many changes brought about in the sheriff's office—in the training field, and in the policy field—there's been a significant change in the organization of the office itself.

One of the first organizational changes was brought about in California with the advent of contract law enforcement where smaller cities could contract for law enforcement with their county agents and get complete law enforcement service. Contract law enforcement has proven to be economical and effective for these cities, and has spread into many other States.

We have had reorganization, we have had regionalization and cooperation—and all of these are more effective ways to fight crime. If we can have records identification, laboratories, communications, and other services combine to serve the public better, we had better consider serving the agency as well. The thought of 30 different agencies in one county with 30 different communications centers staffed around the clock, all working, sometimes at odds with each other, is something that I think demands reorganization.

One of the major handicaps of police in this country has been fragmentation. There are 40,000 police agencies in the United States. About 6,000 are in major cities and towns; the remainder, 33,000, is in small villages, each with its own lack of manpower.

As police administrators, I think we need to take a real solid look at our organizational structures to see what we can do to more effectively meet the challenges we face. We need to put as many officers on the street fighting crime as we possibly can. If two or more agencies can combine their dispatching, and transfer these dispatching positions to the street, we might meet this need.

All of this is good, but I want to tell you about one thing that we have experienced in Jacksonville which I think many of you are facing, and which you should know something about. I think Jacksonville has been a success. In 1968, we abolished our city and county governments and combined them into one. We took a police department of some 325 officers which covered a jurisdiction of about 30 square miles and 200,000 people and combined it with the sheriff's office which had 250 officers and covered 840 square miles, and brought them all together. We abolished the city councils and came up with a new council and a mayor, and have retained the elected office of sheriff.

I think that there are many arguments for and against the elected office of sheriff, but I think that the fact that it is elective gives it status and a necessary power base. When I go to the council or other bodies to present the budget, I think I have a better chance as an elected official than I do as an appointee of the mayor. I think the fact that our budget from a combined total in 1968 of $7 million has risen now to $17.5 million, and the fact that we have lowered the *advalorem* tax rate, speaks well for the elective office of sheriff and, also, for consolidation itself.

From an administrative point of view in these past 4 years there has been every reason to be in favor of consolidation: the fact we've increased our manpower from 750 to 1200, the fact that we're large enough now to demand better equipment, including helicopters and a new police headquarters.

Central purchasing has enabled us to make dramatic savings which we have used to buy more equipment and people. We have individual radios now for people in high crime areas, and we have just issued 350 patrol cars for our men to take home and use throughout the city.

The ability to assign men when and where they are needed is of tremendous importance. It's a simple matter now to mobilize our resources in any type of disorder or any other police emergency. There are no longer any problems determining who is in command or where the lines of authority fall, because the organization is handled by one agency.

We have one records and identification section. When one file has been checked, all have been checked. We have one communications center, and one number for people to call the police. We've been able to replace officers in civilian positions with civilians, and have, as a result, returned over 50 officers to street duty.

All of these advantages have helped us in police work. But the most important advantage has been for the citizens themselves. They know where to fix responsibility. We're responsible for it all, from prevention through apprehension, and even through incarceration.

The primary test of any law enforcement agency is the degree to which it can respond to local needs. Now I agree that a large agency is not necessarily better than a small one. But I can assure you that a single agency which is to serve a population of 500,000 to 600,000, which is to meet emergencies and provide services for individual communities within the same geographical area, can be developed. Our crime rate went down 4.5 percent last year, and in 1971 it went down 4.9 percent.

Now I realize that consolidation may not be the answer for you. Your community is different, and it should be considered accordingly. Of the 229 statistical areas in the United States, many of them cover several large cities, several counties, and some even cover several States. Of the 229, 118 of these areas are in one region. The areas cover about 41 million people, and the average population comes out to about 350,000 people per area. Now I don't know the number of agencies that presently exist in these counties, but I do know that if you combined dispatching, records, and central purchasing, you could put more officers on the street today, and that's what is needed.

As you can tell, I think that consolidation in Jacksonville has been a success. I think that law enforcement has been handcuffed by jurisdictional limitations, by interdepartmental disputes over supplying police services to an area. We've been handcuffed more by that than we have by some of the Supreme Court decisions. I think we need to reexamine our agencies.

As you remember, the section in the *Working Papers* that talks about police organization states that every State and local government and every police agency should provide police services by the most effective and efficient organizational means available. I believe that we have found a way. If we just simply take a look at our organizations in area councils that we meet with through LEAA, through the State, and take a good look at how we can best serve our citizens, how we can serve the people better, we're going to have better law enforcement than we have today, and today we're doing okay.

Thank you very much.

Sheriff Pitchess: Thank you, Sheriff Carson.

I don't know that I understood your reference to Los Angeles being a closed city. It's just that we have the peculiarity of liking to see the air we breathe.

And now, representing municipal law enforcement, it is my pleasure to present to you the Chief of Police of Winnetka, Illinois. He joined the force in 1947 and has been chief of police of that city since 1953.

He attended Lake Forest College, is a graduate of Northwestern University Traffic Institute, and the FBI National Academy. He has taught both at the University of Illinois, at the Northwestern University Traffic Institute, and at the FBI National Academy. He is chairman of the National Advisory Committee of the FBI National Academy—a very, very forward step which Director Gray instituted to assist him and his colleagues in directing the activities of that National Academy.

He is a member of the Curricula Committee of the Police Training Institute of the University of Illinois and the Police Task Force of the National Advisory Commission on Criminal Justice Standards and Goals. And, just in his spare time, if that isn't enough to keep him busy, he is the active—and I say that advisedly—President of the International Association of Chiefs of Police. My very good friend, the distinguished Chief of Police of Winnetka, Illinois, Don Derning.

Chief Derning: There is no proper protocol to address an assemblage of this kind, and so I simply say to you, my fellow conferees.

This is truly a unique and significant occasion. We have come together here to review the standards and goals developed by the National Advisory Commission on Criminal Justice, and more importantly, to develop a commitment and a strategy for implementing these standards and goals in each of these United States.

In attempting to present a point of view relating to these standards from a municipal police level, it seemed advisable to establish some priorities of address. A simple review of the history of police service at the municipal level over the past few decades

at least made it relatively easy to determine the first need. This first need is the need to develop a sweeping commitment to the concept of constructive change in the plans, programs, and activities of municipal police services.

"Fragmentation of effort" and "management by crisis" have unfortunately been accurate descriptive terms that have applied too frequently to a substantial number of our police services. Faced with changing times, much of our effort was characterized by attempts to maintain the status quo. Faced with the obvious need to develop long-range plans and programs for constructive change we displayed a regrettable tendency to respond in a purely traditional manner.

Some of these traditions were excellent. In many cases, municipal police services did respond to both the inferred and expressed needs of their communities. They developed local programs and attempted to improve communications between the police and the public. At the same time, however, we had some traditions that were working against us. These traditions were not good ones and they almost guaranteed that we would fail unless we made a commitment to discard these traditions and to broaden our perspectives. Some of these traditions, these sacred cows of your police service and my police service, are familiar to all of us. For example:

- "The incompetent and capricious behavior of the judiciary makes it impossible for us to communicate effectively with them;"
- "The permissive philosophy and the decadent objectives of the sociologist and the behavioral scientist are nullifying the effects of good police work;"
- "The only way to get a fair shake from a newspaper is to own the newspaper;" and
- "Regardless of provocation, police should only speak well of police because we're the only friends we have."

I gave some thought to including these statements, and I'm sure every cop in the room knows this. But I included them for what I think is an important reason. To the extent that we have permitted these kinds of reasons to immobilize our thinking, to immobilize our activities, we have permitted these traditions to isolate us not only from our communities but from our colleagues in the other segments of the criminal justice system. If we in the police field are truly to develop a commitment to constructive change, we must break free of these traditional shackles and we must develop a fuller and broader understanding of our function and our responsibilities as an integral segment of the criminal justice system.

I firmly believe that we can do it and in many areas we are doing it. An important barrier—a methodology for articulating standards and goals for law enforcement—has been surmounted. The efforts of the National Advisory Commission on Criminal Justice Standards and Goals have given us a vitally important set of tools. The early and effective use of these tools by municipal police agencies across the country can produce significant results in our war on crime. The need for an affirmative decision to use these tools is absolutely imperative.

Even a cursory examination of the standards and goals clearly illustrates the directions for effective implementation of these standards and goals by municipal police service. The key factors are communication and cooperation. Communication with all of the agencies and all of the people who have an interest in police service. Cooperation with all of the agencies and all of the people who have a responsibility impacting upon police service.

Let's take just another brief look at the four objectives selected from the Police Task Force report for discussion at this meeting.

1. Fully develop the offender-apprehension potential of the criminal justice system.
2. Get the police and the people working together as a team.
3. Get the criminal justice system working together as a team.
4. Fully develop the police response to special community needs.

The validity of these objectives is obvious and needs no amplification at this time.

Equally important as the language of the objectives is the tone and direction which the objectives provide for municipal police services. Implementation of these objectives clearly indicates the need for active police service rather than reactive police service. The very concept of activeness carries with it the obligation to review and evaluate thoroughly all of the functions of the municipal police service to determine the impact of those functions upon our communities and upon the criminal justice system as a whole. A concurrent obligation is to improve and strengthen those functions that contribute to effective police service and to discard those functions and practices that are counterproductive to good police service.

As a step toward implementing these objectives let's consider the term municipal police service and some of the constraints that traditional interpretations of this concept have imposed upon us. Traditionally, municipal or local police service has been just precisely that. We have largely fostered the idea that local problems should be solved with local resources and that if each of us took care of our

problems as individual entities there would be no proliferation of larger problems. Obviously there are some basic flaws in this concept.

The first and the greatest flaw was in how we applied local resources toward local problems. Traditionally, municipal police forces did not follow a planned or an orderly development. They grew in response to problems and crises and were funded by local governments up to the point where the pressures created by the problems were reduced to an acceptable or at least a tolerable level. No real effort was ever made or funded to strike at the cause of problem evolution. As a consequence, police departments were always one or two steps behind the times when it came to allocating resources toward problem solving. With this kind of a growth pattern, it is indeed remarkable that so many police agencies did achieve a relatively high level of individual competence and performance.

Another basic flaw in the concept of using local resources for local problems is that we used the term local as though it were synonymous with geographic or political boundaries. We did not take adequate cognizance of the complex social patterns that transcended all of these previously sacrosanct boundaries. As a consequence, local police agencies became very frustrated in their attempt to solve problems which were within their sphere of geographic responsibility but which, in fact, had their origins and opportunities for solution beyond the reach of the local police.

Changing social standards and mores, a technological revolution, and an incredible public mobility are but some of the other significant factors that militate against the continuation of the traditionally isolationist posture of local police and local government.

I should like to emphasize here that I firmly believe that the people closest to the problem should be given the opportunity and the resources necessary to solve that problem. I endorse and support the concept of local or municipal police services. I believe that the best potential solution for our problems in this war on crime is not the development of a super police concept or a national police concept, but rather the intelligent updating, redefinition, and reapplication of the term local police service.

In meeting this objective of updating our concepts of local service I should like to sound a note of caution. I believe that if we approach these problems with the idea that we can find a singular solution or a patented set of procedures to supplement or to supplant those already in existence, we will be simply substituting one set of problems for another.

I believe that the key to our future success is contained in the two words that leap out at us from the objectives set forth by the Police Task Force—communication and cooperation. If we are to avoid the problems of the past, we must build into our planning the essential ingredient of flexibility and the equally essential ingredient of capacity for continuing growth and development.

Another step that must be taken by municipal police agencies in preparing to implement the task force standards is the step of problem definition. We must sit down with each other to develop reliable and realistic problem parameters in a professional atmosphere of mutual respect and confidence. We must be prepared to set aside our individual and our local pride and prejudices. We must make our contributions to the fullest measure without concern for the past and without fears for the future.

And, when we have fully and realistically evaluated the problems that exist, we must then, just as fully and frankly, determine which resources are necessary to achieve solutions to those problems. Sharing resources is imperative in a modern world that would cope with its problems rather than being trapped in the empty rhetoric of "it can't be done" or "it isn't traditional" or "I need my own." Local governments and local police administrators must—and I believe they will—recognize that the full and effective utilization of public resources is not only an obligation and a responsibility: it is an opportunity to fulfill our pledge to control crime.

Again, let me emphasize that the key to our ultimate success is not contained in an effort to remodel local municipal police agencies into some preconceived form or to achieve a neat and uniform organizational structure that is applicable throughout the 50 States. The validity of our efforts will be in direct ratio to our ability to utilize fully the unique assets of each agency in each area while maintaining the broadest perspective in dealing with the problems that transcend our own geographic boundaries.

The bulk of my commentary to this point has been directed to police agencies and their interaction with other agencies. I believe this to be appropriate because we, the police, have the greatest opportunity to affect the degree of cooperation or noncooperation extended by the public in combating crime. While the police are now with good reason refusing to accept the total blame or to shoulder the total burden for eliminating crime in our country, we cannot avoid the inescapable fact that it will be the quality of our day-to-day, month-to-month, and year-to-year contact with the public that will ultimately determine the success or failures of our efforts.

The philosophy of effective communication and total cooperation, however, goes beyond the interaction of police with police or police with the public. As I stated earlier, if we are to give full measure in

combating crime we must carry this philosophy forward in our contacts with each agency impacting upon the criminal justice system.

The National Conference on Criminal Justice, which we are attending this week, is a prime example and an excellent precedent for expanding the horizons of each of us in this system. Another excellent example, unheard of some short years ago, is the recently announced and forthcoming series of meetings between the National District Attorneys' Association and the International Association of Chiefs of Police.

We must nurture and even demand the continuing growth of a professional maturity that permits effective communications and interaction within the justice system. Without belaboring the point, the day is long past when society could afford to humor and support those privileges and prerogatives within the various disciplines of the justice system which are counterproductive to the responsibility we all share —the responsibility to strike in concert at the very roots of crime and to insure justice to all members of society.

I have mentioned the need for broader perspectives on the part of all members of the criminal justice system. I should like also to suggest that we would be hard-put to identify a segment of our society or a functioning agency within our society which does not impact upon the criminal justice system. Everybody in this great country of ours is affected either directly or indirectly by crime and by the quality of our efforts to control crime. It is essential, therefore, that we develop an expanded and ongoing capacity for communication and cooperation with all segments of our society.

I believe that we need to increase our capacity to articulate our needs and to articulate our objectives. To accomplish this, I believe that we all need to give our attitudes and procedures relating to press relationships a thorough airing and overhauling. Certainly there have been—and I'm quite sure there will continue to be—abuses of the principle of free press by some members of the public communications media, just as there have been abuses by some members of the criminal justice system. I believe, however, that an honest and forthright effort to interact from both the press and the justice system personnel can yield rich rewards not only for us but for the public we serve.

My comments here today must be on a point of enthusiastic optimism. For the first time in the history of the criminal justice system we have counseled together and we have produced a series of statements which—if properly implemented and supported—will provide the impetus for major strides forward in the war on crime. The quality of these statements reflects the fact that they were developed with the broadest possible base of input representing almost every possible point of view. The mere fact of their existence is a tribute to the dedication and the expertise of those people who worked so long and so hard on behalf of us all.

The presence of all of you here today is also indicative of another significant factor. I believe that the American people are finally ready, willing, and able to bring themselves together to form a unified front against crime. I believe that these events, properly supported by the commitment which may be inferred by your presence and my presence here today, represent a major milestone in the history of our country. With such a beginning, I am fully confident that the municipal police forces, the municipal police administrators, and the municipal governments will take up the tools and the challenge simultaneously and will move forward in concert to restore freedom in its fullest sense to the citizens of this United States of America.

Thank you.

Third Conference Session — "Special Issues;" Thursday, January 25, 1973, 10:15 a.m.

COURTS — "Non-Adversary Disposition"

PRESIDING: **J. Sydney Hoffman,** Judge, Superior Court of Pennsylvania, Philadelphia, Pa.

PANELISTS: **William Cahalan,** Prosecuting Attorney, Wayne County, Detroit, Mich.

John M. Cannel, Deputy Public Defender, Office of the Public Defender, Newark, N.J.

Eddie M. Harrison, Director, Pre-Trial Intervention Project, Baltimore, Md.

COMMENT: **Daniel Meador,** Professor of Law, University of Virginia Law School, Charlottesville, Va.

Judge Hoffman: Good morning, ladies and gentlemen.

This should be an exciting part of the Conference. We are covering subjects which are dynamic. They're vital, and vital to right now.

It's no use talking about backlogs and expedition of cases and being more pragmatic and more efficient unless you're prepared to put into operation something that is in keeping with the demands of modern day criminal justice. We are going to cover generally what is in the Courts section of the *Working Papers,* and our general topic is "Nonadversary Disposition."

Walter Cohen has told me, and I think he's right, that this is probably a misnomer. What we really are talking about is screening, diversion, and plea bargaining.

We have very able men on the panel. I think they're going to give you some factual information, and we invite you to listen not only critically, but constructively.

William Cahalan is the Prosecuting Attorney of Wayne County, Mich.

John Cannel is the Deputy Public Defender of the State of New Jersey, and Eddie Harrison is the Director of the Pre-Trial Intervention Project of Baltimore. I have talked with these three gentlemen, and I am sure that you will find them as fascinating and interesting as I have.

We're going to start off with William Cahalan.

Mr. Cahalan: Thank you very much.

I think that we are having trouble with misnomers. And as Judge Hoffman pointed out, the title of this panel is probably a misnomer—"Nonadversary Disposition." I think that it is a misnomer and that's where we get into trouble. Plea bargaining doesn't sound good. If we give it a name that sounds good, I don't think we'll be in any trouble.

This is going to be an exciting panel, but if you want one that's more exciting—and it looks more exciting to me at least—across the hall there's a panel called "Make It Yourself With Wool."

Anyone who has read *Semi-Tough,* I'm sure is over there.

You know, we wrote 188 pages, in small type. I sometimes think that the Law Enforcement Assistance Administration (LEAA) is working for the optometrists in this country. I know every one of you read every page. And I think that it's good. I agree with about 90 percent of it.

The President's Crime Commission, in 1967, did an excellent job and made many recommendations. I think as far as efficiency in the court is concerned, very simply, what we need is a court administrator.

We have to bring the courts into the computer age, and see to it that a trial docket is a trial docket and that the only cases on that docket are those that are going to be tried. We have to have a system in which one case follows another case into the judge's courtroom. And once we arrive at that—and we can only arrive at it when we have a court administrator who will make the system work—we will have efficient administration of justice, the primary purpose of which is to determine guilt or innocence. I think that we can't lose sight of that. The primary purpose of our judicial proceedings is to convict the guilty and to acquit the innocent.

This document (the *Working Papers*) recognizes the separation of powers. I do, too. I think that the legislature should make the laws, the executive branch of government execute the laws, and the judiciary should interpret them.

In many jurisdictions, there is not proper screening and diversion in the first instance. I agree wholeheartedly with the concept that the prosecuting attorney should be the person, the member of the executive department, who should decide who shall be prosecuted for what. I'm also of the opinion that this function should remain in the executive branch. This is not a tort action. The prosecutor does not represent the police officer nor does he represent the complaining witness. He represents the people. And if the police officer feels aggrieved, and the complaining witness feels aggrieved at what the prosecutor has done in representing the people, then I don't think that that police officer, who should be a witness in the case and nothing more, nor the complaining witness in the case, should have the right to go to the judiciary, nor should the judiciary have the right to issue an order ordering the prosecutor to prosecute. That's not in keeping with our idea of separation of powers.

Also, I would not want to be the defendant and appear before the judge who had ordered me prosecuted. It doesn't seem to be fair. I wouldn't mind being the prosecutor in that case as it would be a good way to mark one up.

The prosecutor is subject to review. The prosecutor is elected by the people. I think in a democracy that it is the people from whom the power comes and to whom every elected official should be responsible.

In many discussions such as this we talk about politics. We say, let's keep politics out of this, and let's keep politics out of that. Well, in a democracy, you can't keep politics out of it. It's like saying in a church, let's keep religion out of this church. And I don't approve of that. I think we should have religion in church, and I think we should have politics in a democracy. And I think that the prosecutor should be responsible and that his actions should be reviewed by the people.

I would like to address myself more particularly to what is called plea bargaining. We could call it pretrial disposition of cases. Maybe that would be the better title. I don't agree that plea bargaining should be eliminated. I think that fair plea bargaining serves the primary goal of the criminal process, which is not to litigate every debatable issue. That's not the primary purpose. The primary purpose of the criminal justice process is the conviction of the guilty and the acquittal of the innocent.

Second, I think that fair plea bargaining is in keeping with our idea of the separation of powers where the executive branch does the charging. We recognize in the *Working Papers*, this preliminary report, that the prosecutor should make the determination originally with the charge. And I agree with that. He is independent. He makes the determination of who should be prosecuted and for what. He does this as a public official, not as an attorney as such. He is an attorney, but he does this as a public official because he's been given broad discretionary power by the people to make that decision. We recognize that, and this report recognizes that.

If we do away with plea bargaining, it's inconsistent with our statement on separation of power and our statement that the executive branch and the prosecutor should be the person who is charged with the responsibility of determining who should be prosecuted, because the negotiation of a plea of guilty is just an extension of his executive power.

I think that plea bargaining is good in and of itself. Oftentimes, some think they have to justify plea bargaining, saying that we just don't have enough resources. Well, I say that if you had all of the prosecutors and all of the judges and all of the defense attorneys that you needed to try every case, you should still plea bargain.

Plea bargaining is taking a general State statute and applying it to a particular individual involved in a particular set of facts providing for a punishment that is particularly in keeping with the seriousness of his offense. And I think that's what we should do.

They say that we should make a determination and charge properly. Well, there is a different standard of proof. First of all, at the warrant stage, when the prosecutor recommends that a warrant be issued —which in Michigan cannot be issued unless it's recommended by the prosecutor—the standard of proof is that there is probable cause to believe that this person committed a crime. This recommendation is based upon, in almost every instance, a one-sided presentation of the case. We get the facts as related to us by the police department. The case then goes to a preliminary examination. These standards recommend that we do away with the grand jury as the ordinary process of charging, and I would agree with that.

I think charging should go before a judge, before a magistrate, for a preliminary examination—something which does happen in Michigan—at which time we must prove that, in fact, a crime has been committed, and that there is probable cause to believe that this person committed that crime. We are raising the degree of proof. And, of course, at the time of trial, as you well know, we must convince the jury of 12 beyond all reasonable doubt to a moral certainty of this person's guilt.

Now, if we are going to make a determination that we must only charge those cases in which we are absolutely confident that there will be a conviction, then we would have to raise the standard of proof. We would have to have a mini-trial. We would have to have the defense attorney present. What we would have to do is make some arrangement so that we don't have the orderly procedure that we have now with the warrant, the preliminary examination, and the pretrial disposition of a case. In order to move at all, at the time that the person is arrested, and at the time the determination of whether to charge or not to charge is made, we would have to have a mini-trial to decide all these questions of law and fact. This would be very cumbersome.

I don't think it's necessary for the prosecutor to be convinced that he can convict that person. There used to be a philosophy—and we always use this statement whenever we lose one (we do once in a great while—I had to be honest because the head of our public defender's office is here in the audience), that it's not the prosecutor's job to convict, it's to present the facts to the court and to the jury. Well, I think there's some truth to that. I don't think that we have to be convinced that we can convict this person before we can recommend a warrant and proceed to trial. There are some cases in which I have personally recommended the warrant, and I do that very seldom. I'm in a large office—as you know, in a prosecutor's office—and it happens maybe about less than 1 percent of the time.

It is said the best we can hope for in recommending a warrant is a hung jury. But can we get past the examination? I think that in many instances getting past the examination is all that is necessary to recommend the warrant. We need to get past the examination because this is a question of fact which should be determined by a jury. If the defendant is willing to admit that he did what he is charged with, then take a plea.

I agree with the recommendation that plea bargaining should be visible. It should be backed up

by policies that are open to the public and to the defense bar. It should be in accordance with court rule.

Some of the recommendations are based upon premises and conclusions that I don't agree with. The Commission says that plea bargaining jeopardizes the innocent defendant who pleads guilty out of hope for a concession. With no basis there and no tabulation, the possibility that an innocent defendant might plead guilty cannot be doubted. The proper consideration, I suppose, is how many? How many defendants who didn't do what they were charged with doing plead guilty?

No system yet devised can absolutely guarantee that an innocent person will not be convicted. But I think that an intelligent interrogation by the court of the defendant who offers the plea is a much better safeguard than to have a jury make every determination of guilt or innocence. In fact it might even be better. If you have a court rule which requires the defendant to tell it like it was and go into detail about what happened, and the judge listens to it in open court, and you have those safeguards, you're not going to get innocent people pleading guilty.

I don't want you to think that I am justifying plea bargaining. Let us get a new word for it so that we can get on with it. It's so necessary to have the right words; pretrial disposition of the case is a better term. Maybe that's what we can do at this Conference. I think it would be worthwhile if we came up with a new name which sounded better. It's not based upon the fact that we don't have the resources. Even if the resources existed, I think we should particularize the general State statute to the particular individual involved in a particular set of facts. Maybe that could be the name of it—if we get the first letter of each one of those words I just used—if it was decent.

The Commission maintains that consideration of resources is not relevant to retention of plea bargaining. And they cite a man from Michigan who wrote that resources will be forthcoming if we try everyone. Well, whoever wrote that never dealt with a county board of commissioners or a State legislature.

We dispose of some 89 percent of the cases in Detroit with pretrial dispositions. And unless the court is going to order the legislature to appropriate so much money so that they can have all the resources necessary to try all those cases that should be tried, then you're not going to have it forthcoming. And I don't think the courts should do that. And I also think that resources are a legitimate consideration. I think that we can legitimately determine, as public officials spending public money, whether or not we're going to use an atomic bomb to halt a jaywalker.

Finally, it should be emphasized that part of the prosecutor's administrative responsibility in assessing charges and making plea concessions is consideration of the public interest in effective use of available resources. To urge that the prosecutor must be oblivious to this consideration is to overlook the prosecutor's function as a policymaker responsible to the people. It is also to ignore the fact that the responsibility of every administrator is to strike the proper balance between the objectives of the system and the costs it will bear.

The Commission contends that plea bargaining should be eliminated because prosecutors overcharge in order to gain plea leverage. There's no proof of that. In Detroit, in 1971, our office charged 12,936 defendants with felonies. Of that number, in 0.4 percent of the cases, the charge was reduced between the time it was at the warrant stage and the time it passed preliminary examination by the judge. So we made a mistake when we reviewed what the police gave us and made a charge in 0.4 percent of the cases. Of course, the determination to reduce the charge at the preliminary examination was made after the witness took the witness stand and testified under oath which, of course, doesn't happen at the warrant stage.

The Commission argues that plea bargaining should be abolished because it discourages the assertion of constitutional rights; that is, the right to trial. I think that we should never forget what the primary purpose of our system is. It is the determination of guilt or innocence. The purpose of our system is not to try every debatable issue. We aren't here to see that we have every question of fact and every question of law resolved by a full trial.

The Commission asserts that "where a defendant and his attorney believe that a guilty conviction would result from the charge as charged, they should and will plead guilty to the charge as filed." Well, I don't know about that. We are going to provide free counsel so that every constitutional right will be protected. We're going to have liberalized pretrial bonding procedures so that an accused will be out on bond. We're going to have juries that are convicting less and less. And just a few years ago the conviction rate for juries in Detroit was about 70 percent; last year it was 55 percent. We're going to make sure that the judge does not in any way take into consideration admission of guilt or nonadmission of guilt in providing for the punishment. And then we're going to say, "Well, you'll plead guilty anyway, because we charged you right." I really don't think that's true.

I think that the litigated case should be a litigated

case. I think a case should be litigated when there is a question of fact or a question of law. That happens in our jurisdiction, and I'll give you some figures, some 1972 figures. There were about 25,000 reports of investigation in the City of Detroit presented to our office—25,000. Thirteen percent of those were not prosecuted. Forty-two percent were prosecuted as felons, and 45 percent as misdemeanors, which means 90 days or less. Of those who went to the examination, where we have to prove that, in fact, a crime has been committed and that there's probable cause to believe that this person committed the crime, 40 percent waived their examination, being satisfied with what the prosecutor charged in the warrant. Of the 60 percent that went to examination, 16 percent were dismissed. Over one-third of them were dismissed not because the prosecutor overcharged, but because the complaining witness failed to appear, or requested that the case be dismissed, or wouldn't cooperate in the prosecution.

In our pretrial division, we handled over 10,000 cases. We had over 7,000 pleas, and we dismissed about 600 cases. In those dismissals usually there are multiple charges—they'll plead guilty on one charge, and we'll dismiss the other charges.

In 1972, we had 862 trials in Detroit—approximately half by court and half by jury. And your chances are even in Detroit because the rate of conviction by jury is 55 percent, and the rate of conviction by the bench is 55 percent. We disposed of about 9,000 cases through the whole procedure, about 10 percent of them by trial and about 90 percent of them by plea.

As you know, in almost 90 percent of the cases, there's no question of fact, there's no question of law. It goes, "You were robbed?" "Yes, I was robbed." "Who robbed you?" "That fellow right there." The policeman comes on the stand. "Did you arrest that fellow right there?" "Yes." "Did you find the complainant's wallet in his pocket?" "Yes, I did." As you know, that's 90 percent of the cases. Well, if I'm representing the defendant or if I am a defendant, and there is a real dispute as to the facts, and I really should not have been charged with the crime, I would like to have my case heard by a judge or a jury who had listened to disputed cases and come back with half acquittals and half convictions rather than go before a judge or a jury that came back with 90 percent convictions, which would be the case if all cases went to trial.

I think there is much in this report that is very good, and the reason that I am so emphatic about this is because it dilutes all the good ideas. When you start to talk about the really important matters in this report, such as bringing the prosecutor's pay up to that of the presiding judge, your board of commissioners gets sidetracked and all it wants to talk about is plea bargaining.

So I submit, in conclusion, that the prosecutor should employ screening. We should have a preliminary examination before a magistrate, and not a grand jury, for ordinary charging. We should have visible pretrial plea negotiations according to court rule. The prosecutor should have policies—I have brought with me some of the policies used in our office regarding when a plea should be taken and when it should not be taken. And we should have efficient administration. But we can't have that by the elimination of plea bargaining.

I think that the people who propose the elimination of plea bargaining have not sustained the burden of proof.

Thank you very much.

Mr. Cannel: First, I'd like to apologize for Mr. Van Ness, who was supposed to be here this morning, but who was unavoidably detained back in New Jersey with a personal problem. I will, to the best of my ability, fill in for him and give you some of his thoughts. He also served with Mr. Cahalan as a member of the Courts Task Force. I had an opportunity to sit in with Mr. Van Ness at most of the task force meetings, and am reasonably familiar with the task force and its views.

Even though I am a defense lawyer and like to remain partisan in the field, there are very few points on which I disagree with Mr. Cahalan. In the three areas of screening, diversion, and plea bargaining, when the task force finally finished its work, it was moderately uniform in its view.

I think we're all convinced that screening should be a matter of prosecutorial discretion. The standards pretty much establish that there's a need for screening, and that we've always had screening. The most common situation, of course, is where a prosecutor screens out when he just doesn't think the accused committed a crime. Fine. He should be doing that. Also, a situation occurs when the prosecutor thinks the case isn't worth the cost of prosecution. Again, that's the decision of the prosecutor, and it should be.

The point that the Commission finally arrived at, which I think is most critical in the screening area, is the question of the prosecutor's decision to screen or not to screen according to the prosecutor's guidelines, and whether there should be any review of the decision. The decision was first that a defendant should not have the right to question the prosecutor's decision not to screen. The theory on that is simple. We don't want to create another legal technicality whereby a defendant before the trial may make a pitch, "Okay, before we even reach this stage

of trial, Judge, I want to prove that the prosecutor should never have brought up this case according to his guidelines. These are his guidelines, and as you can see, I fit within them." We do not want to create the kind of technicality which isn't enforceable in court when the prosecutor decides not to screen a case out.

The Commission, however, grafted on a provision which said that when a decision to screen is made, the complaining witness or police officer should have a right to present the decision to a court and have a court make the decision. I agree with Mr. Cahalan's reasoning—I think this is an inappropriate procedure. The reason, I think, is clear. I think you understand the Commission's reason. They have a real fear about the public distrust of prosecutors. A prosecutor in our State was tried recently for dismissing a case improperly. But if we're not going to trust prosecutors, maybe we shouldn't have them. I think if we're going to establish an office of prosecutor, the way to handle our distrust is not on a case-by-case basis. As it is a criminal case, and the prosecutor is the moving party on behalf of the State, I think the prosecutor should make the decision and it should be the prosecutor's decision alone.

I think you will have an opportunity to see both sides and have ample time to discuss the issue, both here and in the group sessions this afternoon.

The task force and Commission's theory on diversion is roughly the same as the theory on screening. We have diversion, we have always had it, at least one kind of diversion; that is, a prosecutor sees a person charged with a crime who isn't going to get into trouble again, who is willing to make restitution, and we agree to get rid of the charges against him if he does something to benefit or restitute himself. That's what diversion is. We'll dismiss these charges, we'll throw the accused out of the criminal process, if the person is willing to do something else.

Diversion programs have existed in the old-fashioned case-by-case form for the last 5 to 10 years. One of the early ones was the Vera Court Employment Program in New York, in which an offender, in exchange for having the charges against him dismissed, participates in the Vera program for a period of time. The person gets a job and undergoes counseling—group sessions. If the person is successful in the program, the charges are dismissed. If not, they aren't.

This often seems strange to us. What are we doing with a system in which we throw out charges against a man who probably is guilty? Well, the reasons are more basic than the whole idea of convicting the guilty and acquitting the innocent, the basic purpose of the courts. Mr. Cahalan stated this purpose specifically in regard to the plea of guilty. But I say the greater cause of criminal justice, of the criminal justice system, is to rehabilitate and to deter. Now, if we take a man and dump him out of the system, dismiss the charges, and put him in a situation where he will not commit crime in the future, then we're doing a lot more for the good of society than running him through a trial, convicting him, sending him to jail, and having him come out and commit more crimes. If our true interest is preventing crime, then we should not be afraid to dismiss charges just because we've never done it before, or because it does not seem normal. Our purpose is to prevent crime, and if dismissing charges will do it, we should do it.

Why does it work? First, you're giving the defendant a very big reason to stay out of trouble for the time period you're suspending charges. He knows that everything has been dismissed against him, and that he will return to the snake pit we call our court system if he fouls up. So he stays straight. Maybe he gets the habit, maybe he doesn't. But those who get the habit outside are probably greater in number than offenders who are rehabilitated in prison.

Second, like it or not, our criminal justice system, through conviction and sentence, puts a stigma on people. It makes recidivism more likely. You take a man and you make him a convicted criminal of one sort or another, and then you say, "Go out and stay out of trouble." You've interfered with his chances of getting a job, you've interfered with his acceptance in the community, you've interfered with lots of things which are necessary to straighten him out. Maybe it's necessary in a great majority of cases, but in at least some cases, if we can abandon this stigma, we may be able to prevent future crime. And that is, I think we all agree, the name of the game.

The last thing, which I'll speak very briefly about, is the plea of guilty. The standards are divided into two chunks—the first on agreed-upon guilty pleas and negotiated guilty pleas of plea bargaining. The second chunk, the interim plan, says apply these standards that we've just applied to screening and diversion. That is, the public doesn't trust it as it is now, it's all hidden, they think it's all sneaky and that bargaining somehow is a little bit shady. Let's put it to the public, let's put the negotiated and accepted pleas on the record, and we'll cure our problems.

How do they do that? First thing, we want everyone, or nearly everyone, to be represented—we want a lawyer bargaining for everyone. Second, we want the bargain put on the record. We don't want the situation where a person comes back 6 months later and says in a collateral attack of the conviction,

"They promised me this sentence and they gave me this other sentence. The system hasn't dealt fairly with me, and I want to appeal my conviction or my sentence," and there's uproar. Well, that's inconvenient. And I think by putting the bargain on the record we can get rid of that.

Not only that, the guy who feels that the system has dealt with him unfairly is less likely to straighten out during the sentence. A man has got to feel: "I went through the system, and it was fair. I don't argue with it. I was found guilty or I pleaded guilty and I got what I was told and everything was straight." And I think that's important, and I think the publicity will get rid of a large number of the problems with guilty pleas that way.

The second thing is that the judge has to take a look at the bargain. You can bargain as to sentence, but the judge takes a look at the bargain. If the prosecutor is giving away the courthouse for a guilty plea, the judge should say so. If the defendant is giving away too much, the judge can sentence to less.

Also, we have a defense attorney available to make sure the prosecutor's not overcharging. It doesn't happen in Wayne County, but it has been known to happen in other places. The guy feels coerced: "Oh, look, I'm going to have to stand trial for kidnaping if I go to trial. I know it wasn't kidnaping, yet a jury might find kidnaping Therefore, I'll plead guilty to something." Maybe in that situation, there is some overcharging, but if there is a proper defense attorney, he can take a look at it and say, "There's no way in the world they're ever going to prove kidnaping, and not only that, they take that charge before the jury and they can't prove a bit of it, so it's going to make the whole thing look bad and you've got a better chance of acquittal." In any case, a defendant who knows what his chances are in front of the jury is not going to be coerced. And that, I think, is assumed in the system.

These are the problems with plea bargaining. We've gone through them. There is the coerced guilty plea which I think we can alleviate by publicity and by proper defense. There is the prosecutor who gives away too much, and we've got a judge to defend against that. We've got the public misunderstanding, which I think publicity will get rid of, and we've got misunderstanding by the defendant, which I think, again, publicity will get rid of.

So why do we want to get rid of the guilty plea? Well, you may still feel the jury should make this determination. But a jury is not magic. A jury is a gambling method of determining who's guilty and who's innocent, like any other method. And I think for the interest of the defendant, as well as for the State, we should have a way to take out insurance and get out of that gambling method. If a guy is willing to admit a charge, and the prosecutor is willing to dismiss another charge because he's not sure he can prove it, you've got a kind of insurance for both sides that the guy is going to be convicted of something, but he's not going to be convicted of something he won't admit. You also have insurance as to what the maximum sentence is going to be in a situation where it won't be approved by a judge if he intended to give something higher.

You might say the whole system will still be coerced. The prosecutor and judge will still be coerced. That's a matter of providing adequate resources. We don't plead 90 percent of the cases that come as far as a formal indictment in New Jersey. It varies from county to county, but I'd say that we plead probably 60 to 70 percent, which is not all that high. Maybe it should be lower, maybe it should be higher, I don't know, but it changes from time to time and it varies from place to place. But if you've got the resources so that a trial is possible, if you're providing resources where a trial is not the greatest thing that happens through the year but something which is an everyday occurrence, a viable alternative exists, and the plea system can work for the rest of the cases.

I think it's a mistake to throw the plea away because, first, practically speaking, a trial is a very expensive thing and why should we devote our money to trying every case—there are other things to spend it on. And, second, I think the plea of guilty is a very useful thing, a very useful kind of insurance for both parties.

Now, you may wonder how the task force feels about this issue, especially since both Mr. Cahalan and I have presented the Commission's views on the issue of the plea bargain, and neither of us supports it. Well, suffice it to say that the task force did not agree with the Commission on this one, and you're getting the dissent here. We hope we've presented to some extent their views. I think they're also presented in the written materials. And you know, these standards are not forced on anyone. Make up your own minds and reach your own decisions. I think this is an unwise standard, and I think the Task Force on Courts thought so, too. The Commission, however, which is also distinguished, felt that it was both wise and necessary.

Thank you.

Mr. Harrison: I think we've had some very good comments thus far concerning two very diametrically opposed positions on nonadversary disposition.

I was appointed to serve on the Task Force on Corrections of the National Advisory Commission. As a member of that task force, which was responsible for putting together a lot of the material on

corrections contained in the report, I'd like to make a few comments about my feelings toward those materials.

I have a great deal of enthusiasm for the standards as they were developed and as they are being presented. And I am extremely encouraged by the participation and comments made by members of the various forums and group sessions. I would like to give you now, in relation to the opening dialog, a working example of one of those standards, that of diversion.

Historically, we have relied on a somewhat simplified system of adjudication, whereby an accused offender was arrested, brought to trial, and upon conviction was either placed on probation, incarcerated, or granted a suspended sentence. These alternatives would tend to serve separate ends, but have not proven to deal effectively with the magnitude of issues inherent to the formal disposition of criminal offenses.

Incarceration, for instance, has conclusively proven ineffective toward protecting society and reforming the offender. Probation, for other reasons, has proven just as ineffective. When we consider the lack of any real services available to probationers, and the rate at which former probationers are eventually reincarcerated, probation can be seen as merely delaying the inevitable incarceration of many offenders. Suspension of sentence appears to fall in the same category. Once the offender comes to the attention of the court, it is simply not enough to address what appears to be the immediate problem, that of an offense having been committed. The commission of a crime is often only a symptom of a more severe problem which goes undetected, unsolved, and often leads to further criminal involvement.

I wish to discuss pretrial diversion with you. But instead of exploring the need, the rationale, and philosophy behind diversion—or intervention—I would like to talk about the application of the concept. I would also like to point out that diversion has been recommended by each of the task forces working in the areas of Police, Courts, and Corrections, as a significant component of their standards and goals.

The concept of diverting offenders from criminal prosecution is certainly not a new concept. It's been around for a while. In fact, different models of diversion have been operating in different localities for a great number of years. Traditionally, however, most of the concern in corrections has been directed toward the adult male offender. There has not been an adequate amount of resources directed toward the juvenile offender, and for that matter, the female offender. In that regard, the establishment of diversion programs has tended to address the needs of an adult population where the focus of services was geared toward employment-related problems.

The success of offering employment as a major ingredient in a rehabilitative approach was established by two pilot programs already mentioned here. In 1967, the Manpower Administration funded Project Crossroads in Washington, D.C., and the Manhattan Court Employment Project in New York City, operated by the Vera Institute. Both of these projects worked with tremendous handicaps during their early years.

Screening for both projects was conducted in crowded holding cages at municipal courts and at district courts. There wasn't the time or space to conduct proper screening interviews. The autonomous nature of the various judges in the courts posed hardships on project staffs because of the lack of consistency and support for the concept of diversion. Prosecutorial staffs often viewed diversion with great apprehension, and by and large were reluctant to defer prosecution in cases because of the nature of the charge. Now, after time, exposure, and expansion, the concept of diversion is generally seen as the most effective and viable alternative to nonjudicial disposition.

I am the director of the Baltimore Pre-Trial Intervention Project—PTI. It's operated by Learning Systems, Incorporated, and it's funded by the Manpower Administration in the Department of Labor.

Pretrial intervention in Baltimore is a community-based program providing direct services to juveniles after they have been charged with being delinquent, but prior to any adjudication of all of the charges. In its first funding period, the project focused on 16- and 17-year-old males living in Baltimore City. During the second funding period, however, we intend to expand our intake criteria to include 15-year-olds, who account for the greatest number of offenses committed by the juvenile population in Baltimore, and also to include female offenders.

Diversion has been referred to in the Courts Task Force report as: "Halting or suspending the formal criminal proceedings against a person on the condition or assumption that he will do something in return." [1] The report distinguishes diversion from screening. Diversion involves the cessation of formal criminal proceedings and removal of the individual from the criminal justice system. Action taken after conviction is not diversion because at that point the criminal prosecution has already been permitted to proceed to its conclusion—determination of guilt. In all situations, however, diversion involves a discretionary judgment that there is a more appropriate

[1] National Advisory Commission on Criminal Justice Standards and Goals. *Report on Courts*. Washington: Government Printing Office (1973).

way to deal with the defendant than to prosecute him. Generally that is the basic concept of diversion —that there is a more appropriate way to deal with the case and the particular problems of the offender.

I'd like to remark here that preparing for this panel discussion was somewhat awkward, and I found myself, after reading a number of very good documents prepared on diversion, in a position where everything I wanted to say about diversion had already been written. So, I would like to read from a document entitled *Juvenile Diversion: A Perspective,* which was published by the American Correctional Association. And I would highly recommend that anybody interested in pursuing this issue get a copy of this booklet. William Bain is the author of this publication. I would like to continue by quoting a paragraph from Mr. Bain's publication.

> A diversion program is a resource which: (1) provides direct service and/or referral services to juveniles whose status or conduct makes them subject to the jurisdiction of the juvenile court, but who are referred to the program in lieu of official processing; (2) has a specific program design for diverted juveniles; and (3) produces institutional change by fostering improvement in and new commitments to youth services by existing agencies.[2]

Although diversion programs are operated in different stages, I'd like to point out some of the points that I feel are important to remember if you are interested in putting a diversion program together. Some of the concerns addressed here would include whether or not the rights of the defendant are taken into consideration, whether or not there are just methods applied to diversion. I think it's extremely important to recognize the rights of the offender at the diversion stage. If an offender is aware of his rights, he can make a decision whether or not he should be diverted. I think he has the right not to be diverted. If, in fact, he is convinced of his own innocence, he may proceed or decide to go to trial. I think that kind of case most certainly should be taken to trial.

Diversion programs raise a number of issues that I think are important to discuss, some of those being constitutional issues—the right to a speedy trial, the right not to be diverted. In many diversion programs there is a requirement that the person sign a waiver of that constitutional right and agree to participate in the diversion program and have the case deferred.

The importance of adequate referral procedures cannot be overestimated. I think criteria have to be established that would set the stage for the screening of both nondangerous offenders and persons that you can readily identify as being receptive to the services of a diversion program. I don't think everybody can be served by a diversion program. I don't think that every category of case should be eligible for a diversion program. In Baltimore, for example, we have screened out drug-related cases. Our diversion program is one working with the juvenile population, and we don't feel that we are particularly qualified to work with the problems inherent to the drug addict. I think very clear standards have to be set when you are thinking about putting together diversion programs.

In keeping with the remarks I made about screening, I think the project staff should determine which cases should be diverted, particularly in a community-based program. The community is much more aware of the problems of the offender than the prosecutorial staff or officials of the court. I think, by and large, the determinations made by the staff would tend to address the issues of the nature of the charge, the prior background of the offender, and so forth, as opposed to whether or not the person can be adequately and appropriately served in the diversion program.

In that regard, the Baltimore Pre-Trial Intervention Project has a very tight screening mechanism for the person who is diverted from the court system to our project. Again, keep in mind we are talking about juveniles. The parent and the participant have an opportunity to sit down and speak with, and be interviewed by our project screener. And one characteristic looked for during the interview, since we also highlight the concept of using ex-offenders, is: Is this person readily receptive to the help we are prepared to give?

If we determine that the person is jiving, that the person is not really serious about accepting any kind of help, then we simply will not accept that case. We send that case back to the court. I think that may largely account for the fact that 100 percent of the recommendations that our project has made to the court for dismissal have been accepted by the court. It is a community-based project, and has the concerns that community projects normally have, but we are also very cognizant of the fact that we are part of the criminal justice process.

The second critical factor of diversion programs is the voluntary nature of participation. Not only is this desirable for motivational considerations, in that it provides a noncoercive atmosphere conducive to treatment, but it is necessary that the person is willing to participate and to indicate that willingness by forming an agreement to participate in the project. We have in Baltimore what we consider a contract. When the person comes into the program and is accepted, the person clearly states what it is he intends to do while he is in that program. And that

[2] William Bain. *Juvenile Diversion: A Perspective.* The American Correctional Association.

becomes a contract and a means for us to determine whether or not he has successfully concluded his period of participation.

If, as many critics of the present system believe, the authoritarian connotations of court-ordered rehabilitations are not effective, then to transplant this problem to a program intended to be an effective alternative to official processing would be self-defeating, I think. This is not to say that the final relief from official accountability for delinquent behavior should never be made conditional upon satisfactory performance in a diversion program.

It may well be that the willingness of official referral sources to use a diversion alternative for more serious offenders will depend on the availability of adequate recourse against juveniles who do not follow through on their promise of good faith and participation in the community. One of the problems—or one of the solutions—we found in Baltimore is that the court wanted to maintain some kind of jurisdiction over the case once it was referred. In fact, if the guy did not work out, then we could continue the processing of the case. I think that's another important factor, and since that is the case we have been able to get a tremendous amount of support from the court.

I don't think the existence of these kinds of sanctions necessarily diminishes the voluntary nature of a juvenile's consent, however. In such cases, the juvenile's interests are protected and program credibility is maintained by the establishment of a time limit on program participation and specific performance standards.

PTI requires that the potential participant and his parent or guardian sign a consent form that states their willingness to relinquish the right to a speedy trial and to agree to certain terms of participation in the program. And as I stated earlier, the intent of screening is not to determine guilt at all, but to determine the appropriateness of PTI to the individual's needs. The screener must determine the juvenile's need and the ability of the project to meet those needs, as well as the individual's maturity and ability to benefit from the program at that particular time. The diverted person must agree to keep all scheduled appointments, to notify the assigned counselor of any rearrests, and, most importantly, to work with a counselor in the development and fulfillment of the case service plan.

The failure to live up to any of these terms will result in the termination of participation without recommendation to the court. These cases are returned to the juvenile authorities for normal processing without prejudice. Rearrests don't automatically result in termination, however. The project is cognizant of the fact that many juveniles are now arrested for offenses that an adult could not be arrested for—being on the streets at certain hours, truancy, and things like that—which don't necessarily preclude him from further participation in our program.

Another essential element of a diversion program is a system for feeding information on the person's performance and status back to the court. Post-referral feedback is an essential feature of a new diversion program, because it establishes the basis for official confidence in the program's capabilities, and encourages official utilization of the program for more than just those categories of juveniles who ordinarily would be diverted from court processing.

PTI sends an interim report on the progress of each participant to the Maryland Department of Juvenile Services and the Juvenile Court, after the person has been in the program for 45 days, and sends a final report and recommendation after 90 days of participation. At the point that a recommendation or a return without recommendation is made, a larger report is written to detail the individual's status at intake, his involvement in the project, his status at termination, and all factors substantiating the recommendation. Followup is done at 3-, 6-, and 12-month intervals after termination, both for the purpose of information gathering on the participant's success, and for the purpose of positively reinforcing the program's impact in delivering any additional services that may be necessary.

Diversion programs should also possess a very good service component, despite the fact that there may be a heavy reliance on referral arrangements with other community resources.

PTI is primarily a counseling and an education-based program. As it relates to the Department of Labor, it is an effort to develop long-range manpower sources. Since Labor was so interested in diversion programs, I think primarily because of Labor's interest in the manpower market, it was difficult to understand at first why they actually funded the project in Baltimore City, which works with juveniles. But we put together a system of long-range manpower development, which we felt better prepared the juvenile for accepting a role in the community.

We found that a number of the job referrals that we did make for juveniles were often rejected. We started out with the basic premise that we were going to develop all these fantastic training opportunities, only to find out upon referral and checking up, that some juveniles stayed in certain job-training programs for as little as 2 or 3 days. We found out the reason for that; we discovered that we had not taken a very close look at our target population. They were dropping out of what we considered good job-training programs because they couldn't relate to

supervisors or co-workers and they didn't understand the importance of getting to work on time, dressing properly, and issues like that.

We immediately revamped our program to take more of a counseling approach. We found that juveniles, by and large, do not understand and cannot deal with attitudes, their own angers, and their own frustrations, which often tend to get in their way and often cause further victimization. So we got into a heavy counseling program that addresses those issues. We've found that, because of the extraordinary amount of time needed for counseling and following up on the counseling, caseloads should be limited to 15 participants.

The counseling services offered are group and individual counseling and family counseling. We found that a very appropriate response to the juveniles' problems was dealing with the parents' problems, because we found out very early that a number of the juveniles' problems were directly related to the problems that the parents were having. The frustrations experienced by the participants in our program were largely the result of events that were happening in the family. So, again, we just backed up a little bit and stopped making referrals to job-training programs and decided to do a little more in-house work and deal with attitudes and impressions.

PTI was structured to utilize, to the greatest extent possible, all existing and possible community services. We established our own in-house educational programs, which consist of a remedial reading program and a general education development (GED) preparatory program.

Again, we are very much concerned about and very much aware of a continuing cycle of victimization that affects the juvenile offender. He's victimized by every major institution he comes in contact with—the family, the school system, and most recently, the juvenile justice system. Our response to that was to bring in individuals from those different areas and to sit down and have counseling sessions. We don't call them rap ressions, we call them counseling sessions because we not only counsel participants, but we also counsel the judges and we counsel the district attorneys, and we counsel the teachers. We try to put together some kind of mechanism for the juvenile to understand what it is we are doing and the effect these counseling sessions can have as an educational process.

I think everything the program tends to do is seen as an educational process. And the referrals that we make are made with an eye toward letting the juvenile see how we did it, examine how we did it, and then find out whether or not he can do it. And we create exercises and techniques to foster the feeling that the person himself can do the same things. At PTI, we do more for the individual than he can do for himself, even if he were inclined to do so.

I would like to conclude that my feelings for diversion programs as an alternative to adjudication run very strong. I would recommend that people here who are interested in diversion programs contact either the Manpower Administration of the Department of Labor for information on the Seven Project—it is funded across the country—or you may contact me in Baltimore if you are interested in any aspects of a juvenile diversion program.

Thank you.

Judge Hoffman: Because of the serious limitation of time, I am going to defer what I was supposed to do, namely, give a summary of what happened here today and epitomize what I thought were some of the salient features.

May I just, however, make this observation. I was astounded when I came down here to find that whether we should or should not have plea bargaining is a live subject in the United States. I thought it had been decided a long time ago. As a matter of fact, I have been a lawyer and judge for almost 36 years. My father before me was a lawyer and a district attorney for many, many years. We have been happily plea bargaining, as far as I know, ever since the founding of the country. Whether or not we are distorting, and whether we are exaggerating, and whether, in some instances, it has become a perversion, that is something else. But the essential philosophy of plea bargaining, it seems to me, is here to stay.

I'm not going to belabor the point any more, except that I did work with the American Bar Association on standards, and you know what the Chief Justice has said about plea bargaining, and for us at this point to take a stand advocating the abolition of plea bargaining to me seems—I don't like to use such a strong word—but almost asinine. So, I'm not going to go any further into that.

I'm really sorry that I couldn't have told you something about what was going on with our diversionary plan in Philadelphia, first known as pre-indictment probation and now known as accelerated rehabilitation disposition—a terrific mouthful and I don't think it has necessarily improved what we are doing.

I want to say this. I am an appellate court judge, but, I'm especially designated by the Supreme Court of Pennsylvania to sit in this specific court. I have been sitting there off and on for the last 2 years. I have personally tried 8,000 or 9,000 cases. I must say that, in my opinion, our results have been fan-

tastic. We have taken nonviolent first offenders and given them another chance, which seems to me to be a civilized, humane way of trying criminal cases.

Let me talk to you about it for 1 or 2 minutes because I think it is that important. The program is connected with the court system. This district attorney screens the cases at some point, either at arrest or arraignment or it even may be after indictment. The defendant then goes before the court, who sits with the district attorney. Everybody is represented by counsel, there is a stenographer there, and the district attorney warns the defendant that the only thing being waived is the right of a speedy trial and the right to avail himself of the defense of the applicable statute of limitations. That is put on the record.

Everything that goes in between, namely, the discussion with the defendant, the reading of the arrest report by the district attorney—there are no witnesses here—none of these things is on the record. There is an ultimate disposition by the judge. A probation, if it can be called such, a nonreporting probation, is then imposed or the defendant may be discharged. About 20 percent of the cases are given a complete discharge. If at the end of this period the person is free from any kind of conviction, he is given a complete discharge, his fingerprints are erased, his record is expunged, and he starts life all over again.

We found it to be, in many instances, a remarkably humane way of handling cases because for some youngsters who have come before us, and some older people too, a conviction would be a catastrophe. So it has been in my opinion a highly desirable way of trying criminal cases. It's not the ultimate, it's not the end, but in a certain number of cases it has been great.

In addition to everything else, it gives the defendant the right of catharsis, and what I mean by that is this. A defendant will come before me charged with trying to break into an automobile. I'll say to him, "What do you want?" and believe it or not, in most instances, they'll tell me they're on heroin or on speed or on some other drug. We have a representative of a social agency in court who immediately takes this person and puts him into some kind of a drug program. These are just some of the many ways in which we can help. We've done it with minor sex crimes. We have been able to give them psychological and psychiatric assistance. We have tried to make this, in addition to being a court, a social agency. And I think it has been for the betterment of Philadephia, and the betterment of the people who come before us.

Yes, sir.

Professor Meador: I was the chairman of the Courts Task Force. I think there are some things that ought to be said here to put this matter about plea bargaining in perspective. I assume this group here is a courts group, that is, everyone here is a lawyer or judge working with the system we call the courts. That's the way our task force was composed.

I came into the task force sharing the eventual wisdom of the group that plea bargaining is an inevitable part of the system, but it needed some improvement. By the way, the point has not been stressed enough that the task force itself was quite strongly in favor of plea bargaining. Plea bargaining does have many evils, and its practice was seen by that group to be one of simply putting it through the sorts of recognition that you see in the report in the plea bargaining chapter. We worked along that line.

Then our report went to the Commission, and every task force chairman met with the Commission. I met with them just as I met with the task force. Then we came into another world, a world of which you here are probably not really a part, and it was not my world either. And it doesn't bruise my ego, as it does not yours, I imagine, to learn that there are other views of things, that people who work in other areas of the criminal justice system, not to mention the general public, the informed public, do see things differently.

In the Commission there was a great, pervasive, deep-seated feeling that plea bargaining was essentially wrong, and that it could not be cured by any kind of surgery that we could devise short of cutting it out altogether. Now, we had the two ends of the system—at one end, the police and at the other end, corrections. There was a very strong feeling for abolition among those two groups, and they cited various sorts of arguments and situations. The other part of the Commission was composed of people who had no direct involvement in the system—this category of people might be called the laymen. They shared the view of the police and corrections representatives.

If anyone thinks there are not profound objections to plea bargaining in this country, there is abundant literature you can read that cites the parade of horrors on it. So, you should know that there is this world out there, in the police world and in the corrections world and in the public, that thinks this is bad. And you should know that and think about that.

I'm not arguing for the Commission's position or against it, but I want you to understand—and as Dean Rusk once said, this won't dispel all the con-

fusion, but it will help you to think more clearly about the confusion. If you know that, do not frankly reject this view as some kind of nutty position by people who don't know what they are talking about. This was a deep-seated, basic feeling of the Commission. It was discussed frankly, and I think all the arguments were presented. There was a broad-based group on the Commission, not just Courts people, but all across the system. I merely lay that out before the group.

Third Conference Session — "Special Issues;" Thursday, January 25, 1973, 10:15 a.m.

CORRECTIONS 1 — "The Structure of Corrections"

FORUM COORDINATOR: **Martha Wheeler,** President, American Correctional Association, College Park, Md.

DISCUSSION LEADERS:

Joseph S. Coughlin, Assistant Director, Juvenile Division, Illinois Department of Corrections, Springfield, Ill.
"Should All Correctional Services be Unified Under State-Operated Systems?"

John Conrad, Senior Fellow, Academy for Contemporary Problems, Columbus, Ohio

Milton Rector, Executive Director, National Council on Crime and Delinquency, Hackensack, N.J.
"What Should be the Role of the Federal Government in Improvement of Corrections?"

Ms. Wheeler: We are ready to focus on some of the specifics contained in those heavy books you have been carrying around. This particular session is directed toward the shape of things—the structure of corrections.

We are going to explore the extent to which the problem is solvable at the local level, the extent to which the problem is bigger and broader than that.

The first topic to be discussed is: Should all correctional services be unified under State-operated systems?

We have an unusually well-qualified person to discuss this. He was a police officer in Madison, Wisc., during his undergraduate years at the University of Wisconsin. Subsequently, he served the State of Wisconsin well and truly in various capacities from the grassroots to administration levels. He served the State of Iowa in administrative capacities and is currently the Assistant Director of the Department of Corrections for Illinois. He obviously comes to us with a very broad background of experience and service.

In addition to his other qualifications, he is the President-designate of the American Correctional Association.

I present to you Mr. Joseph Coughlin.

Mr. Coughlin: I've been asked to present a paper on the issue, "Should all correctional services be unified under State-operated systems?"

I consider the total product of the development of the statement of standards and goals a monumental accomplishment. However, I disagree with one single specific standard. Specifically, I find myself in sharp disagreement with the standard that says:

> Each State should enact legislation by 1978 unifying all correctional facilities and programs, with the exception of the board of parole, within one administrative agency. Programs for adult, juvenile, and youth offenders that should be within the agency include:
> 1. Services for persons awaiting trial;
> 2. Probation supervision;
> 3. Institutional confinement;
> 4. Community-based programs whether prior to or during institutional confinement;
> 5. Parole and other aftercare programs whether prior to or during institutionalized confinement; and
> 6. All programs for misdemeanants including probation, confinement, community-based programs and parole.[1]

In effect, this says that all of these programs should not merely be guided, supported, or subsidized from the State level, but in fact, the programs should be operated from the State level. I think it is important to note, however, that throughout the standards there is strong indication that it really was not intended that this standard be stated as bluntly, as specifically as it is. Throughout the standards there are suggestions for flexibility in designing systems. In philosophical issues—as I will indicate later in my paper—there is conflict between the

[1] National Advisory Commission on Criminal Justice Standards and Goals, *Report on Corrections.* Washington, D.C.: Government Printing Office (1973), p. 394.

concept of all correctional services being under State auspices and the concepts of diversion, etc.

The answer to the question of whether all correctional services should be unified under State-operated systems in the context of Standard 16.4 —which is the one I quoted—can be a brief one. The answer is "no." It would be unthinkable to include in a correction system all services to all children who have committed delinquent acts. It would be equally unthinkable to include all services to all children who have been adjudicated delinquent. It would not be desirable to include in a State correctional system all services to all children who have been adjudicated delinquent and committed to the State. It would be unacceptable to me to require all services to any group of juvenile or adult offenders to be administered within one State system.

The rationale for this is not so simple. However, it is well supported in what we know about what goes into personality formulation and change so important to the rehabilitation or reintegration process, the literature on and our experience in organization for service delivery and, in fact, in the statement of standards and goals of the Task Force on Corrections, themselves—other than the specific standard related to the placement of correctional services within one administrative agency.

The issues involved are complicated ones and have been debated across the country not only in relation to correctional services but in relation to mental health services, mental retardation services, child welfare services, services to the aged, blind, etc. In the space afforded I can deal only superficially with a few of these issues.

1. What would be the nature of the organization to provide all of the services within one State agency?

One organizational issue that concerns me greatly is the issue of size. The Department of Corrections in my State of Illinois, without including many of the services listed in the standard for inclusion in one system, i.e. including only adult and juvenile correctional institution and parole services, involves 5,000 staff members. Comparable figures in other States include 5,400 employees in Ohio, 11,000 in New York, and almost 2,500 employees in a State system for juveniles and adults in a State the size of Washington. In all of these situations only part of the recommended services are yet included—in fact, it may be a very small part.

In his book, *Organizations—Structure and Process,*[2] Richard Hall emphasizes a point that has particular relevance in a correctional service delivery system where that system sets out to involve in its service delivery the many groups recommended throughout the standards and goals, i.e. volunteers, local leadership, consumers, civic groups, etc. He advises that we must include in our organization, with reference to size and the impact of size on service delivery effectiveness, all of those significant other people who are intended to play meaningful roles in service delivery.

The standard, in effect, recommends for many States the development of a very large organization with all of the characteristics identified with large governmental bureaucracies. These include problems in communication created by the distance between top management and the receivers of service (the individual client, the family members of the client, community groups, and local government). It includes the rigidity, the resistance to change, which characterizes large organizations, particularly large governmental organizations. As Hall says:

> Organizational procedures become fixed and valued. Precedent is part of the organizational legal system. All of these factors conspire to make organizations in a society major resisters of change in that society.[3]

James Thompson, another author on organization, comments: "As an organization increases in size, the problems with which it must cope increase in complexity at a disproportionately high rate."[4] Another author, Blau, in a 1970 *American Sociological Review* article, writes. ". . . The greater structural complexity implicit in the pronounced subdivision of large organizations intensifies problems of communication and coordination, which makes new demands on the time of managers and supervisors at all levels."[5]

Anyone who has worked in a large governmental agency is painfully aware of the problems in planning the very size of the agency creates for those in leadership roles. "Planning does occur in large organizations, of course, but that planning is a relatively vulnerable activity compared to other activities. A person with responsibility for both routine day-to-day activity and long-term planning in such an organization is likely to find the routine taking the much greater share of his time. This proposition—the so-called Gresham's Law of Planning—is of considerable importance in understanding the attention focus of business executives."[6]

[2] Richard H. Hall, *Organizations—Structure and Process.* Englewood Cliffs, N.J.: Prentice-Hall, Inc. (1972), p. 110.

[3] *Ibid.*, p. 345.

[4] Hodge and Johnson, *Management and Organizational Behavior. A Multi-Dimensional Approach.* New York: Johnson, Wiley and Sons, Inc. (1970), p. 481.

[5] Richard A. Hall (Ed.), *The Formal Organization.* New York: Basic Books, Inc. (1972), p. 185.

[6] Harold J. Leavitt and Louis R. Pandy (Eds.), *Readings in Managerial Psychology.* Chicago: University of Chicago (1964), p. 448.

And large government organization administrators as well.

The final argument related to the dynamics of organizations has to do with the need for the planning of human services to remain flexible and not circumscribed by political or other vested interests so characteristic of correctional systems of the past. Why, for example, has Illinois developed its newest and most progressive correctional institution in southern Illinois, 400 miles from 70 percent of the population it serves? The reverse of the question is: If the population to be served by that facility had made the decision, most certainly the institution would not have been placed 400 miles from the city of Chicago in Cook County.

James Thompson hypothesizes: "The higher the concentration of input organizational resources the lower the degree of autonomy in decision-making of the focal organization. A case in point is the difference in the degree of independence between a public and a private university . . . Consequently, public universities with a high concentration of input organizational resources probably exercise a lower degree of decision-making autonomy than private universities with a lower concentration of input organizational resources." [7] The same principle applies with reference to a correctional agency or any other governmental agency. So the more narrow the funding source, the more focus on a given power input insofar as decisionmaking is concerned.

Inevitably, as soon as a large State correctional agency was put together in accordance with the standards, efforts would be initiated to find ways to decentralize. Rosemary Stewart, another author on organizational theory, comments: "The size of the organization is obviously important: the larger it is the stronger the arguments for decentralization because of the problems of effectively controlling a large organization from the center and at the some time giving junior and middle managers some scope for initiative. . . . there are other factors that must be considered, too. One of these is the diversity of activities and the extent to which top management can adequately understand them. It is easier to centralize effectively a large organization which is engaged in one main activity such as steel making, than a company which is engaged in a variety of dissimilar activities." [8]

The range of activities in which a statewide correctional agency provides all correctional services to all people in need of such service would be endless. The arguments as presented by Stewart for decentralization are strong:

1. It encourages initiative;
2. It makes middle and junior management more interesting;
3. The first two points make it easier to recruit good managers and retain them;
4. It is easier to judge managers' performance if they are made responsible for a decentralized unit of the organization;
5. Decisions are more likely to be taken by those who will have to live with their results;
6. Decisions closer to the actual situation are likely to be more realistic; and
7. Decisions are likely to be made more quickly.[9]

There is evidence in other sections of the standards that the authors, as a group, saw no such simplistic solution to the problem of integration of traditionally isolated and segmented elements of the correctional "nonsystem." On the subject of "Organizational Analysis," the discussion material within the standards states: "The historical correctional proclivity for fadism should be avoided in organizational design. Calling for unification of institutions and parole and probation into a 'State Department of Corrections' has become a cliche in corrections. While in some situations this will improve correctional services, it is a delusion to believe that such tinkering can, by itself, effect the functional integration desired. Frequently, sub-units of large scale organizations carve out a functional territory and vigorously guard it against intrusion and change."

Another section of the standards and goals presents to me what is a more rational approach. It says: "The most appropriate organizational arrangement must be decided after the problem is analyzed from a variety of perspectives and in relation to what the particular structure is ultimately to accomplish."

There clearly is a need for systematizing service delivery for offenders, as pointed out in the report of the President's Crime Commission on Law Enforcement and Administration of Justice; earlier in the current statement of Standards and Goals; and, as long ago as 1966, in the *Manual of Correctional Standards* of the American Correctional Association, which said: "There is a growing acceptance of the principle that the adult offender should be dealt with most effectively in a continuous, coordinated and integrated correctional process, and that he should not be dealt with successively by independent and loosely coordinated services, each of which

[7] W. M. Evans, "The Organization-Set: Toward a Theory of Interorganizational Relations," in *Approaches to Organizational Design*, James D. Thompson (Ed.). Pittsburgh, Pennsylvania: University of Pittsburgh Press (1966).

[8] Rosemary Stewart, *The Reality of Reorganizations*. Garden City, New York: Doubleday and Co., Inc. (1972), p. 140–142.

[9] *Ibid*, p. 142.

frequently pays little attention to what the others have done or may do later." [10]

If the concept of all correctional services being administered in one State system is rejected, what then is to be the method by which the problem of seeing to the development and integration of services to offenders is to be resolved? To me, the answer is to leave the standards flexible as to by whom and how program delivery should be accomplished. There is need to examine State by State the issue of the system most likely to succeed, taking into consideration organizational theory and experience along with the other major issues, some of which are discussed later. In a State such as Utah, one State agency providing correctional services for all adult offenders requiring such service might make sense. Utah so far has approximately 285 staff members. However, even in a low population State there are other strong reasons for not including all correctional services in one State system.

In a letter to me discussing these issues, Dr. Merlin Taber of the University of Illinois Graduate School of Social Work, who has made a study of service delivery in mental health, comments: "The State departments tend to be isolated from each other and to develop programs around their own facilities. Innovation and coordination with other programs becomes difficult. Still another problem is that communities in regions of the State are very different, but the State department tends to install the same package of delivery in every area."

Asking what, then, is the best division of labor between local authority and the State Department of Corrections, Professor Taber would suggest: "The State Department of Corrections presumably would continue operating some facilities for the whole State simply because the need is not sufficiently widespread to need such facilities in every community and in every region. However, the Department of Corrections should also be in the business of giving partial support and leadership for more adequate development of local services. If we are to avoid an imposition of statewide patterns which do not fit every community or region, then clearly there must be some kind of planning and initiative at the community or regional level."

Proponents of service delivery systems that place responsibility and authority for decisionmaking in human service delivery close to the service users have experimented with a broad range of structures. The most successful, in my observation, has been that which places resources in the hands of local authorities—such as a planning commission—provides them with resources and standards, and monitors the use of these resources to develop programs on the basis of locally defined needs and locally defined priorities. The California mental health system outside of Los Angeles may be a good example of this.

2. How do the objectives of "diversion" fit with the concept of "all correctional services being unified under State-operated systems?"

Throughout the standards there are references to diverting offenders not merely from corrections but from any entrance into the criminal justice system. It has been a common observation in my experience that, even where correctional resources are limited, delinquency labels are used in order to qualify children for those services. The same is true of correctional services for adults. If the only service for an alcoholic is through probation, the judge is compelled to use it. The label is placed in accordance with the availability of resources. If all services for offenders were placed within a State correctional structure, experience tells us additional numbers of citizens would be inserted into the correctional process. This obviously flies in the face of the goal of diversion.

3. How does the unification of all correctional services within a State agency impact on goals related to community involvement?

Again, community involvement in the development and administration of service to offenders is a goal commonly referred to throughout the statement of standards, and is a goal commonly accepted among all of those who have stepped out of the past century in their thinking on issues related to corrections.

In a statement by Deaton J. Brooks, Commissioner of the Department of Human Resources of Chicago, to the City Council Finance Committee hearing with reference to the 1973 budget, Mr. Brooks stated: ". . . the main strength of the Department (meaning his department) of Human Resources is that it is a Chicago agency working directly for the people of Chicago. Because we are a city agency we can move more quickly to alleviate and to prevent human calamity unfettered by cumbersome Federal and State guidelines. This is the heart of our program." One may question the quickness with which Chicago agencies move; however, anyone close to it cannot doubt that it is responsive—these agencies are responsive—to Chicago's needs and that the attitude expressed by Mr. Brooks is an attitude shared commonly by local leadership throughout the United States.

When the staff of the Juvenile Division of the Department of Corrections of Illinois, for which I

[10] American Correctional Association, *Manual of Correctional Standards*, Washington, D.C. (1966), p. 31.

am responsible, set out to establish group homes in the city of Chicago, we started to experiment with two models: one in which we rented our own homes, hired our own help, bought our own groceries, etc.; and another in which we contracted with local agencies. The State-operated programs failed miserably, not only because of bureaucratic hang-ups which frustrated everyday operation of such small facilities but also, in part, because community acceptance of a State-operated agency, particularly one tagged as a correctional agency, in the neighborhoods of Chicago was much more difficult than the acceptance of a group home operated by a local agency, such as the YMCA, which is the direction we have taken at this time.

In a report on "Child Delivery Systems," Merlin Taber agrees that control over information and money can shape a service delivery network.[11] It is this kind of tool that should be used in shaping a system that will accomplish the integration of correctional services and not frustrate the other goals of the statement of standards and goals. Issue relating to diversion at community tie-in are also related to another question.

4. What are the issues related to self-concept and image affected by a delivery system that unifies all correctional services under State-operated systems?

Chapter 9 of the Corrections standards and goals answers this question for us: "Official responses to certain types of behavior initiate processes that may well lead juveniles to further delinquent conduct." It is the old issue of the self-fulfilling prophecy. If we treat children—and adults too—as delinquents or criminals apart from all other human beings, we set up expectations within them, as well as within those to whom they respond, which tend to lead them into further delinquent behavior and/or we encourage those making decisions affecting them to respond with insertion further into the criminal justice-corrections complex. Labeling citizens as delinquents or criminals by processing them in an agency identified with criminality tends to promote that self-fulfilling prophecy.

In Illinois I have the advantage of help from a voluntary Professional Advisory Council, a group of about 20 representatives of the major State departments invoved in human service delivery and representatives of the major universities. Four of them constituted a subcommittee to formulate a statement of objectives for a long-rang plan the Council was helping me to develop. Included in their statement as adopted by the Council was an excellent summary of the issues related to the present question.

Discussing traditional correctional programs the committee stated:

> They artificially differentiate between juveniles whose behavior happens to be defined by statute, and those with behavioral patterns not so defined but equally harmful to themselves and to others.
>
> Statutory definitions, in turn, frequently involve labels which adhere to those so defined and result in their becoming community rejects and outcasts making a self-definition of delinquency almost inevitable. Thus, we perceive a need to decriminalize socially undesirable juvenile behaviors in favor of a broad, multidisciplinary approach to the problems of children which is untarnished by criminal or delinquent labels or by punitive—rather than preventive or therapeutic—objectives.
>
> They fail to utilize fully the child welfare social services available in the home communities, in unified fashion. Instead of strengthening the existing services and coordinating their potential contributions, corrections is attempting to create new modalities which tend to be undersupported, hence of limited effectiveness, while drawing support away from local, community-based resources. We see the proper functions of a statewide agency to be those of regulating, coordinating, and supporting existing community resources for children. Where needed resources in the community are inadequate or nonexistent such an agency should take a leadership role in upgrading or establishing them.[12]

This statement refers to children. However, it could just as well be referring to adults—alcoholics or the other types of offenders. Instead of developing correctional resources apart from all other citizens, we should strengthen the existing mental health resources or the existing family counseling resources or the existing job placement resources, whatever the need happens to be.

Additionally, those of us who have worked in agencies incorporating services for children with services for adult offenders are conscious of the program philosophy differences between a child care orientation and an adult correctional agency orientation. Witness, for example, a parole board member who spends one day hearing adult cases and the next day discusses with a 13-year-old delinquent "how much time he has served" and then denies the "inmate" on the basis of "not enough time served."

5. Are there issues of social justice involved in the proposition that all correctional services be unified under one State-operated system?

Offenders who now enter the correctional system represent but a small portion of citizens who commit acts that impinge on the property and the

[11] Merlin Taber, *Child Service Delivery Systems.* University of Illinois, Jane Addams School of Social Work.

[12] Subcommittee of Professional Advisory Council, "Long-Range Planning for Juvenile Division, Illinois Department of Corrections." Draft Statement.

safety of other citizens. In an age when delinquency among residents of suburban, small town, and rural America is growing at a rate faster than that of south and west side Chicago, the populations of correctional institutions—particularly State correctional institutions for juveniles—still represent almost exclusively the ranks of the poor and, to a high degree, minorities.

Excepting offenses of violence, the losses due to the delinquent acts of children who end up in correctional institutions represent but the tip of the iceberg of the loss perpetrated by individual citizens and groups of citizens against other citizens or groups of citizens. I am referring to the crimes of middle and upper class American youth who, somehow, do not show up in correctional institutions. I am referring to offenses committed by girls (there is increasing evidence that girls are involved quantitatively in as much delinquency as boys). I am referring to the loss in tax revenue through both petty and major income tax evasion, the multimillion dollar loss to retail sellers through shoplifting, the loss of goods to employers carried out by employees, the losses in service and the quality of life brought about by the grafters in politics and public service.

In my State, for example, witness the endless array of scandals reported on daily in both high and low places in government from the ex-Governor and the ex-secretary of state to the dozens of policemen being indicted in the city of Chicago. I am referring to the questionable practices of professionals who early helped push the cost of medicaid to the point where the benefits to the users and the needy had to be reduced—such practices as doctors walking down the rows of beds in an old people's home and submitting bills for home visits. I'm talking about the doctors sending the poor patients to the hospital because of the poor pay situation, and this costly remedy to prevent losses to their own pockets. I am talking about the $3.8 million employers in Illinois cheated their employees out of by a violation of wage laws during one year. And I could go on ad infinitum.

In other words, crime is all around us, if we want to define all of these acts by which one citizen deprives another as crimes.

Why should the services related to one group of citizens who commit acts impinging on the rights and property of other citizens be provided for apart from all services available to all other citizens in an agency which labels them as delinquent or criminal?

For reasons of justice, therefore, as well as in the interest of carrying out the many standards and goals articulated in the report, the standard requiring the placement of all correctional services for children and adults within one State system should be abandoned.

For the reasons discussed above, such a system would work to frustrate the efficient delivery of services needed to promote the reintegration of offenders. It would do quite the opposite of promoting the diversion of offenders from the criminal justice and correctional systems, and would work against an additional principle enunicated within the standards—that is to impinge upon the lives of the offender to the minimum necessary to public safety.

It should be our objective to develop a State correctional agency that provides only those direct services which cannot be provided at the local or regional level, that provides one source of financial support for services to offenders through subsidy of local efforts in such a way as to assure that the subsystems controlled at the local and regional levels do represent a continuum of service, are coordinated, and are held accountable for meeting minimum standards within guidelines. These guidelines should give each subsystem maximum flexibility to be responsive to local needs and priorities. The State structure should offer financing, professional consultation, staff development resources including personnel standards; it should provide a statewide information system plugged into a nationwide system; it should have the potential to evaluate its own accomplishment of objectives and to offer resources to related subsystems for program evaluation purposes.

Its standards and guidelines should maximize the implementation of the goals and objectives contained in the balance of the report of the Task Force on Corrections, particularly with reference to diversion. The subsystems, themselves, might be miniatures of the State system, meaning that the subsystems would provide primarily a reception point, perhaps using the case manager-advocate concept, using its resources to contract with other public and private agencies to expand their programs to meet the needs of persons diverted from or referred through the criminal justice system.

One step that can be taken, where it has not been taken, to divert children from the criminal justice system—although admittedly not solving all of the problems—is to move children out of the correctional world into the child welfare world. Children now being adjudicated as delinquent would be handled as all other children in need of service without the necessity for labeling. Juvenile courts would stop building juvenile probation services and, rather, would expand child welfare services for all children.

Perhaps the real problem has to do with the fact that many of the goals articulated in the statement of standards and goals are incompatible with a conscious or unconscious need to perpetuate traditional correctional systems. Realistically, there is no cause to fear that corrections will be dismantled. There is going to be a continuing need to provide correctional services for those citizens who truly represent a serious threat to the community—the aggressive, the assaultive, the professional criminal, those defined in the standards as eligible for sentences in excess of 5 years. In addition, society for some time is going to demand punitive action with reference to a number of other offenders.

Corrections leaders should be the very ones to help get children whose real needs fall in the child care area out of corrections and to help provide direct services only to those youthful and adult offenders who clearly represent a threat to the community more serious than the offenses of the many other citizens I described earlier whose acts are equally damaging to the property and safety of others.

Because of the many issues incorporated in so brief a paper, I have leaned heavily on the use of authoritative statements from other professions in the world of organization, human services, and corrections. In closing, let me refer to one more authority who has given a lot of thought to the issue of organization of government services for effective, efficient delivery. In the pamphlet, "The Case for Executive Organization," released by the Domestic Council of the Executive Office of the President in 1971, it is observed that "many Americans suffer from a gnawing sense of frustration that government has become too big, too complex and too remote." [13]

President Nixon followed this with a discussion of revenue sharing in which he articulated the objective to:

> . . . give back to the States and localities those functions which belong at the State and local level. To help them perform those functions more effectively, we would give them more money to spend and more freedom to spend it . . . A healthy federal system is one in which we neither disperse power for the sake of dispersing it nor concentrate power for the sake of concentrating it. Instead, a sound federal system requires us to focus power at that place where it can be used to the greatest public advantage. This means that each level of government must be assigned those tasks which it can do best and must be given the means for carrying out those assignments.[14]

[13] Domestic Council of the Executive Office of the President, "The Case for Executive Reorganization." Washington, D.C.: Government Printing Office (1971).

[14] Compilation of Presidential Documents. March 29, 1971.

In my opinion, we can do no better than to follow the President's advice in developing delivery systems at the State level, also.

Ms. Wheeler: Thank you, Joe.

This is the first opportunity we've had really to focus in on one standard. And we have one very hearty disagreement with the standard, which is an interesting start.

Standard 16.4 is in the chapter on the statutory framework. And this is the standard that the task force endorsed, that the Commission approved, that is written in the document, and to which Joe votes "No."

Our next panelist will address himself to the question, "Should correctional research and statistics be nationally coordinated?"

John Conrad, again brings to us a long history of expertise and involvement in various areas. He began life at the grassroots level as a caseworker. He received his master's degree from the University of Chicago. He is a world traveler and explorer of correctional systems, here and abroad. Also, he is a prolific writer, from what I understand—and a very readable writer at that. I know that we will also find him a speaker worth listening to.

Mr. Conrad: The topic I've been asked to address myself to is: "Should correctional research and statistics be nationally coordinated?" The short answer is "yes," depending on what you mean by coordination. I'll develop the long answer immediately.

The paper I have developed to deal with this question is titled: "Toward A National Research Strategy in Corrections."

In this discussion, I shall take the not exactly popular position that while research will not solve all the problems of corrections, not many of them will be solved at all unless a great deal more research is done. I shall also argue that the research that is required must be of a much higher quality than is generally seen today, and that this improvement is possible if the administrative and research communities can agree on what is needed.

There will be an underlying assumption that the resources for the support of correctional research are unlikely to increase. Indeed, we must fact the grim prospect that they are more likely to diminish. Under the circumstances, some kind of national coordination of research is needed. I shall suggest a pattern for this coordination that might be the beginning of a realistic discussion of research strategy.

It is still fashionable to depreciate the impact of research on corrections. Although it is true that there are few innovations in our field that can be

attributed to the researcher, the process of objective investigation has pulverized a number of myths and has effectively shown us how little we can expect from a number of expensive programs that have been advertised as all-purpose nostrums. Because so much research has been essentially—if wholesomely—destructive, and so little research has been creative, the present situation looks bleak. I would like to account for this condition in terms of three research themes that have probably run their course.

First, we have the historic work of Donald Clemmer and his successors on the prison community. Perhaps we are only beginning to appreciate the importance of this research in bringing about change in corrections. For me, this understanding came to a closure with the recent publication of Rothman's great history of our management of social deviance in the nineteenth century, *The Discovery of the Asylum.* Clemmer and his followers had convinced me that incarceration usually damaged the prisoner, however necessary his segregation from society might have been.

What I had insufficiently appreciated until I had read Rothman was that our ancestors fully believed that incarceration was good for the prisoner. It separated him from evil influences and caused him to introspect about his salvation—both eternal and earthly. Our penal policy has been built around this assumption. It goes to work every time an offender is sentenced to prison. Partly because of the data furnished by research and partly because of the general revulsion inspired by both the learned and popular literature on the prison community, we seem to be using prisons less but with more discrimination.

We have not yet arrived in the utopia in which the prison has withered away to extinction. However, we have, at long last, learned that incarceration is extremely bad for the very young, that the bigger the prison is the worse it is, and that as long as we have to have prisons we can minimize the damage they do by giving attention to justice and fair play, respect for the individual, and the creation of conditions of collaboration between staff and inmates.

By no means have all of us learned these lessons, but research and the interpretation of research have made these lessons available for learning. Well within my own memory, judges and parole board members acted on the assumption that incarceration was good for offenders. I once believed this was true, too. There is little excuse for the delusion now. We incarcerate because we must—for the protection of society, to satisfy the demand for retribution, or to deter the potential offender. But in doing so, we should be fully aware of the research that has shown not only that incarceration is destructive, but also why its effects can only be reduced, not eliminated. This is a solid accomplishment of research, though unwelcome to the conventional prison administrator.

The second theme of correctional research has led to the deflation of the claims of rehabilition. Through the work of Martinson, Kassebaum, Ward, and Wilner, and Robison—to mention only a few who have worked in this vein—we are now clear that we need not expect that treatment programs can rehabilitate offenders in conditions of incarceration. We are not quite so clear about the efficacy of treatment in the probation setting. Nevertheless, we have reached a point in our orientation to the problems of corrections in which the dismissal of the medical model is a cliche. We now avoid the word rehabilitation, and speak cautiously of reintegration, based on sociological theories of interaction between the individual and the community.

The loss of faith in rehabilitation has been the result of a succession of evaluative research projects. At first, evaluation was a naive process with little attention given to the definition of variables, but in recent years some projects have been subjected to remarkably elaborate methodology. It is important to note that whereas this research has never proved that rehabilitation is an unattainable objective, the long and consistent string of statistically inconclusive findings places a heavy burden of proof on those who advocate rehabilitation as a legitimate objective of correctional programs. Control for the sake of rehabilitation is simply not justifiable in the light of current knowledge.

The third theme of correctional research has been derived from systems theory. Viewing the correctional apparatus as a potential system, we can study the transfer of resources and changes in policy in terms of cost-benefit analysis. This process has resulted in major economics at no apparent loss in public protection through the application of the probation subsidy model in California. I do not think we have a model for general implementation yet, but we can foresee a system in which the disposition of offenders will be guided by feedback in much the same way that needle-readings on equipment gages keep engineers informed about the status of their operations. This new correctional system cannot possibly be error-free in its performance, human nature and conditions being what they are. However, we should be able to increase benefits and diminish the damage resulting from our use of the apparatus.

It would be wrong to attribute all the changes

in our thinking about corrections to the achievements of research. Our society has changed, the nature of crime has changed, and our total fund of knowledge about the human condition has vastly increased. Concepts from mental health, education, and business have been imported. Their influence on our ways of looking at our tasks has been immense. Nevertheless, the impact of correctional research is clearly identifiable. Even if no more of it were done, its momentum would roll on for a long time to come, extending and stabilizing the changes that have begun to take place in the last few years.

I have never heard of a researcher who would concede that the tasks of his discipline were complete, that no more research needed to be undertaken. The incantation that "more research needs to be done" is sometimes ridiculed as self-serving, but I will defend it as the byproduct of the research that has been done. The processes of extending knowledge humble and frustrate the researcher. Inevitably, he will discover the existence of uncharted territory, unresolved issues of which he had not known when he began his project. He does not dare to divert himself from his research design to explore the inviting byway, but he does have a responsibility to define the new issues as clearly as he can. Let me begin this part of my discussion with the extension of the research continuities I have defined so far.

In a sense, as I have said, these three themes have run their course to the conclusions I have indicated. But there are epilogs to each and issues that still must be settled. These issues are not so critical to the future of corrections as the findings that research established during the last decade. However, they must be explored and our national research strategy will be incomplete without provision for their resolution.

Our first continuity has brought us to the dismaying conclusion that prisons are destructive, and that their use should be kept to the minimum required for public safety. This leaves us with the intolerable position of maintaining destructive institutions for the incapacitation of certain offenders whom we define as dangerous. At the least, we must improve our methods for defining dangerous offenders who must be segreated from the rest of us. Much depends on longitudinal studies that trace the course of dangerous careers, but these studies should only be the foundation for experimentation with alternatives in the control of such offenders. We also have a responsibility for determining the necessary length of the incapacitation that we think we must impose. Perhaps some must be locked up for life, but who are they and how shall we know them when we encounter them?

Perhaps a few years are all that are needed to bring to an end the will to violence in others, but how shall we know about that? Finally, what should these prisons be like? How can we extend the freedom of choice that preserves humanity from degradation within the perimeters of incarceration? The urgency of these tasks has already been painfully articulated at such places as Attica and San Quentin, but I am not aware that plans are under way for undertaking them.

In the second continuity, we arrived at the disestablishment of rehabilitation as a correctional objective. I think the conclusion is more clear-cut than the evidence justifies. We do know that we cannot coerce a man into positive change, and this is well worth knowing. But we do not know what the possibilities are for change in conditions that allow for the encouragement of a man's volition. We can hold to the position that no one would choose the wretched life of the criminal if he could choose better. How can we enable men to make that better choice? What kinds of services should they have that would make change a prospect in which offenders could have confidence rather than an illusion to be spurned? Without the hope for self-improvement, our prisons will be desperate places indeed and so will our courts and the other agencies of criminal justice.

Our power to coerce offenders into changes for the better may be nonexistent, but if so, we still must search for ways to understand them and help them understand themselves.

In the third continuity of research we have found ways of shifting more and more offenders from prisons to probation officers. This has been a mechanical job of systems analysis, so far, and its success indicates that we should continue with our attention to the mechanics and the hydraulics of the system. If probation is the answer to more offenders than we had thought, then how much intensity of the contact as well as its duration. However, we can push on with this constructive strategy. If some people can be succesfully managed on probation with nominal contact with the probation officer, then it is possible that they would do as well on suspended sentences, thereby clearing up an untidy administrative situation? If so, who are they and how shall we identify them when they come before the court for sentencing?

There is enough work to be done along the lines that I have suggested so far to keep many researchers engaged in crucially important new work for many years to come. However, I think there are some

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new beginnings that must be made. The tasks of research certainly should not be limited to pursuing the familiar patterns of investigation to further conclusions. There are other responsibilities for research to assume if we are to perform today's tasks as well as our technology permits and to plan realistically for tomorrow's assignments.

Let us begin with the basic raw material of research—information. The work of research begins with the collection of information and ends with its interpretation. In that sentence lurks a source of misunderstanding—the specialized use of a familiar word. In ordinary life, we are accustomed to thinking of information as a fact or a body of facts concerning somebody or something in the world around us. The information may be relevant or irrelevant to actions we choose to take. It may be verified or unverified. It may be full or fragmentary. Information may be anything we know or think we know.

Such a loose definition will not do for the researcher or the administrator in the midst of what we now know as the information revolution. In the new context, we must limit our use of the term to those facts—well-verified—that reduce the uncertainty of the decisionmaker. In corrections, these decisions bear on an offender's liberty or its deprivation. They must be based on information with some predictive value.

Correctional decisionmakers have been making these decisions on the basis of information but without the benefit of research for a long time. There are two reasons for bringing the social scientist and the statistician to the decisionmaker's assistance.

First, we want to know how we can make more correct decisions, and fewer incorrect decisions. The study of the information that goes into the making of correct and incorrect decisions will go far toward the discrimination of useful from useless information. If information about a man's past recidivism is predictive of his success or failure after his return to the community, the decisionmaker should have that information for his consideration. Information that has no predictive value should not claim the decisionmaker's attention. Innumerable decisions have to be made in corrections by all sorts of people with discretion over the lives, freedom, and convenience of others. To the extent that these decisions are based on information that is known to reduce uncertainty, we shall increase the effectiveness of our work. To the extent that decisions are based on pious hopes and groundless prejudices we shall continue to flounder.

The second reason for research on information has to do with the information revolution. Until the computer came into our lives, the collection, verification, and interpretation of information was laborious and uncertain. We can now collect, verify, and do tests of statistical significance on enormous volumes of facts generated by the criminal justice system. We could collect even more. The question to be answered it: Who needs it? More specifically, who needs what information for what purpose and at what time? It is the researcher who must winnow out the information from the enormous quantities of data that the computer can extract from the criminal justice system. Without the intervention of the researcher through the application of specific procedures for the appraisal of the significance of data, we shall all be swamped.

A great deal is said about information processing in the *Report on Courts.* Information is power, power of a kind we have never had before. It is becoming cheap and abundant and will probably become even cheaper and more abundant. We are beginning to know how to use it in the criminal justice system, but until we have the equipment and the technical staff to operate it, our ability to profit from the information revolution will be hypothetical. The concepts and technology are now available for the installation of information systems for operational use in corrections across the country within about 3 years. What is needed is the decision to move. This is a decision that will call for the kind of information system research I have outlined. Properly implemented, corrections will become more humane, more just, and more effective. Improperly implemented, I might add, the correctional information system could produce a monstrosity.

More research is needed, too, on the processes of evaluation. The need is especially important now, because we have probably learned about all we can from the traditional criterion of recidivism. We shall go on using it, as one of the needles on the battery of gages we use to determine how well the system is working, but it is certain that we need to find ways that will not only register its condition but also explain it. The annual publication in California of data on the recidivism of yearly release cohorts for a wide variety of offenders is an impressive technical achievement. However, once the fact is absorbed that most of the recidivism occurs during the first 2 years release, one is at a loss to make much out of the columns of figures so painstakingly assembled.

Much more work has to be done to enable administrators and the various constituencies to which they are responsible to understand the data they are getting. The assumption that nonrecidivism and success are the same thing is comforting, but

obviously false. The rationalization that the offender who returns to crime but chooses offenses of lesser magnitude when he recidivates is plausible until one considers what correctional program could possibly account for such a result.

The problem that evaluation presents the administrator arises from our preoccupation with the statistical methodology and our reliance on administrative data for research purposes. We have to find ways of emerging from the printout room to the streets themselves if we are going to understand the results we are getting. This requirement calls for a new model for evaluation—one which explains what it registers. It would be pleasant to report that research is under way that will achieve this goal. Certainly, not only the research community itself but also the judges, the bars, and the police need this kind of understanding. However, to my knowldege, the links have yet to be forged between the basic research on program evaluation under way at the National Science Foundation and the application of this research to the criminal justice system.

Finally, in this shopping list of research projects that need to be undertaken, I want to go out on the farther range, where we try to anticipate some of the more obvious changes. I have already discussed the discouraging nature of the correctional present as indicated by the research now in hand. We can look at this research as clearing the way for innovation. Our mandate now is to innovate. We need experimental research directed at the design of alternatives to the present systems of control. The charge is urgent, but the means to satisfy it are by no means assured.

No one can command the researcher to be creative; we can only hope that in the research community some creative individuals will heed the call. Their point of departure, it seems to me, should be the construction of a model of the correctional apparatus according to the best available thinking about alternatives. There is a lot of that thinking now going on. O'Leary has written suggestively of reintegration as an alternative to rehabilition. In statements which, so far as I know, have yet to be published, Commissioner Fogel of Minnesota has sketched a justice model for corrections. I myself, have urged that we start with the concept of citizenship as a basis for reconciliation of the offender with the community as citizens.

There is, in these notions, the basis for the reconstruction of the correctional apparatus around the concept that offenders are no more sick than the rest of us, but that the task is to enable them to be productive and conventional citizens rather than to cure them of the fictitious disease of criminality. In all of this theorizing there is the basis for some experimentation with new programs by social scientists with a flair for applying theory to action.

Probably, the area in which we need the most help has to do with citizen participation in the criminal justice process. In common with most other human endeavors, corrections has been intensively professionalized in the post-World War II decades. We have arrived at a point at which the ordinary citizen has few roles to play in the whole criminal justice apparatus. This is especially true in corrections. Now I cannot deplore the acquisition and use of expertise; my whole argument today is to extend the usefulness of the expert's knowledge. However, communities are not composed of experts; communities consist of people. The artificial controls over the offender that are professionally exercised are useful mainly for repression of crime rather than the reconciliation of the offender.

We have much unfinished business in the study of the conditions in which the volunteer in the community can be recruited to facilitate the offender's restoration. Obviously, both time and goodwill can be prodigally wasted unless we know why we are doing what we are doing in this area and how we can do it best.

I must also enter a plea for the study of conceptual and administrative change. Corrections is changing rapidly and, I think, irreversibly, but both the form and the pace of change differ widely from place to place. As sensitive as the subject is, we need to learn from each other's successes and mistakes. Should change be abrupt and almost cataclysmic as in Massachusetts? Should it be gradual, but purposeful as in California? These are topics that will call for new kinds of research and for skills that have not often been applied to correctional problems.

I cannot possibly have exhausted the requirements for future research. What I can offer here is some notion of the range of the work to be done and, I hope, a sense of the urgency of doing it. We know also that neither the funds to support this research nor the people qualified to do it are in adequate supply. We must find a way of ordering our priorities.

Coordination is a vague and unlovely word, admired by bureaucrats who have risen to an eminence at which coordination is expected of them, and rightly suspect in the minds of those who watch it as a process. Yet I don't know what other word to use to cover the setting of priorities for research. I can only hope that in the context of correctional research it can become a process in which participation is widespread and staff support is modestly

receptive to suggestion but vigorously aggressive in the dissemination of results.

What would the process of coordination be like? Let us begin with the administrative concern about the number of agencies with legitimate interests in correctional research. The temptation in the simplistic managerial mind is to consolidate all correctional research in some one agency of the Federal Government with a view to eliminating duplication and assuring maximum coordination of the allocation of funds. I would oppose this solution for two reasons. First, some competition in research is healthy. If a manager has no one else's results with which to compare his own annual report, he does not have a clear idea of how well he is doing compared with what he might do.

Second, over the years, each of the several agencies in the field has developed its own relationships with the research community. These continuities are well worth preserving; much time can be wasted in reestablishing the relationships of trust between research managers and the qualified research workers with whom they have worked in professional intimacy.

However, if consolidation is unnecessary, certainly some degree of organized communication among these agencies should be established. I advocate a White House staff role for interagency research communication to assure a regular planning and review process. My concern is not so much with the elimination of duplication, which is not nearly so serious a problem as some believe, but rather to assure that the government's research effort is reasonably complete. However this function is organized, there should be provision for a long-range plan and a regular study of the results. This may mean spending a little more money on monitoring and review staff, but little enough when the cost of research and the importance of doing it effectively are kept in mind.

The research plans should be related to objectives. In corrections the objectives can be spectacular. We are at a point at which our national policy on incarceration can be radically changed. The pioneering work of Miller in Massachusetts leads to the prospect of eliminating the incarcerative facility for juvenile offenders. The trends in adult corrections in California and Minnesota—to name only two States in what may be a national movement—is toward the reduction of the use of incarceration to the level required for satisfactory public protection from the predatory and the disturbed offender.

It is not too much to project a national goal of eliminating juvenile correctional facilities before 1980 and to reduce adult incarceration at the same time to provide only for the confinement of those for whom no other control will suffice. We cannot implement a program to attain these goals without research to design and test alternatives to the present system. Most of the concepts for these alternatives are available for design now. We can be sure that investment in the needed research will be repaid not only in the intangibles of misery avoided but also in solid economies achieved by scaling down our huge national investment in correctional facilities.

If a goal such as the one I suggest can be adopted as national policy, a step-by-step succession of research priorities can be readily formulated. The breathtaking changes in the structure of corrections that such a goal entails will be in abeyance until we can show that alternatives to incarceration can be provided that will be at least as effective as the present, obsolete system. The "deprisonization" of corrections is the objective hailed by humanitarians everywhere, but responsible decisionmakers may be forgiven if they refuse to deprisonize without some credible disposition for the offenders who have to be controlled. The priorities that will fall into place will be design and testing of programs that will supplant confinement of the offender to the greatest degree possible.

The coordination of research must provide for the allocation of project responsibilities and the review of findings. Each agency should initiate its own dissemination, but the remaining agencies should be held responsible for seeing to it that their constituencies are advised of the significance of the projects completed. This calls for much wiser liaison with professional associations and journals, much less reliance on the ability of hard-pressed administrators to keep up with the literature. In short, what corrections needs right now is an extension service that can assure the spread of good ideas and sound practice.

I know that what I have recommended here runs counter to all prevailing wisdom about decentralization. To concentrate research policymaking in Washington will centralize further a process that still is dispersed among the State governments, at least to some progressive States. Nothing I have said should conflict with the responsibility of the States to evaluate programs, or their prerogative to initiate research with State funds. However, I contend that the scarce Federal funds for research should be strategically spent for objectives that can be related to national goals. The laboratories will be in the cities and the States, but the planning has to be centralized if we are to avoid a muddled waste of money and instead have a solid achievement to show for our efforts.

Nor do I want to foreclose on serendipity. There has been little enough of this commodity in corrections. We must provide for the original mind working on a problem that the research coordinators have not thought of. This happy result cannot be expected unless we establish procedures that welcome it. Until last year, the Law Enforcement Assistance Administration provided for pilot or acorn research projects, small grants to try out unusual thinking or ideas. Most of them were disappointments, and I will not defend the screening procedures as adequate to block the certain failure. But there were a few good projects, and there might have been more if steps had been taken to encourage good proposals. We should continue to provide some funds for small exploratory projects, fully expecting that many of them will not come to a significant end.

The Corrections Task Force has outlined an ambitious program for the various research communities with interests in and qualifications for research in this field. It is an exciting program and an achieveable program. Indeed, we can reasonably expect that if we should meet again a decade hence we could attribute to research even more significant changes in the correctional apparatus than I have described here today. This expectation can only fail if we allow research to remove itself too far from the field of action in our planning, review, and dissemination. Leadership in this city of Washington will continue to be necessary and I do not think that intelligent leadership will be either resisted or resented. There are too many of us who know how badly it is needed.

Thank you.

Ms. Wheeler: Thank you, John.

We now have a respondent to a second recommendation of the task force. Our speaker has responded with approval of the recommendation that research be nationally coordinated.

The next topic to be discussed is: "What should be the role of the Federal Government in improvement of corrections?"

Again, we are fortunate in having a man with great experience, great expertise, and a great variety of involvement to address himself to this subject. Milt Rector was elected President and Chief Executive Officer of the National Council on Crime and Delinquency in 1972. This pleases us no end, those of us who have known him as Mr. NCCD for many years. For some reason or another the agency doesn't seem to be able to stay put and we have recently followed it from New York City to Paramus to Hackensack—and heaven knows what comes after Hackensack.

He is a valued member of guiding boards and boards of directors of various kinds of agencies, including the American Correctional Association, the Osborne Association, the American Academy of Judicial Education, the Center for Correctional Justice, and the National Legal Aid and Defenders' Association. There are few organizations in the criminal justice system that would survive long without the assistance, advice, and participation of Milton Rector.

Mr. Rector: The study of the role of the Federal Government and promulgation of standards and goals for the Federal criminal justice system were not within the charges given to the National Advisory Commission. Therefore, while the speaker is a member of the Commission the views expressed here are not those of the Commission.

Personally, I regretted that the Federal system of criminal justice was not studied because in so many ways programs established and services operated by Federal agencies are often regarded as models. They become trend setters for State and local government. The direct services of Federal agencies are delivered at State and community levels of government. Deficencies in planning and coordination within the Federal system have an immediate impact on State and local systems. All serve the same people.

If planning for Federal law enforcement, courts, and corrections is not the responsibility of a Federal criminal justice planning commission, it is difficult to justify Federal legislation that mandates comprehensive criminal justice planning at State and local levels of government. The National Advisory Commission recommends that corrections planning be integrated with planning for all other sectors of criminal justice. I submit that no one has yet addressed the need to integrate the planning for Federal corrections or other criminal justice services with State services.

That the Federal Government does have a role in the improvement of corrections nationally is implicit in the work of the National Advisory Commission itself. It was appointed by a Federal agency. Its purpose was to establish standards and goals to be recommended by the Law Enforcement Assistance Administration, a Federal agency, for State and local criminal justice systems, with priorities for their implementation. The standards and goals are to provide recommended guidelines for the use of Federal as well as State and local funds in the development of comprehensive State and local criminal justice systems.

In addition to operating its own correctional

system in ways that will hopefully serve as a leadership example for other systems, the Federal Government now has other roles to help improve corrections nationally.

While LEAA has allocated the greatest amount of Federal financial assistance, corrections has also received considerable financial help for developing and testing new ideas and programs from the Office of Economic Opportunity, the Department of Labor, and from Health, Education and Welfare's Office of Education, Social and Rehabilitative Service, and Youth Development and Delinquency Prevention Administration. In fact, I think many of us were very surprised when Congress closed the door on the open-ended Title IV section of the Social Security Act after tens of millions of dollars were being utilized by juvenile correctional services throughout the United States.

LEAA's National Institute of Law Enforcement and Criminal Justice and HEW's National Institute of Mental Health Center for Studies of Crime and Delinquency lead the Federal effort in correctional research.

Technical assistance is offered to State and local corrections by LEAA primarily through Bureau of Prisons personnel.

The Federal role in training corrections personnel has been spearheaded in the past by HEW's former Office of Juvenile Delinquency and Youth Development and by NIMH, which continues grants for professional treatment personnel. Enhanced training opportunities have more recently been offered by funds from LEAA's Law Enforcement Education Program and the National Institute on Corrections now being developed by LEAA and the Bureau of Prisons.

In addition to assuming and, since the establishment of LEAA, to strengthening its roles in financial assistance, research, technical assistance, and training, the Federal Government has undertaken the development of a 10-year program for Federal corrections reform that the Bureau of Prisons hopes and has been mandated to develop as a model for State and local corrections systems.

The National Advisory Commission recommends that every priority be given to the development of noninstitutional corrections programs and services that will treat every possible offender within his own community. The Commission calls for a shift away from our current institution-oriented correctional systems. It recommends that no new institutions for juvenile offenders be constructed, and that no new adult institutions be built until an analysis of the total justice system shows conclusively that no other alternative is possible.

In these recommendations, the Commission has clearly set the direction for a new Federal leadership role in corrections. Until this time, the call for prison reform, while decrying the failure of institutions, has given support to a reform movement that is still institution-oriented—a movement that is currently seeking reform by designing new kinds of institutions, smaller institutions, and community-based institutions.

If the recommendations of the National Advisory Commission for the improvement of corrections are to be implemented, it is critical that the mandate for a model Federal correctional system be reconsidered at this time. In such reconsideration we should be willing to ask whether the Federal Bureau of Prisons has served its purpose and should be phased out. If the answer is affirmative, then the several hundred million dollars that the Bureau of Prisons is planning to spend—and indeed has started to spend—for a large number and variety of new institutions and residential facilities could be reallocated for the development of model State and local systems.

On the other hand, if the decision is that the Federal Government should continue to operate its own correctional system, then the 10-year model should be examined within the context of the recommended standards and goals developed by the National Advisory Commission. To develop a corrections system at the Federal level that is not consistent with what it recommends to State and local government, I submit, would be an inappropriate role for Federal Government.

Federal criminal courts still use probation in 30 to 40 percent fewer cases than do such States as Wisconsin, Rhode Island, and California. Pretrial intervention services and release on recognizance are still underdeveloped in the Federal courts. If a Federal corrections plan fails to project its detention, correctional institution, and community center needs upon a priority for the maximum expansion of such noninstitution corrections services, it will develop little but new names and facades for a new institution system.

In 1967 a survey of corrections in the United States for the President's Commission on Law Enforcement and Administration of Justice found State and local governments with plans to spend $1.135 billion—this was before Federal funding was available—on new jails, detention centers, and correctional institutions. As much as $1 million in expenditures were not being planned to expand and improve corrections through more innovative probation and parole—even though two-thirds of all offenders were in the community.

Today—5 years later—we can add almost $1 billion more to those plans for new detention and confinement institutions in the 1970's. Included in this amount are over $600 million planned for new Federal institutions under the Federal Bureau of Prisons proposed model plan. Tens of millions of dollars in additional expenditures are planned to refurbish and improve existing State institutions.

As was the case 5 years ago, a very small portion of the correctional dollars are yet to be designated for noninstiutional and nonresidential corrections. In fiscal year 1971, for example, the number of Federal probationers increased by more than 4,000, which at that time was more than 10 percent. Only one Federal probation officer position was added to the already impossibly overloaded Federal probation system. In fiscal year 1973, the Federal probation system fared somewhat better, but still received only 168 new positions from 348 positions requested.

The most important role the Federal Government can undertake at this time to improve corrections is to lead America away from its overreliance on prisons and institution confinement. We who contributed the prison to worldwide penology as the best alternative to the penalty of savage mutilation, exile, or death, can lead the world in phasing out the prison and other cruel confinement institutions.

Other alternatives are already in use, and others only await discovery and testing. Now, we readily use suspended sentences, fines, and probation for well-to-do offenders who steal great sums of money through carefully conceived plans. Why not try similar sanctions for robbers and thieves who enjoy less social and economic status? Restitution in the millions of dollars to victims of crime rather than fines and incarceration might prove to be more beneficial to both the victims of crime and society in general, even in cases of organized crime and racketeering.

The relatively few dangerous, assaultive offenders who can't be released back into the community call for Federal leadership and research not only to help sharpen the criteria for measuring dangerousness, but also to find the best agency and professional discipline for the longtime care, rehabilitation, or confinement of dangerous offenders. Corrections' principal response to these offenders to date has been to plan for increased security and human storage even beyond that of traditional maximum security to reduce the fear of their keepers. This response, I submit, casts a definite shadow of doubt on the appropriateness of corrections as the agency for the future custody, care, and treatment of the small number of dangerous offenders in the current population of our correctional institutions.

The pursuit of this new leadership role will require Federal commitment and leadership to help expand noninstitutional community corrections to their maximum potential under State and local governmental auspices before allocating any further funds for experimental design or construction of new detention or confinement institutions.

In the opinion of the speaker, a continuation of the Federal role in the operation of a separate Federal correctional system would impede a movement toward community corrections. Federal institutions, at best, can only be regional institutions requiring the incarceration of many offenders great distances from their home communities. Without duplicating the services of State systems even more than at present, the very best of the forward-looking and progressive community corrections facilities of the Federal Bureau of Prisons must still house many offenders in cities far from their home communities.

As the leadership of LEAA and its Federal funding help the State correctional systems achieve and go beyond the Commission's recommended standards, goals, and priorities, the Federal Government should gradually expand its present contracts for State and local corrections services until all Federal offenders are cared for by correctional systems of their States of residence. With only a fraction of the funds now allocated or planned for new Federal detention and correctional institutions, the Federal probation system could be expanded as model Federal corrections services for both pretrial intervention and community noninstitutional corrections. Federal probation staff could serve every eligible Federal offender in his home community and could collaborate and contract with State correctional systems where detention—residential or institution—is required.

With continued Federal leadership to help all State corrections systems attain the highest of standards, the time may come when the Federal courts will prefer also to contract with State and local corrections for probation services.

This new Federal leadership role would call for immediate reconsideration of pending Federal criminal law revision. This will be before Congress at this session. In its present form, the proposed revision would make more, rather than fewer, State crimes into Federal crimes and would increase, rather than decrease, the length of prison terms. The proposed revision would trail, rather than lead, State criminal law revision in the decriminalization of immoral

and asocial behavior that is not criminal because there is no victim other than the offender himself.

By a major investment in new diversion procedures and pretrial intervention services—as recommended by the Commission—plans for new Federal detention centers in San Francisco, Chicago, and other large cities could be dropped immediately. With the upgrading of local detention under the auspices of State corrections, the same local facilities could continue to detain Federal as well as State offenders.

The immediate diversion of juvenile and youthful offenders to the States by the United States attorneys and courts could negate current Bureau of Prisons' plans to build new regional Federal youth institutions such as is now planned for California, where State youth institutions have been emptied and stand empty because of the expansion of noninstitutional community corrections.

In this new role, the Federal system could lead, too, along with California, Kentucky, Massachusetts, and Wisconsin where planning for the phasing out of large congregate care institutions has already or soon will become reality.

By turning away from the effort to set an example for State corrections through a Federal institution system, a far more important Federal role would be found in the recommended National Institute of Corrections proposed by this Commission. This proposed institute or academy could become the new agency through which the Federal Government could coordinate the nationwide effort to improve corrections through helping States build new models, through technical assistance, research, help in training, and other forms of leadership and assistance to State and local corrections.

Before closing, I briefly must mention another important function corrections could perform internationally if the Federal Government will assume another important role. This is a role that too few in corrections give their attention to.

Consistent with the movement toward community corrections, each Governor's office has a probation and parole interstate compact administrator with services coordinated by the Council of State Governments. Procedures have been established whereby persons who violate the law in another State may be returned for supervision on probation or parole in their home communities. Hopefully, soon all States will adopt compact legislation and procedures enabling such offenders who require periods of institution control and confinement to be returned to their States of residence to serve those terms in correctional centers near their places of residence.

Those working in any sector of criminal justice today with the increasing speed of international air travel require no example of the need to initiate planning now for international treaties or compacts, to parallel our interstate compacts, for the reciprocal supervision and control of offenders within their own nations as well as States of residence.

At the Fourth United Nations World Congress on Prevention of Crime and Treatment of Offenders in Kyoto, Japan, 1970, those of us who were delegates from the United States joined in a resolution requesting that the United Nations convene an assembly or conference of member nations' cabinet officers responsible for law enforcement and the administration of justice. Such a meeting of justice ministers should be given priority not only to discuss under appropriate United Nations auspices such international law enforcement problems as are encountered by attempts to combat skyjacking and the extradition of fleeing criminals, but also to initiate intercountry agreements whereby many offenders could appropriately be returned to their own nations for correctional rehabilitation. The United States could assume leadership in this role by requesting the United Nations to convene such a conference to proceed at once with such international agreements.

Under the leadership of the Council of Europe some of that Council's member nations' corrections systems now reciprocate with each other through such international agreements, both for confinement and for supervision. The United States does not. As a result we have hundreds of American youths who are not confirmed criminals serving destructively long sentences in foreign prisons with no effort to intervene in their behalf by our Federal Government. NCCD is making informal overtures for the return of some of these youngsters with the further informal agreement of some our State probation and parole compact administrators who are willing to voluntarily supervise those who are returned.

The real need, however, is for our Federal Government to assume this additional correctional leadership role for the official return of offenders from other nations for corrections within their home communities. This attention to corrections internationally and leadership by our Federal Government to eliminate the prison as we know it today would indeed elevate American corrections to one of leadership not only for the Nation but for the world.

Thank you.

Ms. Wheeler: Thank you, Milt. Milt has delivered a real challenge to the Federal Government to provide leadership in a dramatic departure from the status quo.

Third Conference Session	"Special Issues," Thursday, January 25, 1973, 10:15 a.m.
CORRECTIONS 2	"Fostering Innovation"
FORUM COORDINATOR:	**J. Frank Lee,** Director, Department of Criminal Justice Administration, Middle Tennessee State University, Murfreesboro, Tenn.
DISCUSSION LEADERS:	**William Nagel,** Director, Institute of Corrections, The American Foundation, Inc., Philadelphia, Pa. "Should Any New Major Correctional Institutions Be Constructed?"
	Oliver J. Keller, Jr., Director, Youth Services Division, Florida Department of Health and Rehabilitation Services, Tallahassee, Fla. "What Can Corrections Do to Get the Public to 'Buy' Community-Based Corrections?"
	David Fogel, Commissioner, Minnesota Department of Corrections, St. Paul, Minn. "What Are the New Ideas in Corrections?"

Mr. Lee: We are very fortunate to have Mr. Nagel with us today. Mr. William Nagel.

Mr. Nagel: Thank you, Frank.

My understanding is that this is the one part of the Conference where we've been asked to express some of our personal opinions in addition to what was expressed in the task force report.

I've been asked to speak today on what some people think is a pretty controversial question: "Should any new major correctional institutions be constructed?" As you know from the *Working Papers*, which you've already received, the task force has taken a position on this subject. It's the position —and I will only quote it briefly—that each correctional agency administering State institutions for juvenile or adult offenders should adopt immediately a policy of not building new major institutions for juveniles under any circumstances and not building new institutions for adults unless an analysis of the total criminal justice and adult corrections system produce a clear finding that no alternative is possible.

My position on this subject has altered noticeably over the years. In 1960, when I worked for Al Wagner at the Youth Correctional Institution at Bordentown, I enthusiastically supported the building of a new 900-bed institution because we were really terribly overcrowded. I had no doubt whatsoever in 1960 about the need for correctional construction.

Six years later, in 1966, I wrote the chapter on Adult Correctional Institutions for the Correctional Survey for the President's Commission on Law Enforcement and Administration of Justice. I've just reread what I wrote in 1966, and I note that I accepted that America's archaic prisons needed replacement. At the time, however, I also noted that the whole thrust in mental retardation—one of our allied fields—was away from institutional solutions. I remarked that new blueprints were then being developed, which promised to eliminate from the American scene the colony for the feeble-minded.

I added that corrections was in an analogous position and that the future of the prison was in grave doubt. Six years later, in 1972, I again was called upon to write a chapter for a major national study. This time it was for this Commission. This time, I guess it seems that I had no doubts. I had reached the point where I thought we should not do any construction.

Now, I don't take this position without awareness of the conditions that exist in our institutions, their inappropriateness, and their remoteness. Our major correctional facilities for adults in the United States are ancient by and large. They were designed for the penal purposes of a much earlier era. They are quite unadaptable to present correctional concepts and programs. According to my limited research, 61 of the adult institutions now in use were opened before 1900. Of those, 28 were built more than 100 years ago.

Of the housing units currently utilized, over 30 percent were first occupied prior to World War I. Another 30 percent were built between World War I and World War II. Our prisons, as you can see, were built to last. They have.

The famous old Eastern State Penitentiary in my own city of Philadelphia was built in 1829. It was closed in 1970. It still stands there at 21st and Fairmount in all its grimness because its thick walls and is solid steel and masonry construction defy demo-

lition. My State cannot afford the $3 million it will take to give old Eastern a decent burial.

The jail situation is similar. According to the 1970 jail census, 25,000 of all American jail cells were constructed prior to 1920. One-fifth of these are over a century old. There are no facilities for exercise or recreation in 86 percent of our jails; 90 percent have no educational facilities; 25 percent do not have visiting rooms; and 47 American jails are without flush toilets.

I have personally visited all 55 of West Virginia's county jails; 56 of Pennsylvania's; several in Florida, New Jersey, and Ohio; and others across the Nation. Most of them are affronts to the sensibilities of civilized people and should be demolished. I say this because I know firsthand how bad they are.

The ancientness of so many of our major institutions with their brutalizing designs provides persuasive arguments to support a new and massive correctional construction boom. There are other compelling reasons. One is the remoteness of most of our present major institutions—not only our old ones, but also our new ones.

I just finished visiting 100 of our newest correctional institutions in America—all built since 1960. Considering all the recent rhetoric about community corrections, I would have expected to find that most of those new institutions would have been built in or near the major centers of population and our major universities. This proximity would have afforded the greatest opportunity for interaction between the offender and the creative and corrective forces that exist in such centers. Also, the institutions would be near the larger sources of the inmate populations.

My expectations and reality were two different things. With the exception of jails, which are usually located at the county seats, practically all of the new correctional institutions were located in rural areas—far removed from universities, inaccessible by public transportation, and seemingly designed to discourage citizen and community involvement.

In addition, these institutions are usually staffed by rural people, unsympathetic and antipathetic to the aspirations, life styles, and ethnic values of the majority of prisoners who are black, brown, and urban.

It can be argued, therefore, that these isolated bastilles should be replaced by millions of dollars worth of new, smaller prisons. They should be built in, or adjacent to, the major population centers.

Given a limited amount of time, it is impossible to explain all of the reasons why I think we should not pursue construction.

Essentially, my conclusions have been reached after agonizing reappraisal of my 11 years as a staff member, assistant to the superintendent, and assistant superintendent of a major institution. They have been fortified by my reading of correctional literature, research, and most recently by my own research in that study I've just described to you.

From the literature about the history of confinement, I learned that in the 2 centuries of the history of corrections, one treatment concept after another has evolved and has been absorbed into the system in continuous efforts to overcome the inherent weaknesses of confinement.

I worked for many years with Al Wagner here in what was regarded as one of the most progressive correctional institutions in the country—the Youth Correctional Institution at Bordentown. We were pioneers in the development of several new techniques, which at the time were considered very advanced.

We went far and wide to recruit eager and competent psychiatrists, psychologists, social caseworkers, teachers, and other skilled persons. And they worked with imagination and devotion. We developed an institutional staff with a high morale, a great sense of purpose, and a flexible approach to the treatment of crime and delinquency. Over the years, many inmates have told me that imprisonment at that institution had been meaningful to them.

In spite of all our efforts during those exciting years, we did not appreciably change the recidivist rate. Though staff efforts and programs multiplied during the period, our success rate did not change appreciably. We had a more humane institution, a more responsive one, and a more caring one. That made it worthwhile. However, we did not have a more successful one in terms of reduced recidivism.

Our experience was not unique. Careful researchers, such as Wolfgang, Wilkins, and, most recently, Martinson, have reported that few, if any, correctional programs have noticeably affected the recidivism rate. Martinson, in fact, reviewed 231 accepted studies of correctional treatment published since 1945. The results are available in a volume entitled *The Treatment Evaluation Survey*.[1] The evidence from that survey indicates that the present array of correctional treatments has no appreciable effect—positive or negative—on rates of recidivism.

Martinson echoes the conclusions articulated 20 years ago by a gifted reporter and observer of American prisons, John Bartlow Martin. In his book, *Break Down the Walls*,[2] written after the prison

[1] Robert Martinson and Others, *The Treatment Evaluation Survey*. State of New York, Office of Crime Control Planning, as yet unpublished.

[2] John Bartlow Martin, *Break Down the Walls*. New York: Ballantine Books (1954).

riots of 1952-53, he wrote that professional people in corrections had devised a dangerous myth—that of institutional treatment. He said that it is a myth because it is not true that prisons can rehabilitate. He said that rehabilitation is a pie-in-the-sky idea. He said:

> We appear to believe that if we provide the stainless steel kitchen, the schools and shops and toilets, one day rehabilitation will descend upon the inmate, like manna.

Another gifted reporter, Ben Bagdikian, wrote practically the same thing 20 years later in his noteworthy book, *Shame of the Prisons* (1972).[3] This book was written after another series of deadly riots.

Many scholars have tried to understand why institutionalization does not seem to work. In 1948, Haynes[4] found the inmate community to be distinctly antisocial. In addition, he found that the community worked against the goals of the larger society and thereby against rehabilitation efforts. Reimer,[5] even earlier, noted that inmates acquire status in terms of their antiauthority reactions to the prison situation and therefore the behavior of the convicts is determined by convicts themselves. Clemmer[6] observed that the prisoner, through assimilation and acculturation, takes on the delinquent values, mores, customs, and general culture of the penitentiary. McCorkle and Korn[7] conclude that the prison represents, and in fact is, the ultimate in social rejection and that its inmates develop increased antisocial values in order to "reject the rejectors." Other serious investigators—Sykes,[8] Goffman,[9] Cloward,[10] and Schrag[11]—have noticed that prison subcultures work powerfully to subvert even the most conscientious of treatment efforts.

Gaylin,[12] Weber,[13] and others have noted another phenomenon that contributes to the failure of the prison and of many institutions for youth. In these places, large numbers of human beings are placed in a closed society in which the many have to be controlled by a few officials. This creates special counterproductive pressures.

In the outside society, unity and a sense of community contribute to personal growth. In the society of prisoners, unity and community must be discouraged lest the many overwhelm the few. In the world outside, leadership is an ultimate virtue. In the world inside, leadership must be identified, isolated, and blunted. In the competitiveness of everyday living, assertiveness is a characteristic to be encouraged. In the reality of the prison, assertiveness is to be equated with aggression, and repressed. Other qualities considered good on the outside—self-confidence, pride, and individuality—are eroded by the prison experience into self-doubts, obsequiousness, and lethargy. In short, individuality is obliterated and the spirit of man is broken by the spiritlessness of obedience.

If this country is resolved to do something constructive about the crime problem, one of the first things it must do is to call a halt to the building of new prisons, jails, and training schools—at least for a time—while we plan and develop alternatives. I say this for two principal reasons. First, as long as we build, we will have neither the pressure, the resources, nor the will to develop more productive answers. The correctional institution is the "out of sight, out of mind" response to the problem of crime. It gives us the impression that we have been strong and forceful in dealing with the criminal, and thus with crime. However, the fact is that we have merely swept the criminal and the problem under the rug. The jail or prison provides only the illusion of protection against the criminal—while in fact they are contributors to more sophisticated criminal behavior.

Secondly, jails and prisons are very expensive. If we were to begin to replace only those cells in American jails and prisons that were built more than 50 years ago, the price tag would exceed $6 billion. If we were to replace all that are deemed inadequate or isolated, the cost would exceed $12 billion. The result would be that two or three more generations of Americans would be saddled with an expensive and counterproductive nonsolution to the task of controlling crime. Neither the taxpayer nor the economy will tolerate that kind of expenditure.

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[3] Ben H. Bagdikian, *The Shame of the Prisons*. New York: Pocket Books (1972).

[4] F. E. Haynes, "The Sociological Study of the Prison Community," *The Journal of Criminal Law and Criminology*, 39 (Nov.–Dec. 1948).

[5] Hans Reimer, "Socialization in the Prison Community," *Proceedings of the American Prison Association* (1937), 151–155.

[6] Donald Clemmer, *The Prison Community*. Boston: The Christopher Publishing House (1940).

[7] Lloyd McCorkle and Richard Korn, "Resocialization Within the Walls," *The Sociology of Punishment and Correction*, edited by Johnston, Savity, and Wolfgang. New York: John Wiley (1970).

[8] Gresham M. Sykes, *The Society of Captives*. New York: Atheneum (1969).

[9] Erving Goffman, *Asylums*. New York: Doubleday and Company (1969).

[10] Richard A. Cloward, *Theoretical Studies in Social Organization of the Prison*. New York: Social Science Research Council, Pamphlet #15 (1961).

[11] Clarence Schrag, "Leadership Among Prison Inmates," *The Criminal in Confinement*, edited by Wolfgang and Radzinowicz. New York: Basic Books (1971).

[12] Willard Gaylin, *In the Service of their Country: War Resisters in Prison*. New York: Viking Press (1970).

[13] Robert J. Weber, *Juvenile Institutions Project: Report*, unpublished draft. New York: National Council on Crime and Delinquency and the Osborne Association (1966).

To insure that we don't saddle future generations of Americans with any more prisons and jails than the absolute minimum necessary to quarantine the relatively few intractable offenders, it seems to me we must put our resources and energies elsewhere.

To begin with, we must attack the core problems. I'm not a social architect, nor the person to propose how we, as a Nation, should proceed in the task of eliminating the social and economic illnesses that plague our Nation and that contribute so greatly to crime in the streets. I would suggest two reports as good places at which to begin, however. They are: the current Commission report, which addresses itself to our problems of racism; and the Eisenhower report, which addresses the causes and prevention of violence.

Both suggest that we must reorder our national priorities. As the Eisenhower Commission stated it:

> The time is upon us for reordering of our national priorities and for a greater investment of our resources in fulfillment of the two basic purposes of our Constitution: to establish justice and to ensure domestic tranquility.[14]

Within the criminal justice system itself, we have much to do. That's what this Conference is all about. We will never face up to the many urgent tasks spelled out in this monumental report—tasks such as rewriting the criminal code, speeding up the arrest and adjudication process, developing new ways to divert the untried from the bail-jail dilemma, developing more rational vehicles for organization and planning, creating civilized alternatives for the young, the alcoholic, the addict, the sick, and the deranged.

Public policy during this decade should seek effective ways to protect the public. A more just society offering opportunity to all of its segments will provide some of that protection. The prison—call it by any other name—will not. It is obsolete, cannot be reformed, should not be perpetuated through the false hope of forced treatment, and should be repudiated and abandoned.

The protest against abandoning the bricks and mortar solutions will come from every quarter. The hard-liners will demand more, not less, cell space; the wardens and sheriffs will insist that their prisons and jails are inadequate and overcrowded and must be supplemented or replaced by new ones. The idealists, sickened by the inhuman conditions in our jails and prisons, will lobby for bright new replacements for intolerable places. The civil libertarians will argue that since our jails do not provide the basic protections and rights guaranteed by the Constitution, they should be replaced by new jails that do. Architects and contractors, with their edifice complexes, will be quick to oblige.

However, this country of pragmatists must resist the pressures to build, or America will have delayed—and at great cost—the more reasonable solutions that this great Nation must inevitably create.

In this Nation, we must—like our forefathers who invented the penitentiary 200 years ago as a substitute for the brutality of corporal and capital punishment—have the courage and the humanity to create a substitute for the penal system. Our present penal system has proven to be both inhuman and nonproductive. This is our great task, and this is our great responsibility.

Thank you.

Mr. Lee: I'm unable to resist speculation. If, as Bill has suggested, the architects are suffering from an edifice complex, perhaps those who favor capital punishment have an electrocution complex.

Bill has given us a blueprint for what we need to do and will do. We need to find out how we go about getting the community to accept and, in fact, encourage these solutions.

We're particularly fortunate to have O. J. Keller bring us a message on this subject—getting the community to accept and encourage solutions. Mr. Keller is the Director of the Florida Division of Youth Services, and a former Chairman of the Illinois Youth Commission, with additional background in media. He's particularly well-qualified to address this problem.

Mr. Keller: Thank you.

If ever a time was ripe for community-based corrections, it is now. No matter what professional periodical deals with the corrections dilemma, the point is made repeatedly that the treatment of offenders in large institutions is both ineffective and costly. Even those few institutions that are doing a creditable job are tarred with the same brush.

Thanks to television exposés and articles in popular magazines, a major segment of the general public now largely accepts the idea that incarceration of offenders in huge penitentiaries and training schools usually does more harm than good—returning to society individuals more warped and damaged than at the time of admission. The same point is hammered home in every issue of such publications as *Fortune News* and *Penal Digest International*, both produced by ex-offenders. Even Broadway has dramatically brought the seamiest side of institutional life to public attention.

For the correctional administrator interested in moving from the traditional institutional scene to

[14] National Commission on the Causes and Prevention of Violence.

something more promising, ample rationale can be found for community-based corrections. Certainly one valid argument is that offenders can best be taught to cope with pressures and temptations in the real world of the community, rather than in the totally artificial environment of a closed institution.

For example, the youthful halfway house resident must learn to deal with the public school teacher who flunks him, as well as the police officer who subjects him to periodic shakedowns. Sudden release to such frustrating situations from a remote training school will probably do little to assist the youth in coping with these pressures. Placement in community-based programs forces offenders of whatever age to undergo reality-testing every day.

While provided with a definite degree of support in the community program, they learn to hold jobs, change failing grades to passing ones, resist the solicitations of the drug pusher, reduce the suspicion and hostility of particular policemen, and realize that some heartbreaking aspects of their own family situations will have to be recognized for what they are. In short, one major argument for community-based corrections is that coping with real-life problems in the day-to-day world is a more likely prescription for later noncriminal behavior than the often traumatic reentry to the community from the distant institution.

From an administrator's point of view, it makes sense to keep a certain amount of subtle pressure on a community to recognize that it—the community—has a definite part to play in the rehabilitation of offenders. After all, delinquents and criminals do not just spring from nowhere. Society's misfits are usually the end-product of years of neglect and unhealthy molding.

Society should not be able to escape its own part in reversing alienation. Public schools need to be reminded that special motivational programs and excellent counseling—not suspensions and expulsions—offer the best answer to behavior problems that began in school. Local employers and unions need to know that their cooperation is needed, if the crime cycle is to be interrupted. The average citizen has a major part to play by being willing to volunteer his friendship to someone accustomed chiefly to rejection and failure. Interestingly enough, the principle of the message of community responsibility, while unsettling to some listeners, is generally accepted by most civic groups confronted with the prospect of a correctional program based in their locale.

In a materialistic culture, money talks. One of the most productive sales tools in convincing State officials, legislators, and taxpayers is the argument that it is far less costly to establish a community-based program than an institution. Institutions can well be compared to small cities, since they possess their own schools, vocational shops, infirmaries, chapels, maintenance shops, utilities, and transportation systems. Construction costs, of necessity, are high, usually from $20,000 to $30,000 per inmate bed.

On the other hand, a halfway house program can frequently be created by simply buying and renovating what may have been a white elephant on the local real estate market—an old motel, nursing home, church with its adjacent Sunday school building, or small apartment building. For approximately $150,000, the correctional administrator can purchase and remodel such a facility to serve 25 offenders in the community. That same sum would provide only five to eight new institutional beds.

Operational costs are of similar interest to members of the State hierarchy or public concerned about taxes. Although some community-based facilities have excessive per diem costs, these are generally programs employing psychiatric or traditional social casework methods. Since such approaches have not been notably successful with the great bulk of juvenile and adult offenders, the correctional administrator can feel relatively sure that such costs should generally be avoided.

Using the self-help, reality-oriented group approach found in many community-based programs, an administrator can experience daily operating costs of roughly two-thirds of those of institutional care—that is, if the latter offers treatment worthy of the name. The reason is simply that community-based programs can make use of local schools, parks, hospitals, churches, guidance clinics, and training centers; while on the whole, training schools and prisons must duplicate these resources. In one southern State, halfway house programs for juvenile delinquents operate at $13 per day, while training school costs average $19 per day. The fact that the latter program is one-fourth more expensive than the former is surely of interest to others besides those in the State budget office.

In presenting a variety of arguments to the public, the correctional administrator discovers that certain audiences are more interested in one line of reasoning than in another. While the economies of community corrections will find many listeners, other audiences will be primarily interested in the human beings involved.

Exposed to the extremely unfavorable publicity about large prisons and reform schools, the general public is now quick to recognize the more humane aspects of community-based programs. The offender lives a more normal existence than would be pos-

sible in the large institution. Contact with his family, friends, and church are all possible. School or employment ties can often be maintained. In the case of the juvenile delinquent, the child's parents can be intimately involved in the treatment program.

The intensity of the treatment experience usually exceeds anything encountered in a traditional correctional facility. Comparatively small in size and limited in population to no more than 25 or 30 people, the individual community-based program calls for constant interaction between staff and residents. Everyone knows everyone else very well. Danger signs can often be detected by alert staff in sufficient time to resolve incipient problems. The problems, after all, are those of the real world, not those of an institutional environment.

With institutions in disfavor and with convincing arguments for community-based programs both from economical and humane viewpoints, what obstacles stand in the way of their rapid proliferation? Despite the general swing toward community-based programs philosophically, the actual establishment of many government-supported halfway house programs has been comparatively modest, when one considers the size of the corrections task confronting this huge country.

Perhaps a ready explanation is that community-based corrections has been forced on many administrators in spite of themselves. Having risen to authority in systems that have been traditionally oriented toward close custody, a number of those in authority now find it difficult to put aside old ideas, much less convince the public that a better, more effective method of treating offenders can work.

Where correctional change has been virtually forced from outside, the tendency has been merely to move institutional practice and philosophy into smaller residential units in the community. However, this may lead to serious trouble, because traditional penal methods have not compelled offenders to make responsible decisions. With the physical restraints of a closed institution removed, a philosophy demanding inmate involvement and participation in decisions is crucial, if community-based corrections is to be successful.

Without going into lengthy explanations, this can often be accomplished through daily discussion sessions, where residents are urged to talk freely about themselves, the day's events, and the treatment program. Although the staff is very much in charge, their role is not a conspicuous one. Control is actually achieved by creating an atmosphere where the offender can examine himself and others honestly, gradually making increasingly responsible decisions about his life. The atmosphere within the facility is one of honesty and mutual concern. There are no "sacred cows." The staff recognizes that their own behavior is open to frank discussion.

Where serious problems occur in establishing halfway houses and other community facilities, one often finds that poorly conceived programs have preceded the present undertaking. The public has a right to be angry when halfway houses are opened that simply transfer all the hostility and antisocial behavior of a jail to their vicinity. The mere placement of offenders in open, nonsecure residences does not guarantee they will be good neighbors. Some neighborhoods have been placed in a legitimate state of anxiety by residential centers that were not only maintained at a miserable state of repair, but also housed a disreputable population all too willing to find escape through alcohol or drugs.

Unless the correctional administrator is convinced that he has a treatment approach that will permit offenders to live responsibly in a community-based program, he should avoid moving in this direction. True, his own days as an administrator may be limited. Yet he would be honest in recognizing the perils of shifting to the community an institutional atmosphere too often dichotomized by the opposing cultures of the "keepers" and the "kept."

Presuming that an administrator feels confident about the treatment philosophy he will employ in establishing community-based programs, he needs to take several preliminary steps before carrying his message to the general public.

First, he has to be sure that his own superiors, conceivably the Governor, but just as likely the administrator of an encompassing "umbrella department," will support him in his endeavors. As noted at the beginning of this paper, the time is ripe for such support, because State officials everywhere are looking for alternatives to traditional institutions.

If his immediate superior and the Governor endorse the concept of community-based corrections, the administrator has passed a major obstacle. This is especially true if community corrections becomes one of the key planks in the Governor's platform. With the power of the Governor's office and legislative connections behind him, the job of moving the enabling bills and appropriations through the legislature is made easier.

Nevertheless, it is still essential that key legislative leaders, and especially members of relevant committees, be made aware of all the arguments in favor of community-based corrections. In drafting the bill to establish the facilities, the administrator should use language specific enough that the State budget office, in its later close review of all legisla-

tion, does not discover legal blocks to a particular type of community program.

In proposing changes to a traditional corrections system, the administrator will probably find his chief sources of support in the media. Much of the ferment over the failure of training schools and prisons has resulted from the investigations of newspaper, television, and radio reporters. If fully briefed on plans to move to small, community-based facilities that offer a variety of programs throughout the State for offenders with different needs, the press can do much to gain acceptance for the movement.

Feature stories carry the message that both humanity and common sense call for treating offenders as close to home as possible. Taxpayers will benefit. Various communities will enjoy payrolls from new programs having annual expenditures in excess of $100,000. A positive, genuinely rehabilitative effort is finally replacing old-fashioned, punitive methods. While not always fair in their criticism of the honest efforts of institutional personnel, the overall effect of articles and broadcasts endorsing community-based corrections is to allay the anxiety of the general public.

Relieving the general public's anxiety, however, is not the same as mollifying citizens in whose neighborhood the community-based program will be situated. In the case of delinquent children, this problem can be eliminated almost totally through the use of group foster homes. Because the foster parents own their own homes, and because they are generally known to, and accepted by, their neighbors, little uproar ensues when a few more children, often additional to the foster parents' own youngsters, appear in a neighborhood.

The situation may be somewhat more touchy if the foster children in a group home are both black and white. Here again, the relationship that the foster parents have with their neighbors is vital. Moreover, if the home is located on a very large yard, or on several acres of land, physical distance from adjacent property can reduce tensions.

The correctional administrator who overlooks the placement of delinquent children with good foster parents makes a serious mistake. Even when a truly adequate sum is paid per day (between $8 and $10 per child), the cost of such care is far below that of staff-operated facilities of any kind. The headaches of community acceptance are almost nonexistent.

Obviously, not all delinquent children can be placed with good parent surrogates. The placement of children with existing agencies should also be an important consideration. Unless far more expensive than State-operated programs, such resources can provide an excellent alternative to training schools. The advantages are several.

Because the agency is already known to the people in its immediate area, a policy decision to accept a limited number of "children with problems" will usually arouse no anxiety on the part of those nearby. Instead of having to go through the often cumbersome State procedures of leasing property or building new facilities, the State agency can quickly contract for care.

Of course, the disadvantages must also be recognized. Sometimes, the private agency is highly selective, refusing many children for admission or acting swiftly to expel those presenting any behavior problems. In fairness to the children placed with such agencies, the State agency has a responsibility to monitor what goes on very closely. Otherwise, in some instances, the very institutional environment that the administrator wanted to avoid has simply been duplicated at the local level. A preliminary "meeting of the minds" on treatment philosophy is essential.

In discussing group foster homes and private agencies, emphasis has been given to the juvenile delinquent. As to older offenders and more sophisticated delinquents, State agencies must often establish their own programs, due to the reluctance of private groups to provide community service to persons with criminal records or lengthy delinquent histories. Although some excellent work in this area is being done by some privately operated halfway houses, most of which are active in the International Halfway House Association, their ability to serve large numbers of offenders at present is very limited.

In preparing to establish a halfway house in a particular community, it makes sense, time permitting, to have as many key people of that community involved in the project as possible. In enlisting their support, the approach should be through individual contact. They should take part in the planning of the site and program. In so doing, they come to look upon it as "our project." The approach taken by the State should only be positive. In accordance with a State plan for vastly improved correctional services, this community has been selected for a variety of reasons, which might include: a progressive city administration, a competent police force, a good school system, an active citizenry supportive of a variety of good works, or that the community is known for its interest in coping with problems at a local level.

Whatever the reasons, the State agency should not approach people with a hat-in-hand, "won't-you-let-us-establish-a-halfway-house" attitude. The key people of the area need to understand that, although

the facility might have been located elsewhere in the State, their particular location was carefully selected to assist them with a local need. Not only will this excellent new State program assist them in providing better care for offenders from their community, but also the forthcoming expenditure of State funds will mean jobs and steady, reliable income to the community.

If the halfway house is for young people, the program will keep young people in school, guaranteeing that the local school district will not lose Average Daily Attendance funds. If the halfway house is for adults, the program will assist the residents to find employment, thereby carrying their own weight, instead of doing unproductive time in some distant institution.

Where such planning has taken place, the eventual establishment of the halfway house is usually looked upon as a real coup for that community. The site selection can be achieved with virtually no resistance on the part of immediate neighbors. The involvement in the planning by municipal authorities, school personnel, judges, law enforcement officers, and legislators creates a power base difficult for opponents to overcome. In addition to the above, the type of private citizen willing to work actively on such local efforts as United Fund campaigns belongs on the planning committee.

Unfortunately, such careful planning often fails to take place. The State agency may lack the personnel to keep in regular contact with all the people who need to be involved at the local level. Unless a Federal grant is obtained to employ an individual specifically for this purpose, the groundwork often is done in a more haphazard manner. What often happens is that the State agency proceeds with local real estate brokers to search for property, after making a limited number of contacts with local officials.

Although the most desirable course calls for extensive planning and searching in conjunction with community "power people," the real requirement is to make sure that the neighborhood is properly zoned for a halfway house. If the zoning test has been successfully met, the antagonism of certain neighbors can be dealt with at a later date.

Needless to say, a neighborhood undergoing transition is one where less opposition will be encountered than a blue-collar or middle class district, where homes have been in the same hands for many years. Although a quiet residential street offers a more homelike atmosphere, a location on a busy traffic artery, lined with somewhat rundown apartments, service stations, and business houses will encounter less neighborhood hostility.

Unfortunately, although the general public may now subscribe to the concept of community-based correctional programs, acceptance dissipates rapidly when immediate neighbors realize it is to be in their neighborhood. "I'm sure it's a fine idea, but why do they have to locate it on my street?" is an expression frequently heard after the site has been announced. Even when efforts have been made to conduct door-to-door campaigns, fully explaining the program, and personally introducing one or two of the first residents, "a kook armed with a petition and a pencil" can upset the staff work of many days and weeks.

Although homeowners will talk about a potential crime upsurge and the hazards to their wives and children, their real fear—not as frequently voiced—is that property values will go down. The man who has worked for years to pay off his mortgage suddenly sees his investment threatened. Despite testimonials and other proof from elsewhere that well-operated halfway houses will not jeopardize real estate holdings, one or two hostile neighbors can turn a whole area into an uproar. It is at this point that the administrator, armed with an ironclad zoning permit and supported by as many of the community leaders as he can muster, moves ahead to occupy the newly-acquired residence.

Occasionally, a "town meeting" can help to alleviate neighborhood opposition. In one situation, community anxiety was aroused by a metropolitan newspaper headline declaring, "Delinquents to Occupy Youth Camp." The camp, erected 35 years ago by WPA workers in a State park adjacent to a town of 10,000 had been used only infrequently by local scout troops. Fears were put to rest through the assistance of two legislators, who, working in conjunction with the juvenile court judge, and with city and county commissioners, arranged for a public meeting in the county courthouse.

A week prior to the meeting, the local newspaper ran a major news story, itemizing positive benefits to the community and portraying the young residents as "children in trouble," rather than as hoodlums. The editor of the paper deserves considerable credit for the positive nature of both the front-page article and accompanying editorial. By the time the meeting took place, only a dozen townspeople made the effort to attend. In turn, they were disarmed by being introduced to boys from a similar community-based program, whose friendly, honest manner won the hearts of the adults.

A later, similar effort in another community was not at all successful. In this case, instead of being located in a nearby State park, the halfway house was in a recently vacated apartment building, surrounded by lower and middle-class homes. The meeting opened in a spirit of anger, with property

owners recalling unfortunate experiences with a private halfway house for alcoholics and a drug rehabilitation center.

Protesting that an additional facility for adolescent delinquents was too much to endure, they were not about to be placated by officials, State agency spokesmen, or the four or five young people prepared to explain the program. When the State representative responsible for convening the meeting attempted to speak in the program's behalf, he was heckled and interrupted by cries of, "We'll get you at the next election."

The reason for the different receptions is that the situations themselves were quite different. In the first situation, the facility, although considered "local territory," was a good 2 miles from the nearest home. The citizens, having no personal experience with a community correctional program, were assured by the local press and by their elected officials that no harm would result. In the second situation, the neighboring homes were within a few feet of the converted apartment building. Unfortunate circumstances in connection with the two private facilities had left a bad impression in people's minds that no amount of argument would dispel. Moreover, with the exception of the State legislator, local officials preferred to maintain a hands-off attitude in the second situation. The juvenile court judge, although privately supportive of the program, was not about to make his opinion public.

The outcome for these two halfway house programs, however, has been the same. In both cases, the young residents have acted so responsibly that neighborhood opposition, especially in the second situation, has disappeared.

Naturally, there will always be one or two hard-core citizens ready to seize any opportunity to criticize the halfway house program. These individuals, however, are common to any neighborhood and are completely overshadowed by the many people willing to be friendly when they see that their initial fears will not be realized.

A well-run community-based correctional program will soon win many friends in its immediate vicinity. Obviously, it is important that the residence itself be in excellent repair, clean, and fresh-looking —hopefully better maintained than under prior ownership. As such, it will add to, not detract from, the neighborhood.

In the case of the converted apartment house, an old couple across the street was quick to make overtures, commenting not only that, "the place not only looks a lot better," but also that "your boys are a lot quieter and more polite than the folks that used to rent those apartments." Although it sounds more like Hollywood than reality, the boys further endeared themselves to the neighborhood by finding and returning one old woman's diamond ring, lost months before when she stumbled on the corner where the halfway house is located.

Although State agencies may lack the personnel to do all the desirable "groundwork" prior to establishing a community-based program, the good halfway house superintendent, once on the scene, is constantly engaged in building local support. This involves the establishment of a local citizens advisory board, consisting both of "power people" from the larger community and of residents from the immediate area. These neighbors often prove to be the real workhorses of such a committee, willing to bake birthday cakes, make curtains, and serve as hostesses on open house days.

It makes sense to be active in local community benefit campaigns, not only keeping the area near the house clean and cared for, but also volunteering manpower for antilitter and bottle pickup drives. Here again, newspapers and broadcast stations are quick to report good deeds on the part of former offenders. When such people are discovered helping children at a local hospital or retardation center, assisting in the local animal shelter, and helping elderly residents of nursing homes to attend recreational events, that's news.

Different administrators have their own techniques for winning community acceptance. One puts only the best risks in the halfway house during its beginning stages, so that neighbors who drop by out of curiosity will be favorably impressed and to preclude the likelihood of any delinquent activity during those crucial weeks. Another had the halfway house residents make personal calls on every home within a radius of several blocks. Armed with written invitations outlining that refreshments and a house tour would be provided, the young men urged their neighbors to come over and see what the program was all about. Although the actual turnout for the party was modest, the opportunity to meet one or two halfways house boys made many area residents feel better about the project.

In the long run, however, the individual who will make or break community-based programs with respect to public acceptance is the director or superintendent. He represents the new breed of correctional administrator—willing to tolerate the cumbersome procedures demanded by governmental administrative process, and willing to give directly of his own talents in rehabilitating offenders. He takes risks, tests new ideas, gives offenders as much responsibility as they can handle, and constantly seeks to involve the public in his work. No eight-to-five

bureaucrat, he must be free to work extraordinary hours when the occasion demands. In fact, no key treatment personnel in community programs should be fettered with debilitating wage and hour restrictions.

Whether or not a community-based facility will win friends and disarm skeptics will ultimately depend on the caliber of its director. No distant office-type administrator, he must be on the scene, ready to be involved in problems that arise, and willing to sacrifice both privacy and family life as long as the crisis exists. In the juvenile field, although most public schools are ready to accept halfway house residents into their student bodies, they do so with a watchful eye.

Too often the halfway house boys become easy scapegoats when vandalism or theft occurs in school. When such misunderstandings and problems arise, the director must be able to deal calmly and wisely with school personnel. In building good relations with the police, fire department, and sheriff's office, again, he is responsible. Where professional groups and private agencies feel threatened by the advent of the halfway house, his job includes turning resistance into acceptance and cooperation.

Persons able to successfully direct community-based programs can be found. They are the same sort who enlist in Peace Corps and VISTA, eager to offer themselves to a public service—both motivating and rewarding. With increasing competition for such individuals and in recognition of the unique combination of skills involved in treatment, administration, and public relations, many corrections agencies and personnel boards need to overhaul existing views regarding job specifications and pay levels.

For example, efforts to relate job descriptions of halfway house directors to those of traditional corrections personnel have generally been unsatisfactory. Although public support can be enlisted and sustained for community-based corrections, recognition in the form of adequate pay must be given to individuals willing to undertake rehabilitation in open, noncoercive programs.

Mr. Lee: This is what we really mean when we talk about good planning.

Our next speaker brings to us a wealth of administrative background in the field of corrections. He is the current Commissioner of the Department of Corrections in the State of Minnesota, soon to become the Director of the Department of Corrections in the State of Illinois. He's here to talk to us a little bit about the new ideas in the field of corrections.

Mr. Fogel: Thank you.

Let me immediately state my thesis for this discussion. The lag in correctional innovation is not a function of new technology; rather, it is a normal outcome of weak imaginations in an amoral environment. This is not to gainsay the need to improve our technology. However, it is meant to inquire into why we have failed to apply new knowledge while continuing to operate in the lowest of all common denominators—the fortress prison.

Consider the problem facing Thomas Edison when he was thinking about a new technology for developing artificial light. The imagery he labored under at the time was candle power and how to increase its potency. Starting at the candle for the answer would have produced larger and larger candles. Edison needed and produced a flight in imagination to arrive at the electric light bulb. We are still toying with the candle in corrections.

Over the last 2 centuries we have developed, around the fortress prison, an arsenal of religious-clinical appendages. Men and women from several professional disciplines have been able to enter the correctional arena, present a panacea, and capture the attention of the keeper and the kept for a time.

The literature is embarrassingly replete with simplistic solutions. These solutions represent a curious admixture of religious, moral, and psychological fervor sometimes coupled with unbridled barbarism. The introduction of the case method of psychological treatment and its variants has always had the shadow of punishment cast over its efforts. Throughout, the fortress prison—in one form or another—survives, sometimes with a hospital look like Maryland's Patuxent and sometimes with the quality of instant obsolescence like Ohio's pastel Lucasville.

The several disciplines have used these institutions as professional playgrounds with little demonstrable gain in public safety.

A voluminous literature has developed. An unprecedented polarity has occurred between the professional and the guard and between the latter and the inmate. An economic chasm has been opened between the guard and all other actors in criminal justice. Left in the fortress prison are the angry and inappropriate protagonists—the keeper and kept—playing out a drama of escalating confrontation which promises to reach epic proportion.

Sexy little innovations will only intensify the anger of those left behind, because the boy scouts will continue to be skimmed off the inmate population. Unless the physical and social environment changes radically, we will experience unprecedented violence in the fortress prison. It will not be in the interest of

the correctional worker or the public safety to permit the fortress prison to operate as we know it.

The only innovation I offer you is that correctional professionals begin the development of an agenda for dramatic change; that we take hold of the reins of corrections' future and begin exerting the leadership we probably possess; that we spell out a practical and moral program for ourselves and those we are given legal sanction to work with.

We don't need still another shopping list of innovative experiments. LEAA has provided us with ample opportunity to experiment, and raised the level of public information. With the National Conference on Criminal Justice, we have the necessary direction. What we need now is not so much a technology as much as a morality and combined will to change.

As far as I can see, there is no informed opposition to correctional reform, but there is no informed powerful correctional position either. I know what the National Prosecutor's Association thinks about capital punishment. I know what the many police associations think about lengths of current sentences, parole, and community-based corrections. The American Correctional Association, the Wardens' Association, and the various trade unions have no visions for the future. For the most part, they are mainly establishment-oriented and self-aggrandizing organizations.

Meeting of top administrative leadership in corrections tend to be wasteful sessions, since there is such wide divergence in education, training, disposition, and morality. Positions taken by administrative leaders tend to be in the lowest common denominator of consensus rather than projecting 5 or 10 years into the future.

It is an abiding impression of mine that those correctional administrators and supervisors who fit into my admittedly biased view as forward-looking or progressive lead schizophrenic professional lives. In human service councils, the master identity afforded them by colleagues is hard line, derived from their being in corrections. In criminal justice councils, their master identity is soft, also derived from their correctional affiliation.

With neither the skill nor the desire to do a Goffmanesque piece, one can let the imagination loose and consider how frequently, even in a day, correctional administrators consciously (perhaps unconsciously) are called upon to play roles attributed to them by colleagues. State or national correctional associations do not assist in this identity problem, since they are not deeply involved in standard setting, enforcement, legislative process, or advanced training. There remains a weak public correctional image and, consequently, a tradition-oriented powerless and amoral correctional establishment.

It is time we call a halt to alibiing to the public and lying to ourselves. Public apathy is not the public's fault. If the public is apathetic, it is because we haven't invited its participation and assistance. If the legislature is not providing enough resources, it's because it is probably tired of escalating costs and declining results after more than 150 years of support. Without public involvement and legislative support, we remain expensive latent volcanoes of violence with reforms destined never to outlive reformers.

We need a vision about what we are now, what we wish to become, and a strategy to help get us there. With some few but notable exceptions, adult corrections can in composite be reasonably described as a century old warehouse. It imprisons an increasing number of poor, more outspoken, urban minorities and is staffed by poorly paid, low status second, sometimes third, general custody officers. The medium is the message.

Steel and concrete do not mix with humanity and rehabilitation. Adding caseworkers or psychiatrists to this milieu hasn't produced basic change. It is not fruitful to conceptualize, as some prison officials are wont to do, the current rash of prison riots as conspiracies perpetuated by political militants—usually black.

Each disturbance usually reveals a range of contributing circumstances from neglect of massive problems to aimless escalations of minor events. The presumption underlying the conspiratorial notion of our current strife is that the prison and its administrators always remain faultless in what should—in their rationale—otherwise remain a stable institution.

Human dignity is reaching a new plateau, which some administrators have fearfully mistaken for a widespread conspiracy among a new breed of inmates. Our history is full of such excuses and alibis. Let's realize and say out loud that we have in this society during the 1960's witnessed a belated human rights explosion which promises to continue. This means that more, not fewer people, are willing to use the system.

Here then, is the core of the problem. Almost all the people we have incarcerated don't know how, have tried to manipulate, or have demonstrated that they haven't been willing to use the system. The period of incarceration can be conceptualized as the time in which we try to reorient a person to use the system lawfully by example.

Perhaps the most fruitful way of teaching nonlaw-abiders to the law-abiding is to treat them in a lawful manner. The entire effort of the prison should

be brought into an influence attempt based upon teaching by program and example. This is called the justice model of rehabilitation.

The justice model would include efforts to place inmate populations and staff within a lawful and rational arena. For example, elements of this model for prison would specifically, but not exhaustively, include:

1. Elements of self-governance;
2. A systemwide ombudsman independent of the department of corrections;
3. A law library;
4. Civil legal assistance for inmates;
5. A prevailing-rate wage system in the prison industries;
6. Opportunity to provide community services —a form of moral restitution;
7. Recognition of, and opportunity for, programming for different ethnic groups;
8. Due procedural safeguards built into internal behavior management systems;
9. No mail censorship;
10. An extensive furlough program;
11. A contract system for parole with as objective as possible criteria for progression through the incarceration experience;
12. Introduction of adversary and appeal procedures into the parole revocation decisionmaking process;
13. Open access of the correctional system to the press; and
14. A system of victim compensation and offender restitution.

This strategy might provide the keeper and the kept with a rationale and morality for their shared fates in a correctional agency. Considering the failure of most treatment methods within our current operating structure—the fortress prison—the justice model holds some promise, if not to cut recidivism, then to more decisively preclude Atticas. This model proposes to turn a prison experience into one which teaches and provides opportunities for men to learn to be agents in their own lives, to use legal processes to change their condition, and to wield lawful power. Men who can negotiate their fates do not have to turn to violence as a method of achieving change.

It is a sad irony in our system of criminal justice that we insist on the full majesty of due process for the accused until he is sentenced to an institution and then justice is said to have been served. Consider that our penal codes make it mandatory that before a criminal sanction can be imposed, that there be a finding beyond stringent levels of doubt that the accused's behavior was a union of act and intent—it was volitional. We will reduce degrees of responsibility for the alleged behavior if such behavior was nonvolitional.

We are tough in standards of arrest and most stringent in the finding of guilt. The defendant is protected under the mantle of the presumption of innocence. The State must prove its allegations. The defendant can stand mute in court and is protected from conviction out of his own mouth. Anything brought before the court to support a prosecutor's claim can be challenged. We believe that this system is civilized and protects us all from star chamber injustices. The lowliest stand protected from the capriciousness of constituted authority.

We know that there are problems with the criminal justice system, but the judicial subsystem is the most visible, and it strains to protect the defendants by limiting the discretion of the judge to a finder of fact. The great irony occurs after a conviction when the judge commits a guilty offender to prison. It takes a great flight of imagination or studied neglect to include the present correctional prison experience in a system of justice. The entire case for a justice model rests upon the need to continue to engage the person in the quest for justice as he moves on the continuum from defendant to convict to parolee.[1]

On one level, we need a cultural reversal concerning the apparent attitude that the person convicted of a crime doesn't need or deserve further doses of justice, but rather, having proved himself unworthy, we now remove him from further consideration of just treatment. How else could the judicial dictum of the prisoner as a slave of the State have endured so long accompanied quite appropriately by a judicial hands-off policy in relation to prison administration?

In recent years, it becomes obvious that the hands-off policy is eroding. The timing for a reexamination of current styles and development of a new rationale for the prison experience is most propitious.

Our traditions and statutes support dysfunctionality. They first insist, in effect, that only volitional actors be sent to prison. Then we support treatment regimens which assume nonvolitional behavior on the part of prisoners. The courts are increasingly aware of this dysfunctional aspect of the justice system and are responding by making themselves avail-

[1] How deeply our culture divides the offender from the accused may be seen in typical behaviors by actors in the system. For example, a defendant on bail for up to a year upon being pronounced guilty is immediately put into handcuffs. This same process occurs when a person surrenders himself. Sometimes one sees it in a great press flurry when a notorious accused gives himself up at an appointed time. On the way into the courthouse, he is obviously unshackled, but on the way out it takes two officers and handcuffs to manage the same person who voluntarily came in!

able as arbiters of predictable clashes between the keeper and the kept.[2]

The psychiatric or medical model proponents visualized themselves as reformers. They grasped the prisoner from the onerous custody staff which meted out punishment for prison rule infractions. The clinicians view the prisoner as sick, while custody staff saw them as bad. Until quite recently, both operated in an environment of low visibility and wide discretion—a sure formula for the distortion of justice in any social situation.

However, it appears that the convict would rather be bad than sick. He can hang onto a soft determinism and still be volitional. The clinicians didn't permit him much room for responsible behavior. One needs only to look at the extremes of either style to see their illogical conclusions from Attica to Patuxent.

The justice model seeks to engage both the keeper and the kept in a joint venture which insists that the agencies of justice shall operate in a lawful and just manner.[3] It simply means that we believe that the prisoner did not use lawful means to guide himself outside the prison and should therefore be provided greater—not less—opportunities to learn lawful behavior in the institution. The staff effort should be turned to teaching a prisoner how to use lawful processes to achieve his ends. This also implies responsibility for consequences of his behavior.

In the absence of a continuum of justice in the prison, most ends are reached unlawfully. When unlawful behavior is detected, it is dealt with without the very standards of due process we insist upon outside the prison. The result is a further indication to the convict that lawful behavior for a convict has little payoff. He can be dealt with arbitrarily and usually responds by treating others in the same manner.

The justice model would make sure that the prisoner experienced lawful ways of dealing with problems with the expectation that there would be

[2] The correctional officer is a central actor in this drama. He can be brushed off as a brutal Neanderthal type or he can be enlisted as an agent of change and find a new dignity for himself. We can no longer afford the futility of polarization. The massive social problems of America are felt inside our prisons as well as outside. As the underbelly of society, we just play them out with more savagery. A police chief in Maryland once told me after his first extended visit to a prison that he was inside a cancer and if we didn't arrest its growth it would envelop free society too.

The correctional officer had an easier job in the early days. All he needed was a club, steel-tipped cane, a rifle, or a whip to administer a lockstep, silent system of prison behavior management. His mission was simply to hold on to those convicts. Put yourselves into the shoes of a correctional officer for a 2-minute historical trip.

You would have seen a series of new professionals entering the system, ostensibly to help you—ministers, academic educators, production foremen, vocational educators, and recreation supervisors. Actually, you noted that all this specialized help created an adverse effect on your mission—security and custody. They never worked nights or weekends or got much involved when sporadic violence broke out. You also weren't happy because in addition to all the new problems they brought with them, all these folks were now making considerably more money than you.

That was the first wave, and then your bosses discovered a number of other helping professions and introduced social workers; psychologists; psychiatrists; occupational, speech, and music therapists.

For the most part, these folks too worked Monday through Friday, 9 to 5. They also made more money and they made even more compromises with the basic mission—custody. To make you feel better, you were now told that you were part of a treatment or rehabilitation team. Whenever a new fad broke out, it swept through the system. One State prided itself on the fact that it had divided its inmate population into hundreds of therapy groups and that hundreds of its correctional officers were now "group therapists." Responding to this process of innovation through rhetoric, many convicts called it the biggest collective farce of the century.

As a member of a treatment team you learned that convicts have emotional needs, psyches, ethnic pride and are due respect. You wondered just what they expected of you. Finally, you witnessed a medical revolution which introduced a hundred new pills into the prison—to be dispensed by you for the most part.

While we have made some progress in the behavioral sciences and introduced new, promising programs into corrections, the correctional officer has remained the unaffected, even disaffected, professional fossil. Very little has touched him but the rhetoric of reform and treatment. He is rightly discouraged and angry. At the National Prison Congress meeting of 1970 a speaker pointed out that the training of the correctional officer is the reform which needs to precede all other prison reforms for it contains in it the seed of all else as surely as the acorn contains the oak. (Rev. James Woodworth, Secretary of California Prison Commission, National Congress of Penitentiary and Reformatory Discipline, 1970, Cincinnati.)

Of all the disciplines in a prison, the correctional officer has the toughest hours, the most hazardous work style, is closest to the convict, and has the least status, prestige, and recognition from both his colleagues and the public. Compound these indignities further by his being the lowest paid among correctional jobs and least educated, and an image begins to emerge.

We need to have a dramatic public message made to our personnel, one which states categorically that we will attract people who will be able to take on new work missions at a salary which means accountability will be paramount. Careers in corrections should be first choices. Ask yourselves if you would counsel your children into careers in corrections in our current situation.

Some day we will be out of the fortress prison setting and make rehabilitation a more rational process. In the meantime, we will have to attract and train a caliber of personnel different from the experience of the last 150 years. We need to start changing the current system now with a new breed of professional. We'll have to trade him a living wage and a status he does not now enjoy for the new kind of work we ask him to do. We will see correctional modernization as soon as its personnel are modernized.

a carryover to the point of release. The prison experience would try to guarantee that at least, for the period of incarceration, the prisoner would be required to be exposed to the type of lifestyle that society expects him to pursue when he is released. It leads the way to engaging both the keeper and the kept in a manageable experience in prison. The keeper has always been at least as angry as the kept.

It further appears that philosophically the hard deterministic—hard freewill lines have blurred and softened which permit actors to be more significant forces in their own lives. Although not yet absent, there is a softening of the pomposity, even arrogance which accompanies the role of definer and healer of the behaviorally sick. Intraprofessional discipline struggles have produced, if not a more democraticized style, certainly a less omnipotent one. Such struggles include the professional associations of social work, psychiatry, psychology, corrections, and medicine. All have been besieged with rump sessions and clamoring from membership for style changes.

[3] The roots for the justice model theory stretch into many disciplines. They seem to be a congruence from several disciplines. Edmund Cahn, the legal scholar, coined the phrase "the imperial perspective" and "the consumer perspective." Philip Selznick, the sociologist, developed the notion of "private government" and influenced Eliot Studt's and Sheldon Messingers' work on the idea of justice as treatment. Edgar and Jean Cahn (son and daughter-in-law of Edmund Cahn) in relation to the war on poverty wrote of "the military perspective" and "the civilian perspective."

Richard Korn's and Donald Cressey's ideas of "justice as negotiation" with the demonstration of existing dual systems of justice also contributed to the trend just now taking the shape of a model of justice. Disillusionment with the medical model by many behavioral scientists and the emergence of group and milieu therapy, guided group interaction, self-governance, student revolts, deepening commitments to ideas of participatory democracy and local control in the 1960's all helped to create an atmosphere for an idea whose time is ripe.

Selznick has conceptualized the major themes involved in the justice model.

The first theme is the postulate of normality, competence, and worth. If offenders are to be dealt with as human beings, it must be assumed that they are basically like everyone else; only their circumstances are special. Every administrative device that negates this principle, and any therapy that ignores it, must be questioned and, if possible, set aside.

The second theme is salience of the microworld. Men live out their lives in specific settings, and it is there—in the crucible of interaction—that potentialities are sealed off or released. The microworld is the world of here-and-now. If an inmate's future is to be affected, that future should have a dynamic, existential connection with the experienced present.

The third theme is the poverty of power. An administration that relies solely on its own coercive resources can make little contribution to the reconstruction of prison life or to the creation of environments that encourage autonomy and self-respect.

We seem to be at the threshold of moving from a style of treated and treaters, which saw offenders as clients, to the notion of offenders as constituents. The latter requires us to rid ourselves of much (professional) brainwashing. We will have to get on an equal footing with our clientele and will have to bend every effort—human, financial, and bureaucratic—in their behalf.

Perhaps the simplest way to put it all is that the State can't, with any degree of confidence, hire any ne to rehabilitate anyone else. This should be evident from historical experience. The person troubled or in trouble has to be an equal partner and has to want something to happen. The best way to engage him is to treat him with dignity. Actually, the billions spent on criminal justice are wasted if the offender doesn't buy the program or doesn't participate in the program. If he doesn't buy it, we look bad. If he does, we look good. Up to now we've looked bad—very bad.

But the past can merely be a prologue. Using the National Advisory Commission standards and goals for corrections, we can dedicate our efforts—from this meeting on—in a new effort to modernize. For several months, a small group of correctional administrators with statewide responsibilities for adult

The fourth theme is order as tension and achievement. Quiescent conformity imposed from above is a parody of social order, not its fulfillment. A system that validates the humanity of its participants, and engages their full resources, accepts the risk of disorder and even—from time to time—of searing confrontations.

The fifth theme is justice as therapy. A concern for fairness and civic validation should permeate the entire administration of criminal law, including the daily life of the prisoner. That treatment will be most effective which does the most for the inmate's sense of self-worth and responsibility. Nothing contributes more to these feelings than a social environment whose constitutive principle is justice, with its corollaries of participation, giving reasons, and protecting personal dignity.

Without questioning the worth of these objectives, it may be asked: Is it the public policy to punish offenders, especially young offenders, beyond the fact of imprisonment itself? If not, does humane and respectful treatment, not as therapy but as civilized conduct, require a special justification?

In seeking to make criminal justice more redemptive and less punitive, we may have asked too much of institutions that can barely hold their own, let alone develop the competence to be curers of souls. A retreat from rosy hopes may well be inevitable, if only because rehabilitation entails supervision, and ineffective rehabilitation coupled with open-minded control has little to commend it. As the dialogue proceeds and experience is assessed, we may well conclude that the real worth of the treatment perspective, in its various forms, has been to serve as a civilizing influence on correctional systems. If that should be so, then a theory of corrections that envisions the creation of viable, working communities, based on a postulate of normality, will have most to offer.

and/or juvenile services has been meeting with the express purpose of developing a lead statement for the field of corrections. It is our purpose, by producing such a credo, to rekindle our commitments and guide our practice as it translates rhetoric into human services. The first and rough draft of this credo, which is my personal contribution to a working committee, follows. It is a minimal statement which invites elaboration from practitioners.

We believe that corrections has traditionally been insulated and isolated. We believe that the thrust for reform has always been blunted as a result of not being rooted in either public or legislative support. The poor, the mentally ill, and the prisoner represent the powerless. They have never had a powerful constituency. The corrections establishment has consistently not permitted the development of such a constituency.

We believe it is time for corrections itself, through its professional organizations, to lead in such an enterprise. Furthermore, constituency building can take place through legislative lobbying, public advisory board formation, education, contracting of public service, and greater political visibility by the profession.

We believe that any social environment which permits wide discretion and low visibility is in danger of distortion and therefore not consistent with the morality of a democracy. Consumerism is an extension of the last decade's human rights explosion. Although slow in reaching beyond the prison walls, it is now a current issue.

We believe that the public should be involved at every level possible in planning, operation, and evaluation of correctional programs.

We believe that the user of service—the convict, probationer, and parolee—should be involved in decisionmaking consistent with his needs and public safety.

We believe the ex-offender has much to offer the corrections system and should be used extensively in operations.

We believe that our system of criminal justice must protect the victim of crime while it struggles to modernize and assure dignity in the care of offenders. The Federal Government protects citizens from internal enemies—namely, the violent criminal. Victims of violence should have a right to reimbursement from State government.

We further believe that property offenders should be given opportunities to repay their victims. Many property offenders, under safe conditions of supervision, could become taxpayers instead of being burdens on the taxpayer. Victims of property offenses should have a right to contract with the offender for repayment. It should be by mutual agreement in lieu of incarceration.

We believe that correctional personnel have for too long been placed in impossible positions with contradictory and dangerous missions. In particular, institutional staffs are underpaid, overburdened, and untrained. Called upon by an ambivalent society to contain its violent and failing group with repressive and meager resources, correctional officers themselves become subject to a philosophy of restrictive custody—adding further to the degrading influence of the institution on both the keeper and the kept.

Simplistic answers to their problems are offered by politicians who offer legislation, which in the guise of furthering control over inmates, adds to the insecurity and danger of injury in the institution. As a result, correctional officers, historically, have never been in the forefront of rational reform. We believe that the correctional officer is the key to modernization of the institution. We believe that his voice, heretofore, has been raised in a self-defeating manner. This needs to be reversed. The corrections professional needs to develop an agenda for change or else he will be endlessly consigned to the role of repressive keeper. Professional organizations have not, heretofore, provided leadership for change. Rather, they have defended the status quo, while making occasional grudging and ineffective forays in the arena of reform.

We believe that human services delivery systems should be integrated for those who are troubled or in trouble. Some States are beginning to form human service councils at State levels—manpower, education, corrections, human rights, veterans, welfare, medical, youth, mental health services, etc. Politically, corrections will need to amalgamate with services which have traditional constituencies and few foes, such as veterans and public health.

Technologically, we are still very weak. The structural outlines are visible, but manpower needs are still critical. A West Point notion for human services administrators is necessary.

We believe that the institution is the last resort for society to protect itself from an offender. Despite the ineffectiveness and even negative payoff of the institution, the needs of public safety require incapacitation of the clearly dangerous offender. Evidence does demonstrate that the less deeply an offender penetrates the criminal justice continuum, the better the payoff for society and the offender.

We believe that contemporary America is moving from a reliance upon containment of the offender to one of community supervision and surveillance. Comprehensive alternatives should be developed to divert offenders at every level of the criminal

justice process consistent with public safety and offender rehabilitation needs.

We believe that the most effective way to deal with offenders is in the context of his own community rather than a piece of real estate set aside for bad people. Every level of criminal justice administration should have available a plan for diversion from its bailiwick rather than simply serving as a processor to the next level. Each level should state affirmatively why it cannot divert an offender before permitting deeper penetration. Only those offenders who are identified by each subsystem as representing the highest public safety risk should emerge eventually in institutional populations.

We believe that as a whole, the U.S. sentencing practice is the longest in the Western world, has not served the public well, and has had no measurable effect in reducing crime.

Sentencing must be related to goals of public safety and offender rehabilitation. We believe that the National Council on Crime and Delinquency model sentencing act offers rationality and effectiveness to the process of corrections. Offenders need to be dealt with according to the degree of public danger their continued supervision in the community represents for the public. In the absence of proof by the State that an offender represents a clear and present danger through in-community supervision, offenders should not be automatically incarcerated in jails or prisons.

We believe that classification in an institution is essential for the safety of both the staff and inmates. A system of classification needs the input of the offender population. Institutional facilities must provide for separation of the psychotic, the violently dangerous, various age groups, specific treatment groups, and categories of custody risks.

We believe that while the medical model can serve as an adjunct to the correctional process, its ubiquitous advocacy and use is unnecessary. The earlier hopes it represented have not been matched with payoff in practice. Diagnosis separate from treatment is not useful. Staff and parole authorities cannot translate tests and prescriptions into treatment service and predictable prognoses. Therefore, we call for an end to the practice of centralized diagnosis for all offenders and an end to the organization of penal institutions' efforts at rehabilitation under the regimen of the medical-psychiatric model. Those diagnosed as psychiatric cases should no longer be kept in correctional facilities. Inmates desiring clinical services should be provided voucher opportunities to purchase such services from outside the institution.

We believe that corrections should be in the forefront of the movement to insure that the rights of offenders, aside from the freedom of liberty of movement, are fully guaranteed. An institutionalized offender should retain all other constitutionally guaranteed rights. All processes in corrections should be opened up for inspection to insure that due process standards are reasonable and fair. Such processes which need the glare of public attention include:

1. Institutional rules;
2. Decisionmaking processes in granting and revocation of parole;
3. Access to courts;
4. Civil and criminal legal assistance;
5. Access to media and the public;
6. Procedures governing internal prison discipline; and
7. Medical-health care.

We believe in justice for everyone—the keepers and the kept. Without impartial fairness, the purposes of the criminal and juvenile justice systems become a mockery. Even if we acknowledge that we incarcerate some offenders for security reasons with little hope of rehabilitation, let us assure the fact that this process has been built upon a firm foundation of reasonable care, due process, and the preservation of each individual's dignity.

We believe that in the future incarceration will mean that the most volatile, least amendable offender will comprise the majority of institutional populations.

We believe that without proper planning and guarantees, these residual institutions may turn into Orwellian distortions. More intensive services will be necessary, new environments will need to be conceived, and basic guarantees of humane and fair care will have to be developed.

We believe that America must dramatically reverse its reliance upon institutionalization as a response to criminality. The fortress prison is an anachronism. There is no proof that it increases public safety, and much evidence that it dehumanizes both the keeper and the kept.

We believe a moratorium must be set by the Federal Government for its own system by the various States upon the construction of new instantly obsolete fortress institutions as an expression of the national will. Prisons and the juvenile counterparts—once themselves representative of the national will to reform a sanguinary criminal justice system—must now, in the light of failure and new knowledge, be phased out. The $2 billion presently on the drawing boards should be converted to innovative community-based facilities and programs.

It is my judgment that if we don't move quickly, decisively, and in a massive way to end the fortress prison in this country—with the apparent current public knowledge and support which does exist—we will descend into another extended dark age. Now is

the time to begin planning the beginning of the end of the fortress prison system.

As the bicentennial approaches, corrections should take advantage of this American jubilee by placing before the people of this country a plan to end its fortress prisons. The Federal Government should stimulate a quiet corrections revolution by providing (Hill-Burton-like) 90 percent/10 percent subsidies in 1976 to those States submitting plans dismantling their traditional penal institutions. As Americans rededicate themselves to make the next 200 years more fruitful chapters in man's search for justice, let there be a corrections counterpart in this quest.

Third Conference Session

"Special Issues;" Thursday, January 25, 1973, 10:15 a.m.

CORRECTIONS 3

"Allocation of Correctional Resources"

FORUM COORDINATOR:

Richard J. Hughes, Chairman, American Bar Association Commission on Correctional Facilities and Services, Trenton, N.J.

DISCUSSION LEADERS:

William Lucas, Sheriff, Wayne County, Detroit, Mich. "Should Corrections be Relieved of the Responsibility of Caring for Alcoholics, Addicts, and the Mentally Ill?"

Edna Goodrich, Superintendent, Purdy Treatment Center for Women, Washington "What Should be the Role of Prisons in Future Corrections?"

Arnold Schuchter, Director of Planning, Massachusetts Department of Youth Services, Boston, Mass. "How Can the Resources Needed for Community-Based Corrections be Generated?"

Mr. Hughes: Our first panelist is Sheriff William Lucas of Wayne County, Mich. Sheriff Lucas has been sheriff for about 3 years. I'm very high on sheriffs.

He has achieved a lot. He came up through the ranks. He was under-sheriff. He was a special agent for the Federal Bureau of Investigation (FBI) from 1963 to 1968. He was an assistant U.S. attorney and investigator for the Civil Rights Commission, Department of Justice, from 1962 to 1963. He was a patrolman and a vice squad detective for the New York City Police Department. He also has been a social worker and a teacher in New York City.

I guess you would agree that it would be hard to imagine any broader background or experience for someone who has devoted his professional career to the field of corrections. He'll be our first panelist.

His subject will be: "Should Corrections be Relieved of the Responsibility of Caring for Alcoholics, Addicts, and Those Who Are Mentally Ill?" He'll be attempting to get at some answers to that question.

I'll first call on Sheriff William Lucas, who will talk to us about a question which bothers me very much and I keep worrying what to do about it.

Sheriff Lucas: Thank you very much.

The subject that I am going to speak on is: "Should Corrections be Relieved of the Responsibility of Caring for Addicts, Alcoholics, and the Mentally Ill?"

It has been suggested that there are many human problems such as narcotic addiction, alcoholism, and emotional instability on the part of inmates which should preclude their detention as criminal offenders. It is thought that these persons, because of their conditions, should not be treated as criminals. The observations have been made that these persons are physically and mentally sick, and, but for these mental and physical liabilities, these people would not have committed a crime and would not have been within the criminal justice system.

I think today that very few people would conceive of the possibility of a criminal charge being placed against an emotionally unstable person simply because of his condition. Similiarly, the alcoholic and those who present no present criminal behavior apart from alcoholism do not justifiably deserve to be arrested for their condition in an enlightened society.

However, recognizing the slowness with which new concepts find their way into norms and mores of our society, hopefully the period will quickly come when such persons who are also addicted—particularly to narcotics—will never be placed in our jails and prisons simply because of narcotic addiction alone. We must also recognize that there are many

criminal offenders who are charged with very serious crimes who also happen to be alcoholics. There are also many injurious crimes to persons and property committed by persons who happen to be addicted to narcotics. There are grossly unacceptable crimes which shock the conscience of our community committed by persons who happen also to be emotionally unstable.

Many of these individuals charged with such offenses are remanded to our local city and county jails without bond. Also, a great many more, due to the nature of the charges placed against them, are remanded with bonds of a substantial nature so that they will remain in jail until final adjudication of their cases.

Irrespective of the sensitivity of our judiciary in determining bonding policies on a responsible case-by-case basis, and the eighth amendment to our Constitution, it is likely that a large number of the above persons will continue to be detained in jails for varying periods of time.

I am aware that it has been suggested that persons with the serious physical and psychological characteristics described above should not be detained in jail, despite the fact that the criminal charges are pending against them. This argument invariably leads to an unresolvable state of affairs regarding what came first—the physical or mental illness or the criminal activity of the person.

As an attorney in an office of the court who is sensitive to the needs of due process and equal protection of the law, personally, I cannot support the proposition that serious criminal offenders should be exempted from the responsibilities for their acts because of their physical or psychological conditions. Yet, as I have indicated, our criminal justice system has been unable to influence successfully the character and personalities of the thousands of inmates in our jails and prisons who do not have serious physical and psychological handicaps.

I believe it is fair to say that the degree of success with those who are so limited is almost nonexistent. Thus, rather than releasing these individuals or seeking other institutional alternatives for them pending the litigation of their cases, I would strongly recommend that our new concepts in penology include the design, construction, and sufficient staffing of jails and prisons to provide both the security that society is entitled to demand from the acts of such persons and the treatment and human consideration that the physical and psychological problems of such persons deserve.

Rather than shrinking from the responsibility of caring for these persons and passing them around from institution to institution, I would hope to help to provide the kind of leadership in this area that would move us to a point where our jails could totally accommodate, classify, and treat the criminal offender who is either an alcoholic, a narcotics addict, emotionally unstable, or a homosexual.

As our society progresses, more and more human problems are solved—problems that we once felt were almost unsolvable. Yet, more problems and criminal offenders appear to have no solution. I do not share the view that criminal offenders have no solution.

I do not recognize the possibility that nothing can be done. I do recognize that appropriate funds from the government and public commitment—including commitment from the private sector of our community of the economic establishment—will be required to improve the symbols of our failure as a society in the area of detention.

I also recognize that the solution to any problem requires a beginning. I believe that we, as a Nation, have passed that important stage in our desire to restructure our jails and prisons which today must serve a different purpose than they served yesterday. There is no doubt that we, as a people, are more and more committed to doing something about our penal institutions.

The problems that we experienced in 1967 with disorders in our cities, the riots that we experienced in our jails—both county and Federal—alerted us to the need to do something about revamping our entire system. The Federal Government has allocated a great deal of money—I believe in 1972 they allocated about $240 million—to do something about the correctional problems. In 1973, approximately $270 million is being allocated.

This means that there is a general commitment on the part of the Federal Government to do something about the problems of our jails. In our own community there is a commitment on the part of the public and on the part of public officials finally to come to grips with the situation that has existed for many years—to change the structure. Our jail, for example, which is over 40 years of age. Incidentally, we are not unique in that situation because there are very few of us sitting here today who have responsibilities for running an institution that has a building less than 40 years old.

The problem finally has reached a point where something must be done. The public is very gradually coming around to the point where they admit that they must make the commitment—the psychological, emotional, and financial commitment—to change. To paraphrase a famous comment made by Winston Churchill when he described a set of conditions relating to England's progress in the Second World War: The millions of dollars presently being spent to modernize our jails and prisons

including the appropriate staffing of these institutions is not the end. It is not even the beginning of the end. Perhaps, the end of the beginning.

Thank you.

Mr. Hughes: Thank you very much, Sheriff. You raise questions which I know will be a good reason for fruitful discussion.

I'll now call on Mrs. Goodrich, Superintendent of the Purdy Treatment Center, who will talk to us about her viewpoint on "What Should be the Role of Prisons in Future Corrections?"

Mrs. Goodrich is a graduate of several institutions of learning. I will not take the time to read them all off to you, but it is a very imposing educational background. She was a public school teacher, principal of an academic school, and superintendent of a school. Since October 1, 1970, she has been Superintendent of the Purdy Treatment Center for Women. Her job includes the responsibility of superintendency, supervision, administration, treatment, training, and research of the State's new institution for women. She has been recognized at all levels of government. She's been a consultant to the State of Colorado for juvenile institutions. She has a great list of distinctions.

Mrs. Goodrich will speak on: "What Should be the Role of Prisons in Future Corrections?"

Ms. Goodrich: A few years ago there was a gentleman by the name of Kinsey who made a study of the sex habits of individuals and then published a report. Immediately after the report came out, it was available to everyone. Automatically, everyone became and expert on sex and writers had a heyday. We could read articles such as "Is Your Mate Frigid," "The Sex Life of Polar Bears," "Swap Mates and Live," et cetera.

In the last few years, prison reform also has become a topic. Everyone has become an authority or expert on corrections. In every magazine and newspaper we pick up, we can find articles entitled: "Tear the Walls Down," "The Keepers and the Kept," "Community-Based Corrections," and so on. If those of us who are in corrections do not step forward, assume leadership, clarify positions, and settle down, we're going to have the same situation as we had when the *Kinsey Report* came out. And that situation is one of frustration, sad experiences, and the like.

I've been in the corrections field for over 20 years. I can't help but think that some of the things I've heard today and at other conferences, I heard at conferences 20 years ago. People are talking about a new look, a new direction, and new things in corrections.

If you go back through history, you'll find that prison reform is not new nomenclature. Prison reform was discussed 100 years ago at a wardens' conference. Prison reform has been a topic of conversation for years. The problem is that all we've done is talk about it. If we can make a difference now, then this is the time to do it.

I get a little concerned about what's going on in the country in the field of corrections. I get concerned when I read articles about "Tear the Walls Down," or "the Keepers and the Kept," or "Community-Based Corrections." I don't get concerned because I'm a person who believes in huge prisons. I don't really believe in prisons. However, I haven't yet been able to find out the direction in which we're going to go. I know, as well as you do, that we can't just tear the walls down. If prisons are bad, the answer is not to end up with another bad program.

If you go through the country, you will find out what the public attitude really is. The public is worried. They are worried because we are talking about tearing down all prisons. They're worried about what we are going to do to protect them. And I think we have to be aware of this. I think we have to pay attention to the public.

Years ago we received a mandate from the public—by we, I mean people in corrections. We were told that in our society there are certain people who cannot live within society. They need to be protected and the public needs to be protected from them. We did a beautiful job of meeting that mandate. We built prisons all over this country. We built them in isolated areas. We really isolated them. We put huge walls up, and we put up guard towers. We took the individuals and we locked them in, and we locked the public out.

Today, we're talking about getting these people out into the community. We don't think we need the walls or the guard towers. That could very well be. Maybe we don't, but the problem is we don't exactly know who or what we're talking about.

You can find statistics that state that 80 percent of the people do not need to be in prison, but 20 percent do. I don't know where these statistics came from. If you asked a person who uses them, they'll say, that is a well-known national figure.

I run a women's insitution. I'm trying to find out what my population is composed of. I'm trying to find out: Can they make it in society with perhaps just a little help? We've been open not quite 2 years, and I don't know at this point. I know this much. We're trying furloughs, and work and training release. However, we're also finding that the crime the person commits does not necessarily mean that one individual is more disturbed than the other.

The public uses phrases like: Don't turn the dangerous ones loose—we don't want them in our community. However, can you and I define who they are talking about? Are we talking about a dangerous person based on the kind of crime he committed because that's all the statistics we have in the correctional field today? We have done a lousy job of classifying people. We don't know what our population has consisted of. Our classification system consists of minimum, medium, and maximum security. In a correctional system, if you're classified as a maximum person, that's pretty damn rough, because it's awfully hard to work from maximum to minimum. If you're classified as a minimum person at the start, then that's not so bad. You usually have to do something pretty bad to get up to a maximum classification.

However, if we're thinking that 80 percent of the people could be out, we've got to find out what we're talking about. I'm all for community-based corrections if someone will define community-based corrections for me. I maintain that the women in Purdy have had it rough enough in their lifetime that I don't want them to have to become a part of a program whose direction hasn't been defined.

I think it's up to people at this Conference to start taking on some leadership roles. In the community of Gig Harbor, when we were building our institution there, I was questioned by the citizens. They asked if we were going to get the "worst" ones there. I kept wondering what they meant by the "worst ones?" As I talked to citizens groups, I discovered that the "worst ones" referred to the murderers. Where did the public get the conception that murderers are the most dangerous people you can have in prison?

We could sit here and say that they got this impression from the newspapers, the radio, and TV. Tragically enough, they really got this impression from correctional people because we've spent years explaining our jobs. We've spent years telling them about the kind of people we have in our institutions. We've spent years selling them and ourselves short. At this time, we have some beautiful opportunities to do some experimenting in our own institutional structures to see what really can happen.

If your State has a furlough program, this is one of the best treatment tools you have ever had in institutional work. If your State has the work and training release program (where you get the people out of the institutions to see how they can do), these are good programs. If your State dose not have these programs, then you should push for them.

Another interesting thing is happening also. Having furloughs and work and training release is difficult, and it makes your job a heck of a lot harder. I've seen some States which have furloughs and work and training release, and then something happens. Then I've seen prison officials, correctional officials kind of withdraw and say, "We knew that program wouldn't work anyway." And just as willingly they give it up.

A year ago in June of 1971 we had a conference at Williamsburg. We brought in experts from all over to discuss the problems of corrections. The President had given us the direction to go in. We had opportunities to sit in workshop sessions to try to solve our problems. We had judges, lawyers, community, and correctional people all together.

Some beautiful things came out of that conference. Some good things came out of it. However, the overall attitude on the part of most correctional people was, "Oh well, it won't work anyway." I'd be willing to bet that most of them went back to their little abodes and went about their business as usual.

We resist change in the correctional field. I'm all for resisting change as long as we keep our minds open and really get in there and try. A little while ago I said I'm worried about what is happening. In the State of Washington, we have—and I'm sure every State has this—people standing up and saying, "We need community-based corrections. We need to get all the people out of prisons." I'm not sure that that's the direction to go, but if it is, then we need to figure out who is going to be in these community-based centers. What does it mean? If we don't do a good job, I'll tell you this much: Isolation is not where a place is located. Prisons are not just isolated because most of them were built out in the country. That's not what causes isolation. It's both the attitude of the public and corrections people that causes isolation.

We need to do a good job of planning for community-based programs. I'm almost willing to bet that if we don't do a good job of planning centers—whether they're right in the heart of a city, on the outskirts of the city, or whether they're out in the country—they will be capable of becoming isolated.

The first thing that's going to happen in anything you try to do—especially when you're talking about adult criminals as the public sees them—is that a psychological wall goes up. It isn't long before the real wall goes up.

The ratio which states that 80 percent of the people confined in prison can be out in the community and 20 percent need to be confined in prisons worries me. I don't think we've ever done a good enough job in prisons to determine that there are even 20 percent of the people who cannot be helped. I don't think we've done a good enough job to give up on people.

Personally, I cannot accept the philosophy that there are people who cannot be helped when we

haven't even tried. You and I know that we've done a lot of good things in prisons and we've done a lot of bad things. However, we have not tried to work with 100 percent of our people. You can blame it on the size of institutions. You can blame it on the lack of money, you can blame it on the lack of staff. You can blame it on anything else you want.

However, if we're going to say that 20 percent of the people in this country are the 20 percent we're going to give up on, if we're going to have prisons for them, you can imagine what those prisons are going to be like. They're really going to be isolated because we've already tagged those people as being the "forgotten ones," the "worthless ones," and the "useless ones."

We'll have some prisons around this country that will contain this 20 percent. You can give them beautiful titles. Hard-core is a popular term these days. What does hard-core mean? To most people hard-core means they can't be helped. These people are mean. They're nasty. They're everything else. However, they absolutely can't be helped.

Okay, we're going to put 20 percent of those out in prisons across the country. Then over here, we're going to be real good and we're going to put 80 percent of them into community-based programs.

We need to prepare the public, and we do a good job of planning. If a few of these people in community-based centers do something—they commit a crime or do something that arouses the anger of everyone—what's going to happen to them?

Let's say two people in one of those programs commit a crime. It's pretty obvious what's going to happen, isn't it? We're going to take those people and we're going to put them with the 20 percent because that's how we run our system now. We don't even have minimum, medium, and maximum in prisons. We've got minimum prisons, and we've got maximum prisons. And if you sneeze in the wrong direction in a minimum place, you can be transferred up the line and end up in a maximum place. We're used to that system in corrections; therefore, this is exactly the system we will use. I am willing to bet you that before too many years pass, those figures will change. There'll be 20 percent in community-based corrections and 80 percent in the isolated prisons. It isn't going to take us 100 years to undo that. It's going to take more years than we've put into corrections so far.

The only message I want to give you is that there are human beings in prison. There are human beings working in prisons. There are human beings out in the community. There are human beings working—trying to decide what's the best way to go.

However, I challenge correctional people and especially prison personnel. Quit sitting back and being negative. Stand up and take on leadership roles so that for the first time in history—if you don't believe me, go back and read the history books—we're going to really solve a problem, not compound a problem. That's what I perceive as the role of the prisons to be right now. We've got to take leadership roles because the future is now, not tomorrow.

I don't want to be a part of trying to run an isolated prison a few years from now. I want to be a part of trying to help people. Prison reform is a beautiful word, but it can be the most destructive word in history unless we really dig in and solve the problem.

Get in there and work with the public. Open the doors of your prisons to the public and get your prisoners out to see whether or not they can handle things. However, don't sit around and say, "Oh well, let 'em try it. They're going to find out it doesn't work." Too much time is lost that way. Let's take leadership roles. Let's do something with this magic figure of 80 percent and 20 percent.

You have the opportunity in the next few days, and you have the opportunity when you go back. We've learned a lot in corrections. We've learned what to do, and we've learned what not to do. Our biggest problem is we've spent most of our time doing what not to do, and very little time doing what to do.

Thank you.

Mr. Hughes: I've heard Mrs. Goodrich speak before, and it's always good to hear the concern and sympathy which is accompanied by the skepticism about vagueness, generalities, and lassitude. It's an excellent message, and I'm sure it'll give us a lot to talk about later on.

Our next discussion leader is Arnold Schuchter. He is the Director of Planning of the Massachusetts Department of Youth Services. He has a very impressive educational and experiential background. He has been a consultant to Arthur D. Little, Inc., in fields he'll discuss with you. He's been a writer. He's been director of an antipoverty program and a Manpower Administration program in the City of Boston. He was project planner and Chief of Rehabilitation Planning for the Boston Redevelopment Authority. He was an assistant town planner. He has a bachelor's degree from Harvard College and a master's degree in community and regional planning. He was in the Army Security Agency, the national security agency of the U.S. Army.

He'll be talking about another terribly important problem for corrections: "How Can the Resources Needed for Community-Based Corrections be Generated?"

Mr. Schuchter: Thank you. I assume that I am here this afternoon because of the experience that we've had in Massachusetts in closing down juvenile training schools. As a matter of fact, this week commemorates the end of the first year since we closed down all except one training school which was virtually phased out at the same time. I assume I'm also here because I bring a certain perspective from our agency and Massachusetts to the area of juvenile corrections. This is the result of the experience I've had over the past 10 years.

Out of the experience with urban renewal and rehabilitation came the fairly decisive conclusion that physical renewal basically deals only with the symptoms of the problems which we find in neighborhood decay. It certainly does not deal with the kinds of problems which the residents of those neighborhoods have to cope with on a day-to-day basis.

I came out of planning and directing Boston's antipoverty program and then administering its manpower programs. I came again to the definitive conclusion that we were only dealing with the symptoms of problems. We were establishing token and fragmented social service, educational, and job programs. None of them was really sufficient to overcome the basic problems of poverty, and certainly very few of them dealt with the whole problem of the lack of adequate income.

I also came out of the experience of 3 or 4 years working as a management consultant in public systems and found that most public systems—education, health, welfare, social services, corrections, renewal, et cetera—are working very badly. They're working very inefficiently and ineffectively, usually to accomplish the wrong objectives, which is certainly the worst kind of problem that any organization can face.

When I joined the Department of Youth Services in May of 1971 to work for Commissioner Miller, essentially I was hired to plan the phasing out of the juvenile institutions, and also the State's juvenile corrections agency. I was supposed to do that by January 1974, and if possible, as early as June 1973. If things continue to go as they have been going in Massachusetts, not only have all the juvenile corrections institutions been phased out—except for one or two intensive treatment facilities for a limited number of youngsters, one or two small secure detention facilities—but also we will have phased out the department of juvenile corrections. We will have integrated that department with the State's family and children's services agency and broadened the whole scope of services that are available to juveniles.

I think it is very important to have this perspective in mind as you listen to the things I say—some of which may sound like overstatements, if not radical statements. These statements come out of a long-term experience in dealing with public programs which were not only inefficient and ineffective, but also were seeking to accomplish the wrong objectives.

I commend the Commission for the job they have done on these voluminous reports. A tremendous amount of work went into the reports. However, I am concerned because I think in the bulk of the report, many of the real issues of justice and crime reduction have tended to become lost or overshadowed. This situation comes out of the definition of problems and goals, as well as the choice of implementation strategies.

I would like to talk about a few general things as a framework for a much more specific discussion about the development of community-based programs—such as philosophy, goals, ideology, and leadership in changing correctional systems and programs. Leadership without a clear, strong philosophy or ideology is nonleadership. Essentially, it is very determined individuals who wind up spinning their wheels over time because they don't have the sufficient commitment to a clear set of principles which they are working on to sustain them through hard times. There is no question that deinstitutionalization in the juvenile or adult corrections field is a very tough business. It's a tough business of organization, planning, politics, hustling resources, and honestly coming to grips with many problems.

These problems have been swept under the carpet for many years. There is a continuing tendency to keep sweeping these problems under the carpet because it makes life more comfortable. If the agency itself doesn't have to face up to those problems or spell them out to the community, it eliminates or modifies a number of potential political problems which an agency that's committed to community-based programs can run into.

What we've done in Massachusetts has not been easy. It's been very tough. However, the toughest job has been to be honest and consistent about the principles which we were applying and the things which we were doing. I see the basic issues—the reduction of crime versus the salvaging of human beings—getting lost. When I take a look at the juvenile field, I think we're talking about the salvaging of youngsters—regardless of what is said in adult corrections. We're only talking secondarily about crime reduction. This applies particularly when we examine the kinds of crimes for which youngsters are adjudicated and committed to State correctional institutions.

We are talking about the attack on lawlessness versus improving the quality of urban life. I worked for 5 years in the planning business, walking the

streets, knocking on doors, seeing the children and their families. Having intimate knowledge of every facet of inner city community life in the East and Midwest—I can't help but feel that our attack on the lawlessness is an attack on the symptoms of problems that are problems of deterioration of the quality of urban life. These are problems of deprivation—social, economic, and political. There's a dichotomy here that has to be recognized.

We have to focus intensively either on the attack on crime and criminality or we have to give primary recognition to the restoration of a quality of life in our cities. In particular, this restoration should enable people to function as decent, whole human beings.

We have to be talking about either the reform of the criminal justice system or the reform of the entire human service system including the increase in social and economic opportunity. We've been struggling with this in Massachusetts as we've been going through a planning process to reorganize the entire human service system of the Commonwealth.

It's interesting to note that in the planning discussions on the reorganization of the human service system, there was only the briefest mention of the way in which the reform of the State's adult correctional institutions fits into the State's human service system. There was very little discussion about reform of the criminal justice system as a whole, of which corrections is a part, and virtually none of the placing of corrections within the human service framework.

There was discussion of juvenile corrections for two reasons. First, children were put in the context of the human and social welfare system by virtue of the fact that they were children. Second, the State juvenile corrections agency was very militant, aggressive, and advocacy-oriented in the planning and implementation. The planners of human service reorganization did not have a chance to forget what happens to children that are caught up in the juvenile justice system.

Should our focus be on the prevention of disorder or the prevention of anarchy? We can see anarchy escalating in the loss of confidence in both the public and the moral authority of our institutions. The disorder is symptomatic of a loss of authority in the public sector. It is hard to explain to these youngsters that we are trying to develop positive attitudes toward community life and responsible roles for citizens in the community. It means that they have to adopt more moral and ethical behavior than the public officials at national, State, and local levels of government. This is a very fundamental problem.

If one deals with issues honestly, we continually run into some dilemmas of explanation. For example, we deal with youngsters who see themselves as victims of racism, and institutions which are unsympathetic and insensitive to their backgrounds, needs, and conditions in life. This is a very tough problem which has to be confronted. And it has to be part of whatever kind of ideology or philosophy which one has about reform in juvenile corrections. We can't simply narrow our frame of mind.

I have heard much discussion at the Conference, and there is much emphasis in the report on new tools and techniques for management. Having spent a great deal of time working with new tools and techniques for management in either the public or private sectors, I have a certain amount of healthy skepticism about the potential use of those tools and techniques without a certain kind of leadership and spirit. Do we need more tools and new machinery or do we need new assumptions about the resources we have to manage? The tools of management, fiscal analysis, and computers are only as good as the good judgment, sense, and spirit with which we manage them.

These are the kinds of things that I would have liked to have seen emphasized in the report. In my opinion, you cannot reform a system based on the wrong assumption. You cannot reform a correctional system or a justice system if you have a wrong assumption about what constitutes justice and equity for individuals. At best, I think, if we slavishly carry out all of the recommendations in the volumes which are being produced for this Conference, we are likely to produce a more efficient system of ultimate ineffectiveness.

We are going to improve the efficiency of the administration of justice. This is what I am concerned about, because I see it happening even within our own State—within our own system, where we're very attentive to the needs for justice and advocacy. We're discovering that we must mobilize the greatest part of our resources—for advocacy and justice for individuals—to achieve equity for them at every stage of the juvenile justice process. Equity doesn't happen on its own. You can't reform the system simply by putting in a systems chart, marking out the critical path, determining the distribution of manpower, allocating funds, and setting up administrative machinery. The adults and youngsters you're trying to help to obtain justice and equity may still get the short end of the deal.

The Commission's report neglects to make a commitment to goals of remedying poverty, racism, sexism, failure of national priorities, and corruption of public responsibility. People have said that the President's Crime Commission report went overboard in attributing the causes of crime to social, economic, institutional, and political phenomena.

However, I think we've gone in the other direction in the Commission's report by undervaluing the significance of those phenomena. There isn't enough commitment here, particularly if we look at the populations of youngsters with whom I am most familiar—the youngsters who are winding up in the juvenile justice system. The youngsers who are adjudicated, committed, and recommitted are tending to have a very clear pattern. These youngsters are poor, black, minority, and extremely vulnerable to the system. This fact has to be confronted openly and frankly. It has to become part of the public education process.

There also has to be a commitment in this report not only to the reform of criminal justice systems, but also to the human service systems of State and local governments. In the final analysis, the responsibility for social justice rests with the entire framework of services that government provides—be it in the social service or legal judicial system.

In the movement from essentially institution-based systems to community-based systems, if you piece together imperfect and inadequately conceived programs, services, systems, or manpower, either within the juvenile justice or the criminal justice system, your result will be highly imperfect. We have a Balkanization in the whole criminal justice system which we're trying to carve out into a common area of territory for concern. We are trying to get unified, integrated, systematic, and coordinated programs and operations. We do need more systematization and organization. However, even without system and organization, there can be a tremendous amount of movement.

When I joined the Department of Youth Services in Massachusetts, it was not prepared at all to move into community-based programs. I can envision no agency that could have been less prepared except if it lacked necessary legislative mandates. The legislative mandates and the few necessary resources are very essential. I am not underestimating that fact.

In order to move into community-based programs, juvenile corrections has to have control over pretrial detention facilities and programs, as well as the authority to provide alternatives to secure detention. I say that categorically based on our experience. If a juvenile corrections agency doesn't control the detention period and what happens to the youngsters during that period, you can almost forget about a successful community-based program. You have to use the time between arraignment and the remainder of the adjudication process to prepare service plans to divert these youngsters from the system.

One hundred percent of our 6,000 youngsters per year formerly went to secure detention facilities. Now, only a fraction of that number have to go to secure detention facilities. Approximately 600 to 700 youngsters per year need to go to secure detention facilities. In this calendar year, we will have 2,000 youngsters who move into shelter care facilities under contract financed in part by the Law Enforcement Assistance Administration and in part by the State. Two thousand eight hundred youngsters moved into foster care detention. This is critical, not only to the diversion process but also to a youngster's problems and needs at this stage. Otherwise, when he finally does get committed to the State's corrections agency, then you must scramble to figure out what his needs are and what kind of resources are available.

You have to have control. I say this categorically over the postadjudication dispositional decisions. Now this will "rock" some people. However, when you look at the entire process of diversion to or placement in community-based resources, the agency which is administering or funding those community-based resources has to be able to make the decisions about which youngsters go where, for what reasons, and retain the responsibility for what happens to those youngsters. The court adjudicates and commits.

In Massachusetts, another essential ingredient is to have the statutory authority for the court to refer—not to commit—to the State juvenile corrections agency. This raises a number of issues that are not adequately addressed in the Commission's report. Such issues include the protection of the rights of youngsters in the dispositional process when that process is administrative rather than judicial.

For the State juvenile corrections agency to move into a community-based program, the agency has to be able to regionalize itself and decentralize its administrative process. This is essentially what the department did. There were no regional operations or decentralized decisionmaking processes. Parole agents were doing their own thing around the State without any real accountability to the departments. After a year, we set up seven regional operations. We moved the authority out into those regional offices to engage in and be responsible for the diversion process, postadjudication placement process, and the followup process. There were standards and guidelines for evaluating and monitoring that process carried on by the central agency.

In Boston, everything is concentrated. You're remote from the children, youth, and adults. You have to regionalize and get as close to the community, which you are asking and telling to be responsible for juvenile corrections, you have to become close to all community agencies with which you have to deal, and you have to develop resources.

Obviously, the State's correctional agency also has to have the budget. This is something that cannot be underestimated. To begin with, one doesn't need a large budget. Later on, I hope you'll ask questions that inqure in detail about finances, administration, and flow of kids into different kinds of programs. The amount of money to begin with is not as important as the commitment to proceed. As time goes on, the amount of money does get considerable. We are talking about money that can be spent flexibly for the purchase of services in community-based programs.

We'll hear discussions at this Conference about the savings that come about in the movement from institutions to community-based programs. I think that there is a certain amount of truth to that, but there is also a great deal of arithmetic Mickey Mouse involved in it. I would like to talk about all the arithmetic Mickey Mouse related to recidivism rates, with finances and other aspects of this whole notion of community-based programs. This is where the real issues are, when you look at the problem of resources. People are playing with numbers. Personally, I'm not going to play with numbers.

When institutions are full, there's a low annual per capita cost. When institutions are not quite as full, per capita cost goes up. So you can compute the annual per capita cost of maintenance of an inmate in an institution when the institution is full and it's lower. When the institution is, as our institutions were, only half full, it's higher. We were able to say that in 1971 it cost us $10,462 per youth to keep them in an institution when the institutions were half full. If they were completely full, it would have been $5,231.

If you look at the movement into a community-based program, you have a whole variety of resources which you are trying to draw on and develop—foster care, alternative education, jobs—as well as resources which you actually buy and subsidize—social services, individual and group counseling, residential group programs, boarding schools, and so forth.

At the moment our department works with over 200 agencies. There are 500 youngsters that are in residential programs, 350 in foster care, and hundreds of kids in private schools or alternative schools. We have 150 youngsters in jobs which we subsidize or pay for entirely. We draw on Neighborhood Youth Corps programs. We'll do anything and we have done anything that seems to make sense for these youngsters.

The fact of the matter is that the cost can get high, particularly if you're dealing with youngsters who need more than one service. These needs may include a group home, alternative education, psychiatric care, and medical care. In the final analysis, the per capita cost of moving into community-based programs can be lower in several areas.

If you don't have a full range of programs, each youngster gets only a token amount of services. If you only provide services to a limited number of youngsters, your per capita costs will be lower. We are not contending that in Massachusetts all youngsters are receiving services at a given time. In fact, about half the youngsters on parole status in the community are receiving services at a given time. That doesn't mean that the other half doesn't receive services at any time during the year. Some of them receive no services, except for parole supervision. Judgments have to be made about which youngsters do receive the services, and which don't.

We may be spending $20,000 per year on some youngsters, $500 on others, and putting $5 per week in the pockets of still others to keep them out of someone else's back pocket. It all depends. What we're saying here at this Conference is that institutions don't work well. These institutions are not working well enough to justify their perpetuations.

It's not simply a fiscal matter. Of course, we have to talk about fiscal matters with the public to assure them that we're not talking about more extravagant social welfare programs. We're not talking about raiding the public purse. We're talking about doing more for less. This is, of course, the position we take on everything we do which is supposed to be good.

There are a number of things that I wanted to cover, such as the serious offender. When you get down to community-based programs the question is raised: "What about the assaultive youngster, or the serious offender? How do you deal with him in a community-based setting?"

I am very pleased to be able to be here not to sell what has been happening in Massachusetts because I do not believe that experience necessarily transfers from State to State, or from community to community. There are usually some very unique ingredients which can't be duplicated.

However, what I am saying is that when you take the movement from institutions to community-based programs you can break it down into philosophy, organization, administration, personnel, movement of kids, information and management systems, and monitoring and evaluation systems. There is experience indicating what the relative importance and usefulness is of these various pieces of institutional change. There is a lot of risk involved. There is political flak. However, it's worth doing it. It's hard, but it's also sometimes even fun as well as gratifying.

Mr. Hughes: Ladies and gentlemen, you've just heard three great basic foundation statements. For 2 or 3 years I have been particularly concerned with corrections, being chairman of the American Bar Association Corrections Commission, going to these conferences, and running around meeting and hearing a lot of all of you like Arnold. I am constantly inspired and surprised at and edified by the dedication—not only dedication in the sense of commitment, but the restless agitating and discontent with the status quo. One hears from these corrections experts on all levels how terrible that status quo is. It's been a very enriching experience for me and certainly has been added to by the things that I have heard this afternoon.

Third Conference Session — "Special Issues;" Thursday, January 25, 1973, 10:15 a.m.

CORRECTIONS 4 — "Juvenile Justice"

FORUM COORDINATOR: **Fred Ward,** National Council on Crime and Delinquency, Hackensack, N.J.

DISCUSSION LEADERS:

Ted Rubin, Director, Juvenile Justice, Institute for Court Management
"Should the Purview of the Juvenile Court be Restricted to Juveniles Charged with Crime?"

Howard Higman, Chairman, Department of Sociology, University of Colorado
"Should Responsibility for the Care and Treatment of Juvenile Delinquents be Removed from Corrections?"

Rosemary Sarri, National Assessment Study of Correctional Programs for Juvenile and Youth Offenders
"How Can Jailing of Juveniles be Stopped?"

Mr. Ward: Our first speaker is Judge Ted Rubin. He is the Director of Juvenile Justice at the Institute of Court Management in Denver, Colo. He has been a judge with the Denver Juvenile Court, a State representative in the Colorado House of Representatives, and a consultant to the President's Crime Commission, and the Joint Commissioner on Correctional Manpower and Training. The author of *Three Juvenile Courts,* a comparative study, he has also been published in law and other professional journals.

Judge Rubin is going to present a paper on: "Should the Purview of the Juvenile Court be Restricted to Juveniles Charged with Crime?"

Judge Rubin: The title of my speech should be: "Should the Purview of the Juvenile Court be Restricted to Juveniles Charged with Crime?" I have changed the title to read: "Noncriminal Conduct by Juveniles Should be Phased Out from the Punitive Powers of the Juvenile Court."

Until 1968, the South Dakota Juvenile Court Statute gave the following definition of the delinquent child:

> . . . any child who, while under the age of 18 years, violates any law of this State or any ordinance of any city or town of this State; who is incorrigible, or intractable by parents, guardian, or custodian; who knowingly associates with thieves, vicious, or immoral persons; who, without cause and without the consent of its parents, guardian, or custodian, absents itself from its home or place of abode; who is growing up in idleness or crime; who fails to attend school regularly without proper reason therefor, if of compulsory school age; who repeatedly plays truant from school; who does not regularly attend school and is not otherwise engaged in any regular occupation or employment but loiters and idles away its time; who knowingly frequents or visits a house of ill repute; who knowingly frequents or visits any policy shop or place where any gaming device is operated; who patronizes, visits or frequents any saloon or dram shop where intoxicating liquors are sold; who patronizes or visits any public poolroom where the game of billiards or pool is being carried on for pay or hire; who frequents or patronizes any wineroom or dance hall run in connection with or adjacent to any house of ill-fame or saloon; who visits, frequents, or patronizes, with one of the opposite sex, any restaurant or other place where liquors may be purchased at night after the hours of nine o'clock; who is found alone with one of the opposite sex in a private apartment or room of any restaurant, lodging house, hotel, or other place at nighttime or who goes to any secluded place or is found alone in such place, with one of the opposite sex, at nighttime with the evident purpose of concealing their acts; who wanders about the streets in the nighttime without being on any lawful business or lawful occupation, or habitually wanders about any railroad yards or tracks, or jumps or attempts to jump onto any moving train, or enters any car or engine without lawful authority; who writes or uses vile, obscene, vulgar, profane, or indecent language, or smokes cigarettes or uses tobacco in any form; who drinks intoxicating liquors on any street, in any public place, or

about any school house, or at any place other than its own home; or who is guilty of indecent, immoral, or lascivious conduct.

If anyone here grew up in South Dakota, he was subject to being brought before the juvenile justice system. This legislative policy to persuasively engineer middle-class moral values, to reinforce such traditional institutions as the family and the school, and to optimistically expect that juvenile court mystique would both save children and save us from children, was not limited to South Dakota lawmakers. While in November 1972, American voters decided that what was good for South Dakota was not good for the Nation, lawmakers in South Dakota—one of the last States to enact a juvenile court statute—had decided that an all-encompassing juvenile court jurisdictional clause, similar to those enacted throughout this Nation, would also be good for South Dakota.

It used to be that everyone had positive feelings about the juvenile court. This was a long time ago. Its power and prestige were indeed utilized to mobilize community agency resources in an effort to help our youth, and, in turn, our communities. The age of psychology was dawning, and deviance was commonly explained by psychological referents.

If a child continuously truanted from school or had troubles with his parents or smashed another kid in the nose or stole a newspaper vendor's loose change, the child must have psychological problems, and he needed treatment.

As psychiatrists opened private offices to treat the problem-ridden children of the rich, the children of the poor were referred to juvenile courts and, in turn, to probation officers, child guidance clinics, and social agencies.

Probation officers, mental health clinicians, social agency social workers, school teachers, principals, and even parents admonished their children that if they failed to conform to community norms, the judge had a terrible place to send them to—the State training school. When the ax finally fell and commitment had been ordered, judges would frequently urge those youth to get as much as they could from the training school because it really wasn't such a bad place after all. Even today, it is believed that anywhere from 60 percent to 90 percent of girls enclosed in our State training schools were found to have committed nothing more serious than crimes of runaway, incorrigibility, or habitual truancy.

For a long time we permitted the juvenile court to work isolated from public scrutiny. State supreme courts kept saying that the Bill of Rights did not protect children since the purpose of the juvenile court was rehabilitation, not punishment.

Lawyers acceded to this because it was not remunerative to try a case in juvenile court, and probation, at any rate, was a good break for the kid. It was better to stay on friendly terms with the judge than to challenge this strange and informal procedure known as the juvenile court. This was foreign territory to attorneys conditioned to the regularized procedures and the better defined body of law in other courts.

Schools and social agencies acquiesced to the court's unbridled powers because troublemakers could then be taken off their hands.

Newspaper reporters were content to publish annual juvenile court statistical reports and an occasional bizarre juvenile offense. The court's basic clientele—the urban poor—were, as usual, powerless, and in their fatigue often thanked the judge for institutionalizing their child so that they wouldn't have to worry about him getting into trouble for several years.

After the second great war, our society became very different. By the 1960's, law and the United States Supreme Court had become an even more potent force in determining our values as a nation. For the first time, in 1966, a juvenile delinquency case received the full attention of the nine justices. The juvenile court came in for a serious public spanking. The juvenile court, said the high court, must become a court.

The juvenile court was getting it also from other sources—J. Edgar Hoover, local police chiefs, the not-so-silent majority, retail shop owners, victimized home and automobile owners, and frazzled school officials—all for being too lenient. It was getting it also from legislatures which didn't think their money was being effectively spent, from mental health professionals who felt the court's rehabilitation work was sloppy and lackluster, from sociologists who believed that one-to-one probation counseling would never get us anywhere with the problem, and from minority groups and poverty organizations who perceived a racist milieu about the court and who were concerned about the disproportionate percentage of their youngsters who were institutionalized.

The soaring number of youngsters brought to its attention was also new to the juvenile court. Another new force during the past 5 years or so has been the defense lawyer. In 1967 the U.S. Supreme Court mandated that the Bill of Rights and the 14th amendment applied to children, and that one of the rights for children was the right to counsel. Many juvenile courts now echo with legal challenges.

The enormous volume of cases and the growing frequency of formal court hearings and trials is compelling judges, attorneys who practice in these courts, probation and detention staffs, and justice

system planners to find ways to keep those youngsters who are not serious or repeated offenders out of the system.

The President's Commission on Law Enforcement and Administration of Justice said in '67 that: "Any act that is considered a crime when committed by an adult should continue to be, when charged against a juvenile, the business of the juvenile court."[1] However, "Serious consideration, at the least, should be given to complete elimination of the court's power over children for noncriminal conduct."[2]

An issue during the 1960's involved the legislative separation of criminal conduct by juveniles from noncriminal conduct by juveniles, and the provision of a less harsh label to describe the latter, along with some effort to restrict the power of the juvenile court judge to place these latter children in State delinquency institutions.

This separatist movement apparently began in California in 1961 with the creation of the Section 601 noncriminal conduct provision, which was distinguished from the Section 600 dependency/neglect statute, and the Section 602 criminal conduct (delinquency) statute.

Section 601 in California's Code brought within the court's jurisdiction the child "who persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardian, custodian, or school authorities, or who is beyond the control of such a person, or any person who is an habitual truant from school within the meaning of any law of this State, or who for any cause is in danger of leading an idle, dissolute, lewd, or immoral life . . ."[3]

The following year, the New York Family Court Act created a somewhat similar child and called him a person in need of supervision (PINS), and 3 years later, Illinois legislators created minors otherwise in need of supervision (MINS). In 1967 Colorado's Childrens Code termed it CHINS, or child in need of supervision, and about half of our States during this last decade have now legislated a separate category, which is also known in Georgia as unruly child and in Florida as CINS. However, in the remaining States, this child is still known as a delinquent child and remains undifferentiated as to both label and institutional sanction.

For the purpose of simplification, let us call this child CHINS, which appears to be the most commonly accepted title. The CHINS concept essentially embodies three types of juvenile noncriminal conduct: runaway, incorrigibility, and habitual truancy. Some, but not all, CHINS statutes also include certain other conduct illegal only for children: juvenile possession or use of alcohol, juvenile possession or use of tobacco, and violation of juvenile curfew ordinances. Whatever you call them, these children frequently represent a significant percentage of the juvenile court workload.

During 1971 in Utah—where all six of these violations are still called delinquency—1,860 juvenile alcohol offenses, 1,421 juvenile tobacco possession offenses, and 1,064 curfew offenses were referred to Utah juvenile courts. These three types of violations, along with runaway and incorrigibility, represented five of the seven offenses most frequently referred to in the Utah juvenile courts this year. In Montana in 1971, liquor violations represented the most commonly referred juvenile offenses—24 percent of boys' referrals and 25 percent of girls' referrals. Furthermore, a recent study of the juvenile court in Seattle revealed that, other than homicide, referrals for ungovernable behavior had the greatest likelihood to become formal petitions, and that ungovernable children were detained longer than any other referral category.

From a child's viewpoint, it is better to run away from Colorado, where he or she would receive judicial treatment as a CHINS, than to run away from the neighboring State of Utah where the juvenile would be known as a delinquent. Aside from the softer label, this child has frequently ended up in delinquency institutions despite attempts to restrict or limit this practice in Colorado, California, Illinois, and other States. These three States, among others, not only provided that delinquency was a violation of a law—which if one were an adult would constitute a crime—but also that delinquency could also be found for a violation of a lawful order of court.

Placing a CHINS on probation for a runaway, when followed by a subsequent runaway, resulted in a delinquency petition for violation of a lawful order of court, i.e., a rule of probation. Proof of the new delinquency charge could then result in a delinquency institution commitment. This oblique procedure, which was struck down by a Colorado appellate court in 1971, has now been legislatively prohibited by Illinois since 1972, and is being challenged in California at this time.

Earlier, legislative restrictions on what a judge could do with a CHINS had been weakened in New York and in other States where the failure of public and private social agencies to create effective rehabilitative alternatives led judges to commit these youngsters to delinquency institutions anyway or led legislators to amend the law to allow these youngsters

[1] President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society*, Washington, D.C.: Government Printing Office (1967).

[2] *Ibid.*

[3] California State Laws, Section 601.

to be placed in State delinquency centers. Two informed observers have termed the distinction between CHINS and delinquency a "cruel hoax" due to the failure to adhere to restrictions on dispositional alternatives.

I would like now to review the major reasons we instituted the CHINS concept, and then suggest why we should now abolish it—not to return juvenile-only violations to the former delinquency category, but to allow for their inclusion only within the other major category of juvenile court jurisdiction, the neglected child.

First, juvenile courts have not effectively rehabilitated runaway, incorrigible and school truant children. In 1970, Chief Judge David L. Bazelon of the U.S. Court of Appeals of the District of Columbia, advised a conference of juvenile court judges, ". . . We ought to stop fooling ourselves and the community. You ought to tell the community that you are failures—yes, failures—at preventing delinquency and crime. As long as the community views you as a prevention agency and refers its social and behavioral problems to you, the root problems will not be attacked."[4]

Second, noncriminal violations—believed to constitute one-third of the million or so youngsters referred to juvenile courts annually—require a disproportionate amount of time and energy from detention and probation services, and divert staff energies away from that conduct which more seriously endangers the community.

Third, the fairness principle, which states that adults who run away, drop out of college, or refuse to follow their parents' suggestions, face no court sanction.

Fourth, the language describing these juvenile noncriminal actions which are subject to court intervention is vague. The California provision, ". . . who for any cause is in danger of leading an idle, dissolute, lewd or immoral life," was struck down as unconstitutionally vague in 1971. Furthermore, New York's Wayward Minor Statute—which subjected youth between the ages of 16 and 21 to court jurisdiction—had one provision ruled impermissibly vague 13 months ago, its jurisdictional clause over one who, "is morally depraved or in danger of becoming morally depraved." Not all such legal challenges have succeeded, but it can be safely predicted that similarly vague statute definitions will fall for failure to meet constitutional requirements.

Fifth, there is the consideration of labeling and stigma. Even the softer label of CHINS is still a label. Instead of being only a nonreader, a boy has become a court kid. Instead of being only an escapee from an intolerable family situation, a girl bears the lifetime stigma of juvenile institutionalization.

Sixth, the State has weakened parental responsibility by too readily agreeing to accept a share in their children's care, and by too often weakening the family's ability to resolve their own problems.

Seventh, the juvenile court—by holding the door wide open to those whose behavior is troubled or troublesome—has weakened the responsibilities of schools and community agencies to arrange out-of-court solutions. The court's message, in the words of Judge Bazelon to the other judges, was " 'If we don't act, no one else will.' [but] I submit that precisely the opposite is the case; because you act, no one else does." [5]

Eighth, there is racial and economic discrimination. In short, the troubled and troublesome children of the poor tend to be referred to juvenile court, while the children of the rich are referred to private psychiatric and educational resources.

Ninth, a charge of delinquency places the essential burden on the child for his actions. The CHINS ground suggests a more interactive responsibility—that the supervision of the child has lacked parental effectiveness.

I would propose that a major issue for the 1970's is whether—having made strides in separating CHINS from delinquent youth—we should not take the next giant step and remove CHINS children from the scope of the juvenile court's punitive powers. This is no easy matter.

At a California conference on delinquency prevention in February of 1970, I suggested that prior to any legislative elimination or further recasting of the State's interest in these children, some California court should globally exercise its discretionary intake powers and administratively refuse to file a single CHINS petition for a 2-year period so that the subsequent behaviors of these children could be compared with children formally processed in a comparable court. No court accepted this challenge.

Then I suggested a 50-percent CHINS diversion model, with half of these youngsters referred automatically to outside community agencies and the other half filed on automatically. A third proposal was an automatic diversion of one-third to other agencies, several counseling interviews to a second one-third, and automatic filing on the final one-third.

Shortly thereafter, the California Council on Criminal Justice funded an adaptation of these latter proposals on the initiative of the Sacramento County Probation Department in conjunction with the Center on the Administration of Criminal Justice, Uni-

[4] Judge David L. Bazelon, address to Conference of Juvenile Court Judges (1970).

[5] *Ibid.*

versity of California at Davis. Four days and nights each week a specially trained crisis intervention team provides immediate and short-term intensive counseling services to all children referred for CHINS violations. The other 3 days and nights each week, standard intake screening is performed by intake probation staff. Days are rotated monthly. The project staff has a mission to avoid detention and to avoid a formal petition if at all possible.

Of children referred during February 1971, 9 percent of the project youth were detained in juvenile hall, 61 percent of the control group youth. Furthermore, project youth had an average of 0.1—one-tenth of one percent—nights in detention as a result of initial handling, while the control group youth spend an average of 5.3 nights in detention.

Baseline data gathered in the 3-month preproject period reflected that 30 percent of such referred youth received formal petitions. Before the project began, they saw how many CHINS were filed on. The figure was 30 percent. During the first 9 months of the project, the experimental group—the project kids—were filed on only 2.2 percent of the time while control group youth received formal petitions 21.3 percent of the time. Recidivism rates were also prone to these prcentages. Here was an intensive crisis service for the kind of kid we're talking about—avoiding detention, avoiding filing, and with recidivism rates lower by 10 percent than the group that was getting no special services.

Cost studies attribute significant probation department savings to the diversion project. This project was tried in one California county. It has been followed up with similar projects in Alameda County and San Diego County. Working with this kind of child, we can almost do away with filing and detention, and we can keep this youngster out of the system.

There is a national concern to eliminate victimless crime statutes from the statute books. This refers to adults. Such adult offenses include public drunkenness, drug use, gambling, vagrancy, and perhaps prostitution. However, let's talk about children. After all, this is the thrust of the Commission's report. If victimless crime should be eliminated as an adult offense, its analogies in the juvenile system—most of which are in this area I've described—should also be repealed.

However, let us not expect 50 States instantly and unequivocally to embrace and implement the removal of the nondelinquent child from juvenile court jurisdiction, just because this task force and National Commission has set this as a standard.

Many judges prefer it the way it is. Many children's agencies prefer to dump these youngsters on the court. Probation officers often prefer these kids to "real delinquents." Staff members of girls' delinquency institutions would lose their jobs since their schools would be forced out of business. Public school principals and teachers will have to find other ways to get rid of their troublemakers. Law enforcement officers will have to spend more creative energies doing the right thing for kids.

Parents will have to stop threatening their kids with the court, and put more of themselves into the solution. And all of these groups have political potential and can organize to defeat what we would do, or reverse what we will have done, if the diversion resource development proceeds too slowly and too meekly.

To abolish legislatively the CHINS ground overnight would cause enormous disarray to our communities. This would be true even though States move at an uneven pace with juvenile code modernization. As with the history of the enactment of initial and more recent juvenile court acts, if a few States take the leap, more would follow, and legislative enactments would crawl back and forth across the country over 10 to 20 years.

However, I would urge three things.

First, Sates should repeal their CHINS jurisdiction or that part of their delinquency jurisdiction that may include the noncriminal conduct offenses and repeal such juvenile-only offenses as curfew, and tobacco and alcohol possession. The effective date of such change should be 2 years from the date of the enactment of the legislation. The purpose of this phasing-out time space would be to serve notice on the community that within the decreed period it must erect alternative out-of-court handling methods for these youngsters. Pending this legislation, statutory intake discretion should be exploited to curtail, if not eliminate, CHINS formal petitions.

Seond, juvenile code privisions as to the dependent/neglected/deprived child should be reviewed and possibly recast to enable the more severe CHINS situations to be encompassed within this nonpunitive jurisdiction of the court. Virtually all juvenile codes prohibit the court from imposing punitive sanctions, such as delinquency institutions and ranches, fines, restitution, or compensatory work experiences on this child.

We have used new detention alternatives. A St. Louis program assigns five youngsters to a paraprofessional instead of detention. A Salt Lake City program has a network of 80 individual and group shelter beds instead of locked detention. If a chronic runaway failed to respond to our efforts, we might need to find some way temporarily to secure this child. Yet, there must be alternatives to that, too.

If we classified these children as neglected or delinquent—delinquent including only those viola-

tions of law that would constitute a crime if committed by an adult—we would have a serious problem holding these youngsters in temporarily secure custody. As judges or ex-judges we all know of cases where a child runs away from Denver to Ohio, we bring him back, and the next day he runs away to California.

Third, the successful execution of the designs set forth hinges on how well we develop and implement the alternatives we will need in our communities and States. Unless we create effective alternatives, repression will result, and we will go back to branding these kids again.

There will be many failures with this proposal. However, we must keep in mind the findings of a recent California legislative report on this issue, which states:

> No one can prove that truants who become wards of the court end up better educated than those who do not. No one can show that promiscuous teenagers who are institutionalized have fewer illegitimate children than those who are not. Nor can anyone show that runaways who become wards of the court end up leading better adjusted lives than those who do not. Finally, no one can prove that unruly, disobedient minors who come under court supervision end up in prison less often than those who do not.

Thank you.

Mr. Ward: Our next speaker is Dr. Howard Higman, chairman of the department of sociology at the University of Colorado. He is a Director of the Center for Action Research and he is operating programs for the U.S. Department of Labor in the area of new careers. He is also operating a program for the U.S. Justice Department under the Law Enforcement Assistance Administration. He also has a program for the Office of Economic Opportunity and the Department of Health, Education and Welfare's Youth Development and Delinquency Prevention Administration. I wish I had more time to talk about some of the imaginative things that this man does.

I know that the Marines have put their people through survival training in the jungle. Dr. Higman has done a similar thing by putting people through a kind of social survival training getting them to identify with the problems of people of a different culture and social status. I think he's probably one of the most imaginative sociologists on the scene today.

Dr. Higman will speak about alternatives for these youngsters both inside and outside of corrections.

Dr. Higman: Thank you.

I have been asked to address myself to the question, "Should responsibility for the care and treatment of juveniles be removed from corrections?"

In order to do this I would like to address myself to several different things: first, the meaning of the words "juvenile delinquents;" and second, the meaning of the word "corrections."

We did not use to have juvenile delinquents. I vaguely recall a creature called "Peck's bad boy." Before the days of Judge Ben Lindsey, we have some evidence of the notion that some girls and some boys behaved the way they did because they were possessed by the devil. The solution to that problem, of course, was to beat the devil out of them.

The human race has, by and large, gone through three hierarchical evolutionary stages in its conception of any problem, even though the problem might not, at any given moment, be at the same stage as other problems. The first stage may be labeled as a perception of events as a consequence of luck, fortuity, or the invasion of good or bad spirits, requiring vengeance and revenge. Although no one person is responsible, there are clearly required rituals to maintain and to avenge. Perhaps the last stronghold of this view in international relations was represented by the Treaty of Versailles.

At a later evolutionary period we have the invention of crime, responsibility, and punishment. This was the level of thought at the time of the Nuremburg Trials and is largely the way college professors give and withhold college credit. In my own opinion, this is the proper way to rear one's own children. This view merely states that the child will learn most rapidly if he suffers the consequences of his own conduct.

A professor I know objects to the word "suffers." I can't find any other word. He says I'll be misunderstood. This view merely states that the child will learn most rapidly if he sees what happnes to him as the consequence of his own conduct. This view was espoused in one of our excellent early alternative child-rearing books, *Challenge of Parenthood* by Rudolf Dreikurs.[1]

Finally, we come to the third level where crime, responsibility, and punishment are replaced with disease, diagnosis, and therapy. This was the aim of the Marshall Plan and UNESCO in international conflict.

With the young we have an exciting array of words—"bad boy," "incorrigible," "CHINS," "601," "deviant," "juvenile delinquent," "J.D.," "truant," "status offender," and "offender."

How is it that the behavior of the young has seemed to become an increasingly extensive problem as each year goes by? Let me cite several facts that tend to give a false illusion of an increase in antisocial behavior on the part of young persons.

[1] Rudolph Dreikurs, *Challenge of Parenthood*. Hawthorne Press (1948).

First, there are increased efforts in counting and recording individual acts that are deemed by someone to be antisocial. On one Indian reservation the head of law and order said to me, "If the Bureau of Indian Affairs (BIA) would give me one more officer I could double the crime rate here."

Second, there is the breakdown of the isolation of various ethnic groups from physical contact with one another. In a rural town in the southwest of the United States I witnessed ordinary physical altercations between 13- and 14-year-old boys.

The officer of the law walkie-talkied to the fathers of the two white boys, who then came down and picked up their sons. He said to the head of the pharmacy and to the owner of the dry goods store, "You wouldn't want your son down here." The fathers came down, and said, "If I've told you once, I've told you twice . . ." and away they went in their cars.

The officer took the Mexican-American boys in the paddy wagon to the county jail where they were destined for incarceration. They are in the State reform school. I asked the officer, "How is it that you did not call the Spanish-American boys' fathers?" He replied, "They don't have telephones." I said, "What if they did have telephones?" He said, "Well, they wouldn't have fathers." I said, "What if they did have fathers?" He said, "Well, they would be drunk."

When you have a figure of 85 percent incarcerated young persons of a minority group who occupy 8 to 10 percent of the population of the State, you're not describing an accurate measure of the frequency of acts deemed to be antisocial.

A third fact is the switch to expecting what in England they used to call the "roughs," to accept codes of behavior that 100 years ago were pretty well confined to a minority in the upper and middle classes. A police chief in one of our larger cities on the East Coast said to me, "We never bothered with the blacks, they took care of themselves." What I am saying here is that it is not a case of the population losing its manners, as much as it is a case of our insisting on everyone having those manners.

Another factor is the shift from the horse to the automobile. Joyriding in an automobile as opposed to joyriding on a horse represents a real increase in danger.

The rise of the welfare state is not simply a loss of moral fiber as some persons would suggest, but represents a substitution of the resources and sanctions of the State for the resources and sanctions previously exercised by the church. In quantitative terms this represents a switch from tithing to taxing.

One principal current social fact is the deruralization of America—removing the possibility of meaningful relevant outlets for the energies not only of the young but of vast numbers of adults as well. Society still clings to the puritan values of thrift and work and self-reliance. At the same time, science and technology have repealed the iron law of wages and required the consumer economy of waste to absorb the embarrassing abundance of modern chemistry. Nowhere is this more clear than in the invention of the myth of agriculture called the soil-bank.

In the last 20 years three out of four American farm workers have left the farm and moved into the empty, vacated cities. In 1950 we had 10 million American farm families engaged in meaningful lives. Today that number has dropped from 10 million to less than 2.5 million American farm families. The presence of those 7.5 million farm families and their children in the cores of our empty cities cannot be referred to as "urban."

The public schools were largely developed as short a time ago as 50 years to handle a very small proportion of children of the lower middle class who would need to add, subtract, keep accounts, write letters, and spell correctly, in order that the work of society could be carried on. A small minority in the same schools went on to professions through universities. Fifty years ago, over 80 percent of the population learned their world of work not in the school system, but by direct example as apprentices—from relatives, older women, or older men, who were working at the same sort of job. It is unfair to expect these grammar schools simply to be duplicated and to interact with the vast number of declassed, ex-agricultural children of America, who won't become accountants, or even learn to spell, in view of the takeover of these activities by electronic computers.

We are beginning to get evidence that dropping out of school is not a cause of deviant behavior. Rather, there is evidence that staying in school is a cause of deviant behavior.

Soon to be released is an exhaustive longitudinal study by Del Elliott, starting out with a population largely composed of Spanish-Americans, Mexican-Americans, and Spanish-surnamed Chicano children in San Diego. Overwhelmingly, their conflict with the law comes while they're in school undergoing some sort of deprivation. It isn't that they don't get to be lawyers or doctors. It's that by the time they're in 7th grade, some teacher thinks maybe they should dance with some of their own kind, or they won't get to dribble a basketball, read a poem, or be a pom-pom girl. Where the solution comes—when it does—it's usually as a dropout under the guidance of some noble woman, 16 years old.

The most important single reason for our failure in 1972 to deal more effectively with both juvenile and adult persons is the absence of a structure

enabling us to make useful distinctions. Statistics of police arrests, school reports, persons known to the court, as well as incarceration records, show little or no distinction between behavior that couldn't possibly injure anyone other than perhaps the person himself, on the one hand, and the serious business of molestation of persons and destruction of property, on the other.

In one city in the middle north United States, I was told by a probation officer that of young men, aged 16, 17, and 18, in his custody, 80 percent of them were in his custody because they had been apprehended by officers of the law for possession of alcohol. To cut down on that act of juvenile delinquency all that is required is to transport those young men to France.

I was told by a knowledgeable chief of police in a middle-sized city in the State of California that he had facts and figures to show that once a young Californian got on the books as a "600" he became a "601" in a matter of time, and then a "602"—because the system had its own system of internal promotions.[2]

In my opinion—although I know I have many colleagues who would place this first—I would say the second cause of the dimensions of the problem we're dealing with is the phenomenon of diagnosogenesis. I'm sure if you're not familiar with the word you can figure it out. It means caused by the diagnosis. We are familiar with the national strategy of the Youth Development and Delinquency Prevention (YDDP) Administration of the Department of Health, Education, and Welfare. In explaining "deviant behavior," YDDP states one of its causes as "labeling."

We will be less often misunderstood if we expand the world labeling to the words premature adversive labeling. There is, of course, no way to avoid labeling. When a child finds himself sitting next to another kid and hears, "What are you in for, what are you in for," natural competition suggests that they all escalate to the highest form of bravado. Some of us know that complimentary labeling can induce favorable behavior quite as easily as uncomplimentary labeling produces unfavorable behavior. What I'm saying is that if it gets around that you have said someone dislikes you, you will discover that he will.

The second goal of the national strategy is clear to me and that is to establish that the widespread cause of any behavior is the absence of socially acceptable roles for the outlet of the energy of the young. Here we can analyze the roles into two separate things. Some of the roles that we define as unacceptable should probably not be defined as unacceptable. And secondly, there is an obvious need for the creation of something to replace the real old-fashioned Halloween other than trick-or-treat.

In juvenile as well as in adult affairs, the legal system should shrink back from accepting the role of church and the role of art gallery.

There undoubtedly are very many acts of behavior that I—given my set of tastes about right and wrong—would regard as sinful, but that certainly do not need to be defined as crimes. There are persons I punish by not inviting them to my tea parties, simply because I think their moral standards are low. That they think my moral standards are low comes to me as a surprise.

There are persons whose acts, in my mind, are ugly, and again, those acts needn't be defined as crimes. Probably, the majority of persons presently incarcerated in the United States are guilty either of a sin or of unbeautiful conduct.

Officers of the law are not sadistic persons. They simply preserve their homeostatic positions as do the rest of us. They respond to the built-in reward system. Activity and evidence of activity are rewarded in contemporary American society. Therefore, it should not surprise you or me to find that there is a correlation between the stated nature of the offense and the frequency of its occurrence in the community, between the ease with which the criminal can be safely apprehended and the difficulty of establishing that the crime was not committed by the accused.

A very hard look should be taken at the distinction between and the statistics on persons booked for theft, assault, burglary, arson, rape involving strangers, attempted murder, and murder, on the one hand, and loitering, vagrancy, resisting arrest, suspicious behavior, curfew violations, and possession of objects, on the other. By assault, I do not refer to the altercations between a client and an officer of the law.

I'm not dividing the world into angels and devils, because the behavior on both sides is completely understandable. However, we have witnessed, on the streets, officers doing their job as best they could and as best they're trained for, deciding that it is in their interest to confine a young man whose manners are rather rough. They approach him from the back, in such a way as to minimize any kind of resistance he might inflict upon them should he decide to. Surprisingly enough, the kid automatically behaves the way most persons would. He swings around, with some sort of a physical relationship between the extended right forearm on the one hand, and the muscles of the pectoralis major on the other, and finds that he's jailed for assault and resisting arrest.

[2] These numbers refer to those sections of the California juvenile code in which delinquent behavior is classified.

The person would observe—although I don't believe the officer believes it—that the crime for which he is booked was induced.

Once we have sorted out the difference between the small minority of persons whose behavior should receive a vast amount of attention and the large majority of persons whose behavior might well go unnoticed, we then can make a distinction between, I suppose, incarceration on the one hand and rehabilitation on the other.

A man whose daughter is abducted, raped, and shot dead by a person whose record of repeated altercations with society would indicate no reason whatsoever to risk reliance upon his judgment, has, I believe, a grievance against us today. I'm therefore saying that a larger allocation of resources should be spent in the determination of who it is who should be incarcerated for our sake, if not for his. Persons can behave in such ways that a prudent person would wisely wish not to be around them.

The proliferation of theories of mental health from Dr. Freud on the one hand to Dr. Glasser on the other is unfortunately not accompanied by an equally extensive record of successful therapy.

I myself would be more inclined to put more reliance on the reality therapy of Dr. Glasser in this area, but I will confess I am an amateur. I do not actually know that sensitivity training and encounter groups do nothing.

I fail to understand why many of my friends find B.F. Skinner a fascist. To say, as he does, that there are consequences of affirmative reinforcement does not say as well that that's all there is to life.

In our work at the University of Colorado, primarily with persons who have not had access to the current urban American middle class ladder, we have been inclined to abandon the concept of "motivation" as an explanation for behavior. We have tended to substitute for the concept of motivation, the notion of opportunity structure, with the attendant proposition that nearly all, although not all, persons respond to the same opportunity with the same response.

This idea of motivation—which is a psychological concept—tends, if you analyze it, to be almost always presented negatively. For example, we say "lack of motivation," "we can't motivate him," "he isn't motivated," "there's no good if there's no motivation," and so on.

The only way I could explain this to a Rotary Club was to say, "What do you think my chances are of becoming President of the United States?" At which point I then say, "I know what you're thinking and I don't like it. And what's more, I'm willing." On the other hand, what would happen to me if I went around my building saying, "How do I get to be President? Will you help me get to be President?"

Well, I don't know if you know what would happen to me or not, but I do. And I don't go about saying that. In fact, to do so would be to demonstrate some sort of character defect. There doesn't seem to be any obvious way from where I am to the White House. That isn't lack of motivation at all. It's called lack of opportunity. How can we take a young man who barely reads and doesn't have a job, whose father doesn't have a job, whose uncle never had a job, and whose cousin never had a job, and expect him to be motivated, when there's no way for him to see? It's what he sees that is the most important thing.

I'm thinking of a young man who was born in Alabama. He's not picking cotton anymore. The government sent a big check to the planter not to grow cotton. And when the planter doesn't grow cotton, the Negroes in Mississippi don't pick cotton and then they go to Detroit. Some people have thought that if we can afford to pay a planter not to grow it, we can afford to pay the blacks not to pick it. But that may be rather radical.

I'm thinking of a specific young man who, had the agricultural revolution not occurred, would be a Baptist, married, and picking cotton in Alabama. Well, he's not married, not a Baptist, and he's not picking cotton in Alabama. He's in Seattle, living there. There isn't a prayer of his doing anything that will enable him to earn a decent living. But he chose to live anyway, even though he had to choose illegitimately.

In the State of Washington, the sale or purchase of wine or liquor on Sunday is against the law. The young man bought wine on Saturday and sold it on Sunday. He has a job now, and is doing well until he makes a mistake.

One night he took advantage of an opportunity he shouldn't have. He noticed a man drunk from a good time, with his jacket open and his wallet exposed. Our young man lifted this man's wallet. The officer who couldn't get him for the wine operation could get him for the wallet operation.

And unfortunately for the people of Washington, the wallet had $76.00 in it, one more than $75.00. So he's up for grand larceny. He was sentenced to 9 years in the penitentiary of the State of Washington. And at $8,000 a year, we're talking about $72,000 from the people from the State of Washington for a wallet that actually got there because of the disappearance of the picking of cotton in Alabama.

We have to start at the top and sink to our own level. Fortunately for me, I was not a woman. You realize that women are more discriminated against in America than racial minorities. So a young man is

luckier if he is in a home headed by a black father than if he is in a home headed by a white mother.

I was white. I was male. Furthermore, I was Christian. It was handy not to have to be a Jew in 1920. And furthermore, I was a Protestant, so I didn't have to be a Catholic. I was white and I was a Presbyterian. And my mother said, "What do you want to be?" And I said, "What can I be?" And she said, "You can be the President." And I said, "All right, I'll be the President."

So I started out at the top. And I said, "Get me a picture," and she did—of Wilson—and a speech, and people said, "What's that?" I said, "It's the President; I'm going to be the President." People said, "Oh."

Well, somewhere along the line I missed it. I don't exactly know when and where. But I sank to my own level.

When the youth in America look up and there's no one up there for them not to get to be, it's impossible for them to strive. You call that lack of motivation. We have to call that lack of perceived opportunity structure.

Those of us in corrections, going back to the title of these remarks today, may ask ourselves what we mean when we say "corrections." It's hard for us to produce statistical evidence that we are, in fact, engaged in the use of resources for the purposes of rehabilitating and redirecting persons' behavior. We might better literally speak of ourselves as, at best, custodians. The question may be asked, "What have we turned into?" Some persons have labeled us "the hampering professions and hindering services." There is some evidence that we may be moving into a third stage called "the whimpering bureaucrats."

Returning to the orginal question, "Should the young be taken out of the care of corrections?" I would say that those of us who are engaged in what we call "corrections" might well take ourselves out of "corrections," but not out of the care of the young. A great change occurred in upper class lifestyle when the name for a certain conduct was changed from "duel" to "murder." Changing the names of things does, indeed, have an effect.

I'm sure you've all heard the phrase, "actions speak louder than words." That sentence can be shown to be false. Words speak louder than actions. The vocabulary of corrections, including the word "corrections" itself, I submit to you is much of the problem.

Thank you.

Mr. Ward: Our next speaker is Rosemary Sarri, who is Co-Director of the National Assessment Study of Correctional Programs for Juvenile and Youth Offenders, a project funded by LEAA. She is on the faculty of the University of Michigan School of Social Work, as well as on the faculty of the Law School. You will find her name in many of the professional journals. She is a prodigious writer. Her subject today is going to be, "How can the jailing of juveniles be stopped?"

Ms. Sarri: Approximately 100,000 juveniles spend one or more days each year in adult jails or police lockups in the United States (NCCD, 1965). This practice continues almost unabated despite the frequent and tragic stories of suicide, rape, and assault of children in these facilities. What can be done to eliminate the placement of juveniles in jail? In this paper, we will first consider the data available about the extent and location of juvenile jailing, statutory provisions governing detention, and characteristics of those who are detained. Following that, a series of recommendations are proposed which, if implemented, would eliminate the jailing of children.

The notoriety of American jails has been widely discussed and has frequently been the target of public outrage and criticism. Incarceration of juveniles in these institutions has often been deplored and yet the practice clearly persists. As Joseph Fishman said in 1923, they are "giant crucibles of crime" (Dixon and Davis, 1972). Jailing of children occurs both in rural areas, where the alternatives available for custody of children are limited, and in larger metropolitan areas where the volume of children detained is high and the number of facilities for their care apparently insufficient (Mattick, 1969). Regardless of the reasons put forth to justify the jailing of juveniles, the practice is destructive for the child who must endure incarcaration, and dangerous for the community that permits children to be handled in ways that are clearly harmful.

The National Jail Census, conducted by the Department of Justice in 1970, reported a total of 7,800 juveniles in 4,037 American jails on a given day. This total included only those children who were in facilities that help persons for 48 hours or more. Police lockups or drunk tanks normally detaining persons, including children, for a shorter period of time were not included. Of these 7,800 juveniles, 66 percent were in jails awaiting trial, compared to 50.9 percent of the total adult population in jail who were similarly not convicted.

Regional comparison of the percentages of juveniles detained in jails prior to hearing shows considerable variation. In the Northeast, 54.4 percent of juveniles in jail are awaiting trail; in the North Central region, 83 percent; in the South, 86.9 percent; and in the West, 90.4 percent. Most juveniles (7,687) are jailed in cities with populations exceeding 25,000. From a total of 4,037 jails

included in the survey, 2,822 received juveniles according to various types of retention authority, with the largest number permitted only to hold juveniles who are unarraigned or awaiting trial.

Table 1. Juveniles in Jail: March 1970 [1]

Status	Number of Juveniles	Number of Jails by Type of Retention Authority[2]
Unarraigned or held for others	2,104	2,785
Awaiting trial	3,054	2,289
Convicted—awaiting action	424	856
Serving sentence—1 year or less	1,365	765
Serving sentence—more than 1 year	853	67
Total	7,800	4,037

[1] Data from the National Criminal Justice Information and Statistics Service, LEAA, U.S. Dept. of Justice, *1970 National Jail Census*, pp. 10–14.

[2] Jails may have retention authority that covers several statuses. Thus, the total exceeds 4,037 if the categories are added together.

Jails holding juveniles were found in nearly all States except Hawaii, Massachusetts, New Hampshire, Vermont, and in three States that were not included in the national census because all maintain State systems rather than local, city, or county jails—Connecticut, Delaware, and Rhode Island. Although the number of jails that held juveniles in each State varied, it is nevertheless clear that the problem of jail detention of juveniles is a national problem rather than a regional phenomenon. Furthermore, jailing cannot be quickly dismissed as a problem of rural areas because of lack of alternative facilities.

Not all juveniles located in the census were in jails for the purpose of detention prior to a hearing or trial. There were 856 jails that held juveniles who had been convicted and were awaiting further legal action. In 44 States and the District of Columbia 765 jails held juveniles serving sentences of 1 year or less and, even more surprisingly, 67 institutions in 24 States held 2,218 juveniles serving sentences of 1 year or more. Some may argue that although undesirable, it may be necessary to confine children in jail because of the total lack of any other alternative, but it is impossible to believe that there could be a rationale for the sentencing of children to jail under any circumstances. As we shall note subsequently, it is also difficult to support a rationale for the placement of children in jail under any circumstances.

The national census presents a picture of the number of juveniles in jail on a given day, but one also wishes to ascertain the total number that would be so confined within a year. The NCCD Survey of 1965 estimated a total of 87,951 and, if one estimates also the number in police lockups, the figure of 100,000 is easily approached.

Although data about jailing practices within States is not widely available, there was a recent survey of Illinois jails that indicated that approximately 6 percent of the total jail population, or more than 10,000 juveniles, were in a jail in Illinois at the time of the survey (Mattick and Sweet, 1969). The findings also showed that the juvenile population was relatively stable over a 2-year period—in fact, it evidenced the least fluctuation of any of the inmate groups. Of the 160 jails included in this census, 142 held juveniles, but of these, only 9 jails had facilities for the segregation of juveniles from adult offenders. There was no marked difference in the use of county or city facilities, for 5,580 were held in county jails and 4,671 were in city facilities.

Programatic information about the Illinois jails is of concern in the handling of juveniles. Less than 50 percent of the Illinois jails had any routine medical examination or care, despite the frequent observation that juveniles who are detained are more likely to be mentally or physically ill than are adult detainees. The jails that had less than 45 square feet of space per person, far below the legal requirement, numbered 82 percent. Only 15 percent had active supervision of inmates. The latter is particularly problematic because juveniles may be subjected to adult abuse with little interference because of inadequate staff supervision.

It is difficult to determine the percentages of jailed juveniles according to the offenses they have allegedly committed. In upper New York State, according to a recent NCCD survey, 43 percent of the children held in local jails were allegedly persons in need of supervison (PINS) offenders, but not charged with a misdemeanor or felony (NCCD: New York, 1971). Nevertheless, it was asserted that the majority of these youth were being held because there were no available detention facilities. Obviously there had been little consideration of alternative means of providing assistance to these youth. The tragedy of child suicide in jail becomes all the more so when it is apparent that many of the youth who are not threats to themselves or to others are incarcereated.

A large majority of juveniles who are jailed or held in juvenile detention facilities are males. However, females are more likely to be detained for

status offenses than are males and for longer periods of time (Velimesis, 1969). The Pennsylvania American Association of University Women study of women and girls in jail in that State reports that most are held for offenses against the public order, family, or administrative officials. Substantial intercounty variations were also observed with several counties having no juveniles among the female offenders, and in other counties, the rate was as high as 18 percent.

It is obvious that jailing of juveniles is a substantial problem in the United States, but it is insufficient to castigate the jailers without examining the entire question of detention. Detention is probably the most significant phase in the criminal justice process, because it is the initial critical contact for many juveniles. This process, however, has been largely taken for granted with little effort directed toward study, change, or innovation. As a result, there is little awareness of the overwhelmingly negative outcome most juveniles experience from detention.

Detention in physically restricting facilities built for the exclusive use of juveniles has been characterized generally as positive when contrasted to juveniles in adult jails. Despite the fact that many juvenile facilities may be more healthful or humane than their jail counterparts, they still are jail-like facilities and are often even located physically adjacent to the jail. Confinement in such a facility may be as harmful as confinement in jail, particularly in cases where the person has not committed a criminal violation. A report of the findings of a committee appointed to investigate New York City's three juvenile detention centers stated:

> At the Spofford Juvenile Center . . . it found inadequate light and heat, a dangerously warped gymnasium floor, and a fire alarm system in disrepair. It also reported finding weak and falling plaster, cracked ceilings, faulty plumbing and poor lighting at the Monida Juvenile Center . . . (NCCD, 1971).

Two recent court decisions, *In re Baltimore Detention Center* and *Patterson* v. *Hopkins,* have sharply criticized conditions in juvenile detention facilities. Judges' opinions indicate that conditions must be modified or children will not be detained in such facilities.

It has been estimated that between 400,000 and 488,000 juveniles are held annually in juvenile detention facilities with an average daily population estimated at 13,000 (NCCD, 1971). Thus, approximately four times as many are held in juvenile detention as in jails and lockups. In 1965, it was reported that two-thirds of all juveniles in detention remained there an average of 12 days (NCCD, 1965). This time period varies markedly among jurisdictions, for the Louisville study reported an average length of stay of 4 days (Haarmon, 1972). Intake pressure is also likely to be a factor in length of stay because many facilities report serious overcrowding—far beyond rated or bed capacities. The overall rate of detention has been estimated at about 35 percent of court caseload size (NCCD, 1971). Guidelines from NCCD, however, recommend that no more than 10 percent of the caseload should be in detention.

Pappenfort et al (1970) completed a census of juvenile detention facilities, which is the most comprehensive survey available. On a given day in March 1966, 10,875 juveniles were found in 242 juvenile detention units. Of these, 6,260 were children between the ages of 12 and 15 years (the median age of all detainees being 14.7); 2,490 were between 16 and 20; 800 were between 6 and 11; and 81 children were under the age of 2. Obviously, many of these facilities held dependent and neglected as well as delinquent youth.

Nearly 7,000 of these children were in 37 institutions that held 76 or more juveniles. Nearly 3,000 were in 71 institutions with 25 to 75 each, and some 1,500 were in 134 units with 25 or fewer juveniles. Children in the smaller units tended to be in the 15 to 20 year age group, while the majority of children in the large units were in the 12 to 15 age group. The highest proportions of young children were found in the largest agencies in the metropolitan areas, suggesting that these areas apparently lack formal and informal alternatives for children without homes.

The number of males was more than twice the number of females in these facilities. It was also observed, however, that females appeared to have a longer average length of stay than did males and that females were much more likely to be detained for status offenses. The average length of stay was 1 month for the total population.

Eighty percent of the facilities were in metropolitan areas and these units held 93 percent of all detainees. These areas held half of the youth of the country, but they were in only 7 percent of the counties. Thus, most juvenile courts do not have a detention facility for which they are primarily or solely responsible.

Few professionally trained staff were observed in the detention facilities surveyed. Only 26 percent had full-time professionals trained in psychiatry, psychology, social work, or education. For the most part, professional services were contracted for and were provided on a part-time basis by persons not directly responsible to the administrator of the detention facility.

Nearly all (216 out of 242) were operated by county governments with 11 State, nine municipal, and six private units. Regional detention centers were operated in eight States and two other States had State subsidies for detention. In only 20 States was there any type of consultation provided by the State to the local units despite the fact that many localities had few resources and lacked knowledge of new developments in detention programing.

Although 80 percent of the juveniles received some type of physical exam upon admission, in 29 percent of the units there were no examinations of any type. Less than half had psychiatric or psychological examinations despite the assertion that nearly 80 percent were emotionally disturbed or ill. There were no arrangements for education in 23 percent of the units. Thus, if the purpose of detention is to provide secure custody for those requiring it and to facilitate observation and study so as to prepare the detained youth for later efforts at rehabilitation, then these data suggest that the goals are not being met. Detention is a "waiting period of enforced idleness," which is destructive to the child and of little utility to the criminal justice system (Pappenfort, 1972).

Findings similar to those of Pappenfort were obtained by Sumner (1971) in a survey of California juvenile detention facilities. This is particularly noteworthy because California instituted detention hearings in the early 1960's, and has been active in innovation in detention practices. Sumner observed that few juveniles had defense counsel in detention hearings despite their right to it. Most hearings took less than 3 minutes. The overall rate of detention was 36 percent of the caseload with counties varying between 19 percent and 66 percent. Despite the fact that police were not to make detention decisions, they claimed that they, in fact, made more decisions than anyone else. Probation officers and other court personnel appeared to give them tacit approval in this behavior.

Blacks were detained more frequently than whites as were juveniles from broken homes and those with prior records. In fact, decisionmakers reported that the prior record and history of running away were their main concerns in arriving at detention decisions. Few courts had even minimally adequate information systems. Thus, accountability and quality control of decisionmaking were almost impossible.

Widespread variation in detention practices within States exists as indicated in a study of an eastern seaboard State by Pawlak (1972). He observed rates of detention varying between 0.2 percent to 72 percent of the caseload. Moreover, there was little or no relationship between the presence of a juvenile detention facility and jailing of youth. In accord with other studies, he observed that females had a higher probability of being detained than did males; furthermore, they were more likely to be detained if they committed a status offense than if they committed a crime against a person or property. Those juveniles who had prior court contact were likely to receive jail detention even when they were charged with offenses not a threat to the community. Race was a factor in differential detention, but typically, it interacted with sex and social class so that there was no clear-cut pattern.

The findings from these several studies of juvenile detention do not permit us to formulate definitive conclusions about the facilities or the programs. They do indicate quite clearly, however, that many children are detained who do not require detention, that metropolitan areas appear to be particularly lacking in alternative means for the care of children, and that programs in most detention facilities do not meet minimum levels of adequacy.

An obvious question is: what is the rate of detention relative to the need in the various States? Are there substantial variations in the rate of jailing and detention in juvenile facilities among the States? Are there variations within States even when population differences are taken into consideration? Any attempt at comparisons among the States is difficult because of the lack of adequate data collected at the same point in time. Examination, however, of numerous surveys done over the past quarter century suggests that there has been notable stability in the population of jails and detention facilities.

There are two censuses available that provide some bases for comparison. One is the National Jail Census, which we have already considered and which was completed by the Department of Justice in March 1970, and the other is the Pappenfort, et al. census of juvenile detention facilities completed in the same month in 1966 (Pappenfort, 1970).

The findings in Table 2 indicate that there are markedly different rates of detention when controls are imposed for size of the child population in the State. There are seven States in which all children detained were held in jail, but the rate of jailing among these States varied from 1 per 100,000 in Maine to 27 per 100,000 in Wyoming. The two largest States, California and New York, both have high rates of child detention, but juvenile facilities are utilized extensively in the former State, while the latter has a large number of juveniles in jail. At the opposite extreme, there were seven States with no juveniles in jail and three of that number had no children detained in any facility.

In general, the local community has had considerable autonomy and discretion in the detention of adults and children. Thus, it is possible for organi-

Table 2. Number of Juveniles in Jail and Detention, by State

State (Ranked according to child population, 5–17, 1970)	Number in Jail [1] N	Rate per 100,000 [4]		Number in Juvenile Detention [2] N	Rate per 100,000 [5]	
California	188	4	3.76	3,914	78	84.40
New York	4,550	101	104.47	790	18	18.71
Texas	169	6	5.63	205	7	7.15
Pennsylvania	254	9	8.69	454	16	15.98
Illinois	106	4	3.70	473	16	17.75
Michigan	29	1	1.18	610	25	26.60
Ohio	203	7	7.20	593	21	21.77
New Jersey	126	7	7.01	389	22	23.63
Florida	142	9	8.83	641	40	45.17
Massachusetts	0	0	0	122	18	7.56
Indiana	249	18	17.97	225	16	17.40
North Carolina	37	3	2.79	73	6	5.49
Georgia	132	11	10.79	282	23	23.67
Wisconsin	79	6	6.57	78	6	7.06
Virginia	172	14	14.38	146	12	12.62
Missouri	55	5	4.65	163	14	14.69
Minnesota	73	7	6.95	49	5	5.05
Louisiana	61	6	5.87	83	8	8.16
Maryland	106	10	10.22	104	10	11.12
Tennessee	79	8	7.89	53	5	5.31
Alabama	87	9	9.33	60	6	6.23
Washington	40	4	4.55	229	26	29.58
Kentucky	78	9	9.25	73	9	8.69
Connecticut [3]	0	0	0	29	38	4.14
Iowa	41	6	5.52	10	1	1.39
South Carolina	41	6	5.70	0	0	0
Oklahoma	48	8	7.51	19	3	3.14
Mississippi	71	12	11.67	0	0	0
Colorado	47	8	7.99	101	17	19.27
Kansas	75	13	13.13	77	13	13.20
Oregon	59	11	11.04	158	30	31.60
Arkansas	45	9	9.05	18	4	3.58
Arizona	33	7	6.80	112	23	25.57
West Virginia	52	12	11.76	24	5	5.01
Nebraska	44	11	11.36	35	1	9.33
Utah	10	3	3.20	68	22	22.59
New Mexico	46	15	14.83	57	18	18.56
Maine	2	1	.77	0	0	0
Rhode Island [3]	0	0	0	0	0	0
Hawaii	0	0	0	36	18	18.27
Idaho	42	21	21.10	0	0	0
Montana	53	27	27.04	4	2	2.05
New Hampshire	0	0	0	0	0	0
South Dakota	26	14	13.90	0	0	0
North Dakota	3	2	1.71	0	0	0
Delaware [3]	0	0	0	22	15	16.29
Nevada	15	12	11.90	21	17	19.09
Vermont	0	0	0	0	0	0
Wyoming	25	27	27.17	0	0	0
Alaska	2	2	2.27	7	8	9.09

[1] LEAA Jail Census, March, 1970.
[2] Pappenfort, et al., Census of Children's Institutions, March, 1966.
[3] Jails are not locally administered, but rather are operated by the State Government.
[4] Rates were calculated per thousand population, ages 5–17, U.S. Census Publication, *General Population Characteristics: Final Report* PC (1)–B, 1970.
[5] Rates were calculated per thousand population, ages 5–17, Estimates of the Population of States, by Age: July 1, 1965 with Provisional Estimates for July 1, 1966, *Current Population Reports: Population Estimates, Series P–25*, No. 350, U.S.G.P.O. (1966).

zational practices that are highly discrepant within and among States to develop and endure. With regard to solutions, however, the findings indicate rather clearly that States can achieve low rates of detention in both jails and juvenile detention facilities. Lack of resources, lack of effort in trying to develop alternatives to detention, lack of accountability by decisionmakers, and lack of adequate information systems that could monitor the jailing of juveniles and the reasons for detention, all contribute to the persistent use of incarceration far more frequently than is necessary. It is obvious that we have only scratched the surface in developing means for reducing the population of children detained in nearly all of the States.

Statutory limitations are an important constraint on the elimination of juveniles from jails. Although most statutes recommend against placement of children in jails, in only five States is there an explicit prohibition against jailing under all circumstances. The kind of facility in which a juvenile is detained is determined, in large part, by State statutes. If the State places strict prohibitions on the placement of juveniles in jails or lockups, counties will be, in effect, forced to provide alternative detention facilities.

Legislatures have enacted a variety of divergent provisions, which range from an Eastern State where only a nursing infant of an adult prisoner is allowed in jail to a neighboring State where there is no statutory prohibition in any form. Ten States require a court order for detention in jail, and they may also require that the juvenile be deemed a menace in the juvenile detention facility. Two States require approval by the State department of social services.

Thirteen States allow jail as a detention alternative if the child has reached a certain age. This age may be as low as 12 years or as high as 16. Four States allow the juvenile to be transferred to a jail or lockup without a court order if he is deemed to be a menace in the juvenile detention facility. Ten States allow a juvenile to be jailed merely if no other facilities are available, but add a requirement that they be kept in separate sections, away from adult prisoners. Five other States only require separate sections, while two States have no prohibitions on jailing. (See Table 3.)

As the findings from the 1969 Mattick and Sweet study of Illinois indicate, separation of juveniles may be largely fictitious, because there is seldom effective inspection and monitoring. Furthermore, in cases where there is separation, the result may be solitary isolation, which apparently led to suicide in several instances (Judiciary Hearings, 1970). The unfeasibility of separate sections in jails was illustrated vividly in a recent report in Detroit where a 16-year-old boy was jailed in the Wayne County Jail with older

Table 3. Statutory Provisions Governing Jailing of Juveniles [1]

Statutory Provision	Number of States
Under no circumstances	5
If approved by Dept. of Social Services	2
With a court order	10
Without a court order if 15–16	2
Without a court order if 12–14	11
Without a court order if a "menace"	4
In separate sections	15
Any time, any place	2

[1] These data are based on an analysis of all juvenile codes in the 50 States and the District of Columbia, as of January 1, 1972.

males while awaiting trial, despite the repeated attempts of his attorney for other arrangements. The jail administrator said:

> . . . because of jail overcrowding the only alternatives for ..... are incarceration with even older prisoners or remaining with his present group . . . a completely separate cell for..... was out of the question . . . the jail is caught between courts wanting offenders treated as adults and statutes requiring them to be specially cared for. (Benjamin, 1972).

Another statutory device used to keep juveniles out of jail is to require counties to provide detention facilities for juveniles entirely separate from those for adults. This provision is not found frequently, however, probably due to the uneven distribution of cases among counties in nearly all States. Ten States do require all counties to provide separate detention facilities, but as the 1970 Pappenfort, et al. findings indicate, these facilities may be adjacent to adult jails in many locations. Eight other States require counties with large populations (generally over 100,000) to provide separate juvenile detention.

In the remaining States, facilities are not required, but there is some type of enabling legislation that permits county boards to provide facilities if they choose to do so. Several States also have enabling legislation for regional detention centers. Thirty-six States permit the detention of juveniles in court-approved foster homes or in licensed child-caring institutions.

Also of importance in controlling detention are the statutory provisions governing detention hearings, time limits for holding juveniles, and purposes of detention hearings. If a juvenile is taken into custody through the petition-summons or arrest route, 19 States require that a detention hearing be held

within a certain period of time. There is, however, considerable variation as to the time period, with nine States requiring a hearing within 48 hours, five within 96 hours, and five stating that it should be held "promptly."

In one State, a hearing may be held if the juvenile requests it. Seventeen States only require a court order to place a child in detention, and again there is considerable variation among these States as to the length of time in which a court order must be filed. In 15 States, the statute does not require a court order or detention hearing in order to place a child in detention. Furthermore, there are no time requirements in these States as to when a petition need be filed apprising the juvenile of the offense he has allegedly committed. (See Table 4.)

Table 4. Statutory Provisions for Detention Hearings [1]

Statutory Provision	No. of States
Hearing required within 48 hours	9
Hearing required within 96 hours	5
Hearing required, no time limit	5
Court order filed, within 96 hours	11
Court order only, no time limit	6
No hearing or court order required	15

[1] These data are based on an analysis of all juvenile codes in the 50 States and the District of Columbia, as of January 1, 1972.

The statutes typically contain little information as to what is to be determined in a detention hearing even if one is held. Clearly, a detention hearing does not determine whether there is probable cause to believe the juvenile committed an offense. More likely, and with some statutory justification, a detention hearing should determine only if there is reason to hold the child in detention either for his own protection or because it is likely that he will flee from the jurisdiction of the court. Because the criteria for detention are so ambiguous, it is not surprising that children are held in detention facilities or jails on vague grounds and with no clear determination that detention is in fact necessary.

Given the fact that juveniles are often assaulted, raped, or commit suicide in jail, it is unlikely that an argument can be made to support the assertion that a juvenile is jailed for his own protection. Moreover, studies have repeatedly reported that juveniles who are detained for status or moral offenses are held for longer periods of time than are those who commit serious felonies (Haarman and Sandefur, 1972). There is little doubt that at least some of this detention is primarily for the convenience of the family or school.

The argument that juveniles are likely to flee can be refuted by findings such as those from a Louisville court study which indicated that only 2.7 percent failed to appear in court.[1] More recently, findings from a demonstration project on home detention in St. Louis indicate no instance of a youth failing to appear and only 5 percent who committed new offenses while on home detention (Keve and Zantek, 1972). Furthermore, none of the offenses were assaultive in nature. In *In re John Doe,* the Alaska Supreme Court held that a child may not be detained pending adjudication if the court has been given reasonable assurance that he will appear unless, "he cannot remain at home and no other alternative to detention remains."

A recent Federal district court case, *Hamilton* v. *Love,* held unconstitutional many features of an Arkansas county jail. The judge's opinion deals with constitutional issues that appear applicable to juvenile jailing and detention. The judge enunciates the test of "least restrictive means":

> Having been convicted of no crime the detainee should not have to suffer any punishment as such, whether cruel and unusual or not . . . It is manifestly obvious that the conditions of incarceration for detainees must, cumulatively, add up to the least restrictive means of achieving the purpose requiring and justifying deprivation of liberty.
>
> . . . If the conditions of pretrial detention derive from punishment rationales, such as retribution, deterrence, or even involuntary rehabilitation, then those conditions are suspect constitutionally and must fall unless also clearly justified by the limited and stated purpose and objective of pretrial detention.
>
> . . . If the State cannot obtain the resources to detain persons awaiting trial in accordance with minimum constitutional standards, then the State simply will not be permitted to detain such persons.

There seems to be little doubt regarding the applicability of these findings to many instances of juvenile jailing and detention.

Because of the limited scope of a detention hearing, 11 States have enacted provisions setting time limits on the length of detention prior to the adjudicatory hearing. However, with little effective monitoring of children in these facilities, it could be expected that the time spent in detention would be longer in many cases than the statute permits.

[1] The poorer risks regarding failure to appear were females charged with status offenses and males with multiple offense histories and charged with serious felonies, who are more likely to commit offenses while on release. Knowing this, however, permits consideration of this factor in detention decisions.

Juveniles' statutes typically contain no provision that there be any regular monitoring of courts and detention programs. Without such provisions, the system is severely handicapped because children, more than adults, need to be located somewhere under some form of adult supervision. Thus, they are left in jail or detention because of the lack of referral to other facilities. This problem is frequently most severe in the children who are alienated and rejected by their parents. All too often they are charged with juvenile status offenses—truancy, incorrigibility, running away—not felonies. Such children may remain in jail or detention facilities for long periods of time, with severe deterioration or death a far too frequent outcome (Judiciary Hearings, 1970, pp. 5077-5163).

Few States provide for alternatives to detention such as release on recognizance or promise to appear, bail, citations, or summons. Moreover, where the statute is permissive, these alternatives are utilized far less for juveniles than for adults. As Rosenheim (1970) suggests, juvenile detention units serve as "community storage facilities" for children who, for the most part, do not need nor should have secure custodial supervision.

The statutory provisions governing detention thus provide few constraints, except in a small number of States, against the placement of children in jail or detention without a hearing or court order. The results of a California survey (1967) indicate that many minors are detained 1 day over a weekend and then released because of unnecessary or inappropriate detention. Bochés (1967) summarized this practice in his review of detention:

> In many counties, on every Monday, a large number of children who have been detained over the weekend are released without a petition being filed or without a detention order being sought. In the absence of a bail system, no alternative to compel release exists.

Obviously, practices such as these can be eliminated most efficiently if the codes are modified to prohibit explicitly the jailing of children and to prohibit assignment to detention without a hearing and court order, processed within 24 hours. In addition, codes can provide for the use of alternatives to detention that do not require any form of incarceration.

The picture that has been presented of juveniles in jail and detention is such that the problem is not one to be eliminated quickly. Our analysis, however, indicates that there are a series of steps that are imperative if jailing is to be eliminated and the general use of detention constrained.

Statutes should prohibit the commitment of juveniles to jail under any circumstances. Only those States that have strong prohibitions or have State control of jails have been successful thus far in eliminating the jailing of juveniles.

Statutes should provide for mandatory detention hearings with the detention decision the responsibility of the judge. Such hearings should be held within 24 hours of the juvenile's being taken into custody. It should consider whether there is probable cause that he or she has in fact committed the act with which they are charged, and that detention is necessary because of the danger to others or because they are a serious risk in not being available to the court for subsequent processing.

Although statutory provisions for mandatory hearings are the exception rather than the rule, "most commentators consider mandatory detention hearings as a constitutional requirement or a practical necessity to control detention effectively" (Ferster, 1969). Furthermore, it is now possible to develop criteria as to what is a clear danger and who is a risk. This should be done so that statutes can contain the necessary provisions. We are in agreement with Rosenheim (1970) that jailing a child to protect him is inappropriate given the conditions for children in adult jails. It is highly debatable that self-destructive acts should ever be a basis for detention in jail. Hospitals and emergency clinics are far more appropriate referral agencies for the child who is a threat to himself.

Criteria for detention should be explicit and limited to acts that would be criminal if committed by adults. Wald (1968) has proposed that special civil actions and civil remedies be substituted for juvenile court action in cases of truancy, incorrigibility, and other status offenses. Obviously, for this proposal to be effective, community resources would need to be enhanced, but implementation of this proposal would reduce criminal handling of much juvenile behavior.

As indicated above, it is recommended that judges be given sole responsibility for the decision to detain, and constitutional rights available to adults should also apply in the case of juveniles in this decision-making. The Handbook of Juvenile Court Judges (1970) criticizes the indiscriminate use of detention as harmful to juveniles. They further specify the criteria and conditions for arrest, arraignment, and hearing so as to protect the child and his parents.

Rapid development of alternatives to incarceration of juveniles charged with criminal violations must be given high priority. Foster and shelter homes can provide alternative 24-hour supervision, but of equal importance is home detention with supervision and consultation with parents. The use of release upon the promise to appear could be implemented immediately in most jurisdictions for the majority of

cases as the findings from detention studies in Louisville and St. Louis indicate. If this were done, the NCCD guidelines for detention of no more than 10 percent of the caseload could be achieved immediately in most courts. Although bail is negatively viewed by most students of juvenile law, some mechanisms are needed to facilitate the immediate release of juveniles who are charged with acts for which adults can be released on bail.

In view of the fact that there are seven States in which jail is presently the only available detention facility, it is obvious that regional detention units are needed for juveniles in these States. It is probable that some juveniles will have to be detained for limited periods of time, but because such centers are likely to be at a distance from the home of most offenders, the minimum age could be set at 15 years.

Jail inspections on a routine basis must be implemented in all States with the necessary resources and with inspectors responsible to the supreme court or its agent rather than the department of corrections, as is the case in many States. Frequent inspection must be accompanied by a comprehensive system for statewide information collection and processing if accountability or quality control is to be achieved. Such a system should also permit randomized checking of detention population and practices.

The proposal of the national Task Force on Corrections for gradual State assumption of responsibility for all county and local detention is recommended. State consultation and supervision could begin immediately along with mechanisms for monitoring and supervising detention practices. Several proposals have been developed for statewide systems of approved and monitored facilities for detention so their implementation should be relatively easy (Norman, 1969).

To encourage the development of alternatives for detention, Federal and State governments could make special grants available for such purposes. In some States, activities of Youth Services Bureaus, for example, have resulted in the emergence of diversion and detention alternatives that are highly innovative and yet viable.

The use of jails for sentencing juveniles must also be prohibited explicitly. If it is necessary to sentence a juvenile to an institution, then a public training school or a private residential facility is where he or she should be sent so that an appropriate rehabilitation program might possibly be provided for him. It is overwhelmingly apparent that neither jails nor juvenile detention facilities have the staff and other resources for even a minimally adequate rehabilitation program.

Given the development of various alternatives to the use of jails and detention, it appears likely that higher age limits (for example, 15 years) could be established for detention. Such an action would mean that children 8 to 14 years would not be placed with older adolescents who may have committed serious felonies and might only lead the younger person to deviant behavior and values.

There are a variety of other recommendations one could propose to reduce the jailing of children, and excellent statements have been developed by the NCCD and many noted juvenile authorities. One needs to bear in mind that far too often the outcome of juvenile contact with the criminal justice system has been behavior and attitudes that are more dangerous than those that led to the initial contact. Somehow this pattern must be reversed. Limitation of the mandate and domain governing juvenile detention along with modification of ineffective procedures and of procedures that deny children fundamental civil and constitutional rights appears, at this time, to be one of the significant first steps to be taken.

Thank you.

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Third Conference Session — "Special Issues," Thursday, January 25, 1973, 10:15 a.m.

CORRECTIONS 5 — "Status of Offenders"

FORUM COORDINATOR: **Robert J. Kutak,** Attorney, Kutak, Rocke, Cohen, Campbell and Peters, Omaha, Nebr.

DISCUSSION LEADERS: **William Leeke,** Director, South Carolina Department of Corrections, Columbia, S.C. "Should Offenders Have a Correctional 'Bill of Rights'?"

Harvey Perlman, Professor of Law, University of Nebraska Law College, Lincoln, Nebr. "Should There be Appellate Review of and Continuing Court Jurisdiction Over Sentences?"

Eddie M. Harrison,
Director, Pre-Trial Intervention Project, Baltimore, Md.
"Should Offenders and Ex-Offenders be Involved in Correctional Policy and Program Development and be Employed in Correctional Work?"

Mr. Kutak: We probably have one of the more interesting topics that could be discussed in American corrections today. The topic is: "The Status of Offenders." It is certainly one of the more controversial subjects facing correctional officials and their charges. This topic occupies the attention of the courts as well as any number of legal groups.

Of all the chapters of the task force report, the Advisory Commission spent more time on this one than any other one. It preoccupied the attention of the Commission because it was certainly fraught with highly charged issues. There was much concern about this issue. The chapter regarding the status of offenders is covered fairly comprehensively in the *Working Papers.* Slightly fewer than 50 percent of the standards are included in the *Working Papers.* The remainder will be included in the final *Report on Corrections.* Before you pass judgment on the Commission's work, I hope you will have a chance to see, consider, and discuss the entire work product of the Commission.

For those of you who are real students of the subject, when you see the task force report or just the bibliography alone, you'll consider it well worthwhile. Of course, the report was written for the commentary, which you will see samples of here. Whet your appetite, because there is more than what is in the *Working Papers* that will be relevant to your work and your administrations.

We have three speakers to address us on specific areas that concern the status of offenders. I'm tempted to say that all three of them are known to you, although all three of them are probably not known to you. I'm beginning to see all three of them more and more frequently on the circuit.

But, the first one, I'm sure is very well-known to you. Bill Leeke is the Director of the South Carolina Department of Corrections. He is many other things as well. He is the principal author of a book each of you must have if you don't own it already. Perhaps I should say he is the principal sponsor of the book. I want to make a pitch for it, Bill, not only because it needs circulation desperately, but also because it is good.

It's a book done by the South Carolina Department of Corrections under a contract with LEAA, called *The Emerging Rights of the Confined.* It's very inexpensive. It can be obtained, I'm sure, by writing Bill's secretary. It is not necessarily written for the confined or the lawyer. Basically, it is written for the correctional official, the administrator, or his staff who is concerned about the problems and needs a practical, realistic synopsis of what is happening in this field.

I salute Bill and his staff for making a major contribution in this field at a most propitious time. That's only one of Bill's many achievements over the past few years. However, rather than speak in his behalf, I think I'll let him speak for himself on the subject: "Should Offenders have a Correctional Bill of Rights?"

Mr. Leeke: The day of the judiciary's hands-off approach to legal actions concerning the rights of offenders is gone, and rightly so. The modern corrections administrator would not argue with the attitude assumed by many of our courts in this respect. The administrator recognizes that correctional officials have often been remiss in examining the reasoning behind some of our practices and prohibitions, and have continued them only because "that's the way it's done." The objectivity of disinterested third parties in the forms of Federal and State jurists has shed new light on the rights of those behind prison walls.

For far too long, it was supposed that those who had been found guilty of crimes against society forfeited their constitutional rights. This assumption, of course, clearly was founded in error. During the past decade, especially, it has been primarily the courts that have attempted to insure that the rights of inmates were not infringed upon.

In certain cases, courts have found it necessary to reverse completely commonly accepted correctional procedures. Good examples of this have been disciplinary and segregation procedures. The prevailing judicial philosophy stresses the need for compelling justifications of a reasonable nature in order to withhold or contract the fundamental constitutional rights of inmates. This is not to say that the courts have been unmindful that a correctional setting cannot operate without a tempering of individual rights versus the needs of security.

In some situations, correctional officials—although acknowledging the dubious constitutionality of particular practices—have waited for the courts to establish those rights guaranteed inmates by the Constitution. On the other hand, a large number of officials have not waited for the courts to act and have voluntarily adopted procedures that insure only minimal infringement, if any, on the rights of confined persons. Thus, through a combination of Fed-

eral and State case law and the voluntary innovations of concerned officials, a body of unquestionable rights afforded offenders has been firmly settled.

There seems to be no question, then, that offenders do have guaranteed rights. There is a question, however, as to exactly what they are. For example, at disciplinary hearings in one jurisdiction, the accused may have an absolute right to be represented by an attorney, whereas in another jurisdiction that right may consist of representation by counsel substitute. Needless to say, in both jurisdictions the right to representation is afforded, yet the manner of representation varies. Thus, the example illustrates that a basic universal right may be expanded or contracted depending on the source of the right—judicial or administrative—and the degree of its explicitness—general or specific.

If no representation were afforded at all, a judge might order that specific steps be taken in the disciplinary process to insure that inmates' rights are safeguarded, including provision of counsel. However, if counsel substitute was voluntarily utilized, it would be a heavy burden to prove that such was ineffective in every disciplinary case if challenged. More importantly, however, representation would be had. I have noted law students in disciplinary hearings maneuvering in ways that would make the most accomplished trial lawyer envious.

My point is simply that I believe offenders do have a bill of rights, but for me to define a series of absolute, unequivocal rights would be a presumptious exercise beyond the scope of this paper. The term bill of rights connotes law, which as Justice Holmes said in *The Common Law* cannot be dealt with as can the constant propositions of mathematics. Until the Supreme Court's ruling last summer, the death penalty was constitutional as it had been applied. It is no longer.

In addition to the intricacies of the law as we know it, I do not believe it is the place of correctional administrators to attempt to make law. Our jobs are complicated enough without trying to take on the work usually performed by judges and legislators.

With respect to the courts, their disinterested objectivity gives them a better opportunity to examine our practices impartially and weigh them against alleged infringements on individual rights. Also, rights are generally determined through case-by-case decisions rather than sweeping overnight changes. Thus, I believe lawmaking should be left to those with the expertise. This does not, however, exclude the correctional administrator from judiciously utilizing what he learns from the courts. The embodying of those rights stated by the courts as guaranteed offenders by the Constitution into workable programs is a function of the correctional administrator.

This does not mean that correctional administrators must await court orders before progress can begin. It means that those rights already defined can be set out in policies and procedures for actual practice. Further, by examining all practices, correctional administrators can eliminate those they consider to be unreasonable infringements on the rights of confined persons although no challenge is made to its legality.

Thus, through careful self-examination, the existing inequities can be corrected by those of us who know and understand corrections best. Good faith will be illustrated. There will be no basis for accusing us of proverbial footdragging. We can channel our resources unhampered toward affirmative, rehabilitative programs.

Of course, as long as man incarcerates man, injustices will occur and the courts will sit as insurers of individual rights. However, by insuring that our adopted policies and procedures embody the rights guaranteed offenders and by insuring that these policies and procedures are practiced, one hopes it will not be necessary for our courts to entertain many of the clearly spurious and frivolous suits with which they are now deluged. This is in no way meant to discourage access to the courts. We should be the foremost advocates of this right.

It is clear, then, that offenders are entitled to be treated with only minimal reasonable encroachments upon their rights. It is my contention that the universal adoption of policies and procedures incorporating these rights should be the approach of the correctional administrator. Let us take the law given us by the courts and put it to work. The standards of the rights of offenders promulgated by the Task Force on Corrections represent a vehicle to accomplish this goal.

By detailed examination of the leading cases, careful analysis of existing practices, and consultation with correctional experts, the drafters of the standards have established an all-inclusive compendium of policies and procedures. The adoption and utilization of these by all jurisdictions would assure offenders that their constitutional rights were being protected. An examination of several standards would be a key to the total theory.

Standard 2.3, Access to Legal Material, may be less controversial than other standards, but its impact is clear. *Johnson* v. *Avery,* establishing the constitutional right of the jailhouse lawyer to render legal assistance to fellow inmates, was an indication of things to come. Lawyers, even jailhouse lawyers, must do legal research in order to be effective. Thus, the Supreme Court in *Younger* v. *Gilmore* affirmed the ruling of a three-judge Federal panel, that among

other things, the standardized library used in one State's system was inadequate. Also, economic considerations in expanding institutional libraries were outweighed by the rights of indigents to have access to legal materials.

Legal libraries are expensive—both in initial and annual upkeep costs. Yet, who among us would deny the confined the right to attempt to seek his freedom—especially those who cannot afford retained counsel or who cannot wait until some legal assistance service agency gets to his name on an endless list for free legal assistance? Moreover, in addition to the obvious benefits of a legal library for insuring access to the courts, the rehabilitative and educational advantages to be derived cannot now be measured. Adequate legal libraries for inmates are imperative, not only because the Supreme Court indicates this as an established right, but also because correctional administrators recognize that confined persons very often by their very situation require more legal attention than the man on the street. It is our responsibility then to see that this need is fulfilled.

Closely related to the offender's right to access to legal materials, but more important to his physical well-being, is his right to medical care as set forth in Standard 2.6. The cases in this area of corrections have not been as far-reaching, and thus, the law relating to medical care is not as definitive as is access to legal material, for example. However, this is no cause for correctional officials to pass over this subject with less concern. It is time for us affirmatively to recognize our duty to provide reasonable medical care and adopt and implement guidelines accordingly.

Now is the time in our national life when the controversy surrounding health care for the ordinary man on the street has reached such a peak that no one would deny that a right to such care exists. How then could corrections deny equivalent care to the individual who has no choice in physician or clinic? It may even be argued that often—due to the less desirable conditions of close confinement—the offender is entitled to a higher degree of medical care, designed for the correctional setting, than is the free individual who generally has a greater degree of control over his hygienic destiny.

No longer are persons sentenced to our control to be warehoused in places of uncertain sanitation with only limited chances of survival. The rehabilitative ideal encompasses not just the forming of civilized attitudes, but also, where possible, the making of whole persons, physically and mentally. This is especially true today with the great numbers of drug-related offenses and the swelling of inmate populations with truly sick persons. By the very nature of this movement, the definition of reasonable medical treatment and our duty to provide it, has been expanded. So, without the necessity of court-ordered innovations in the field of medical care, correctional administrators must constantly stay abreast of the medical situation within our institutions and insure the best treatment possible.

Access to the Public, Standard 2.17, is another area of some concern, and as it lately has been in the public eye with respect to reporters and their sources, I shall aim primarily at access to the media. It is my contention that within this guideline, not only corrections in general but also the offender, has a great deal to gain.

By acknowledging the offender's unfettered right to access to the media—tempered only by minimal security considerations—corrections is opening the door to the public's better understanding of correctional missions and goals. Furthermore, by candid publicity, the ex-offender's return to society may be aided by dispelling society's distrust and doubt. Naturally, the media presents the bad with the good, but if correctional administrators adopt and practice policies and procedures like the present ones, either the inmate will have no unfavorable criticism or such criticism will be dismissed as hyperbole or outright fiction. A familiar incident may illustrate this fact.

Very recently I noted a newspaper article from a jurisdiction whose correctional system has a policy on access to the media very similar to Standard 2.17. The article concerned an informal inmate group whose stated goals amounted to correctional reform from within. One of the group's complaints was that it had difficulty gaining recognition and support from the outside due to the administration's oppressive controls. At this point, the reporter editorialized on the unlikelihood of this allegation, citing his own free access to, and uncensored conversation with individuals concerned.

It can be shown that by offenders' exercising their right to access to the media, modern corrections can also be benefited. Furthermore—court orders notwithstanding—if correctional administrators are practicing reasonable, well-founded policies, such as those outlined within the standards, there should be no reason to deny offenders access to the media.

I have only briefly touched upon three of the 18 standards governing the rights of offenders in the *Report on Corrections*. However, each standard goes to the heart of some vital facet of the correctional process and illustrates its effect on the overall system of criminal justice to which corrections is just one contributor.

As I indicated above, my major premise is that courts make law, and correctional officials use it. This is accomplished by the studied compilation and

publication of ordered policies and procedures rather than by haphazard applications of court orders insuring offender rights on a case-by-case basis. Perhaps the most important action correctional officials can take in this respect is to insure that such guidelines are uniform—in content and application. For the offender to know that rights would be intact might well dispell the air of distrust that often exists between offenders and correctional officials. This reasonable expectation of equitable treatment could also be a great contribution to the process of returning offenders to the street with a less jaundiced view of the society that removed them initially and vice versa.

The route to this end is through uniformity. Whether the guidelines that are utilized are those of the Task Force on Corrections, those of the National Council on Crime and Delinquency, those of the Association of State Correctional Administrators, or some other group makes no difference. The particular set of guidelines adopted must, however, be uniform in scope, embracing all rights to which offenders are entitled—arrived at by judicial mandate and by the research and experience of correctional experts.

Policies and procedures must also be uniform in application. It is not enough for such guidelines to be promulgated to a select few at national convocations. They must be given widespread publicity beyond top level management. They must be passed down to the individual most closely associated with the offender, and they must be passed with purpose. Those charged directly with day-to-day association with offenders cannot be expected to protect an inmate's rights if they do not understand them, and without a policy's wholehearted application, a policy's goal will likely go unrealized.

Although the vast majority of corrections law has been aimed at Federal and State practices, political subdivisions must adhere to uniform policies in order to assure universality. This will be no easy task, for in many States the city and county systems are independent. However, through the means of jail inspection programs coupled with the concern of some legislators and judges in addition to educating the public in general, correctional officials can begin the job of insuring universal acceptance and practice of uniform policies and procedures.

It has been my contention that the topic—"Should Offenders Have a Correctional Bill of Rights?"—has already been answered, primarily by the courts but also by concerned correctional officials. I have also advocated insuring that offenders' established rights be uniformly applied in all jurisdictions. By extended and continuous self-evaluation with enlightened guidance from the courts, the correctional systems of this country can better serve society by affording offenders fair and equitable treatment.

Thank you.

Mr. Kutak: Our next speaker is Harvey Perlman. I first met Harvey when he was the editor-in-chief of the Nebraska Law Review. At that time, he was putting together a symposium called the "Tasks of Penology." This seems to be the first time that a major law school had devoted an entire year's effort to struggle with the emerging questions confronting the law. This was in 1966.

My contact with him since then has been through his work with the Nebraska director of corrections. At that time, Nebraska was developing a comprehensive reform act known as the Omnibus Treatment and Corrections Act. It was the first time that a State systematically tackled the problem of corrections law on a statutory basis. Harvey was kind of an unpaid—certainly unpaid—legal adviser to the director of corrections in seeking improvement of corrections through statutory law.

His topic today has real meaning to correctional officials, of course, because it deals with one of the worst problems correctional officials have to face—the disparate, the excessive sentence. Therefore, I would like to introduce to you Harvey Perlman, who will address himself to the question of appellate and continuing review of sentences.

Mr. Perlman: The standards that relate to the subject I'm supposed to address myself to are Standards 5.9, 5.11, 5.17, 5.18, and 5.19 in the chapter on sentencing in the *Working Papers*.

I have been asked to answer the question: "Should there be appellate review of and continuing court jurisdiction over sentences?" To avoid any unnecessary suspense my answer—consistent with the recommendations of the National Advisory Commission—is yes on both counts.

Appellate review of sentencing is not a new concept. In fact, one of the more remarkable aspects of this Conference may be that in 1973, appellate review of sentencing is still an "issue in corrections." We remain the only country in the Western world without it. Yet there are those who remain sincerely, but stubbornly opposed. I will not belabor here the list of commissions and organizations that have recommended appellate review, nor the growing number of State appellate courts that are exercising that power by statute or by inherent judicial authority.

Continuing jurisdiction is a newer concept in correctional thinking and requires a closer examination. In fact, there is a great deal of ambiguity in the term and we might try in a few minutes here to define

what it is. The traditional rule is that once a sentence is pronounced, the offender is subject to the correctional agency, not the court. Lacking an assertion by an offender of a constitutional defect in his conviction or sentence, the trial court generally rejects, at least as a legal principle, any further responsibility for his welfare.

Inclusion of both topics in a panel on correctional issues dramatizes the importance of sentencing in the correctional process. In a system where upwards of 90 percent of those convicted plead guilty, sentencing is clearly the critical stage of the criminal proceedings. While the courts in the last decade have evaluated the techniques of police and correctional agencies in performing their responsibilities, little attention has been given to the sentencing function which the courts themselves perform. Thus, perhaps, the question we should address—and which is fairly raised both by appellate review and continuing jurisdiction—is how the sentencing process itself should be reformed. It is to this broader question that I would like to address my remarks.

If justice to be done must appear to be done, then the sentencing procedures in too many American courtrooms provide little assurance of the absence of passion, prejudice, or perjury. The trial judge determines sentence on the basis of information of untested reliability. He may or may not have the benefit of a presentence report. Where it is available, it may contain a mixture of fact, opinion, and fabrication. However, it remains undisclosed to the offender or his counsel. They are forced to offer mitigating evidence to unknown factors and to rely on the fairness and competence of the probation officer. There is little opportunity to contest erroneous information and no opportunity to cross-examine witnesses who have provided damaging information.

In addition, no rules of evidence guide the court in selecting the information that will be utilized. While we pride ourselves on our system of determining guilt or innocence that is directed toward the exclusion of unreliable information, we specifically refuse to impose even the barest assurances of reliability in sentencing. For example, a new set of rules of evidence for the Federal court system has recently been adopted by the U.S. Supreme Court. The purpose of these rules as stated in the rules themselves is "to secure fairness in administration, elimination of unjustifiable expense and delay, and promotion of growth and development of the law of evidence to the end that the truth may be ascertained and proceedings justly determined." However, sentencing is specifically excluded from their applicability.

The trial judge selects the nature and extent of the sentence, generally without guidance either from the legislature or the higher courts. While scholars and correctional officials debate the relative merits of punishment, retribution, deterrence, rehabilitation, treatment, or reintegration as appropriate goals, the selection among these goals in a particular case is left to the individual tastes and dispositions of sentencing judges. If the judge selects a sentence authorized by legislation, his decision is—in most jurisdictions—not subject to review by a higher court.

I assume—as well as personally believe—that most sentencing courts sincerely attempt under severe limitations of options and resources to reach a sentence that is appropriate and just. Most express openly that criminal sentencing is the least satisfying of their judicial tasks. It is a heavy burden to deprive a person of his liberty, and the burden is increased by the lack of guidance offered by legislatures and appellate courts.

Upon pronouncement of sentence, the offender is turned over to a correctional agency. Generally, the court has indicated a length of sentence, but not the purpose for which sentence was imposed. Correctional agencies must follow their own lights as to the purpose of the sentence and the goals it seeks to achieve. Any consistency between what the court intended and what the agency implements is purely coincidental.

The entire correctional process is dependent on appropriate sentencing. Excessive or disparate sentences serve neither society nor the offender upon whom they are imposed. An excessive sentence burdens overtaxed resources and has a detrimental effect on the offender. Disparate sentencing—whereby one offender is sentenced to a term far different than offenders of like backgrounds and offenses—encourages the belief that the criminal justice system, and the society it represents, are arbitrary, capricious, and irrational.

Appellate review stands as a partial answer to excessive and disproportionate sentencing. Both of these concepts are obviously related—a sentence that is excessive is probably also disproportionate. An appellate process that leads to a single highest court would, if properly structured, result in statewide standards and criteria for trial judges to follow. One of the major values of our judicial appellate system is that appellate courts are required to articulate reasons for their decisions. By reviewing sentencing and by articulating the reasons for affirming or reversing the lower court, there should develop, through case-by-case analysis, a more rational system of sentencing.

Such opinions would serve to ventilate the difficult issues of sentencing both for sentencing judges and the public-at-large. As goals, purposes, and techniques of sentences are approved or disapproved by

the appellate court, fewer offenders should find grounds to seek review of their sentences. Perhaps more importantly, the public should come to understand the sentencing process.

The only part of sentencing that currently attracts the public eye is the maximum sentences authorized by legislatures or imposed by courts. It should not come as a surprise that a public concerned with crime should call for increases in maximum sentences when the courts seldom articulate the effect and purpose of lesser sentences. One wonders the extent to which the public's unease with courts and corrections can be directly attributable to the failure of both to articulate fully the rationale behind present practices.

Appellate review likewise provides the offender with a chance to air his grievances arising out of the sentencing process. A person unfairly treated in the judicial forum is unlikely to be a willing subject for rehabilitative efforts. Courts have increasingly required as a constitutional dictate that correctional agencies provide a grievance procedure for offenders under their charge. Corrections is fast becoming aware that a formal procedure that meaningfully responds to offender complaints is an affirmative correctional tool.

There is little justification for exempting the sentencing process from similar considerations. It seems strikingly incongruous that an offender must be provided an impartial hearing if a prison warden revokes good time credits and thereby increases his sentence, but has no avenue of appeal when the sentencing court selects the maximum sentence provided by law. The recent Supreme Court opinion in *Morrissey* v. *Brewer* required procedural trappings in parole revocations. The court decided that the Constitution requires that parole boards provide parolees with a written statement of the evidence relied upon and the reasons for a parole revocation. Should not the same procedures be applicable to the initial sentencing?

One of the basic arguments against appellate review seems to be that sentencing is such a complex factual matter that it ought to be left to the sound discretion of the sentencing court. It is argued that the trial court has much more information than an appellate tribunal. It has an intimate familiarity with the crime and the victim, and a firsthand view of the attitude and personality of the defendant. Indeed, these factors may be important in sentencing.

There is nothing in appellate review that argues against relying in large measure on the discretion of the sentencing judge. But, as the Wisconsin Supreme Court noted in *McCleary* v. *State,* a 1971 opinion, "discretion is not synonymous with decisionmaking." The process of discretion must depend on facts that are of record or that are reasonably derived by inference from the record and a conclusion based on a logical rationale founded upon proper legal standards.

That court went on to answer in powerful language the argument that the legislature, in providing for wide discretion, meant to preclude appellate review. The court commented:

> It flies in the face of reason and logic, as well as the basic precepts of our American ideals, to conclude that the legislature vested unbridled authority in the judiciary when it so carefully spelled out the duties and obligations of the judges in all other aspects of criminal proceedings. Just because the legislature provides a range of ten years, it would be nonsense to conclude that, in a particular case, it would make no difference in terms of legislative intent whether the sentence was for one year or for ten.

Implementation of appellate review of sentencing alone will not greatly alter the present system. Even where the appellate courts have agreed to review sentences, only the most grossly erroneous sentences will be cured unless procedures are adopted that insure that the sentencing process is open, that the information upon which sentence is based is reliable, and that the purpose of imposing sentences is understood.

To implement fully appellate review of sentencing the following additional reforms should be considered, and many of these are in the National Advisory Commission's recommendations.

The legislature should establish statutory criteria for the imposition of sentences, which, while necessarily general, would provide initial guidance to courts in imposing sentences in a particular case.

The sentencing hearing should be part of the official record of the case, all facts upon which the sentence is based should be disclosed to the defendant, evidence used in sentencing should be tested for reliability, and the defendant should be provided with an opportunity to be heard.

The sentencing court should be required to enter into the record of a case the facts upon which he bases his sentence, the reason he selected the sentence imposed, and the purpose that sentence is thought to serve.

The appellate court should, on a case-by-case basis, render written opinions that would fully explore the purposes and goals of sentences and more fully define the broad criteria established by the legislature.

With these reforms, sentencing becomes an open process. We have heard a lot in recent years about opening the prisons to public scrutiny, and much the same could be said about the sentencing courts.

While the implementation of appellate review of sentences seems compelling and inevitable, there are specific issues that raise difficult questions of policy

and law. In a few States, the power to review sentences is vested in a special court that does nothing but serve this function. It is argued that this specialization insures a greater level of expertise. There are, however, sufficient difficulties with such a system that both the American Bar Association and the National Advisory Commission recommend that sentences be reviewed, as are other issues, along traditional appellate procedures.

No issue related to appellate review of sentencing raises more controversy than whether an appellate court should be authorized to increase as well as decrease sentences. To combat disparity and retain effectiveness of sentences, the court should have the power to increase. Where disparate sentences result from one offender receiving too light a sentence, the appellate court, in order to resolve the disparity, must either increase one to the level of an effective sentence or decrease the other so that both are inappropriate. On the other hand, the power to increase would inhibit appeals on sentences and thus detract from the purposes of appellate review. Similarly, there is strong support for the proposition that increasing a sentence may be in violation of the constitutional prohibition against double jeopardy.

The issue is further complicated as sentencing alternatives increase and greater use is made of community-based and conditional release programs. Does the appellate court increase a sentence when it imposes additional or different conditions of probation, when it orders intensified reporting to a probation officer, or when it orders a greater amount of an offender's wages to be paid to his dependents? The possibilities are endless.

My own view is that until sentencing criteria are established and appellate courts have articulated their own views of the goals and purposes of sentences, it is unfair to subject an offender to the possibility of receiving a more severe sentence for exercising his right to appeal.

The criminal justice system is, by necessity, a system that relies on official discretion throughout the process from arrest to release. Proposals that seek to abolish discretionary powers entirely are unworkable. On the other hand, arguments that seek to insulate discretion from review are equally impractical and destructive to our system of justice. The past decade has seen the courts increasingly review the exercise of discretion by both police and correctional agencies, and subject both specific actions and general techniques to constitutional standards. Appellate review of sentencing will insure that the courts exercise some review over their own activities.

As constitutional dictates have been imposed on correctional agencies, corrections has changed for the better. Change has, however, not occurred without the development of hostility and misunderstanding between courts and corrections. Providing offenders relief from violation of their constitutional rights is a traditional judicial function. Application to correctional agencies of the cruel and unusual punishment clause, the due process clause, the equal protection clause, and other fundamental principles was inevitable and in the finest tradition of our legal system. To the extent that these principles make corrections more difficult, the answer is simply that this country has higher goals and more important aspirations than effective corrections. However, as the National Advisory Commission recognizes, the protection of offenders' rights and effective correctional programs are not contradictory but consistent in most instances.

The recommendations of the National Advisory Commission for the courts to exercise continuing jurisdiction over sentenced offenders and thus, by necessity, over correctional agencies may, if not properly understood, intensify the misunderstanding and tension between courts and correctional officials. Continuing jurisdiction would authorize the court to measure correctional agency actions not against the minimal requirements set out in the Constitution, but against the purpose for which the sentence was imposed.

A sentence is a court order that is presumably imposed for a reason. The court believes that the sentence will either rehabilitate an offender, deter him from further crime, deter others, incapacitate him, or perhaps merely punish him. The offender is bound by the order of the court. The part of the sentence that says he is committed to an institution for 10 years means that if he decides to leave prior to that time he is guilty of a further crime of escape. But there are two parties to a criminal proceeding and both should be bound by the court order.

If a court sentences a person for 10 years to rehabilitative programs, should not the correctional agency be required to provide those programs? If such programs are not made available, should not the court be entitled to enforce its order, or be required to alter it, as it is entitled to enforce the 10-year provision of its sentence? Of course, correctional administrators remain the expert in providing rehabilitative programs. Their expertise—as indicated in the discretionary actions they take toward an offender—should carry and, no doubt, would carry great weight with the court. However, a court might still find that long periods of segregation, minimal dietary allowances, periodic homosexual assaults, limited communications with family and friends, frequent and undignified searches are not rehabilitative. In that event, the correctional agency would be in violation of the sentence.

The exercise of continuing jurisdiction by sentencing courts would not be a completely new fact of judicial power. It is true that the traditional rule in the context of criminal law is that a sentencing court may alter a sentence only during the term of court. However, the same judge in a civil case can alter his decrees of a continuing nature without substantial limitation.

Present practice in criminal law administration also contains instances where courts exercise similar powers. In many States, probation either was at one time, or remains, the administrative responsibility of the judicial branch. A sentence to probation contemplates continuing jurisdiction. Courts have always retained the power to enforce their order either by modification of conditions or revocation. The National Advisory Commission report follows the growing number of States that recognize probation as a sentence and not some hybrid that can only occur when sentence is "suspended." Continuing jurisdiction over a sentence to confinement would be little different from the responsibility a court now assumes on a sentence of probation.

The process of criminal sentencing is presently under attack from many quarters. There are proposals to remove the power to sentence from the courts and place it in specialized boards. There are proposals on the other end of the spectrum to return to a legislatively imposed sentence without discretion in the sentencing court. These proposals obtain much of their surface appeal because of the validity of the attacks their advocates can launch on the present system. Judicial sentencing is worthy of preservation. Appellate review of sentencing and continuing jurisdictions seek to make sentencing rational and fair. It is only when sentencing meets these objectives that judicial sentencing will be secure and corrections will be effective.

Thank you.

Mr. Kutak: Our third speaker is Eddie Harrison. He is the author of a new book called *No Time for Dying*.

Eddie Harrison is the director of the Pre-Trial Intervention Project in Baltimore, Md. He is a consultant, an adviser—stripping away all the fancy titles—just a plain hard worker in the effort to develop the standards that have been submitted to you for consideration. His subject is: "Should offenders and ex-offenders be involved in correctional policy and program development and be employed in correctional work?"

Mr. Harrison: I would just like to make a further attempt to put this whole session into focus a little bit. We are all very much concerned with the status of the offender. That's the only thing that this conference session is designed to respond to. I think that some of the other concerns that have come out are being properly addressed in other conference sessions, but this one merely is intended to address the status of the offender.

The question I am addressing here is "Should offenders and ex-offenders be involved in correctional policy and program development and be employed in correctional work?"

The answer to this question should cause little hesitation on the part of competent criminal justice administrators or those knowledgeable in the field of corrections. It has been well established over the past 400 years that offenders are a viable source of manpower for corrections. We have just not recognized the fact that offenders are being employed in correctional work primarily because they were not salaried employees—nor have we given sufficient credit or recognition on a broad scale to inmates for their contributions in the areas of program development and correctional reform.

From an operational point of view, a major institution simply cannot function without the cooperation and labor of its inmate population. Inmates are involved in every phase of correctional work. In some institutions inmates even perform many of the security functions, including making counts, locking cell doors, dormitory patrols, etc. The Federal Bureau of Prisons, for example, could replace a large portion of its Federal Prison Industries staff with skilled inmate craftsmen who can and who have performed as well as paid civilian staff members.

I know from my experience as an inmate that the skills I acquired in prison were comparable to that of the shop foreman who made approximately $12,000 a year for a job that I did for $25 a month. I can speak of many instances in which inmates have performed the tasks of their supervisors on many different levels in corrections without receiving any benefits or recognition for their accomplishments.

You might even be surprised to learn that just about every successful ex-inmate I know carried a tremendous amount of responsibility while he was in the institution, and by and large that responsibility was assumed by the person rather than designated as a task or job by any administrator.

Let's take a moment to dwell on the effects of a complete inmate work stop in a major institution simply to dramatize the extent to which inmates are involved. The vital areas that would be affected immediately would include food services, the power plant, medical services, the records division, sanitation, prison industries, laundry facilities, communications, and all maintenance shops. Without these basic functions, the institution would be completely

crippled. Let's go just a bit further and examine them.

1. Some institutions are charged with the responsibility of preparing and serving three meals a day for perhaps as many as 3,000 inmates. The food services unit would find it virtually impossible to prepare a single meal, much less perform the related functions of serving, cleaning the dining area, washing the utensils, and scrubbing the floors with a civilian staff of no more than five people on any given shift, and that is just for the general population. This problem would be immediately compounded with the responsibility of feeding the hospital unit, the detention cells, and the maximum security units.

2. I would venture to say that 90 percent of the major institutions in this country are no less than 50 years old and some are as much as 150 years old. The source for power, heat, and hot water is as antiquated as the physical facility itself. Most of these institutions still rely on the old boiler house, which burns coal or some type of hard fuel. Without the smooth operation of the power plant, again the institution would be completely crippled without heat, electricity, or hot water.

3. Inmate nurses, orderlies, and assistants are the backbone of the prison medical facilities. Believe it or not, by and large this is because there simply aren't enough qualified, paid medical staff members to perform the functions that are so vital in the medical services unit. However, I'd like to note also that these inmates by and large are usually trained medical aides, former medical students, or even qualified doctors who managed to get themselves in some kind of jam or another.

4. The necessity of having data available affects all facets of correctional work. Classification, parole, transfers, work release, court appearances, disciplinary hearings, and other daily activities of the institution would be seriously impaired without inmates working in various clerical and data processing functions. Again, in most of these institutions, the records division usually contains no more than five paid civilian staff members. It just could not function without the inmates working there.

5. Without adequate means for insuring the sanitary conditions of an institution, there is a great possibility of epidemics of dysentery, hepatitis, and other dangerous diseases. Inmate work details account for nearly all of the sanitation work that is performed in major institutions.

6. The Federal Prison Industries, which grosses millions of dollars per year in Federal revenue and provides Federal agencies both here and abroad with items manufactured by prison labor, could ill afford an inmate work stoppage. As I have already mentioned, men working in the Federal Prison Industries shops are usually highly skilled, capable workers. Unfortunately, they can only apply their skills in the institution they learned that skill in. Without Prison Industries, I think the Federal Government would have to spend untold millions of additional dollars to have this merchandise produced commercially: metal furniture, lockers, cabinets, desks, wastepaper baskets, file boxes, brooms, mail bags—and on and on. As an observation, I believe every Government office in this country contains furnishings manufactured by prison labor, as well as hospitals and armed services bases all over the world.

I don't think there is any need to go on with this kind of presentation. The only real question is that since offenders are so vital to the operations of our prisons and institutions, why don't Federal, State, and city correctional agencies employ select inmates at the expiration of their sentences, or even prior to the expiration of those sentences?

The major objection might arise that if ex-offenders were permanently employed in these positions, that there simply would not be enough work for the other prisoners to do. The only tragedy there is that more inmates would have the time for educational and treatment programs.

Let's consider that 85 percent of the crime committed in this county is committed by repeat offenders—men and women who are incapacitated in the free community because of the stigma of a criminal record. They—more often than not—do not even attempt to secure meaningful employment because it is virtually nonexistent for ex-offenders.

In my opinion, the stigma of a criminal record is, by far, the greatest barrier to employment. However, I don't think this has to be the case. High recidivism rates could be substantially reduced if corrections set the pace by hiring ex-offenders. One of the immediate results would be a reduction in the crimes committed by repeaters. I would propose that the Justice Department assist in the removal of these barriers to employment for ex-offenders by requiring that a number of ex-offenders be employed in operations positions within every facility under its jurisdiction. I would even carry that a bit further by recommending or suggesting that every State institution follow that same pattern.

Concerning the issue of program development, I think it is fair to say that a major portion of the successful rehabilitative work that occurs in prisons is the direct result of inmate organizations that must work with little or no assistance or encouragement from prison administrators. They are organizations that must continually fight for their existence and work in spite of opposition from inmates and prison officials alike. Inmate-designed self-help programs

are merely an example of the abilities and talents that lie dormant in correctional institutions.

I'd like to point out that the concern for correctional reform as evidenced by this Conference is just as much a concern on the part of this Nation's prison population. We in the free community are not the only ones concerned with the quality of service—if that's the proper word—provided in our institutions. To carry that a bit further, for the past 5 years, for example, we have witnessed a tremendous amount of dissatisfaction, rejection, and the development of alternative responses to corrections by inmate groups.

Lorton Reformatory, for example, has approximately 30 or 35 self-help inmate groups, most of which were designed by inmates and are accepted by prison administrators as viable programs. Again, these are merely examples of the abilities of offenders to plan, design, and implement therapeutic treatment programs within the institution. These are also perfect examples of the necessity for corrections to employ some of the men and women who were responsible for these programs and concepts as permanent staff members.

Believe me, I am not suggesting that ex-offenders be employed as a token measure. Rather, corrections should be the front-runner in the hiring of qualified ex-offenders. It's a product—if we can think of ex-offenders as a product—produced by the institutions, and if you're sold on the men and women that you've reformed, then I think that corrections should demonstrate that by being the front-runner in the hiring of ex-offenders.

Unfortunately, the only way offenders have been able to effect any meaningful or substantial input into correctional policy has been through the use of pressure, violence, threats, or riots. However, it is only as a result of this inmate input into correctional policy that institutions have been defused and made safer, more humane places for men and women who must live there. I think I have, for the past 4 years, been trying to impress upon correctional administrators wherever and whenever I run across them, the absolute necessity of encouraging the formation of inmate advisory groups within institutions. The basic purpose of that would be just to establish a line of communication between administrators and the inmate populations. In my opinion, this one measure could mean the difference between what happened at Lorton last fall and what happened at Attica—the difference between life and death.

I'd like to take just a minute to recognize Mr. Kenneth Hardy, Director of the D.C. Department of Corrections, who had on his hands a major disturbance—if it can be called that. Some 1,500 or 2,000 men at the Lorton Complex refused to go to work. They conducted a work strike because they had some issues that they wanted to address to the prison administrator. Mr. Hardy saw that as not only the inmates presenting what their grievances or complaints were, but also felt that, as the administrator of that institution, it was most certainly his concern, and his responsibility, to insure that the problems that could be solved were solved. That's the attitude that Mr. Hardy took.

The inmates were saying "We have these problems, we have these grievances, and we want them to be heard." Mr. Hardy on the other hand said, "If you have them, and they're legitimate, I want to hear them. Bring them to me. And if they can be corrected, believe me, they will be corrected." With that kind of attitude expressed by Mr. Hardy, I think after 4 or 5 days of sitting down and negotiating with the work strike continuing, the inmates simply indicated to Mr. Hardy that there was no need to continue the work strike in order to continue the negotiations, because he had established his credibility. Why keep the pressure on? Hey, we can keep talking about this like we have been doing, and all we wanted, anyway, was for you to sit down and listen.

So the difference between the attitudes as the result of what happened at Lorton and what happened at Attica could mean and most certainly has meant the difference between life and death. And I would like publicly to commend Mr. Hardy in person—as I have done in a letter—for what I think is the fantastic outcome of that.

In correctional work, the main ingredient for changing people is other people. People make the difference—qualified ex-inmates should be employed as correctional officers for a number of very substantial reasons. To begin with, I don't think you could find a more capable correctional officer than an ex-inmate who met the other basic requirements of the job.

The institutional experience, in my opinion, is extremely invaluable. You know you can't get that experience anywhere else. It's valuable toward understanding the problems, the frustrations, the values, the ethics, and the inmate responses to situations. In my opinion, ex-inmate correctional officers would be able to establish the kind of rapport necessary to create an atmosphere conducive to positive change and, most importantly, to demonstrate by their own successes that an inmate can, in fact, achieve a meaningful life once released from prison. I'm not, on the other hand, suggesting that to become a correctional officer means you've made a major achievement in your life.

This would also provide a mechanism for insuring that the concerns of the inmate population would be

understood and presented to institutional policy-makers. I think it is most important for the inmates to be aware that there are staff members who can fully understand their problems, internalize those same problems because they are so aware of them, and present those problems to correctional officials.

Qualified ex-inmates should also be hired in key administrative and supervisory positions. I must recognize the fact that many correctional administrators have used ex-inmates as arbitrators and negotiators during prison disturbances. However, I must also observe that once these disturbances appear to be over, the usefulness of the ex-offender quickly diminishes. I would strongly recommend that those who are correctional administrators and who have the flexibility to create jobs hire ex-offenders as inmate relations specialists, special assistants to the director or the warden, or consultants.

Let's examine for a moment the factors that prohibit and inhibit ex-inmates from being involved in correctional work. The inhibiting factors far outweigh the existence of any insurmountable prohibiting factors. The prohibiting factors are merely State or Federal civil service regulations that prevent the hiring of ex-offenders. We can work with that. It's not insurmountable. On the other hand, the inhibiting factors—tradition, fear, and outdated correctional philosophy have been the prime reasons for the lack of inmate involvement in correctional work. The grounds for refusing to employ ex-offenders are often reflected in the use of such terms as "unfit," "lack of good moral character," "moral turpitude," "criminal tendencies," "dishonest," and "immoral or notoriously disgraceful conduct."

However, the truth is that the offense that bars an individual from being employed in correctional work often bears no resemblance at all to his fitness or ability to perform the job. The greatest fear, however, continues to be that ex-offenders would be responsible for illicit drug traffic and introducing other items of contraband into the institution. That's the nitty-gritty of the problem.

Ironically, I suspect there is also the feeling on the part of people in corrections that ex-inmates are somehow not worthy comrades for correctional officers. All of these fears are exactly that—fears. These inhibiting factors must be put to rest. Reformed ex-offenders have as much, if not more, integrity, honesty, and professionalism as anyone else in corrections. Our society has made it necessary for ex-offenders, myself included, continually to prove themselves to be worthy and to be supercitizens. As a result, we have developed an extraordinary sense of responsibility and are very much aware that the public is waiting for its fears and misconceptions about ex-offenders to be confirmed. But we ain't gonna do it.

Traditionally, people who have applied for work as correctional officers have done so for various employment-related reasons or have done so as part of a family tradition. I am sure many of you are aware of this. However, ex-offenders who would be attracted to correctional work would enter the field out of a sense of dedication and commitment to changing the ever-evolving cycle of victimization that affects offenders.

Reformed ex-offenders have accepted the challenge of corrections and are offering the experiences and insights they acquired when they were the problem. If you want to deal with the problems of corrections then accept the input of the people who were the problems you were trying to deal with. They either have the answer or can contribute answers to the problem. Ex-inmates have established their credibility and expertise in the community and we must recognize them as an invaluable manpower resource for all phases of correctional work.

Like it or not, in my opinion, we need the ex-offenders' help to straighten out this mess we managed to get ourselves into.

Thank you.

Mr. Kutak: We've heard three instructive speeches this afternoon and some very interesting reactions to them. To clarify the record and to inform those who are here as legislators, I think it behooves me to mention that the Task Force on Corrections, which wrote the first draft, went over the report page by page, and article by article. The people on the task force were experienced and were in good standing with corrections. It is true that all of them were not correctional officials. However, to say that they were not corrections people at all is also not true.

You will be impressed with the fact that a heavy input into the task force report was made by the correctional community. The correctional community was not an exclusive resource, but neither should corrections be a self-contained entity in our criminal justice system. To be sure, there were others on the National Advisory Commission who passed on these rules. However, it would be remiss for me not to stress the fact that a great deal of input was made by correctional officials as well as by others.

The most important point I would like to leave you with, however, is that these standards proposed as advisory to the State and local governments are not the final word on the subject. We hope they are a good word on the subject. We would be candid with you and say that they were the compromise of a considerable amount of debate on the subject. I am sure some people feel that they have gone too far. Others,

I am just as confident, feel they have not gone far enough.

I don't think the task of writing standards for corrections will ever be completed. It is appropriate to remember that if the standards are too low, those who have to live with them—correctional officials, courts, and law enforcement officials—will, I am sure, bring the standards up.

To paraphrase Maury Sigler in that last speech of his at the American Correctional Association: If they are too high—and can standards in corrections be too high?—then I am sure those same categories of people will bring them down to earth. The important thing in looking at these standards is that they are a significant start. These standards are not made out of sympathy for the criminal or out of disregard for the threat of crime to the quality of life that we have come to expect in our society. Precisely because the threat is so serious, we recognize that standards that will bring about change in a system that is not confined to corrections alone must be attained.

The spirit of the proposed standards is to bring about meaningful and useful change. The spirit is not meant to be impractical, unrealistic, decisive, or self-defeating. Change is on the wind. Anyone who would ignore that fact is ignoring reality.

Finally, I leave these words with you in the spirit that the National Advisory Commission proposes these rules. And it is an appropriate quote from a gentleman who was confronted with a comparable situation almost 200 years ago. That person addressed a constitutional convention when it was considering its language for a constitution with these words:

> Mr. President, I confess that I do not entirely approve of this Constitution at present. But, sir, I am not sure that I shall ever approve it, for having lived long, I have experienced many instances of being obliged by better information or fuller consideration to change my opinions, even on important subjects which I once felt were right but found to be otherwise. Thus, I consent, sir, to this Constitution, not because I expect no better, but because I am not sure that it is not the best. The opinions I have had of its errors I sacrifice to the public good.

With that, Benjamin Franklin urged the adoption of the Constitution.

That wisdom, I think, is appropriate to you delegates to this Conference on criminal justice. Look not at the fragmentary discussions and individual rules that are a product of compromise through debate and contrary opinion, but to their Conference totality and the spirit in which they were offered. It is a quest for improvement in a system that seeks a just and lawful society.

Third Conference Session — "Special Issues," Thursday, January 25, 1973, 10:15 a.m.

CORRECTIONS 6 — "Correctional Treatment"

FORUM COORDINATOR: **Jewel Goddard,** Director of Court Services, Hennepin County, Minneapolis, Minn.

DISCUSSION LEADERS:

Vincent O'Leary, Professor, School of Criminal Justice, State University of New York, Albany, N.Y.
"Reflections on the Systems Age in Corrections"

Robert Martinson, Department of Sociology, City College of New York, New York, N.Y.
"Can We Move Correctional Treatment from Myth to Reality?"

Maurice Sigler, Chairman, U.S. Board of Parole, Washington, D.C.
"Are We Using the Right Factors in Making Parole Release Decisions?"

Ms. Goddard: The first of the three speakers for this session is Vince O'Leary. Most of you who've been around corrections for any length of time know him.

He's been involved with training in a number of sessions where we've been, but you may not know that he has been involved in a lot of other things. Just as a reminder: he has been Chief Probation and Parole Officer in the State of Washington; Director of Parole, State of Texas; and Director of Research and Training for the National Council on Crime and Delinquency (NCCD). He is now a professor with the State University of New York in the School of Criminal Justice.

Vince is going to present a paper on: "What needs to be done with probation and parole to fulfill the expectations of community-based corrections?" It's a heavy subject which I'm sure Vince will do justice to.

Mr. O'Leary: A favorite activity of a number of criminal justice authors in the last few years has been to describe correctional practice according to various ages. The source of the impulse to chart the field from an historical perspective I think is fairly obvious. As with each of us, whenever a significant phase of our life is closing—graduation, divorce, or retirement—we tend to look for larger patterns. Such a time is upon corrections. The viability of the concepts that blossomed in the 1920's, and that have held sway for the last 50 years, is rapidly and seriously decaying. A new era is in the process of unfolding.

Because we are in the center of that change, the dimensions and form of correctional activity that will eventually emerge are only dimly perceived. A good part of the ultimate outcome will depend on developments around much broader social themes—adequate employment and educational opportunities, racial justice, and equitable and sufficient welfare programs. The basic mold from which correctional programs are stamped is cast by events in these areas.

Despite the uncertainties about final outcomes, it is possible to identify some developments that appear quite likely to occur and fairly soon. Specifically, it seems clear that whatever other changes occur, corrections is moving into—and will continue to live for some time in—a systems age. A good deal of the work, in fact the very title, of the National Advisory Commission on Criminal Justice Standards and Goals and the *Report on Corrections* quite directly reflects that development.

Let me describe what I mean by a systems age and then cite a few manifestations of this period and the consequent challenges which they are going to pose for correctional authorities, particularly for those responsible for probation and parole services. In general, whether focusing on a specific offender, or an entire program, the system era will require correctional personnel:

1. To develop much more precise statements of goals and objectives than have ever been previously required;

2. To specify clearly the resources and people, including the costs of alternate options, that are related and needed to attain objectives;

3. To arrange for the most efficient coordination of those people and resources; and

4. To provide reliable means of assessing results and guiding future decisionmaking.

Statements similar to these have been made before, but never with such potential for requiring their implementation. Practical procedures for specifying programs and their results, as well as for measuring their costs, are well within the grasp of an increasing number of legislative and executive leaders. Equally, there is a growing inclination on the part of such leaders to impose the use of these techniques.

Moving away from these rather general statements, it is possible to trace in more specific detail some of the likely features of a systems approach to corrections and their attendant implications.

Corrections—probation and parole in particular—will be required much more than ever before to marshal evidence for its claims. The days are numbered when a correctional administrator can make naive assertions that by simply reducing caseloads or by introducing counseling programs, recidivism will be reduced significantly. Too many persons rapidly are becoming sophisticated about correctional research to be able to sustain such claims for any length of time. While it is true that a significant portion of the general public is not that sophisticated yet, the personnel of Federal, State, and local budget bureaus certainly are or will be soon.

For a long time the best claims for probation and parole will lie in the direction of cost, humaneness, and some very modest possibilities of recidivism reduction. This presents a dilemma of major proportions to correctional agencies. We don't like to manage problems; we want to solve them. It is difficult to gain funds and support for programs in which incomplete knowledge is all that is available and short-term or partial solutions are the best that can be offered. However, it is possible to do so. Witness the tremendous support that has been enjoyed by cancer treatment programs for many years.

It is encumbent upon correctional leadership to make clear that we have only a marginal understanding of how to reduce recidivism substantially. The best we can do is to employ those measures that seem to hold the greatest promise and treat the convicted offender in a way that realizes the criteria of humaneness, cost, and short-term public protection, and to do so in such a fashion that knowledge is produced that may help us to deal ultimately with the issues of recidivism.

It is especially important to do this in a time of hope when new support for community programs is gaining momentum and support. The history of corrections is replete with too many examples of new enthusiasms followed by old disappointments. There is almost a classic pattern of great expectation, angry frustration, and finally overreacting negativism. For example, psychiatric therapy as the major breakthrough for treating all offenders has gone through precisely such a cycle to the great disadvantage of both psychiatry and corrections. We find today not a few correctional authorities disillusioned with research programs because

like the king's messenger—who was ultimately done away with—they keep bringing bad news.

We have enough hulks on the beaches of correctional reform to warn us that progress in understanding and significantly reducing recidivism is going to be very slow and very hard. We are just beginning to understand the difficulty of defining what we mean by "failure" for specific offenders and the preplexing problems of measuring "improvement." This is not to argue a position of pessimism—I have never been more hopeful in my correctional career—it is to argue a position of realism and, above all, candor.

With stress on program objectives, there is a decided tendency to draw upon needed and available resources no matter what their administrative setting. Although often exhibiting tenacious resistance, related organizations tend to become subservient to program missions. In corrections, this characteristic has had the effect of promoting the consolidation of probation and parole agencies into larger correctional departments, which, in turn, are being absorbed by still larger departments of human services. Such consolidations are occurring all across the Nation. The conglomerate is rapidly becoming a distinguishing mark of public agencies as much as it has been of private enterprise for some time.

While usually sought as a rational means for the efficient pursuit of goals, the superagency carries with it a number of features that work against the attainment of the very goals it was designed to accomplish. Probation and parole services are increasingly being administered within larger and larger bureaucratic structures, and the problems of administering a human service program in such a setting are grimly predictable. Rigid chains of commands, the stultification of originality and creativity, and a competition between the needs of the agency and those of clients—in which the clients virtually always lose—are almost inevitably associated with most large human service organizations. In correctional agencies that tendency is accentuated because of their vulnerability to public criticism and their marginal political support.

One of the most important challenges confronting probation and parole managers is that of creating organizational structures and procedures that sustain a climate of creativity and encourage workers to be responsive to the needs of their clients despite the diversity of programs that may be required by local situations. This type of management runs counter to much of administrative practice in correctional agencies. Very imaginative and bold steps will be required of correctional managers to meet these needs. Certainly, the administrative integration of all correctional services at regional levels will need to be considered, as well as policies that give these units a high degree of autonomy in actual operation.

The heart of the systems era is our recently acquired capacity to store and retrieve vast amounts of data almost instantaneously. Throughout corrections, information systems are being designed that will provide tools never before available. Parole decisionmaking for one will be significantly impacted by the growth of these systems. For another, the monitoring and control of decentralized correctional program units will depend greatly on techniques of data gathering, processing, review, and dissemination.

Such systems obviously hold a great deal of promise. On the other hand, by the way they are constructed, they inevitably define the problems to be addressed and the measures that will be used to judge results. Here lies a significant dilemma for probation, parole, and all of corrections. Because of cost and broader needs, correctional information systems tend to be linked, and, in some jurisdictions, merged, with larger criminal justice information systems. Thus far, most of our concern with these linkages has centered around the issue of client confidentiality. Important as this is, it is also vital to address the policy implications of centralized data systems, which can define the success or failure of programs subsumed under them.

These systems obviously do pose problems of confidentiality with respect to individual cases, but these can be handled by vigorous and intelligent action on the part of correctional agencies. There are clearly technological means available, for example, to deny access to most of the contents of probation and parole files to general users of criminal justice information systems. Indexing methods that require reference to probation and parole agencies for a specific decision about what information is to be released in an individual case are quite feasible.

Much more difficult is the problem of maintaining influence over the manner in which statistical data flowing from these information systems is used. Experienced correctional personnel are painfully aware, for example, of how criminal justice statistics can be used by those who control the selection and interpretation of these data to bolster a preexisting bias that parole is a failure and a significant cause of rising crime in the United States.

Santayana's injunction that those who fail to learn from history will be condemned to relive it, applies with telling accuracy here. Correctional agencies must demand at least an equal voice in the development of the questions to be asked of

information systems to which they contribute as well as in the interpretation of the results. It is crucial that correctional interests be directly represented on any body that has supervisory power over criminal justice data at the local, State, and national level.

Another characteristic of a systems approach is to cause decisionmaking criteria to be made as explicit as possible, a development of obvious importance to probation and parole authorities. Increasingly they will be required to account for the [illegible] of their discretion. The simple answer, "expertise," to requests for explanations about decisions will no longer suffice. The pressures will be directed toward spelling out criteria by which correctional decisions are made. This emphasis is seen throughout the *Report on Corrections,* and already some parole boards are moving toward contingency parole decisions in which objectives are clearly specified by all parties to the decisions.

This pressure toward visibility is supported by the rising emphasis on due process protections in probation and parole. Most recently the Supreme Court has required parole authorities to reveal the evidence upon which parole violations are based and to enumerate specifically the reasons for decisions when revoking a parole. The trend is very much supported by the task force report and, in fact, is extended far beyond the requirements imposed by most courts. Some correctional administrators may resist the continued development of due process protections in corrections; others will let events take over. The wise ones will seek to discover means to build these due process procedures into their programs. Openness, confrontation, and disclosure are not foreign ideas to these administrators. These ideas are quite congruent with modern notions about effective ways to treat the correctional client.

Secrecy is sometimes defended on the basis that disclosure of information might be damaging to the interests of the offender or the community. In a rare situation this may be true, but more often than not, at its base, it is an argument to avoid annoying questions or perceived threats to personal power. This type of resistance must be overcome if probation and parole are to remain viable correctional alternatives. It seems particularly ironic that administrators of programs that arose at least in some measure because of a belief in the worth of human beings should now become a major source of resistance to developments that reassert the dignity of the individual.

The systems age finds expression with respect to the individual offender not by a preoccupation with the traits he may or may not possess but by a view of him as a whole person functioning in a web of human interactions. From this perspective any warranted change cannot simply focus on the offender, but consideration, as well, must be given to the "system" of relationships by which much of his behavior is to be understood. In concrete terms, this means that the offender's world, as well as the offender himself, become the target of attention. Picking up on these themes, the *Report on Corrections* stresses as one of its major proposals the need for community involvement.

Traditionally, probation and parole services have been the chief instrumentalities of corrections in the community. It would be fair to say that their success in this task over the past years has been limited at best. Part of the failure has stemmed from the very nature of prevailing beliefs about desirable correctional intervention. A stress on the problems of the individual offender, and the adjustments he must make, has meant an almost total concern with the clients of the correctional system and their problems.

In the opinion of the Corrections Task Force, a major agenda for correctional systems will be to reorganize themselves in such a way that the thrust of their efforts is away from solely trying to change individual clients and is directed toward dealing with and involving the community and its agencies. This represents a significant reorientation for probation and parole services, which have been typically organized along caseload lines that reinforced the notions of "one parolee, one parole officer." It is quite clear that corrections has neither the resources nor the skills to deal with most of its clients' needs, and if they are to be obtained, they must be secured in the community. Probation and parole are going to have a major task of relating to other human service agencies and placing much more emphasis on their roles as developers and managers of resources rather than as counselors to individual clients.

The stress on community also means a greatly accelerated responsibility for corrections to develop and maintain the confidence of the community in its program. It does us little good to develop new community-based efforts only to see them flounder on the shoals of negative community response.

This kind of task is a difficult one and requires, among other things, administrative skills of a high order. Perhaps more promising programs have been damaged by poor management than for any other reason. Too often we have seen the tendency to rush forward to put a new program into effect—the halfway house, the prerelease program, or the furlough—without the previous careful, hard work

necessary to make such programs feasible. Too often a tragic event occurs, and the entire program is jettisoned because of it.

Correctional leadership must be skillful in maintaining public support for its programs. If it fails in this basic mission, no matter how sensible community-based corrections may be, it simply will have failed to meet the most basic criterion—political feasibility.

In fulfilling this responsibility, correctional agencies can see their purpose as being chiefly protective of themselves against possible public outrage and resort to highly conservative and inward-focused kinds of administration. For too long, many correctional agencies have engaged in precisely that kind of handwringing exercise. Needed now are executives and staff who are willing to provide the leadership to instruct and teach the public rather than simply react to it. We have many examples of courageous correctional leaders who have stepped forward and taken upon themselves this task of educating the public. We need many more. We also especially need many noncorrectional people helping in this task. This is one of the greatest challenges that lies before corrections. It will be the challenge that will importantly determine whether or not these brave new directions will succeed or fail.

Ms. Goddard: We'll move on now to Professor Robert Martinson. He is also a specialist in corrections. He's chairman of the Department of Sociology at the City College of New York, and a consultant to the Division of Criminal Justice for the State of New York. Therefore, he brings with him not only academic perspective, but also practical perspective.

Professor Martinson: Every penal statute since Hammurabi consists of a threat appended to a prohibition. The prohibition specifies behavior that persons shall not engage in, ranging from the most trivial to the most heinous offense. The threat specifies a negative sanction that can legally be imposed on those appropriately convicted of engaging in the prohibited behavior. If the existence of the statute were sufficient to insure that the prohibited behavior would cease, then there would be no need for an official apparatus to detect, legally convict, and punish a number of offenders. A penal statute may not be enforced, of course, perhaps because it is regarded by officials as unenforceable (the behavior is too widespread) or because those who formulated the statute are content with the mere condemnation of the behavior.

To make the threat appear realistic, most societies most of the time detect and punish a few of those who engage in the behavior. In the United States, for example, only about 0.5 percent of all property crime and about 0.2 percent of violent crime results in imprisonment. Penal statutes—even when vigorously enforced—are almost never successful in eliminating the undesired behavior. But, hopefully, when Peter is punished, this will have some effect on his future tendency to engage in the prohibited behavior—recidivism. One of the first efforts of criminological research was to demonstrate that a good deal of crime was committed by repeaters and that punishment was seldom, if ever, successful in inhibiting future misbehavior among those convicted and punished. Punishing Peter, of course, may inhibit others from offending. This is called general deterrence. The effect of punishment on Peter's behavior may then be called individual deterrence.

During the latter half of the 19th century and throughout the 20th century, a growing body of opinion in the civilized world attempted, with some success, to abolish in principle, and to mitigate in fact, this punitive response to the criminal offender. The penal reform movement of the 19th century introduced visible and uninterrupted change: probation, parole, the juvenile court, prison classification, minimum security facilities, separate facilities for juveniles and females, and abolishment of the whip, the ball-and-chain, and the striped clothes. This movement introduced the diagnostic clinic, a single State department of corrections for each State, and civil service protection for guards. Penal codes also underwent constant revision. Much of this change did, in fact, reduce the severity of Peter's punishment.

Change was less dramatic in the 20th century. The humanitarian reformers gave way to new professional groups in probation, parole, social welfare, and psychiatry. This movement introduced into the prison the chaplain, the teacher, the vocational instructor, the counselor, the psychiatrist, and the nonpolitical warden. The stated aim of this movement was to replace punishment by treatment. The severity of punishment probably continued to decline somewhat, although this decline was not dramatic. The aim of penal segregation was supposed to become the protection of the public through the rehabilitation of offenders. A search began for some treatment that would effectuate a reduction of Peter's recidivism, which research indicated was very high. A large number of treatments were devised and some were carried out. Since treatments were believed to correct the behavior of Peter, the postadjudicatory process became known as corrections.

The reformers argued that punishment was uncivilized and worthless. It not only did not rehabilitate Peter, but it increased his likelihood of persisting in criminal behavior. Since almost all convicted offenders were eventually returned to the community, the failure of punishment to rehabilitate endangered the public. The system increased crime rather than reducing it. Since punishment did not, in fact, deter, the term individual deterrence went out of currency. But the idea that something could be done to Peter to stop his offending did not.

The opponents of treatment argued that the reformers tended to avoid the other presumed effect of punishing Peter, that is, general deterrence. If a certain number of Peters were not punished, the legal statute would become meaningless, and general lawlessness would prevail. If one mitigated the severity of punishment and replaced it with successful treatment, this might rehabilitate Peter but at the expense of more criminal behavior among potential offenders. The opponents of treatment were willing to support the introduction of the indefinite sentence so that if a successful treatment were discovered, Peter might be released as soon as he was rehabilitated or kept in prison to a maximum limit if he was not. But the opponents demanded proof that some treatment would actually work and sought to save general deterrence by setting mandatory minimum sentences.

Until recently, the role of research in corrections was quite modest partly because of lack of public interest, but also because there was a suspicion that what Joseph Eaton has called symbolic research was widespread. Outright fraud is now rare, but research carried on by self-interested parties is still rightly distrusted. Pseudo-research fills many correctional journals, helping to justify the fads and fashions that sweep through the field one after the other. Sometimes competent studies that indicate failure will be avoided or filed away, while those showing success are published.

Both the treatment-oriented and their opponents now agree that disinterested research is necessary and that rational systematic inquiry can provide evidence whether a particular treatment method (i.e., cosmetic surgery to correct facial defects) can bring about a reduction in recidivism. Evaluation research has expanded since World War II, and experimental research has become more common. In California, for example, officials cooperate by randomly assigning offenders to be experimentals (those receiving the treatment) or controls (those not receiving it). Offenders are then followed-up for several years to observe the impact of the treatment on them.

There are differences among researchers concerning the most appropriate criterion of success and failure. Some mental health professionals argue that psychometric tests such as the MMPI could show improvement in mental health as a result of treatment but that this more well-adjusted offender could continue to commit offenses. The public, however, is not likely to be convinced that a treatment is worthwhile unless it brings about a reduction in further offending. There is convergence in corrections on the criterion of recidivism, which is relatively easy to measure, has a prima facie validity, and is statistically quite stable.

Since criminology is an interdisciplinary field, correctional treatment studies are dispersed among hundreds of professional journals, mimeographed reports, and Ph.D. dissertations. In 1967, a massive survey was initiated. The survey began with a 6-month search that tried to locate all studies of the effectiveness of any correctional treatment published between January 1, 1945, and December 31, 1967. A strict set of standards was adopted for the inclusion of studies in the survey; almost a thousand likely candidates were finally reduced to 231 accepted studies, which contained 285 separate findings.

Table 1 classifies these 285 findings by treatment category [1] and desired area of change (dependent variable). The 285 findings (some studies had findings in more than one area) are classified in 54 of the 77 possible intersections. For example, there was a total of 39 findings concerning the effect of what is called skill development (formal education, vocational training, etc.). The largest group of findings in this area (15) evaluated the effect of skill development on the recidivism (persistence in criminal offending) of groups of offenders.[2]

The two most frequently measured outcomes were recidivism (136 findings) and the category personality and attitude change (65 findings). Institutional adjustment involved measuring rates of rule infractions in prisons or runaway rates from juveniie halls. Vocational adjustment could be measured by the employment rates of experimentals and controls after receiving treatment. Educational achievement

[1] The 11 treatment categories were designed to classify the findings economically. Each treatment category brings together specific treatment techniques that share common elements. For example, probation includes findings comparing small caseloads with standard caseloads, comparing probation with imprisonment plus parole, and comparing suspended sentence with imprisonment.

[2] A number of criteria could be utilized to measure the effect of treatment within each of the outcome measure categories. For example, recidivism was frequently measured by arrest rates, by rates of return to prison from parole supervision, or by comparing the expected rates of a group to their observed rates. This last type of measure only became feasible through the efforts of prediction studies.

Table 1. Treatment Methods by Outcome Measures

Outcome Measures	Treatment Methods (Independent Variables)											
	Probation	Imprisonment	Parole	Casework	Skill Development	Psychotherapy	Group Methods	Milieu Therapy	Partial Physical Custody	Medical Methods	Leisure Time Activities	
Recidivism	18	19	18	7	15	12	18	19	4	5	1	136
Institutional Adjustment	0	2	0	1	3	4	7	5	0	2	1	25
Vocational Adjustment	1	0	0	2	5	3	2	1	0	1	0	15
Educational Achievement	1	0	0	0	9	1	1	0	0	0	0	12
Drug and Alcohol Readdiction	0	0	3	3	1	1	2	1	1	4	0	16
Personality and Attitude Change	3	10	4	3	3	5	20	8	0	9	0	65
Community Adjustment	0	0	0	2	4	1	3	4	1	1	0	16
Total	23	31	25	18	40	27	53	38	6	22	2	285

was normally measured by standardized academic tests, and drug or alcohol readdiction by urine tests or by the new California Nalline test. Community adjustment was a residual category containing weak studies attempting to measure an offender's adjustment to the community.

One may immediately spot areas in which there has been no research.[3] For example, the category called partial physical custody (which includes halfway houses, prerelease guidance centers, and probation honor camps) has been evaluated four times for effects on recidivism, once for readdiction, and once for community adjustment. There are no findings related to the other four outcome categories. Inmates spend intense efforts engaging in sport, studying law books, weightlifting—what John Irwin has called gleaning—but researchers have ignored this potentially significant area of self-help. There is only one study of leisure time activities.

As can be seen, treatment was defined broadly in the survey. Some reformers might object to the inclusion of imprisonment as treatment but their hard-line opponents would not. Some treatment professionals might object to the inclusion of leisure time activities as treatment, but most sociologists would not. In order not to bias results by arbitrary criteria, the survey defined treatment as anything done to, for, or by a convicted offender, the consequences of which could by systematically assessed.

The overall confidence one can have in the body of evidence obtained from these studies will be influenced by: the thoroughness of the search, the degree to which the studies derive from professional sources, and the research designs.

The search was probably the most extensive to date, but there may now be several hundred studies, published since the cutoff date, that might have been included. It is hazardous to predict what these newer studies will show. Corrections is not comparable to medicine, which produces genuinely new techniques constantly. Recent major innovations are

[3] No research was published in the English language between January 1, 1945, and December 31, 1967, meeting the criteria for inclusion. The search did not attempt to cover the extensive literature on alcohol addiction or on opiate addiction. Much of this literature—found in medical and psychopharmacological journals—does not deal specifically with the addict-offender. Methadone-maintenance studies were not available at the cutoff date.

Table 2. Research Designs According to the Degree to Which They Meet the Criteria of Internal Validity

Type of Design			Method of Obtaining Subject Pool	Method of Allocation to Experimental and Control Groups	Research Design
"Pure"	Ex Post Facto	Simulated			
1	5	9	Probability Sample	Matched or Random Allocation	Classical Design and After-Only With Control or Comparison Group
2	6	10	Nonprobability Sample		
3	7	11	Probability Sample	Nonmatched or Nonrandom Allocation	
4	8	12	Nonprobability Sample		
13	15	17	Probability Sample	Not Applicable	Before-After Without Control
14	16	18	Nonprobability Sample		

methadone-maintenance for heroin addicts and work-release programs for prison inmates.[4]

The degree of professionalism may be roughly indexed by the source of publication. One third of the findings (35.4 percent) derive from studies published by public agencies; about one third were published in professional journals; the remainder (24.5 percent) were other professionals—Ph.D dissertations, books, and so forth. A good number of the most professional studies published by public agencies derived from the California system, which has a well-deserved reputation for carefully executed research. All of this augers well for the professional status of correctional research and may come as a surprise to critics of this field—including myself.

Finally, an important source of confidence is the distribution of research designs presented in Table 2. This table is rather technical but it roughly rank-orders research designs from 1 to 18, so that one may place more confidence in studies with lower numbers.

There are only 18 findings (6.3 percent) from before-after studies without control groups (13 through 18 in Table 2). Combining before-after with simulated designs (9 through 18) gives a total of 39 findings (13.3 percent). The most popular design was the pure classical design in which a pool of eligibles (selected through nonprobability sampling) is randomly allocated to experimental and control groups (design number 2 in Table 2). Almost half of the findings (49.0 percent) were generated in this manner.

It would be folly for planning agencies, correctional officials, and policymakers to ignore a body of studies of this kind. Specialists in correctional research will find food for thought and can aid in pointing out errors or lapses in judgment that have occurred. If all goes well, the *Treatment Evaluation Survey* should be published and available for inspection sometime in 1973.[5]

It is impossible to summarize an 800-page technical volume in a brief article. I will argue below that treatment has no appreciable effect on recidivism rates, but this dramatic conclusion may be the least interesting aspect of this body of studies.

Research is most fruitful when it is guided by theory, although important advances are made in many fields without a specific theory. For example, public health erased malaria by putting kerosene on swamps. This was done without a specific theory explaining how humans contracted this disease through the anopheline mosquito. The association between malaria and swampy areas had been noted by Hippocrates in the 5th century, B.C. Correlations between crime and other factors have been noted, but there is no theory of corrections to guide research.

Scientific evaluation can still proceed—and in

[4] The literature on work-release was reviewed but no acceptable study was found. Unfortunately, a decision was made not to review methadone-maintenance programs. This treatment should receive disinterested outside evaluation.

[5] Conclusions in this chapter are my own and not the responsibility of my co-workers or the Office of Crime Control Planning, State of New York, under whose auspices the survey was completed.

these studies it does—in the absence of theory. These studies assume that such-and-such a method is a plausible treatment and that it should be evaluated. Past research has helped eliminate a few treatment fads in this manner. But the present array of treatment methods seems to be based on commonsense assumptions widely shared by Americans. For example, prison schooling is regarded as a treatment that every correctional institution should provide. The studies indicate that prison schooling improves the reading abilities of some offenders. The difficulty is that recidivism rates do not decline for those whose reading ability has improved.

The idea seems to be: Education is good for everybody, so why shouldn't it be good for offenders? On the other hand, many Americans find fulfillment in group therapy sessions, so why not try them on inmates? More concretely, if a probation officer is supposed to help those on his caseload, then smaller caseloads should be superior to larger ones. It is hardly surprising that these commonsense notions are found wanting when put to the test.

The overall negative conclusions suggest that the very idea of treatment may be more a myth than a scientific hypothesis.[6] Without a theory specifying some causal process, evaluation is frequently blind and deadend. If a particular treatment is found not to work, it can be discontinued. This wasteful process reflects the way corrections has developed. But suppose something does work—reduces recidivism somewhat? It is almost impossible to increase the effect without knowing what it was exactly that happened. To return to malaria, it is as though we were blindly pouring kerosene on everything in sight and not merely on swampy ground.

In fact, this research has a pseudomedical focus in which crime is analogous to disease, or at best, to a chronic condition. Even the most socially oriented treatment, such as group methods, uses the group to change some defect in the offender. Suppose—for argument's sake—that criminal behavior was totally situational for the great bulk of offenders. In this instance it would be fruitless to hope to reduce crime by changing something in the offender. The situation that triggers the behavior would have to be eliminated or the offender removed from the situation.

If care is taken to account for the findings, and if studies are sequenced according to the logic of scientific inquiry, negative findings will be as fruitful as positive ones. To illustrate how these studies may raise the quality of future research, we will report and discuss the findings in the first intersection in Table 1—probation on recidivism.

[6] See Robert Martinson, "The Paradox of Prison Reform" I–IV, *New Republic*.

The category includes fines, suspended sentence, standard probation, and variations on standard probation. Probation was introduced in the latter part of the 19th century and was made available to juveniles in all States by 1925 and to adults in all States by 1956. Probation was meant to provide an alternative to incarceration for good risk offenders. It was gradually extended to large proportions of offenders, especially first offenders.

Standard probation as a treatment method includes the placement of a convicted offender in the legal category of probationer, his assignment to a caseload, and the casework, counseling, surveillance, and referral services provided in a given jurisdiction. These studies typically take the probation system as given and investigate the effects of varying the method of caseload assignment or the size or supervision of the caseload. The 18 sets of findings are taken from studies that involve a total of 19,322 subjects, published between 1958 and 1967. Studies fall into several categories.

1. Younger Offenders (13-18 years old)

a. Intensive Supervision. It is pleasant to report first one of the few findings of success in the survey. The peak age of crime in the United States is about 17, and effective probation techniques for young people hold some promise of reducing the total volume of crime. The findings are: smaller caseloads (15) are associated with somewhat lower rates of recidivism for boys and girls at a cost usually no greater than that of standard probation. (Adams, 1966d; Adams, 1966f; Feistman, 1966; Kawaguchi, 1967; Pilnick, 1967).

These studies included cost comparisons; most studies did not. The cost of standard probation supervision is about one-tenth that of incarceration. If a treatment method (caseloads of 15) is effective, it will improve on this situation, and the increased costs of more probation officers may then be offset by the savings in detention and placement costs. To argue that costs should not be considered would imply that delinquency is an absolute evil to be reduced at any cost.

In these five studies all 30 comparisons between small and large caseloads favored the experimentals.[7] Unfortunately, two studies selected

[7] All studies involved random assignment to small and large caseloads. Is it proper to pool such findings? This is a problem in induction but of a special kind. In this exceptional case, all the findings were positive although not a single case of true replication can be found in the survey. In the physical sciences replication is common; in the social sciences (despite a century of carping in methods texts), one is astonished to find an instance of it. Why then is there no procedure to guide us in cumulating the findings of disparate studies?

probation officers with the quality of empathy for the intensive caseloads while the other three included group counseling and interviews with probationers or their families or a combination of counseling and interviews. What was it, then, that worked?

If empathy is the factor, how does one impart this quality to most probation officers? Is it group counseling, interviews, more frequent contact, or increased surveillance? The studies do not indicate whether time in treatment (which varies from 5 to 26 months) increases or decreases the positive effects of intensive supervision. It is not possible to say whether it is quantity or quality of supervision, since no systematic comparisons are made between those receiving different qualities of supervision. The studies are not theoretically oriented and do not use systematic process analysis. One is at a loss to explain why the effect takes place.

b. The Community Treatment Project. A series of California studies under the direction of Marguerite Warren tried to overcome these defects. There is a growing movement in corrections toward alternatives to incarceration, and many hopes ride on the outcome. The Warren group initiated and evaluated a program that combined intensive supervision (12-boy or girl caseloads) with three types of treatment administered by specially qualified agents.

Youngsters were placed in three maturity level classes based on a theory of interpersonal maturity developed by Sullivan, Grant, and Grant. Cases from a pool of eligibles (ready for first admission to Youth Authority Institutions) were randomly designated as experimentals or controls. Controls were institutionalized and then followed up on standard youth parole. Experimentals were assigned to one of the three treatment programs on the basis of their maturity level, and programs were modified to fit maturity level subtypes.[8] Research that does not attain this level of sophistication should not, in my opinion, be carried on any longer.

The findings are somewhat paradoxical and not simple to report or explain. Matching maturity level with type of supervision produced no significant difference in success rates but a significant difference in favor of the experimental group in failure rates. This finding held for all maturity subgroups except the so-called cultural identifiers who had a significantly higher failure rate than their controls. (That is, the program harmed one of the subgroups.) The alert reader will say: "But how can the use of success rates or failure rates give different results?" Before answering this question, let us report the findings in full.

The experimental program maintained more of these young offenders in the community than did the control program; however, the control program had a higher proportion of nonoffenders. Experimental agents appear to delay giving an unfavorable or favorable discharge to their charges. In contrast, control agents do not delay giving unfavorable but do delay giving favorable discharges. Finally, experimental probationers committed a significantly larger number of offenses of all levels of seriousness than did controls and a larger number of more severe offenses than did controls.

Was the program a success or a failure? The experimentals committed more offenses (and more severe offenses) but were kept out of prison; the controls committed fewer offenses (and less serious ones) while under supervision of the regular agents but were sent to prison more often. What is called a cost-benefit analysis might be accomplished but what costs should be included?

The experimental program had the considerably higher costs of small caseloads (12) and the costs of training these special agents. The control group (50-to-70 boy and girl caseloads) had a higher failure rate and therefore more incarceration costs. But the experimentals did commit more offenses and these offenses involved victims. The property stolen from these victims can easily be calculated and included but how is one to include rationally the cost of a violent offense or a rape? This is not beyond the powers of social science although an element of arbitrariness remains in the weighting systems that have been developed.

The substantially different results obtained by using a success criterion and a failure criterion must be explained.[9] The indefinite sentence introduces considerable discretion for decisionmakers in corrections. For example, in the community treatment project, experimentals were rarely revoked (sent to prison) for minor offenses while controls were revoked fairly often. The experimentals were also restored to supervision more often following a suspension (first official warning). Agents are decisionmakers and not merely

[8] Legally, the experimentals are on parole, but the findings are classified under the probation category since these youngsters were released by the court without having served time in an institution.

[9] Success was defined as receiving a favorable discharge from the Youth Authority. Failure was defined as revocation of parole or recommitment by the court or unfavorable discharge from the Youth Authority.

passive reflectors of what happens in their caseloads.[10] Treatment programs may change the behavior of the agent rather than the behavior of the offender. It would appear that failure rates are more sensitive to this policy effect than are success rates.

These findings raise important questions. Those who favor alternatives to incarceration must be candid with the public, especially those likely to be victimized. If community treatment means increased offending, this must be said openly and not concealed within the policy effect. Some argue that the fear of crime is independent of victimization and, especially today, is subject to being whipped up by demagogues pretending to speak for the victim. This may be the case, but if research is to serve the public interest it will not do so through a kind of reverse Machiavellianism in which agents tolerate serious misbehavior while the treatment is widely touted as a success. To bypass the democratic process because the fear of crime is excessive will harm community corrections in the long run.

2. Adult Offenders

a. Federal Probationers. One study (Lohman, 1967) reported no significant difference in the new offense rates of those in 15-man, 50-man, and minimal (no supervision) caseloads. Probationers in the northern California district were randomly assigned to these three conditions. The small (15-man) caseloads were associated with a higher rate of technical violation than the other two levels of supervision.

The implications of this study are immense. It was judged a "B" study (acceptable with some shortcomings) by the survey and there has been no replication. However, it appears that no supervision on Federal probation does as well as standard (50-man) supervision and, in addition, 15-man caseloads result in more probationers being sent to prison by their agents through technical violations. In the absence of a theory of supervision, one is free to speculate why. Violations are more visible to the agent? Close interaction makes agents less tolerant? Agents get bored with nothing to do and take it out on their probationers? Treatment-oriented agents send the nonamenables who won't cooperate with treatment to prison? Here is a study that cries out for replication.

But what shall be done with the unemployed probation officers if it turns out that probation supervision is superfluous or little different from probation without supervision? Despite initial interest, this study was discontinued after the death of one of its principle investigators, Joseph Lohman, then Dean of the School of Criminology, University of California. This is tragic since negative outcomes can be more important than positive ones for both theory and practice. The myth that agents are engaged in treatment when they supervise a caseload is principally at stake. But the study indirectly raises the important question: Why is probation (and parole) organized by the caseload concept (borrowed from social welfare) when these are organizations designed to control criminal behavior?

The remaining findings on probation will be reported but not discussed at length.

b. Adult Alcoholic Offenders. One study (Ditman, 1965) evaluated the effect of a municipal court program on the drunk arrest rate of a city and the success rates of chronic drunkenness offenders. Ditman found that a graduated schedule of treatment and punishment produced a higher success rate than a nongraduated schedule. Both schedules were associated with a decrease in the citywide drunk arrest rate. When offenders were randomly assigned to AA, a clinic, and no treatment, however, success rates did not differ. There was some question (not answered by the research) as to whether the drunks were skipping town, or keeping off the streets, or whether they were actually reducing their drinking.[11]

3. Probation Compared with Other Dispositions. Three studies (Babst, 1965; Shoham, 1964; Great Britain, 1964) provide information on preimprisonment measures (fines, suspended sentence) as well as standard probation.

Babst compared standard probation with imprisonment (plus parole) for a total of 7,480 adult Wisconsin felony offenders. All probationers (and the subgroup of first offenders) had significantly lower violation rates than did parolees. These differences disappeared among offenders with one or more prior offenses. But why is probation superior to imprisonment (plus parole) for first offenders? Probationers benefit from supervision? Parolees deteriorate in prison? Or is it a combination of these two effects?

Shoham compared the effectiveness of suspended sentences with imprisonment (for 1 year

[10] See Robert M. Martinson, Gene G. Kassebaum, and David A. Ward, "A Critique of Research in Parole," *Federal Probation* (September 1964), pp. 34–38; and Robert Martinson, "The Age of Treatment: Some Implications of the Custody-Treatment Dimension," *Issues in Criminology* (Fall 1966), pp. 275–293.

[11] One could argue that it makes no difference since the drunk arrest rate declined. But should public policy support a method that merely chases drunks out of one city (if this is what took place)?

or less) for Israeli offenders. One must be cautious of the findings since there were more Arabs and Ashkenazic Jews in the control group. The overall success rates of suspended sentence and imprisonment did not differ. Among first offenders, those 20 and under were more successful than their imprisoned controls. Among chronic recidivists, suspended sentences did better than imprisonment for all age categories. Shoham also found that suspended sentence was more effective with property offenders (except pickpockets) than with those who committed violent offenses against the person. In general, factors such as age and type of offense (as in the Babst study) were more closely related to success than were the various dispositions given to the offender.

Fines are regarded as a punishment rather than as a treatment by metaphysicians devoted to the medical model of treatment. Despite the immense possibilities of fines for the humane administration of justice, there was only one study. Fines were associated with fewer than expected reconvictions compared with probation for both first offenders and recidivists. Are fines similar to no supervision in the Lohman study?

Finally, in a British study (Wilkins, 1958), it is shown that standard probation could be increased with "only a small risk of an increase in new crimes and with a substantial cost benefit to the State."

In summary, probation supervision for young people may be an area of some promise, but only if it can be determined what aspect of "supervision" (surveillance, guidance, treatment) has the slight positive effect. Standard probation can be extended, but probation supervision is problematic for adults from the evidence, and small caseloads may be worse than standard caseloads. Since parole—not reported here—shows no such positive tendencies, one suspects that offender characteristics (and the intervening experience of imprisonment) reduce the ability of supervision in the community to have any effect. Statistically, one may say that variance radically declines as the offender is processed through the system. Clearly, a theory of the postadjudicatory system is needed if future research is to build upon the knowledge cumulated in the survey.[12]

Can one hazard an overall conclusion from these 285 findings from the best studies available? These studies deal only with the postadjudicatory area. Crime prevention is not touched upon; general deterrence is not examined; mechanical deterrence (locking systems to prevent auto theft, for example) is excluded; the effects of eliminating so-called victimless crimes are not involved; and most important, the effects of variations in police activity are not evaluated.

Given these cautions, I attempt an overall conclusion with exceptions for certain subgroups of offenders and inordinately draconic treatments (such as castration). On the whole the evidence of the survey indicated that the present array of correctional treatments has no appreciable effect (positive or negative) on the rates of recidivism of convicted offenders. The present array of treatments includes small caseloads in probation or parole (except for younger offenders on probation), psychiatric intervention, group counseling or therapy, reduced custody in prison, halfway houses (only a few studies), cosmetic surgery (by itself), early release, specialized caseloads, job training, work-release (no studies), prison education, and vocational training, and programs resembling these in the intensity of the treatment.

The term "appreciable effect" needs clarification. In medical research (as opposed to corrections), one frequently finds startling evidence that a particular treatment has an undeniable effect. Perhaps—the extreme case—those not receiving the treatment die while those receiving it live. Even in the medical treatment of chronic disorders where the patient is frequently uncooperative, percentage differences may be considerable, i.e., experimentals will perhaps recover or stabilize at the rate of 60 percent where before the most that could be expected was 40 percent. Except for castration, there is no startling evidence of success.

There is no method for reversing the powerful tendency for offenders to persist in criminal activity. The tendency may be reduced somewhat by a given method, but percentage differences are small, and the costs of achieving these small reductions may be high. In the face of such facts it seems absurd to insist that the official aim of the postadjudicatory process is to rehabilitate the offender. Worse, such a demand may tempt prison officials to try to achieve the impossible.

Is there no hope in this picture? A little, if the aim is modest and if one roughly distinguishes two types of treatment, which I shall call helping and imposing treatments. When the offender is able to define the help he wants or when this help is oriented to his present problem (as he defines it), there is a slight tendency toward success not found when the treatment is imposed by a professional who defines the offender's problem for him.

[12] See Robert Martinson and Judith Wilks, *Post-Adjudicatory Research in New York State, Part I: Criteria for Assessing Research* (unpublished report to the Office of Crime Control Planning, 1968), pp. 2–20.

For example, individual psychotherapy given to youthful (16-20) institutionalized offenders can be somewhat helpful if it is pragmatically oriented, but is not successful, and may even be harmful, if it is psychoanalytically oriented. Why? Individual psychotherapy is especially harmful if administered to nonamenable or younger offenders. One might speculate that such youngsters (not part of the psychoanalytic public in America) are shaken up by the idea that on top of their other difficulties they are mentally sick. Returned to the street after a brief period of treatment, they recidivate in somewhat larger numbers.

The distinction between helping and imposing may contain a clue to what is wrong with correctional treatment. It surely points away from pseudomedical models of intervention. Does probation supervision in America impose upon adult offenders an insulting and childish definition of their situation and their responsibility for its persistence? Would suspended sentence or a fine or surveillance in place of supervision be just as successful? It is astonishing how few treatments in this survey provide anything most people would regard as help. Common sense tells me that help is expensive—a graduated income on parole, a good job, a new set of teeth, or a private analyst (for those who want this).

If correctional treatment is unable to correct, why not turn to punishment? There is no evidence that severe punishment (the ball-and-chain, hard labor) reduces recidivism. Are there milder forms of punishment that might be mixed with real help in certain combinations? One thinks of suspended sentence or fine as the model, especially for first offenders and adults. To reward persons for not offending (perhaps in combination with a threat of moderately severe punishment) seems beyond the capacity of any society today.

The strategy of diverting offenders away from confinement is gaining popularity. This policy advocates bail reform, summons in place of arrest, weekend jail lockup, local supervision, any device to reduce the contact between offender and correctional system. The hidden premise is: the more contact with the present system, the less chance of reform. This vote of no confidence in corrections is dramatic, and marks the beginning of the end of the Age of Treatment. Its proponents fail to see that diversion is a limited strategy unless a direct attack is made on the principle of indeterminacy that permits sentences of, say, 1 year to life, and does not prevent building adjustment centers that rely on this principle to maintain internal order in prison.

If corrections does not correct, we should stop telling inmates that it does or can in the foreseeable future. Alternatives to imprisonment imply tearing down a number of the ghastly dungeons as proposed in California by the Assembly Committee on Criminal Procedure. Let us refuse to build new prisons and instead reallocate sums now used foolishly in prison treatment programs to police, to prevention, to new programs in the community. In the meanwhile, research should learn a good deal from these studies in corectional treatment.

Thank you.

Ms. Goddard: We are going to move on to our next speaker and give him an opportunity to present his views. He has had 34 years of experience in this field, including being a correctional officer at Leavenworth, a training supervisor, a warden at Louisiana State Prison, and spending a year with the Division of Corrections in Florida and 12 years in Nebraska as Warden and Director of Corrections. He is now chairman of the U.S. Board of Parole.

This gentleman, Maurice Sigler, will talk about "Are We Using the Right Factors in Making Parole Release Decisions?"

Mr. Sigler: The topic for presentation—are parole boards using the right factors for parole selection—calls for a straightforward answer. Unfortunately, the best answer available at this time is an assured possibility. The problem is that we don't know. Not only do we not know whether they are the right factors, most often we do not even know what factors they are. Of course, we tell each other and the public that we consider the offense, prior record, educational history, employment history, military record, drug or alcohol problems, institutional discipline, and a host (or maybe I should say a laundry list) of other factors. However, do we know the weights we give to these factors? Does a good military record outweigh a poor alcohol history or vice versa? We may say that each case is an individual—true—but if this is totally true, we will never improve—because only if cases are similar can we learn by experience.

In order to consider the question of whether we are using the right factors, we must first find out what the primary factors are, and what weights we give to them in practice. Then, we may be able to consider whether these are the weights we wish to give them. In order to do this we must define some sort of measurement. Saying that certain factors are important in granting or denying parole oversimplifies the issue.

The parole selection decision is not merely a yes/no decision. It is much more of a decision as to when an inmate is to be released than whether

or not he will be paroled. Parole boards deal in time. Moreover, this fact is becoming more and more important. When sentences carried long minimums, the parole decision was one of whether or not to parole. As sentencing trends turn toward the abolition of minimum sentences, as they are currently, parole boards must take on greater responsibility. Within the limits set by statute and by the sentencing judge, the parole board must determine how much time the offender is to spend incarcerated before release.

Given this measurement, we have a starting point. If we can say how long for this offender and how long for that offender, we can look at the various offenses, offenders, and institutional characteristics, and infer how much weight is being given to each.

Looking at how these weights are applied in practice will give us a measure of our unwritten and implicit policy and what we are implicitly doing We can then compare this with what we think we are doing or think we ought to be doing. This will put us in a much better position to make our present implicit policies more clearly defined and explicit.

To quote from the *Report on Corrections* (prepared by the National Advisory Commission on Criminal Justice Standards and Goals):

> The major task of the parole board is articulation of criteria for making decisions and development of basic policies. This task is to be separated from the specific function of deciding individual parole grant and revocation cases, which may be performed either by the board in smaller States or by a hearing examiner.[1]

That is, the board must set standards and explicit policies. The authority to make individual case decisions using these standards may be delegated to hearing examiners. The report continues:

> While discretion is an essential feature of parole board operations, the central issue is how to handle it appropriately.[2]

The United States Board of Parole feels that it has taken a step toward these objectives. A pilot regionalization project presently underway proposes a number of innovative features. Case decisions will be made by two-person panels of hearing examiners using explicit decision guidelines determined by the board. The parole board will act as an appellate and policy setting body. Inmates will be permitted to have advocates to represent them at parole interviews; limited disclosure of the file is being considered; and parole denial will be accompanied by written reasons. Unfavorable decisions may be appealed to the central parole board.

A few words about these guidelines are in order as they are related directly to the factors considered by the board. Recently, a Law Enforcement Assistance Administration funded study of the United States Board of Parole, conducted in collaboration with the research center of the National Council on Crime and Delinquency, identified three primary factors used in making parole selection decisions. These are: the severity of the offense, parole prognosis, and institutional performance. It is recognized that these are broad categories and that there is some overlap among them.

Guidelines for parole decisionmaking have been developed that relate these factors to a general policy regarding the time to be served before release. Briefly, the determination of the severity of the offense and of parole prognosis (using a predictive device developed for the parole board as a guide) indicate the expected range of time to be served before release. These guidelines are presented in the form of a table with six levels of offense severity and four categories of parole risk. For example, a low-moderate severity offense case (such as unplanned theft) with a very good parole prognosis might be expected to serve 8 to 12 months before release.

As a starting point, board decisions during the preceding 2 years were analyzed and tabulated to provide this policy profile. Within this range, the subject's institutional performance and parole plan will be considered. When unique factors are present (such as extremely good or poor institutional performance), and a decision falling outside of the guidelines is made, specific reasons will be required.

These guidelines will serve two functions. They will structure discretion to provide a consistent general parole board policy, and in individual cases they will serve to alert hearing officers and parole board members to decisions falling outside the guidelines so that either the unique factors in these cases may be specified, or the decision may be reconsidered. It is felt that the provision of guidelines in this manner will serve not to remove discretion, but to enable it to be exercised in a fair and rational manner.

Every 6 months, feedback concerning the decision trends during the preceding 6 months will be presented to the board. This will prevent rigidity and allow modification of the guidelines when necessary. Furthermore, data on unusual cases (cases falling outside of the guidelines) will be recorded to identify recurring situations, which then may be used to provide auxiliary examples. That is, cases with de-

[1] National Advisory Commission on Criminal Justice Standards and Goals. *Report on Corrections.* Washington: Government Printing Office (1973).

[2] *Op. Cit.*

portation warrants may provide recurring situations that call for a different policy.

It is hoped that these guidelines will accomplish a number of things. They are designed to structure and control discretion without removing it. They are designed to provide an explicit and uniform paroling policy, contributing to the issues of fairness and equity. They will force decisionmakers to specify the unique factors in each case where these factors are sufficient to cause the decision to vary from established principles. By placing the consideration of severity and risk into the initial hearing, subsequent hearings (if any) may deal primarily with institutional performance. Under this system inmates will have a clearer idea of their prospective release dates, thus reducing the psychological uncertainty engendered by the indeterminate sentence.

At a minimum these guidelines help articulate the factors used—the severity of the offense, risk of recidivism, and institutional performance—and the weights given to them in determining the time to be served before release. Undoubtedly, some will feel that the weights of these factors are inappropriate. Unquestionably, a broad range of opinion in the formation of parole selection policy is desirable.

However, it is also unquestionable that in the administration of this policy by individual case decisionmaking, consistency is necessary from the standpoint of fairness and equity. Without explicit policy to structure and guide discretion, decisionmakers, whether parole board members, hearing examiners, or judges, tend to function as rugged individualists. While this may be desirable in our economic system, its suitability for our system of criminal justice is extremely questionable. However, if we can make what we are presently doing explicit and thus, more consistent, we will be fairer and closer to justice. At that time, we can better argue over whether we are giving too much weight or not enough weight to the factors mentioned or any other factor or set of factors.

Ms. Goddard: Once again, I want to thank all of our speakers. I think they deserve a round of applause.

Third Conference Session

"Special Issues," Thursday, January 25, 1973, 10:15 a.m.

COMMUNITY CRIME PREVENTION 1

"Citizen Participation with Police, Courts, and Corrections"

PRESIDING:

Chris Adams, Chairman, Juvenile Justice Commission, Contra Costa County, Martinez, Calif.

PANELISTS:

Henry J. Sandman, Director, Cincinnati Department of Public Safety, Cincinnati, Ohio
"Partners in Crime: The Police and the Public"

Ruth Rushen, Director, Harambee Program, Los Angeles Probation Department, Los Angeles, Calif.
"Citizen Participation in the Correctional System"

Corinne Goodman, Chief Legal Adviser, St. Louis County Juvenile Court, Clayton, Mo.
"Why Citizen Involvement in Juvenile Courts" [1]

PANEL DISCUSSION

Mr. Adams: Governmental agencies by and large have been afraid of utilizing volunteers, sometimes with good reason. If the proper groundwork is not laid to assure that volunteers know the objectives of the program, or if volunteers are not carefully selected, trained, and supervised, a volunteer program is doomed from the start. However, soundly developed volunteer programs can and do greatly enrich crime prevention and correction programs.

This paper discusses organized citizen interaction with police, courts, and corrections. Group participation is discussed from three standpoints: First, the ways citizens now participate; second, how to interest and activate community groups; and third, where groups can initiate meaningful involvement. Finally, specific recommendations will be made for action by groups represented at this Conference.

Citizens are now participating with justice system agencies through study groups that recommend action, by fundraising, and by formulating and administering community programs.

The League of Women Voters, the Parent Teachers Association, and the American Association of University Women are examples of groups that study issues and make recommendations to appropriate

bodies. These groups are good examples because the members themselves conduct the studies and make independent recommendations. The key is the independence of the citizen group. The League of Women Voters and other groups have studied such issues as juvenile services, work furlough, alternatives to incarceration, need for additional judges or referees, need for additional institutions, need for better police protection, need for prevention, and other community resources.

When a consensus is reached on an issue, an all-out effort is made to get the recommendation accepted by the public decisionmaking body to which it is made. These citizen groups also solicit the assistance of a variety of other groups to reach their objectives. This may be done through public meetings, letters to the editor of various newspapers or magazines, bulletins, and appearances on TV and radio.

There is a variety of official local, State, and national advisory groups and commissions studying various facets of police, courts, and corrections. These groups are of two kinds—ad hoc or semipermanent. The ad hoc group is centered around a particular issue or problem and when that is solved, the group is dissolved. For instance, a youth center is overcrowded, and a bond issue is proposed. The ad hoc committee may be constituted by a semi-official agency to represent citizens and groups of the community to work for passage of a bond issue to build a youth center. In such a case, very little research may be done by the group itself; it takes the factual information provided by the government agency and works to get the bond issue passed. This is a task-oriented citizen pressure group.

Another type of ad hoc group is one that is developed by citizens themselves when they are unhappy with a particular situation. Through public meetings, mass media, and every means available to it the group will press its point of view. After the issue is resolved, the group is disbanded although it may organize again if another issue arises on which similar views are shared.

An example of a semipermanent group is an advisory committee or commission. It may be appointed by a city, county, or State agency. Composed of outstanding, well-informed citizens, the intent of such a group is to have governmental policymakers listen. Sometimes the background materials and recommendations are gathered by staff and spoon-fed to the group. It may well be that the advisory group, acting independently, would arrive at the same conclusions, but how much better if the contacts and evaluation were made by members of the group with staff assistance, and the conclusions reached were those of the group itself.

Community councils and statewide interagency groups composed of a variety of agencies interested in similar problems can exert a great deal of influence, particularly on legislative issues. Although these groups themselves do not speak as an organization, the information gained through conferences and workshops is acted upon by the member organizations, which generate a great deal of pressure.

In developing fundraising programs, auxiliaries can be helpful to sheriff and probation departments, courts, and institutions. The use of auxiliaries provides a mechanism for channeling private funds into particular special needs when there are no governmental funds available. Funds raised privately can be administered by people on a level other than the power structure. Thus, funds may be used to expand programs of local community interest or to meet the individual needs of clients.

Auxiliaries may raise funds themselves or encourage other organized groups to conduct benefit events, the proceeds from which may be contributed to the auxiliary. Besides fundraising, another frequent role of auxiliaries is to recruit, screen, train, and provide for the supervision of volunteer aides. This volunteer coordination function frees the governmental agency of many tasks.

Community groups—including service clubs such as the Kiwanis, Rotary, Business and Professional Women, Federated Women's Clubs and others—will undertake a particular project to fit a special unmet need cited by a police or court official. This may be a "one shot" program effort or a long-range program. Almost all groups, however, want some control over granted funds including an accounting of how the funds are spent.

Another vital area of citizen participation involves providing services for children, youth, adults, or families. Citizen groups so involved may be in close contact with a governmental agency or may be acting independently. Boys Club, Girls Club, and Big Brother are well-known examples of long established groups that work in cooperation with police and correction agencies. During the 1960's and 1970's a variety of private agencies has been established, especially in the drug abuse field. The concern about how to solve the drug problem has brought forth many community efforts. Halfway houses, drop-in centers, and hot lines are the most popular community programs. Some of these programs are run by young people themselves, some by police agencies in cooperation with a citizens group, and others by voluntary agencies.

A notable recent example of "citizen power" involved a neighborhood group of citizens developing a program with the sheriff's department for neighborhood protection. The community voted to tax

itself for intensified police patrol, but in addition, the citizens themselves also developed a program to cut down on burglary by encouraging neighbors to help each other. The project developed bonus benefits with neighbors holding informal coffee klatsches during which they discussed not only burglary prevention, but other concerns such as the "delinquent" child in the neighborhood and how they might relate more constructively with him, and how to get involved in helping the community to solve other problems.

City- and county-sponsored delinquency prevention commissions may serve as the channels for developing and funding youth services bureaus and other delinquency prevention programs. An interchurch organization developed a youth homes association that helped an overburdened probation department by establishing group homes for boys and girls, and daycare for children of community college students. Funds were raise through an auxiliary group and through United Way funding. The probation department contributed toward board and care rates.

One corporation requested other industries to develop with them a board of directors for a tutorial program headquartered in a neighborhood house in a culturally deprived area. The corporation paid the salary of a part-time coordinator; a council of industries also helped with financing the project by supplementing foundation contributions. Between 120 and 130 professional men worked with actual projects that interested youngsters in upgrading their other skills. Tutoring itself was developed independently and on a one-to-one basis, with the tutors meeting with their students on a once-a-week basis. Model Cities was also involved in the project.

In the man-to-man group, a man in prison is sponsored by someone on the outside. The outside man agrees to visit the prisoner at least once a week and continues as his friend working with his family and helping him gain satisfying employment upon his release. This is a national project with over 1,000 volunteers in one State.

The educational area can also benefit from citizen participation that helps to reduce delinquency. School-volunteer projects organized by the PTA or an independent parent group provide one-to-one tutors at schools and assistance to the teaching staff by using other talents of the volunteer to enrich the school program.

"Friends Outside" is a group that offers material help, provides transportation, and offers other aid including friendship for the family of the man or woman in prison or jail.

Organizations such as the Junior League, Benefit Guild, or Assistance League develop projects to help police, courts, or corrections. These include a community resource center, a no-fee group counseling for predelinquent or delinquent children and their families, halfway houses, group homes, drop-in centers, day-care centers, foster home recruiting and training, hot lines, youth employment services, community education for delinquency prevention, and homes and counseling services for emancipated minors. Law Enforcement Assistance Administration funds have provided many opportunities for the development of similar programs and for citizen participation.

Youth councils, sponsored by city or county government or private agencies, provide youth with opportunities to develop programs and projects to fit their needs as they see them. Effort may include working for changes in government that benefit youth, youth representation on school boards and city councils, sponsoring and managing recreation, drop-in or car-repair centers, and hot lines.

Various community groups may take on "one shot" or continuing activities at institutions where juveniles or adults are confined, most often sharing birthdays and holidays with goodies and gifts. Continuing enrichment programs include parties, variety shows, good-grooming classes, music, arts and crafts, chaplain services, augmented counseling services, tutoring, sports, and for those inmates able to go outside the institution on brief leave, trips to circuses, swimming facilities, zoos, and parks, and job training and placement assistance. Community groups also may help to provide suitable clothing, transportation, medical, and other special individual needs beyond those provided by the government.

Private community service agencies and organizations also assist justice system agencies with specialized direct service activities with volunteers. These include mental health services, comprehensive health planning, drug and alcohol information and rehabilitation, and family counseling. National groups, such as the National Council on Crime and Delinquency, study and recommend program and policy changes. Other national groups, such as the National Council on Alcoholism, provide direct services such as counseling, information and referral, and court schools.

If you want to interest a group, how do you do it? One way is to listen to the groups complaining about an issue and turn them around to something constructive. When a group volunteers, take them seriously rather than registering a skeptical "no thank you." A senior citizens or retired teachers group has many talented people that could be of assistance. For example, foster grandparents have been a great source of assistance to foster children. Watch for newspaper articles for groups who are seeking projects. Accept and seek speaking engage-

ments. These will lead to offers of assistance when you need help.

And how do groups find out what they can contribute in funds or services? Their own members may provide leads through their own experiences. Ask agencies, especially those with problems, to address your group, making suggestions to you on what your group might do to help. Tour institutions, talk individually with public officials who can give you ideas. Read some of the professional publications. Talk with ministers, labor unions, social welfare and health workers, police, probation officers, and judges. Contact the community councils, youth or adult commissions, advisory groups, auxiliaries, chambers of commerce, schools.

Study reports from groups, such as grand juries, League of Women Voters, ad hoc groups, commissions, and advisory groups to see what they have found to be needed projects, activities, and material needs—or perhaps support for an agency's program.

A number of recommendations to specific groups are made below with the aim of attaining more effective interaction with the lay population.

1. Providers of health services should offer to become involved with groups working on youth and adult programs related to police, courts, and corrections. Health services are often thought of as treatment and rehabilitation. With greater community education, groups will begin to think of health in the prevention of problems.

2. There will never be enough funds in police, corrections, and courts to provide adequate services for all the people who need them. Citizens who now have more leisure time are looking for ways to spend this time constructively. A call to a professional group could enlist the added help that police, courts, and corrections need; service organizations exist for the primary purpose of serving. Encourage advisory groups and commissions to become self-reliant and assume added responsibility. Point out problem areas to them, but let them take the leadership in studying and advocating courses of action. If the membership of the group does not provide that kind of leadership, help them to gain the necessary experience to do so. Involve young people in activities where possible. They have boundless energy and ideas. Police, corrections, and courts groups should give opportunities for the citizen participation groups currently connected with your agency to function.

3. Many members of labor and industry professions attend conferences. Many groups have been mentioned in this paper and throughout the Conference that require assistance. Look for constructive ways that the private sector can be involved in community crime prevention. Labor and industry should be especially concerned about realistic vocational training and on-the-job opportunities.

Spots on TV, radio, in newspapers and periodicals can publicize needs of courts, corrections, and police as well as projects or programs requiring community action. The media should look for new ways to publicize community activities. Community groups are often forgotten by the media and would welcome the chance for an interview on what they are doing. Suggest activities through editorials when your reporters find opportunities for service—again, either for material needs, programs, or investigation.

Volunteer organizations should take a look at the kinds of services they are offering. Are there new ways of doing some of these things? Should the old program be revised? Could your program explore another direction to serve the correctional field? How long since you've seriously evaluated your project? Take an assessment of community needs and apply it to your agency.

Volunteers are here to stay. And they do provide governmental agencies with a way of augmenting services, enriching activities, assisting with material aid and money. The potential benefits from well-organized volunteer programs cannot be overemphasized. Effective use of the volunteer resource can lead to growth and stimulation of programs in vital areas with a concomitant reduction of the gap between relevance and effectiveness of service, or what may be referred to as "institutional lag." An agency that does not move to marshal the involvement of the citizenry it serves can look forward to a growing discontent with its services, and a decline in the amount of public support it receives. Public agencies must not fail to utilize the vast pool of people resources that is available.

Justice, the control and reduction of crime and delinquency, the rehabilitation and reentry of offenders are the concern and responsibility of the whole community, not the exclusive province of the justice agencies. All of us—professional and lay persons—should seek to involve the total community in relevant efforts—this is essential if we are to have together the impact required to meet the challenge of crime and delinquency in our society.

Mr. Sandman: A most popular topic for discussion in many areas today is change. What is it? Why is it? Where is it taking us? These are just the beginning questions of a constant dialog. As the pace of alteration increases, even the once shrill obstructionist cry for the good old days is becoming faint.

Henry Murray called the elements that influence social change "idenes" comparable to genes that regulate biological change. He identified them as (1)

freedom and choice, (2) accommodation, and (3) science.

The thrust of these factors is most apparent as they impact on the basic unit of society, the family. We need only to reflect on changes technology has wrought in the home and how convenience, leisure, affluence, radio, television, and motor vehicles have radically reshaped the personal and interpersonal relationships of the family members, who are literally absorbed by self-satisfying activities. These forces are matched by the growth of independence of the individual, which drastically reduces participation in family activity and ties to the other members of the unit. These changes have been so rapid that an intrageneration gap as well as a generation gap is evident. Sometimes, the attitude of the eldest sibling is radically different from that of the youngest.

There are some negative changes that affect society. Unemployment or underemployment, lack of education, substandard housing, and physical disability keep many families from enjoying fully the benefits of technology and the advance of the economy. These conditions affect the family adversely, leading to broken homes, delinquency, adult and juvenile, and a disenchantment with the government and its agencies.

The family is changing, its members are changing, and they to a great degree will become the change agents for other units of society, such as the church, the school, and government. The tides of change impel the criminal justice system to innovate and to reform.

The police, the courts, and the correctional functions all hear the call to a new day. The cry for renewal is especially strident to law enforcement. The police process is the most complex, the least understood, and yet the most visible. This higher visibility, along with the imposing authority held by the police, makes the police the most apt target for criticism and for accountability.

Other voices challenge traditional methods of goal attainment because means are no longer consonant with strongly held ideas of independence, freedom, and human dignity. The call for change comes from all directions: the taxpayer, the hard hat, the white collar worker, the establishment, the minorities—youth, women, the poor, the black, the brown—all seek improvements and a better way.

The police have been the first to hear the call and have been the first to respond and while the goal is still nowhere in sight, there have been valiant efforts toward better rapport between the public and the police. Law enforcement seeks to eradicate the violence and turmoil in the street but, most importantly, by methods and means that are consonant with the principles of the Constitution and the inherent sense of fair play and compassion that is a mark of the citizen of the United States.

In all areas of social activity, local law enforcement is beginning to carry a new message seeking the commitment of partners in a fight against crime. The efforts are currently referred to as community relations programs. They seek, in various degrees, compliance with the law, support for law enforcement agencies, and assistance to the police agency as it discharges its responsibility.

The underlying philosophy has been accepted for quite a few years; however, the names have changed. In the forties programs were geared by public relations and epitomized by Holcomb's definition of doing a good job and letting the public know about it.

In the fifties they were called race relations. In the late sixties they became known as community relations programs. The present programatic goals of better communications between the police and the community, increased understanding of the police role by the community, and a clearer recognition of the community's needs by the police, are now becoming more sophisticated and more insightful.

The indistinct, shallow concept of the relationship between law enforcement and the public has usually taken the form of the police seeking support for practices and procedures they felt were necessary for goal attainment. This was carried forward a notch or two by requesting help from members of the public to report observed or deduced suspicious persons or activities to the police. However, this is not good enough in today's market. New and more contemporary objectives and methods must be employed if they are to be acceptable modes and capable of engendering support of the majority of individual citizens.

In 1972 an internal police department task force, representative of socially enlightened modern police professionals, produced the following set of impact goals for an experimental team policing program in one district of their department:

1. Reduce the current level of criminal vicimization of people and property;
2. Improve police understanding and sensitivity to the people they serve;
3. Develop a proprietary interest in the police for the safety and welfare of the people they serve;
4. Improve citizen cooperation with police in crime prevention, detection, and apprehension activities;
5. Develop in citizens a sense of trust and close identity with the police;
6. Develop team policing principles and procedures that can be transplanted to other districts in the city and other departments in the country; and

7. Improve the overall management of the police department on the basis of experiences and techniques developed through team policing.

The lack of citizen participation in law enforcement is a critical issue facing our Nation and its system of administering criminal justice. There has emerged a consensus among professionals in this area that without citizen involvement the fight against crime will fail.

At national and local levels there is evidence of a revitalized interest in the problems of crimes and citizen involvement. Federal funds were used in the founding of the National Crime Prevention Institute in 1971 at the University of Louisville in Kentucky. The Institute trains police officers from all over the United States in techniques of target hardening and police-community programs to further the crime prevention effort. The Law Enforcement Assistance Administration funding in one State (Ohio) on community crime prevention has increased from no expenditures in 1969 to 27 percent of the block grant funds in 1972.

This paper is concerned with why law enforcement needs citizen involvement. The President's Crime Commission succinctly sets the stage for this examination: "Every American can translate his concern about crime or fear of crime into positive action. Every American should." Also, noted by the President's Crime Commission report: "Specialists alone cannot control crime, because controlling crime is the business of every American." [1]

If we wrote the history of the American police for the past three decades, it would be recorded as the era of scientific crime detection. Today's citizens are aware of the advances made in the application of scientific investigative techniques. Most of the arts and sciences have been brought into play in detection and apprehension of criminals. Moreover, this era of trained police officers, supported as they are by the technical resources of the laboratory and the computer, present a capable combination in the investigation of crime. In fact, the police have been catching adult and juvenile offenders and processing them at such a rate that our public institutions are overcrowded.

Nevertheless, crime has continued to rise. Concerned citizens and police administrators are examining traditional methods and relationships to seek better ways of decreasing criminal activity.

Among the strongest pleas by professionals for citizen involvement was, late in 1969, from the Joint Commission on Correctional Manpower and Training. The Joint Commission stated:

> In today's free society, a responsible citizenry has the obligation to become better informed about how these offenders are being dealt with. Matters of such basic public policy cannot be left solely to the professionals. Where information is not freely given, it should be demanded. Where help is not always solicited, it should be offered. Where financial support is missing, it should be provided. Any society can drastically reduce crime and delinquency if it determines to do so, but crime and delinquency can never be reduced without public involvement.

A shift of emphasis from enforcement to prevention and correctional measures marks the beginning of a new approach to the problem of crime control. It has been said that:

> Although the ultimate purpose of the police is the prevention and reduction of crime, it by no means follows that they are solely accountable for either the increase in or the reduction of the number of criminal offenses. Thus, the problem of crime is everyone's problem.[2]

The pitfalls and problems facing police relating to citizen involvement in law enforcement include the fact that police officers are alienated from large segments of the community—especially those areas containing segments of minority groups. In these areas, law enforcement personnel are viewed with mistrust, fear, and at times, even hatred.

Gaining the support of the residents of the minority communities is a monumental task facing the police and is an absolute necessity in order for the police to perform their assigned tasks.

Lack of citizen support and public hostility affect the morale and make police officers less enthusiastic about doing their jobs well. When the police and public are at odds, they tend to become isolated from the public and become less capable of understanding and adapting to the community and its changing needs. Thus, both suffer and the police are faced with a growth in the crime rate, and the community is the victim of an unchecked crime problem.

People who are hostile to the police are not very likely to report crimes, even when they are the victims. They are also less likely to report suspicious persons or incidents, to testify as witnesses, or to come forward and provide the police with information they need. Citizen apathy and indifference contribute to the spread of crime.

Lack of support from both the police administration and from the rank and file police officers for any programs enlisting the aid of the citizenry in law enforcement is also a problem. In many departments, the combined roles of citizen and police in crime fighting are rarely translated into policies except under public pressure. The police administrator must publicly express his support for the citizen's role in crime prevention.

[1] President's Commission on Law Enforcement and Administration of Justice. *The Challenge of Crime in a Free Society*. Washington: Government Printing Office, 1967.

[2] Joint Commission on Correctional Manpower and Training.

Enlisting the support of the citizen in law enforcement brings the cooperation and assistance of institutions, agencies, and groups in the community. School systems, manpower resources, social and welfare agencies, private businesses, churches, civic groups, and social organizations all serve people on a variety of levels and respond to different needs.

Citizen involvement in law enforcement can be measured by the use of citizens for passage of laws and ordinances dealing with crime problems. Citizens can help to eliminate overlapping law enforcement agencies at a local level. Organized support by citizens can also help to identify problems in the courts and can demand that overhaul be first directed at the lower courts, which handle the majority of the criminal cases.

An enlightened approach of the police toward citizen involvement in law enforcement is, in turn, an assist to police in their movement toward professionalism.

The citizen does have certain defensive capability against crime, which includes the ability to protect himself and his property. The reduction of losses sustained by individuals and businesses is a clear advantage for all citizens. If shoplifting were reduced, there could be a reduction in security measures, preventive equipment, and services. The reduction of thefts in areas of cargo losses and burglary losses and the reduction of crimes against persons, which cost millions of dollars in lost wages and medical expenses, are also advantages. As the President's Crime Commission stated, "The average citizen probably suffers the greatest economic loss from crimes against business establishments and public institutions, who pass their losses onto him in the form of increased prices and taxes." [3]

Citizen involvement will result in the reduction of losses through organized crime endeavors, such as gambling, loan-sharking, prostitution, and narcotics, which exploit legitimate business and individuals.

When rapport with the public is obtained by the police, a result, as important as crime reduction, may be the displacement of fear of crime and violence. The task force states, "... the cost of fear of crime to social order may ultimately be even greater than its psychological or economic cost to individuals." [4]

The President's Crime Commission noted that, "Perhaps the most revealing finding of the impact of fear of crime in people's lives are the changes people reported in their regular habits of life..." With people "afraid to go downtown," the reason for the existence of cities is undercut. Unless there is effective public action, there will be a deterioration of the inner city, which reduces the business and social activity important to sustain a quality of life in an urban setting.

"Crime prevention is the anticipation, the recognition and the appraisal of a crime risk and the initiation of some action to remove or reduce it." [5] Moreover, a widely accepted explanation of crime is the "co-existence of the desire to commit the misdeed and the belief that the opportunity to do so exists." [6]

Crime prevention seems to offer two avenues of approach: the reduction of desire to participate in criminal activity, and the reduction of criminal opportunity. The enforcement of the law—detection and penalty—is essentially designed to establish a level of discipline that will deter others inclined to violate the law. Modern theories of criminology focus on the roots of crime—poverty, psychological disorder, and other social ailments. Another area that will benefit from increased attention is the elimination of criminal opportunities and crime hazards. Such a program can best stem from cooperation between the police and the citizen. Measures of personal safety—from removal of car keys to sophisticated target hardening and building regulations—indicate the range of practices that reduce the opportunity to commit crime.

In order to diminish the belief that crime opportunities exist, obvious soft targets and crime hazards must be eliminated. Increasing the risk as opposed to perceiving the gain ratio by an individual inclined to commit a crime may make crime more difficult to commit.

In the past, the responsibility for crime prevention seems to have been passed on to someone else. The public thinks it is the job of the police to prevent crime, and the police think that individual citizens ought to protect themselves by available devices and procedures, leaving the police free to do the work of investigation and arrest. In truth, the responsibility for crime prevention is everyone's job.

While preventive patrol is the traditional means by which the police attempt to reduce crime hazards or crime risks, it has not worked effectively in the United States because of increased public demands for police services in noncriminal areas. The pre-

[3] President's Commission on Law Enforcement and Administration of Justice. *The Challenge of Crime in a Free Society*. Washington: Government Printing Office, 1967.

[4] National Advisory Commission on Criminal Justice Standards and Goals. *Report on Police*. Washington: U.S. Government Printing Office, 1973.

[5] This is a definition of crime prevention, worked out by the Crime Prevention Training Center at Stratford, England, and has also been adopted by the National Crime Prevention Institute at the University of Louisville.

[6] W. Wilson, Police Administration text, Sixth Edition International City Manager's Association, 1970.

ventive patrol function also has not encouraged private citizens or businessmen to assist in eliminating crime hazards.

Citizen involvement in crime prevention programs needs good communication and participation. When communication is severed with citizens, the police lose contact with their greatest anticrime allies. The advent of the automobile and radio communication, the rapid population expansion, and the gradual disappearance of the man on the beat have been factors increasing the gap between the police and the community.

There is a growing evidence of increased awareness by the public and the police of the need to develop an efficacious relationship that will lead to a full partnership in crime control. The advantages of such a union need to be continually articulated to provide a continuing stimulus to strengthen the coalition against crime and the support for methods that are, at the same time, effective and just.

Some of the major benefits for continually encouraging the citizen-police relationship follow.

1. Voluntary compliance with the law is the most important element in maintaining an orderly society. In a free society, such as our democratic republic, the size, strength, or expertise of police agencies will never have the largest influence on prevention of crime or disorder. Rather, the best guarantee of prevention is the willful cooperation of the majority of citizens in accepting and obeying the laws that have been enacted by elected representatives. How could even the finest police force prevent chaos if, let us say, 20 percent of the citizens decided to solve their financial problems by robbery, to use firearms in the settlement of personal disputes, and to disregard all traffic regulations?

2. While enforced discipline may deter some from acts of crime, the strongest deterrent is the disapproving gaze of one's peers. Only in the community can the necessary attitude be developed that will lead to psychological and emotional sanctions. The emerging popularity of independence and personal freedom has diluted the quality of public attitude toward antisocial conduct, but the two philosophies are compatible. The present dialog about victimless crime is indicative of the process of eliminating points of conflict between individual liberty and public safety.

3. Sufficient examples exist to support the widely held belief that a community gets the quality of service from its government that the community wants. The level of public service is proportional to the interest and effort extended by the people to ensure proper returns on the investment of their time and money. How else can we explain the consistent thread of corruption in public offices in some municipalities and its absence in others? Many municipal administrations that consistently reflect integrity and responsiveness to the public will have resulted from reform movements sparked by a spirited citizenry seeking honest, clean, and representative public service. Corrupt governments do not purge themselves; they are not like modern self-cleaning ovens. Like all organizational units, change agents are vital to any substantive change and the public is the change agent.

4. Law enforcement is directed toward those individuals who are not motivated to abide by the proscribed rules of public conduct. Detection, apprehension, and prosecution of those who violate the law are prime responsibilities of police agencies. However, law enforcement is only one element in the criminal justice system, usually identified as police, courts, and corrections. A more enlightened concept will identify the public as the fourth element in the system. When the broad comprehension of this compound of elements occurs, there is little doubt that each element will become more effective and the various entities will truly function as part of a system and not as separate and isolated agencies. The involvement of the public is the best chance for quick response by police administrations, for swift and certain administration of justice and corrections to produce behavior modification and to reduce the incidence of crime.

5. The police role is always difficult. The bearer of bad news, the agent who restricts liberty, and those who represent negative discipline are seldom welcomed with open arms. The police now function in an age of change, not in a climate of unanimity. To operate at the cutting edge of friction resulting from change calls for a state of morale that will insulate the members of law enforcement agencies from disproportionate responses to temper and heat. When the public acquires, by involvement, an understanding of the problems encountered by the police in accomplishing the mission laid out for them by the public, the police will feel the trust and confidence of the public. The police will directly benefit from the ensuing public support for improved conditions of work. An important determinant of morale is the quality of satisfaction obtained by those engaged in the enterprise. Public participation in law enforcement is the best method of obtaining that satisfaction which flows from respect, confidence, and esteem, as well as economic compensation.

6. This era of change is unique, namely in the pace of reform and the importance of the subjects. Governmental institutions, including the police, have not traditionally been the first to recognize the need for change; in fact, they are often the

last to hear and the last to respond. This propensity for inertia can best be overcome by a rapport between the public and the public service agency. When the communications links are direct and free-flowing, the police agency can better understand the public as its styles of life change and as the public reorders priorities. Only by the mutual understanding of forces at work in society can the police and the public work in harmony to achieve a common goal.

When highlighting the benefits of a working relationship between the public and the police, we should be careful to avoid euphoria. There are many obstacles on the road to cooperation and mutual understanding. They are not insurmountable, and a recognition of the impediments will make the effort to achieve success more realistic. The present insularity of many police agencies is probably the most formidable barrier to be penetrated. Insulated agencies resist change because of sincere beliefs that the profession alone possesses the facts and the expertise necessary to attack a difficult and complex problem such as control of crime. As the public becomes more and more intimately involved in the criminal justice system, there will be individuals who, because of insufficient knowledge and personality traits, will irritate the professional. The members of the agency will tend to be insecure and defensive when past practices are questioned or goals are examined.

The separation between the police and the public that has become a psychological as well as a physical barrier needs to be bridged before proper understanding and mutual respect are achieved. This will be especially true when a shared relationship is experienced between police and citizens who have not been treated fairly by the system. People who do not receive a share of today's affluence and comforts or who are excluded from the social identity we all need naturally rail against the unjust society and its structures. The institutions, the establishment, the "movers and shakers," are all objects of dislike but they are faceless and vague entities. The police, however, are uniformed and visible and represent the establishment and are viewed as the border patrol who keep the poor from the promised land.

Probably the most difficult part in developing and maintaining proper human relations will derive from the diversity of all the people who make up the community. Community is defined as a group of people living in the same locality and under the same government, or a social group, or a class of individuals. Consequently, there are many public as well as numberless individuals whose only commonality may be a divinely bestowed human dignity. The opinions and desires of various individuals and groups will be almost as diverse as people themselves are. This may very well be the reason for the system of checks and balances in our government and the division of delegated responsibility between the legislature, the executive, and the judiciary. Solutions have been found for more difficult problems, and they may be found in the description of the American art of politics as "accommodation, accommodation, accommodation."

There are a multitude of programs in existence designed to promote rapport between the citizen and the police. A partial list of these programs includes: school-resource officers; community-service aides; community-relations specialists; live-in; ride-in; officer friendly; police-community councils; crime alert; community radio watch; crime stop; operation identification; 911; portable radio; reinstituted foot patrol; police athletic league activities; media police committees; neighborhood police teams; regional planning units; criminal justice coordinating councils; affirmative action minority recruiting programs; and the program with the greatest potential of all, team policing. These programs are all good and will contribute to the development of citizen-police rapport. However, only if they function on the requirement of precise knowledge of the necessity for police-citizen cooperation, by both the public and the police, will the objective of crime control be gained.

The police mission is to protect life and property and maintain the public peace, namely by the detection and apprehension of violators of the law and to initiate the processing of these suspected violators in the judicial and correctional elements of the American system of justice. The guidelines of police action rest in the detail of specific statutes regulating police authority and the principles in the Constitution, primarily the Bill of Rights.

The authority of the police's power and the limits of that power flow directly from the people. This is the prime reason why the citizen and the policeman must be partners in seeking a tranquil society. The police authority is only an extension of the right and the duty of the people to regulate their society. By this delegation of authority the public cannot shed its responsibility. The public must hold the police accountable, and the individual citizens must obey the law and seek to have all members of the community voluntarily comply with the law enacted by their representatives.

For the same reason, the police must give an accounting to the source of their authority, the citizen, and communicate in such a way as to inspire confidence and trust in the discharge of their responsibility.

A Progress Report of the Police Foundation in a January 1973 Crime Control Digest stated in part:

> Building a more efficient police agency is futile if the quality of police service is not improved. Foundation projects reflect that police time is largely devoted to helping people in trouble and this trouble often does not involve crime. The Foundation fully realizes that improved police services must strike a balance between effective crime-fighting and humane efforts to keep the peace.[7]

"To be or not to be" has no application to the role of the citizen or the police in their shared responsibility to seek a peaceful environment that facilitates the pursuit of happiness.

The alternative to cooperation is not American. The relationship in the United States between the public and the police is unique as governments go. As the concept of mutual need and understanding becomes more clearly understood by the public and the police, efforts to reduce crime and disorder will be more productive. At the same time, results will be accomplished in a completely acceptable manner consonant with the principles that guide our Nation.

Ms. Rushen: According to the President's Commission on Law Enforcement and the Administration of Justice's Task Force Report:

> The task of corrections . . . includes integrating . . . or reintegrating the offender into the community life. . . . This requires not only efforts directed toward changing the individual offender . . . but also mobilization and change of the community and its institutions.[1]

The expressed need for change in the community and its institutions—that is, the home, the church, the school, public and private agencies, and civic groups—implies the admission that these cornerstones of community life as presently constructed seem unable to treat effectively, let alone cure, our social, economic, and political ills.

The alternatives for changing our institutions are numerous. However, they can be clustered into two major categories: (1) proposals for strengthening contemporary representative democracy, and (2) proposals for replacing representative democracy with participatory democracy.[2]

[7] Police Foundation Progress Report, *Crime Control Digest*, January, 1973.

[1] The President's Commission on Law Enforcement and the Administration of Justice: *Task Force Report: Corrections*, (Washington: U.S. Government Printing Office, 1967), p. 7.

[2] David K. Hart, "Theories of Government Related to Decentralization and Citizen Participation," *Public Administration Review*, XXXII (Special Issue, October 1972), p. 603.

The general purpose of this paper is to discuss citizen participation as a reform alternative to increase the effectiveness of corrections as opposed to replacing representative democracy or the bureaucratic structure.

This essay proceeds from the premise that citizen participation is here to stay and that the concept of maximum feasible participation of the citizen in his governmental institutions is appropriate in a democracy and is ultimately in the public interest.

Records of the past indicate that in most times and places the "ordinary" human being has been dominated by tradition and a few "elites" who are in power. However, history reveals that no matter what the form of government, the ordinary man has maintained an incessant struggle against being dominated. Each time self-determination has been largely stymied, the desire for individual control exerts itself in such a fashion that it becomes a significant event.[3]

In recent years residents of urban neighborhoods have demanded a greater voice in the programs that affect their lives. As early as 1961, citizen concern with the seriousness of the juvenile crime problem resulted in more people asking, "What can I do to help?" The Federal Government initiated the bureaucracy's response to this demand by building citizen participation into the Economic Opportunity Act of 1964 and created a trend by requiring citizen involvement in subsequent programs. In response to the above and partly through their own initiative, innovative elected officials and public administrators began to provide new avenues for citizen participation in public programs.

Specifically, the remainder of this essay will be limited to: a brief description of four aspects of citizen participation and planning and implementation for effective use of citizen participation.

Definition of Citizen Participation

Citizen participation as used here contains four definitional elements: (1) people other than correctional employees who provide services, goods, or money for a correctional agency (volunteers); (2) people who, prior to being employed in a correctional agency, were largely unskilled, uneducated, and unemployed, and now have permanent, socially useful jobs with career potential (new careerists); (3) people who act in an advisory capacity to the agency (advisory boards); and (4) a process wherein lay people within a defined locality ("community"/

[3] James V. Cunningham, "Citizen Participation in Public Affairs," *Public Administration Review*, XXXII (Special Issue, October 1972), p. 589.

"neighborhood") exercise some power over decisions related to the general affairs of the community.

Corrections refers to that part of the criminal justice system that is charged with the responsibility of rehabilitating or "correcting" the offender, i.e., institutionalization, probation, and parole.

Volunteers

Probation itself was initiated by a volunteer more than 100 years ago. However, an organized approach to the use of volunteers dates back only about 20 years when the juvenile courts in Lawrence, Kan., and Eugene, Oreg., experimented with using volunteers in the midfifties.[4]

A pioneering program begun in Royal Oaks, Mich., in 1959 is described by its sponsor and president, Judge Keith J. Leenhouts, in the December 1970 issue of *Federal Probation*.[5]

In a similar article, Dr. Ivan H. Scheier of the Boulder (Colo.) Juvenile Court and Director of the National Information Center on Volunteers in Courts, has listed over 100 ways courts can use volunteers.

Data from these sources indicate that some 50,000 citizens contribute several million hours of service a year in 1,000 court probation departments, and at least one new court a day is estimated to be launching its venture into volunteerism.[6] These numbers would be approximately doubled if one included volunteer programs in correctional and detention facilities and in parole.

According to Vincent O'Leary, four key roles for volunteers in corrections can be identified: (1) the correctional volunteer, who works directly with correctional clients; (2) the social persuader, a person of influence in the dominant social system who is willing to persuade others to support correctional programs; (3) the gate-keepers of opportunities, custodians of access to important social institutions; and (4) the intimates, members of offenders' traditional peer groups and their communities. Each of these roles induces supportive and resistant forces within the correctional system. These must be successfully manipulated if widespread citizen participation is to be achieved.[7]

Planning and Implementation of a Volunteer Program

The purpose of a volunteer program is two-fold:

1. To provide specialized services to the client and other family members; and

2. To involve the community in the rehabilitative process. In the latter role, one is concerned with finding ways in which willing people can be helpful and also have a gratifying experience.

The successful achievement of this purpose depends on:

1. Full, unqualified commitment from the top administration: Before planning begins, departmental administrators should distribute a statement that documents their commitment to the concept and its potential value in producing more effective service; outlines the general purposes and expectations; conveys administrative willingness to appropriate the necessary financial and personnel resources; identifies the planning process and the planning and coordinating staff; and invites other staff members, who will be the users of the services, to participate in the planning.

2. Forethought in anticipating and resolving such possible impediments as space, equipment, and budget problems, attitudinal limitations, and overt staff resistance.

3. Thorough orientation and on-going training not only for the volunteers but also for the regular staff with whom they will work.

4. Budgeting for supervisory and clerical support and for the materials, supplies, insurances, and other incidental costs of the program. Volunteer manpower is without direct cost but there are cost factors in operating and managing volunteer services.

It is preferable that management responsibility be assigned to a staff person who is not actively involved in caseload supervision, but who has the skill and status to supply the knowledge, insight, and influence required to coordinate the needs and resources of staff, clients, and volunteers into productive performance.

5. Clear identification of the roles in which volunteers are needed and to which they will be assigned. This must be done before the recruitment of volunteers begins.

These needs generally fall into three categories: (1) services; (2) goods; and (3) money. When the needs have been identified prior to the recruitment, the chances are greater that the volunteer's energies

[4] Ivan H. Scheier, "The Professional and the Volunteer in Probation: Perspectives on an Emergency Relationship," *Federal Probation*, Vol. 34, No. 2 (June 1970), p. 12.

[5] Keith J. Leenhouts, "Royal Oak's Experience with Professionals and Volunteers in Probation," *Federal Probation*, Vol. 34, No. 4 (December 1970), p. 45.

[6] Ivan H. Scheier, "The Professional and the Volunteer in Probation: Perspectives on an Emergency Relationship," *Federal Probation*, Vol. 34, No. 2 (June 1970), p. 12. Excellent literature, a "Volunteer Court Newsletter" and other services may be obtained from: The National Information Center on Volunteers in Courts, Boulder, Colo.

[7] Vincent O'Leary, "Some Directions for Citizen Involvement in Corrections," *The Annals of the American Academy of Political and Social Science*, Vol. 381 (January 1969).

will be channeled into areas of real need rather than "make work."

For example, members of the Los Angeles County Probation Department's RODEO [8] staff are often called on to make speeches about the project. These invitations come from organizations, clients, and community people. Invariably, at the end of these presentations, someone from the audience asks, "What can I do?"

At this point, the various needs are explained and, if possible, a quick assessment made in an effort to match the inquirer's desire with his capacity. If money seems to be the easiest channel for an individual, the RODEO Trust Fund is mentioned, telling how the check should be made out and explaining that the contribution is tax deductible. (This means that approval of the project's exemption status must previously have been obtained from Federal, State, and local authorities.)

If, on the other hand, the audience consists primarily of younger people, i.e., college or high school students, emphasis is put on the needs of younger children in the family. These needs can not be overlooked because the staff does not want to communicate to younger siblings that the way to get RODEO-type attention is to become delinquent. This kind of volunteer contributes such things as reading and recreational programs for youngsters. These services are appreciated by parents and children.

Once the need for goods has been identified, it has been found that volunteers are willing to contribute such items as new encyclopedias. One volunteer gave a "book party," the price of admission being one or more new books. Parents of probationers have contributed services as well as goods.

It is suggested that certain preliminary steps be taken if the contribution is to be in the form of service to the client: (1) the volunteer should have a screening interview; (2) he should be placed on a specific time schedule; (3) he should be required to record his contacts and evaluate the experience; and (4) he should have a supervisor. This is not the same as the coordinator. Formalizing the task makes it more valuable to the client, the project, and the volunteer.

It is also suggested that volunteers for service be classified into two categories: (1) the volunteer who starts with the client and stays with him as an on-going counselor or sponsor, and (2) the volunteer who gives one or a few specific, limited services —perhaps supervising a field trip or putting on some type of special event.

6. Finally, assuring that the volunteer obtains personal satisfaction from the experience. This can be achieved through the expenditure of supervisory time that concerns itself with involvement with the volunteer and his needs and with communicating to him and to agency personnel that the volunteer is viewed as a significant participant in the agency's business.

Another path for citizen participation in corrections is through the new careers concept. The term, new careers, came into being when Arthur Pearl and Frank Riessman collaborated on a book, *New Careers for the Poor: The Nonprofessional in Human Service.* The book describes a way of providing permanent, socially useful jobs with career potential for unskilled, uneducated, and unemployed people. In the years since its publication, new careers has been the focus of numerous pieces of Federal legislation, has acquired the status of a separate office within the Department of Health, Education, and Welfare, and has developed into a minor social movement.

New careers offers an alternate way to develop human service manpower from the presently used training-before-employment model. It proposes new entry positions into human service agencies—the positions to provide training as a part of the entry job, and the training to be linked with formal education, which is appropriately modified to meet the needs of these new kinds of workers. It provides for upward job mobility by spelling out a career ladder that allows promotions on the basis of combined experience on the job and concurrent education.

The Economic Opportunity Act of 1964 gave impetus to the expansion of nonprofessional employment. The hiring of nonprofessionals had not been envisioned under the act but developed as a way of obtaining the participation of residents in community planning and action programs that the act required.

In 1966, Congressman James Scheuer of New York introduced an amendment to the Economic Opportunity Act that gave new careers a legislative and funding base.

The Los Angeles County Probation Department's RODEO Program and its Model Neighborhood Probation Services System, "Harambee," [9] are examples of the successful application of the new

[8] Reduction of Delinquency through Expansion of Opportunity, an experimental intensive in-community supervision program in lieu of camp placement. This program was originally funded in 1967 by the Office of Economic Opportunity through the L.A. County Economic and Youth Opportunities Agency and subsequently funded by State subsidy and county funds.

[9] Swahili for "Let's all work together," Harambee is funded jointly by the Federal Government, the State of California, and Los Angeles County.

careers [10] concept in the field of corrections. The following material is summarized from a publication [11] in which the RODEO Program is extensively described.

The purpose of this thesis was to examine the effectiveness of the RODEO Program as a viable model for the application of the new careers concept in the field of corrections. The answer depends in part on the standards of viability we accept.

The writer used the criteria postulated by Pearl and Riessman. These criteria are: (1) the development of large numbers of new nonprofessional careers for the poor including the opportunity for the motivated and talented to advance into subprofessional and professional positions; (2) the jobs to be so defined and distributed that placement exists for the unskilled and uneducated; (3) the jobs to be permanent and provide opportunity for lifelong careers, and (4) the work to contribute to the well-being of society. Within the above framework, this study has established that the RODEO Program qualifies as a model for operationalizing the new careers concept.

Chapter V described 51 job applicants for the Aide position in RODEO as being people with a variety of limitations. They were characterized as having little to offer in the areas of education, traditional job skills, prior steady employment, or prior steady income.

Also noted in Chapter V, 15 of the 51 Community Workers had formal training beyond high school. Of these, two had completed junior college, eight had taken at least one college course, and five had received some vocational training. Nineteen had not completed high school and those who had graduated from school demonstrated a paucity of basic education skills.

Subsequent to their RODEO employment, 35 or 68.6 percent have continued their quest for additional education. One has received her high school diploma; two have received their associate of arts degrees (two-year junior college), and 14 have received a certificate in social service that certifies that they completed four basic courses in the New Careers Program at a local junior college.

As a result of demonstrated ability in the social service courses (4.0 average), one was recommended by the junior college and obtained certification from the State of California Department of Education as a Vocational Social Service Technology Instructor.

Currently, 16 are in junior college, 12 are in four-year colleges, and 21 indicate that they plan to get a bachelor of arts degree.

In Chapter VI, 4 years later, 46 of the applicants discussed in Chapter V were characterized as having received 103.1 percent increase in their monthly salaries as compared to 31.5 percent for the Deputy Probation Officer III. The starting salary in 1967 was $333.33 per month (Federal money). The County Salary Ordinance for 1971-72 shows the top salary for Senior Community Worker I as $755.00 per month.

A career ladder has been established that provides for the new careerist to enter the Probation Department as an "Enrollee" (federally funded) and advance, with experience and passing the examinations, to the position of Senior Community Worker II, which is the top of the New Careers series.

In addition, with 2 years experience, the Community Worker can move out of the New Careers series to the Group Supervisor I position, which is the apprenticeship position in the Deputy Probation Officer series. Three years of experience, including the Enrollee experience, enables him to take the Group Supervisor II examination. To enter the Deputy Probation Officer series, he would need to continue his education and be within six months of completing his college education. This is the one criterion that will need to be modified to meet Pearl and Reissman's standards 100 percent.

Chapter IX deals with the RODEO Program's impact on clients and the community at large.

One of the primary goals of the program was to rehabilitate "hard-core delinquent" boys in the community in lieu of sending them to probation camps.

The data showed that RODEO-type in-community supervision had been more effective than placement in probation camp or supervision on regular caseloads when effectiveness was defined as keeping the minor in the community and out of serious involvement with the law.

The data also indicated that the clients and the community recognized and appreciated the modification of the clients' behavior.

By inference, we can assume that, since the Community Workers were an integral part of the RODEO Program, their work contributed to the well-being of our society.

Any proposal has minimum and maximum possibilities. To maximize the RODEO model, the administrator must have a firm belief in the dignity of man and a commitment to the ideal of an equal opportunity for each and every one.

[10] The job title for new careerists in the Los Angeles County Probation Department is "Community Worker."

[11] Ruth L. Rushen, *A Proposed Model for the Application of the New Careers Approach in the Field of Corrections: A Case Study of the RODEO Project (Reduction of Delinquency through Expansion of Opportunity)* (Los Angeles: John W. Donner Fund Publication No. 32, University of Southern California, 1971), pp. 202–205.

Paul Appleby succinctly describes this concept. He states:

> Government departments which are themselves responsive and considerate and which operate with appreciation for human dignity and human diversity within their own staffs are the only ones that can hope to be able to have their personnel take a similar attitude with respect to the public with which they deal.[12]

With the increase in the demands for services and the shortage of professional personnel, service agencies must face the necessity for change in order to fulfill these needs.

The employment of new careerists appears as a promising way of meeting these demands; however, the use of new careerists brings many problems in its wake. It requires organizations to change elements in their formal structure, such as definition of jobs to be performed and criteria for selection and advancement to staff. Organizations must face problems of informal change as well, especially those relating to the attitudes and values of existing staff, including clerical, professional, and middle management.

It is very difficult to bring about change in multidivisional organizations. The writer hopes that the material in this thesis will provide agencies with encouraging leads for ways to bring about large-scale change in an orderly and systematic way.

An agency considering the implementation of a new careers programs must anticipate problems, which can be broadly categorized as:

1. Obstacles posed by special interest groups, by bureaucratic inertia and by professional resistance to accepting paraprofessional aides. Admittedly, there is some basis for concern; in times of austerity budgets, agencies have been known to seek lower-paid employees as replacements for professional staff; professionals must have reassurance from the top administrative level that this will not occur.

2. The problems the new careerists bring with them, which tend to be typical of persons who have spent their lives in poverty communities.

Staff can easily become overinvolved in the multiplicity of problems confronting their aides to the point of deriving satisfaction from their patronizing role. This "poor soul" syndrome is to be avoided. Certainly the aides will need advice, support, and guidance; however, their personal growth and self-respect will be enhanced in direct ratio to their success in solving their own problems with a minimum of direct intervention by the professional.

3. Conflicts may exist between professionals and new careerists.

In addition to their threat to the professional's job stability, new careerists have different lifestyles and attitudes that, while they may require some adjustment on the part of the professional, are often among their greatest assets.

To the professional, his client tends to be a cipher—one of many clients on whom he practices his skills; to the paraprofessional, this same client is a unique person—perhaps a friend, a neighbor, even a relative—someone like himself and with whom he can empathize. The new careerist can be invaluable in helping the professional to see his clients in a different light and, from the changed perspective, to offer more effective service.

New careerists usually have the quality of impetuosity—of doing what needs to be done without regard to protocol, red tape, proper procedures, et cetera. This may scare the professional and it may get the new careerist into hot water; but generally it is a healthy quality, a long-needed antidote to bureaucratic entropy. When teamed with the professional's skills and experience in manipulating the system without embarrassing the agency, this "do-it-now" quality can increase the amount and effectiveness of service to clients.

These new workers represent a challenge to the orthodox and traditional legitimacy of the agency. They do not behave in the same way as other workers because they came in as a result of the feeling that there is something wrong with the agency—wrong because the agency has had few black or brown workers or, more fundamentally, because the agency has not been "helping" poor people or the clients it is supposed to serve.

There will be less tendency toward docility among these new workers because: to some extent, they have conditioned themselves to be nondefensive about not working—"I can always go back to the 'hustle' or the welfare;"—they have an outside constituency unlike other workers on the job; they apply for the job not on the basis of individual test performance or education, but because they represent people who now feel they have claims to jobs.

An expectation of many new paraprofessionals is that they will be upgraded rapidly. The significant salary gap becomes increasingly irksome as they develop skills and confidence in their ability to serve clients.

Direct confrontation is again the most effective approach; acknowledgment of the disparity, coupled with a realistic reminder that the professionals have spent many years upgrading their status, will help the new careerist to be less impatient and resentful. Most can then accept the necessity for climbing the career ladder one rung at a time.

[12] Paul Appleby, *Big Democracy* (New York: Russell and Russell, 1970).

This requires, however, a reexamination of agencies' procedures and opportunities for upgrading the people who are coming in at low-level jobs.

Upgrading is also vital because after a few years many of the new careerists adapt the professional's standards, style, and attitudes in an exaggerated fashion and lose touch with the clients whom they serve. This means the agency needs to be able to recruit "new blood" in order to remain relevant.

Training assumes greater importance. But it has to be relevant to the people who will be performing these jobs. Traditional training procedures are likely to be inadequate. It will be important not only to train the new workers, but to train the supervisors and coworkers to work effectively with the "work styles" of the new workers.

Community Advisory Boards

One of the most potentially valuable roles for a volunteer is service on a community advisory board. But it may also be ritualistic activity in which no meaningful choices are allowed. The determination of the role of an advisory board depends on the agency's willingness to delegate a meaningful role and some decisionmaking power.

Since the correctional agency has to operate within a legal framework, a great deal of planning is necessary to carve out meaningful roles for community advisory boards. They may:

1. Act as liaison between the correctional agency and the community.
2. Identify and help with auxiliary needs, i.e., discretionary funds for program enrichment, client transportation, development of special programs for educational advancement, cultural enrichment, job opportunities, recreation, and character building.
3. Act as liaison between the agency and the political structure.
4. Serve as an information center and program planning group. For example, a member of the advisory board cited a problem regarding the high incidence of student expulsion at one of the local high schools. After discussing the matter, the board concluded that it should concern itself with this matter. A subcommittee was formed and charged with the task of asking the school officials if it could help. The result—a training and counseling program was set up at the school to help the teachers learn how to minimize situations that ended in a win/lose game, and to counsel students in how to cope with the school's requirements. Probation officers, community workers, and professionals such as vocational rehabilitation counselors and urban corps workers scheduled their time to provide the counseling sessions. This program resulted in payoffs for the school, the community, and probation.
5. Aid in the ongoing evaluation of the agency.

Selection of Committee Members

All of the important influences in the community should be represented on the committee. This may mean having a member of the John Birch Society sitting at the same table with a member of the Black Panthers. In addition, some of the members should come from delinquent and criminal elements and include as well dropouts and honor students, and the average "good guy."

The agency person responsible for the activities of the advisory board should have administrative power so that most of the decisions regarding procedures, appropriateness of activities, et cetera, can be made at the meeting of the board without the constant need to say, "I'll have to check that with my supervisor."

The administrator must be prepared to spend a great deal of time with individuals or special interest groups who are members of the board. He will be expected to make speeches and become involved in board members' other interests. Ultimately, this widens the administrator's sphere of influence, but it is time-consuming.

The Correctional Administrator's Responsibility for Citizen Involvement

It is obvious from a theoretical point of view that community support is required if community corrections is to become a reality. However, administrators who view public relations—"selling the agency's image as is"—as an effective technique for involving the community are in for a shock.

Adminstrators will discover, when becoming involved in the community, that: (1) there are many definitions of law and order, some of which are diametrically opposed to the agency's concept of law and order; and (2) the various special interest groups in the community will support the agency program only if there is payoff for the particular group over and above the general welfare of the community.

Effective community involvement in corrections requires that:

1. The correctional administrator share the responsibility for supporting a viable process wherein people within the community can exercise some power over decisions related to their special interest as well as the general affairs of the community.
2. Staff of the agency participate in community organizations at all levels of decisionmaking and the

implementation of the decisions. This involvement should include any significant community organization.

3. The correctional personnel be willing to open the correctional facility to the surrounding community. Community groups should be encouraged to use the facility for meetings, et cetera, as long as this does not interfere with basic services.

4. Correctional staff act as catalysts in identifying and focusing on problems in the area with a view toward changing the environment where inmates, probationers, parolees, and their families live.

To do the above involves risks for agency personnel. For example, in one area a deputy probation officer and his community worker were photographed by the local police at a meeting of what could be considered by some to be an extremist organization. The deputy probation officer and community worker had gone to the meeting because some of their juvenile clients had become deeply involved in the organization.

The correctional personnel were able, as a result of attending the meetings, to modify the influence of this group on the probationers. The police, however, visited the probation director to show him the pictures of his staff attending this meeting. After a thorough explanation of why the staff was at the meeting the police decided not to pursue the matter, but they refused to give up the negatives or the pictures. If the pictures or material collected on employees should ever show up in clearing them for certain jobs, would the department be able to defend successfully its position that the staff was on a work assignment and therefore should not be considered a security risk?

A director was asked to help a grassroots committee to prepare a position paper and petition format to resolve a problem in one of the local schools. When the committee was granted a hearing before the board of education, the director was asked to go with the committee for moral support. The director did not take part in the presentation. Three months later the director called on this committee to organize a group to supervise the halls during a crisis at another local school. The committee was very helpful. Would the department have been embarrassed if a member of the board of education had called to complain that a probation director was acting as a consultant for troublemakers in the community?

The correctional administrator in a community-based program often finds himself operating in an area where the majority of the population is of a different ethnic group. The administrator is usually white and the population is of an ethnic minority. He generally finds, when he attempts to become involved in the community, that it is very difficult to handle the initial hostility, intense criticism, and verbal abuse of newly politicized groups.

When the administrator is a member of an ethnic group that comprises the majority of the population, he is involved in a somewhat different dilemma. He sometimes finds himself caught between the community's expectations for changes based on his ethnic loyalties, and his agency's limitations and expectations that he maintain the status quo.

Dr. Charles V. Hamilton suggests that:

> One great difficulty centers in political style. Very frequently new groups adopt a style of protest and demand-making which runs counter to the orderly processes understandably favored by professional administrators. It is important for the latter to understand the fact that new, initially powerless groups very often must pursue tactics not associated with a more established element of the society. The more powerful an interest group, the less noise it has to make in the attempt to influence policy.
>
> Professional administrators first must be able to understand the historical and theoretical context in which the demands are being made, and, then, to be willing to make their administrative expertise available to the new groups. In very many instances, new groups know the direction they want a governmental agency to take, and they know the results they wish to achieve, but they will not have the technical or administrative ability to achieve these ends. Public administrators can be as effective in aiding these new centers of political concern as many of them have been in protecting other political clusters of power.[13]

In summary, service agencies are being pushed toward acceptance of the public as an active partner in carrying out their functions. The operant term here is active. There is increasing evidence that the job is too big and too costly for bureaucracies to carry out alone. There is also increasing awareness among the citizenry that the public has the right and the obligation to participate directly in solving its problems.

The public includes not only those who feel an obligation to help but also those people who are most directly affected by an agency's operations: its clients and the residents of the neighborhood or community which the program serves.

The greatest challenge to the correctional field will be to sustain effective citizen participation. This must include all citizens. This means corrections must support a national, State, and local commitment to eliminate poverty, rebuild the ghettos, and restore full citizenship to minorities. Sustained and effective citizen participation will depend in part on the fair allocation of social and economic bene-

[13] Charles V. Hamilton, "Racial, Ethnic, and Social Class Politics and Administration," *Public Administration Review*, XXXII (Special Issue, October 1972), pp. 645, 646.

fits that are the resources for participation and influence in our society.

I agree with Adam W. Herbert's statement that:

> The greatest challenge to public administrators operating within a participatory environment will be identifying and balancing citizen needs and demands against the potentially conflicting demands and socioemotional needs of public employees, elected officials, and administrative superiors.[14]

The correctional administrator must continue to identify and make those changes necessary to assure that rehabilitating the offender is a cooperative venture involving the citizen and the professional. In a democratic form of government where the ultimate power belongs to the people, citizen participation in the correctional system is unquestionably right.

Ms. Goodman: Suburban neighborhoods are filled with educated and talented people who have much to give, but for some reason are holding back and failing to come forth. We tend to put ourselves inside our houses, pull the shades, and hope that somehow everything will get solved out there around us. But it doesn't. Not long ago a young girl in a Bedford-Stuyvesant housing project was repeatedly assaulted and stabbed to death as unresponsive bystanders looked on. Her cries must not only be heard as those of a dying individual but as cries to a people who must reconstitute democracy on a face-to-face level.[1]

At this Conference, we wish to offer up a challenge. We urge citizen involvement in development of a world that is not just acceptable, but a better world.

Survival not only of an emerging nation but a truly developed nation requires acceptance of these words of Albert Camus: "Perhaps we cannot prevent this world from being a world in which children are tortured. But we can reduce the number of tortured children. And if you don't help us, who else in the world can help us do this?"

The problems of the juvenile's world are obvious. Today's population in our rural area declines as growth in suburban-urban areas spirals. This massive growth finds many suburban areas without comprehensive plans and paralyzed by an overwhelming burden on its service delivery systems. Indeed, in some areas of our country, population is not an irritant to existing problems; it is the problem.

But more frightening than what this massive growth does to government, to institutions, or to social organization, is what it does to people. Cities of millions are not New England villages; probably less than 1 percent of our population has ever taken part in a town meeting. We are now in the midst of subdivision families who live in one vast bedroom, surrounded by ribbons of highways from the city where a father's work and the cultural and social amenities that are the heart of the community life are located. Suburban families usually spend little time together. What time they share is at the dinner table or in front of television. Schools have become surrogate parents. When children develop a school behavioral problem, the remedial action taken often is expulsion rather than putting the child in a specialized program.

The evidence of the need for help for juveniles is manifold. One-third to one-half of all teenagers' marriages are prefaced by pregnancy.[2] The Connecticut Health Department estimates that one of every six unmarried teenage girls in that State was pregnant last year.[3] The U.S. Public Health Service proclaims venereal disease as the major unchecked communicable disease among the young.[4] Congressional testimony points to more than one million teenagers reported as runaways last year, that figure being estimated as one-fourth of the total number of youth who left home last year.[5]

But the problem does not stop there. Three youngsters in every 100 between the ages of 10 and 17 years will be delinquent this year.[6] There are, at a conservative estimate, more than half a million children processed through the juvenile courts every year.[7] We are all aware of the tremendous increase in the use of drugs among the young, with marked trends in early drug experience, growing use of needle injection, and a pattern of frequent use of "hard drugs," especially amphetamines and barbiturates. But, perhaps most frightening is an increase of violent crimes against people committed by juveniles.

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[1] This speech was prepared with Bruce G. Bailey, Administrative Assistant to the St. Louis County Juvenile Court, Clayton, Mo.

[2] Ray Menniger, "Signals from a Troubled Generation," Adolescence for Adults, Vol. 22, *Blue Print for Health*, p. 3 (Blue Cross Association).

[3] Paul C. Harper, Jr., "What's Happening Baby and Company," Adolescence for Adults, Vol. 22, *Blue Print for Health*, p. 11 (Blue Cross Association).

[4] 1971 *Annual Supplement to Morbidity and Mortality* (Department of Health, Education, and Welfare).

[5] Hearing Before the Subcommittee on Children and Youth of the Committee on Labor and Public Welfare on Youth Crisis Services of the Senate Committee on Labor and Public Welfare, 92nd Congress, 2d Sess., at 59 (1972).

[6] Menniger, *Op. Cit.*

[7] *Ibid.*

[14] Adam W. Herbert, "Management Under Conditions of Decentralization and Citizen Participation," *Public Administration Review*, XXXII (Special Issue, October 1972), p. 623.

Many young people entering the juvenile justice system eventually find their way into the adult justice system. At the very least, they become juvenile recidivists with repeated court contacts. Instead of supervising the child in his own home, it has become a reality that juveniles are exiled to rural institutions to become another growing segment of "forgotten America." Part of the answer to these problems presented to the juvenile justice system is constructive volunteer programs.

Before considering the use and benefits of volunteers, special consideration must be given to potential problem areas. These problem areas relate to the needs and rights of (1) the juvenile offender, (2) the juvenile court, and (3) the volunteers themselves.

First, we must remember that a juvenile court volunteer program must be structured within the States' juvenile code and the courts' rules of procedure. The juvenile court operates on the theory that a juvenile should not be labeled as "criminal" or "neglected," and that after rehabilitation, he has the right to a fresh start free of the stigma of failure. For this reason, the juvenile's records are kept confidential and not open to public inspection. The volunteer, working with a child and his family, must be equipped with the sensitivity and good judgment not to violate the juvenile's confidence. Therefore, to insure that these aims are followed, volunteers must be carefully screened, trained, and supervised.

Second, the juvenile court has a primary obligation to provide services and treatment. In this respect, volunteers become an adjunct to, and not a substitute for, court services. Hence, volunteers should never be used by the court solely to satisfy the personal needs of volunteers.

Finally, volunteers also have needs and rights that must be respected. The volunteer is entitled to proper screening. This insures that his preferences, skills, and capabilities will be properly matched to roles that are reciprocally useful and beneficial to all.

Once the screening is properly done, the training process becomes crucial. For no matter how skillful or capable a volunteer may be, he needs to know as much as possible about his environment, its people and policies, its programs and problems. Further, his training should be ongoing to enable him to be kept well informed of new developments and trained for increased responsibilities.

While the screening and training prepare volunteers for their role, it is contacts with a professional supervisor that sustain them. Most importantly, the volunteer needs a supervisor's guidance and support, given in a spirit of mutual respect. Good supervision guarantees that the volunteers who offer help do so because they care, and continue helping because they, the volunteers, are cared for.

These problem areas require special consideration by volunteer program developers and their proper handling must insure that the potential benefits of citizen involvement are realized. Our courts have benefited from indirect citizen involvement in the form of advisory boards, fundraising, and educational activity and group projects of all kinds. However, volunteers can also provide immediate and direct citizen support to juveniles who are delinquent or neglected. Support very often takes the form of personal one-to-one work with a juvenile and his or her family. Major payoffs in the juvenile justice system include (1) rehabilitation of offenders, (2) community support for the court, and (3) general economic benefit.

Volunteers presently supplement many programs within the juvenile court. Direct supervision and services are amplified by the volunteer. The volunteer can provide manpower to work with offenders in the home community; otherwise they might have been institutionalized at far greater cost to the taxpayer or included as one of an overcrowded caseload, with a far greater danger of repeat offenses. A volunteer having a caseload of one spends considerably more time with a juvenile under court jurisdiction than would otherwise be possible. Volunteer tutors can and are reducing school dropout rates for juvenile probationers.

Volunteer involvement also provides for the diversification of services, which allows the juvenile treatment plan to tap any service in the community. The volunteer can act as an advocate for the juvenile offender and surpass barriers that stand in the way of the juvenile receiving treatment in the community. Volunteers can bridge communication gaps in an underresponsive society and thus alleviate some of the antisocial resentment of juveniles and help them move toward more positive attitudes. Volunteer involvement has an impact on a juvenile court's public relations. It can educate and alert the community to the problem of juvenile delinquency and create empathy for the specialized needs of juvenile offenders. The economic value of a well-managed volunteer program upon a court could be unequaled. Citizen involvement provides manpower and financial support to develop needed programs that would otherwise be dreams.

Volunteerism provides a method for combating the pervasive impersonalization that steadily erodes community spirit. It is fundamentally important that an individual be able to feel satisfaction in knowledge that one man can still make a difference. The sense of community is essential to us all—for none of us can have an identity except in relation to his

community, to his fellow man. Americans who were once united in their feeling of detachment from the remainder of society and held the feeling that "no one cares," that personal control over their own future had been lost, that nameless bureaucratic "theys" in a faraway unknown office determined what will be, and that the individual was hopelessly and inextricably enmeshed in the system today stand united in dynamic alliance for progress.

The juvenile justice system today has approximately 200,000 volunteers serving the courts in approximately 155 distinct volunteer descriptions in over 20 major categories and contributing more than 12 million hours of service.[8] Further, it is estimated that there are over 500,000 voluntary associations, including 100,000 voluntary health and welfare agencies; 100,000 fraternal, civic, veterans, and related organizations; and over 300,000 churches that offer some kind of health and welfare services.[9]

Today, we find young VISTA volunteers teaching school to migrant farm children and high school students providing peer counseling to junior high and elementary students. In Lawrence, Kan., Headquarters, a youth crisis center, coordinates a volunteer project called "Take a Freak to Lunch Bunch," designed to bridge the communication gap.[10]

A Dallas-based camping program for wayward young girls uses volunteers to provide support for faltering family situations.[11] The St. Louis County Juvenile Court uses volunteer foster homes in its House-a-Teen Program, a project providing short-term alternative living placement for youths having a crisis family situation. Two famous programs have been developed by District Judge Horace Holmes in Boulder (Colo.) Juvenile Court, and Judge Keith J. Leenhouts in Royal Oak, Mich.[12] These experiments embody the words by Winston Churchill: "The mood and temper of the public with regard to the treatment of criminals is one of the most unfailing tests of civilization of any country."

In formulating our programs for juvenile delinquency, it quickly becomes clear that the emphasis cannot be solely upon law violations and law violators, but upon the cause of violation. We must make an effort to sense the despair, the frustration, the futility, and alienation that so many juveniles experience as their failure cycle brings them into the juvenile justice system.

Certainly, the answer to this underlying problem is not simply to provide more and better juvenile courts, more and better juvenile institutions, and more and better lawyers to prosecute and defend young people who then return to the same desolation that caused their difficulty in the first place. What is needed are programs that impart skills, instill motivation, create opportunity, provide leadership, and give structure to broken lives. There are educational innovation programs that challenge creativity and urge young people to stay in school. Programs to provide decent recreational facilities are needed nationwide. These programs indicate that young people do care, that there is hope, and that all young people do count in society. There is a place for the volunteer in all of these ongoing programs.

A volunteer, therefore, in reality, does not simply fight battles for others. Volunteers fight for their own children, for us all.

PANEL DISCUSSION

Mr. Adams: Can you specify a way for citizens to become involved with the police through a vehicle, such as community councils?

Mr. Sandman: We have a new mechanical device we're using. It's one of the Police standards and is called team policing. We are into this very strongly. We will field an experimental operation in an area that covers about 25 percent of the workload of the city—25 percent of the population, too. This idea builds a bridge between the community and the police by assigning the same police, the same men and the same number to the same areas, so that the community can know the police, and the police can know the community. Then we can begin to build some mechanical devices of exchange.

Mr. Adams: Corinne, will you tell us a little bit about the St. Louis Juvenile Court and what you do?

Ms. Goodman: About 5 years ago the Judge whom I was working with thought that it might be a good idea for a juvenile court to have a lawyer representing the social workers who were there. Missouri has a peculiar system in that the only person who can file a petition concerning a child in a Missouri Juvenile Court is the Juvenile Officer. And this

[8] "The Police and Law Enforcement," *Volunteers in Law Enforcement Programs,* (October 13, 1972) (L.E.A.A., U.S. Department of Justice).

[9] Gordon Barker, "Volunteers in Corrections," The President's Commission on Law Enforcement and Administration of Justice, University of Colorado (Boulder, Colo.).

[10] Address by Brian Baurle, Leadership Training for School-Community Action, Workshop, Jefferson City, Mo. (November 9, 1971).

[11] Albert Spearman, Report, Girls' Adventure Trails, Inc., Dallas, Tex. (1972).

[12] U.S. Department of Justice, *op. cit.*

person is the social worker. So my job has been to represent the juvenile officer. I don't represent the child, and I don't represent a victim. Sometimes I'm a bit like a prosecutor but I really represent the social workers at the court.

Mr. Adams: Yesterday afternoon when we were rapping some, you had some reservations about how citizens actually worked with the courts. Do you want to tell us about what you actually see as a problem area that can be solved?

Ms. Goodman: Well, what I see as a solution involving citizens' help in the juvenile court program is using them as volunteers either to provide some kind of services for children, like a psychologist who would donate 8 hours of time for a week and who would be available for testing purposes. I see use of volunteers with respect to a specific job that will help some child.

I also see volunteers being used as an adjunct to what we call supervision, and a lot of other courts call probation. One volunteer is assigned to one particular child and works with the child and with the child's family, and can be available to the child on a much more frequent basis than the worker who has a caseload of about 40 or 50 cases. What I see as a danger—something that has to be, I think, guarded against—is that sometimes the volunteer might not understand exactly how the court functions and might misuse some of the information received from the child and the child's family.

And I think we're all aware that the purpose of the juvenile court system is to rehabilitate a child, and let's assume that the child can be rehabilitated. Everything about the juvenile court system is kept secret: trials are not open to the public, records cannot be gotten by anybody coming into the court asking for them—you have to have a special court order. The reason this is so is that when the juvenile leaves the system, hopefully some kind of stigma of failure is not attached.

On the one hand, we are saying we want to keep the public out, and we want to keep all our proceedings secret; on the other hand we're saying, let us start involving the public. So I think you have to be very careful to screen volunteers who come to the court, make sure of their motivations, make sure that the juvenile's confidence will be respected.

Mr. Adams: About confidentiality, what happens as far as citizens coming to juvenile court? Are they ever allowed to attend a court hearing in Missouri?

Ms. Goodman: Yes, they do, but it has to be on the judge's order. If we allow people from the outside to come in, we always ask the child and the child's parents if it's all right with them.

Mr. Adams: Ruth Rushen, you're with a project called Harambee. How did the name come about?

Ms. Rushen: Well, Harambee is a Swahili word. It means "Let's all work together or pull together." As director of a probation office in Los Angeles County, I operate in a large metropolitan area. We have field services—that's correctional probation. We also supervise youngsters in institutions. This is called the institutional division. We have schools and camps. I will talk this morning from the field services' probation point of view.

I have an area office there that is located in the Model Neighborhood Area, and we service about 82,000 people. They're not all on probation. I employ about 113 people in three different suboffices there. We wanted this particular office because it was to serve as a model in the Model Neighborhood Area. We wanted it very heavily weighted with citizen participation. So we thought that we would let the citizens name it. We got some very interesting names. One of the more acceptable ones was Harambee.

That's a thing all in itself—some of the names that came in, but Harambee does mean "Let's all work together." The neighborhood is 85 percent black, so the Swahili connotation is there, of course. And it has meant a great deal, I think, to the citizens to be able to say that they participated in naming the office. I think that's the first time that this has been done in the county operation. Usually, the names of offices take on the geographical location or some dead person—something of that sort.

Mr. Adams: I noticed in your paper you referred to President Johnson's Crime Commission report. Do you think there have been changes toward the recommendations that were made in that report, or that there has been some progress in volunteer involvement in the correctional field?

Ms. Rushen: Yes. But as I told you, Chris, we come from different areas when we talk about citizen participation. I think you have to understand when we're talking about a heavily minority populated area, volunteerism on the grand scale is limited. So you have to come out with other viable models for citizen participation. That is not to say we don't have volunteers, but volunteerism takes on a different tone. So from the standpoint of whether we have

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a huge successful volunteer program I would say no, although we have some volunteers.

I'd like to just talk to those who might have the problem of starting volunteers in a low-economic area. I would suggest you budget for it, and the budget is much less than you would pay ordinarily for the kinds of services you get, but you do have to have money to provide, say, busfare, to provide the ticket, if you are going to use volunteers to take children places and that kind of thing. You would need money to provide the gas. The citizen may have the car; he may be off 2 days a week if he's working. He'd be glad to participate, but he really doesn't have enough money to donate other than services, and so many times when we think of using volunteers, we really just think of what they can do for us without enabling them to do more.

My next level of participation is in the paid category. It is the New Careers concept. I don't know whether many of you have new careerists. These are people who are unskilled. You bring them into the operation. You train them while they are working, and then ultimately, they should become integrated into your service.

We have done quite a bit with new careerists. I've written a book on it, which you can get through the University of Southern California. I think we have about the longest experience and the largest number of paid new careerists.

My point is that these people are indigenous to the area. They are much closer to the relevancy of what is needed, and when you can bring them in in this way, this is a valuable form of citizen participation. And for your poorer areas, I am suggesting that this has as much to offer in a lot of ways as volunteers.

Mr. Adams: How is Harambee financed?

Ms. Rushen: Harambee is financed with 23 percent Federal money through the Model Cities Program; I finance the rest through State subsidy. That is a type of funding where the State pays you so much money to keep people out of the State criminal justice system. I also finance through the County General Fund. So I have three funding bodies.

Mr. Adams: Would you say a little bit more about what you mean about keeping people out of the system, and how this has worked?

Ms. Rushen: Some years ago the State decided it would go into subsidizing the counties rather than having a large number of people enter correctional institutions at the State level. So based upon the population of the county, a base figure was established. The base figure meant that per this population, you were expected to send a certain number of people to State prison. If you could beat that number and not send that number, for each person you did not send the State paid $4,000. We have reached a, let us say, testing point in Los Angeles County now because we did close down several State institutions. The program has its good points and it has its bad points as anything.

Mr. Adams: The California Youth Authority has closed down a number of institutions, and it looks as though they will close down a great many more in the near future, and may practically go out of business as far as running correctional institutions because the counties are being so successful in this program. This kind of program keeps the offenders in their own community, gives them opportunities to work, go to school, have good counseling relationships.

I speak rather strongly about this. One of the foster daughters that Bob and I had was in a caseload of someone who had probation subsidy, and it was my first personal experience with this. The different kind of service that she received as a ward of the court under the probation subsidy was so different from the attention received by a number of the other foster children. If they saw a probation officer once a month, it was a miracle. It certainly is a very successful kind of a program, from what I saw. Let's get back to you (Sandman) and the police. What other kinds of comments would you like to make, Sandy, about citizen involvement with police?

Mr. Sandman: Well, maybe just to amplify on the fact that I think the police are assuming a new perspective. Los Angeles, for example, has team policing and it was really the basis for our getting quite a large grant from the Police Foundation.

Maybe a little bit more about what team policing is. It really is reverting to the way patrol tactics originated. A police officer, many years ago, was assigned to a beat, and he stayed on the beat, and he lived with the beat, and unless he got promoted, he generally could spend quite a few years in one place and get to know the public. The public knew him. He was the source of service for them. Then with the advent of the automobile and the radio, we completely disconnected the policeman from the people he was supposed to serve. Now we're coming full circle and going back to that.

In our town, what we're going to do is this. Our city is like a bowl with surrounding hills. The bowl is the downtown area and has residential

areas in the west end of it. We divided that area into five sectors. These sectors will be assigned a body of men, a team if you will, who will stay in that sector, barring the unforeseen. They will deliver all of the services that that community seeks from its police agency with one exception. That's homicide investigation. The only reason we haven't cranked homicide investigation in at this point is it is a little difficult and a little time-consuming. But all of the services, except if an emergency arises, will be provided by that team. As I said before, we'll build some kinds of techniques—the teams themselves are going to build these techniques in concert with the communities on how to strengthen those relationships.

Mr. Adams: How are they going to go about working with the community?

Mr. Sandman: We're going to do the standard things: have community councils, and we have school resource officer programs where policemen will be going into the classrooms. We're going to build on top of that, however, whatever device the team itself can come up with. In addition to the team assignment, we're also pushing down to the level of the team the judgments that are normally reserved for command personnel—like a bureau commander or a district commander—so that the hours of work, the method of transportation, the areas of assignment will be decided by the team.

Just the other day I happened to hear of one of the teams developing a program that involved going to scrap yards, finding parts of bicycles, and then getting some of the kids to help the police in making whole bikes out of these parts and then assigning them to the kids who were capable of making a whole unit. The whole reason for the program is to get at the question of the high incidence of bicycle larceny. But many of the kids in this area don't have the wherewithal to get the bikes, and that's probably what's leading to the larceny. That's the kind of device that these teams are going to, hopefully, develop.

Mr. Adams: You've brought in a new area that we haven't discussed. How can youth be involved in citizen participation? You mention one way. Can you think of some others as far as youth with police?

Mr. Sandman: One of the others we're exploring is the youth-police live-in, which was supported by the National Conference of Christians and Jews.

We've had some camping programs. We are involved in an explorer scout program that brings youth and police together. For a long period in our administration we were against having police involved in recreation programs, like P.A.L. (Police Athletic League) and that kind of thing because we felt that belonged in recreation and belonged somewhere else. But I think our newer look is to say that in order to build the relationships with the kids, maybe that's where we could better spend our time.

Mr. Adams: Is there any avenue open, and perhaps this comes through this recreation program, where youth actually have an opportunity to rap with the police, to give them some ideas on how they feel?

Mr. Sandman: The school resource program I think is the best vehicle for that—where the police officer is assigned to the school. It's generally a high school or a junior high school. He might be in a civics class. He might have some lecture duties. Basically, he's just there. He's in uniform. He is a police officer, and he relates with the kids. He gets involved in some of their programs. He's not there as a guy to enforce the discipline of the school. That's the school's problem. I am sure he has some impact on the discipline—the fact that he is there in the uniform. That is, I think, one of our best ways of developing a relationship with the kids.

Mr. Adams: Corinne, do you see the youth as having an opportunity to work at all in the court system?

Mr. Goodman: About a year ago, I was involved with a very small, but very exciting, project. A friend of mine who works at the court as a social worker decided that he wanted to try some peer counseling. He took his caseload and matched that up with the same number of volunteers and took kids who were maybe 1 or 2 years older, mainly kids that he had under supervision, and then put them through sort of a minimum kind of training session and then worked out sort of a buddy system so that the kid who was under supervision would have somebody else in his school he could talk with, who would be supportive and help him with any problems he had. It's not much of a statistic, but I followed these cases. Bob is now in law school. Surprisingly enough, we have had no one come back to the court. I have to think that it was a rewarding experience both for the kids who were doing it and for the kids who were under supervision.

Mr. Adams: Ruth, what about some of the projects you've been working in? Do you involve youth?

Ms. Rushen: Oh, yes. We involve them primarily in the service area and with the younger members of the family. We've involved the delinquent youth with the younger members of their families. The reason we had to start this was because we were doing so many things with the delinquents that one kid said that he thought he'd have to steal something so he could get some of the goodies. We thought we'd better start a program then for the rest of the family members. So I polled the high school students on my community advisory board and they came up with the idea of going into the homes with reading programs, with walking kids, with babysitting, that kind of thing. It has turned out very well, and their delinquent activities have subsided.

I was thinking about a situation not too long ago where this youngster had a problem stealing cars. He started teaching. He bought some parts, and he started helping the younger kids put these parts together, and he decided that this was a little bit more fun and a lot less risky. And he does that now instead of taking other people's cars apart. There is definitely a role for him.

They can come up with some suggestions of help in terms of the kinds of services they're getting. For instance, we were having a rather serious gang problem in the City of Los Angeles. And at this one school they had had a gang situation. The police were there. The television cameras were there. The citizens were there. This girl on our advisory committee said now next Sunday the drama club is going to put on a program, and we want to see whether CBS (Columbia Broadcasting System) will be there because there will be more of us in this drama club than the five gang members we talked about before. She sort of turned the committee around. Now CBS wasn't there and the *L.A. Times* wasn't there, but we certainly had the community there. Because we were able to say to the community, hey, this kid is saying that the good kids are going to put on a program. If she hadn't been on the advisory committee, frankly, we wouldn't have thought about that.

Mr. Adams: You know, the paper addresses itself quite a bit to discussing the fact that citizens do not want to become involved with police, probation, and corrections, and my experience has been that police, probation, and courts are rather reluctant to have citizens come in. I'm just wondering about this fear. Are the agencies really fearful? As a citizen, am I wrong thinking that they don't want us? Do you really want us?

Mr. Sandman: On a widespread basis you're absolutely right. There's a resistance by anybody who feels that he's a pro—he doesn't want the amateur looking over his shoulder. Just talking about the public involvement, the citizen involvement in the public's business isn't going to be an easy kind of thing. As Ruth indicated before, there's a lot of friction, there are a lot of mistakes, and there will be some people who will volunteer and give counsel. And the counsel's not worth a damn. It's got to be done. And you finally get to the point where there is a kind of responsiveness in government to what the community really thinks.

One of the most frightening things I heard not too long ago at a session where someone was discussing various kinds of administrative techniques and organizational development, was that it usually takes industry about 5 to 10 years to adopt a new idea. And that surprised me. But then he said, with a lot of supporting arguments, that it takes government 25 years to do the same thing. And that's a frightening condemnation. I think there's some truth in it.

Ms. Rushen: I'd like to comment though that we are kidding ourselves as administrators if we feel we have a choice. In other words, I think the time has really passed when we will say we will let citizens in. I think they're in, in some situations. I think they're on their way in in others. It would really behoove us in the public agencies to start talking and thinking in terms of how to make this a meaningful participation.

I come from the viewpoint that in a democracy the citizen has a right to be involved in the public agency at the decisionmaking level. That doesn't necessarily make me the most popular administrator, but I do feel that way. Whenever I can, I try to suggest ways. I think I've done quite a bit of it. In my paper I've tried to list some of the pitfalls, and hopefully, to encourage others to try it, and you won't have to go through some of the same pains and frustrations that we went through.

I'll just toss this out and we can discuss it later. For example, sometimes you're in a community where the community's definition of law and order may be quite different from the agency's definition of law and order. And both may be right. The administrator would have to address himself to that. I think if you're a white administrator in a heavily minority populated area, you're going to have to take a course, do something to get your sensitivity together. You're also going to have to be able to absorb a heck of a lot of hostility. If you're a black administrator or a minority administrator in a heavily minority area, you're going to have to learn how to walk the rope of ethnic loyalty and its demands for change and your bureaucracy's demands for maintaining the status quo. It's a rather interesting trip.

Third Conference Session

"Special Issues;" Thursday, January 25, 1973, 10:15 a.m.

COMMUNITY CRIME PREVENTION 2

"The Private Sector and Crime Prevention"

PRESIDING:

Herbert W. Watkins, Vice President, Manpower Training Division, Singer-Graflex, Rochester, N.Y.

PANELISTS:

Aaron Lowery, Director of Public Safety and Justice, New Detroit, Inc.

Charles H. Watts, Executive Director, Greater St. Louis Alliance for Shaping a Safer Community

Harry H. Woodward, Jr., Director, Correctional Programs, W. Clement and Jessie V. Stone Foundation, Chicago, Ill.

John Rollo, Director, Project Development, Teledyne Economic Development Co., West Los Angeles, Calif.

Mr. Watkins: I'd like to welcome you to the conference session, "The Private Sector and Crime Prevention."

My name is Herb Watkins. I'm with the Singer Company. I'm your moderator for this morning, and I am also a member of the panel that will be addressing the whole subject of the private sector and crime prevention.

I wonder if I can just take a moment and introduce you to members of the panel who are here. I regret that a few persons were unable to make it today.

First is Aaron Lowery, Director of Public Safety and Justice for New Detroit, Inc. Aaron is a banker, businessman, and a wonderful combination for our interests because he has a background in military police work of some 8 years.

Next is Charlie Watts, Executive Director of the Greater St. Louis Alliance for Shaping a Safer Community. Charlie brings to this panel 10 years of organizing experience with the Young Men's Christian Association (YMCA) in both Oklahoma City and St. Louis.

Next is Harry Woodward, Director of Correctional Programs for the W. Clement and Jessie V. Stone Foundation. He is another man with many long years of community organization work—some 14 years in Chicago. He's also president of the World Correctional Service Center.

Next is John Rollo, Director of Project Development for the Teledyne Economic Development Company, formerly known as Packard-Bell. John's particular reference, by the way, is the Los Angeles Rehabilitation Program. John has many long years of experience both in Albuquerque and with the Young Women's Christian Association (YWCA). In addition, he was with Job Corps for 2½ years.

My own background—very simply, I am a businessman involved in education with the Manpower Training Division of the Singer Company.

We hope our varied experiences will shed some light on this topic we're going to talk about.

May I take an opportunity to set the stage, if you will, for the panel presentation. It is our mission, as it was laid out for us, to show that concerted community effort in crime prevention is a necessity if we're going to reduce the incidence of crime, and if we're going to improve the criminal justice system. It's not only a necessity, but it can easily be a reality. And when citizen participation takes place, along with the professional in the field, you have a unified effort that can only succeed.

We hope that the panel experiences will provide some structure and substance to what is meant by concerted community action in crime prevention, control, and in the rehabilitation cycle. There is no single recipe for bringing about community participation. All of us have a slightly different slant, and have carved out a section of the total concerted effort. But when you bring it all together, you find things happening. And you find the goal of enlisting community support taking place.

We hope that our experiences will give you some evidence and some indication of how this might happen. We have certainly seen and think there are examples of the professional working with the private sector all over the country, and we think these are significant associations. We hope that what we illustrate today will be a guide to action and an impetus toward implementation of the recommenda-

tions that are in the section of the Commission's report dealing with Community Crime Prevention.

Our panel met in December 1972 at the invitation of the Law Enforcement Assistance Administration to sit down and talk about how we might bring our experiences to this Conference. There was something a little bit diabolical about the way LEAA set it up because it was right before lunch. We argued long and loud about what was important. After a while I noticed that one by one the LEAA staff was slipping out of the room. They'd come back about an hour later and we'd still be arguing. Finally the session ended. Afterwards, I found out they had gone out and had lunch. Perhaps that was the best thing. We got hungry, and then agreed.

We were ambitious in our thoughts. The most compelling one was, "Let's put down what we've been doing in writing." So we talked about producing a booklet. It is the black booklet that you all received at registration entitled *The Community and Criminal Justice: A Guide for Organizing Action*. It grew out of that first session and in about 6 weeks. It was a massive effort for us to put it together in time for registration.

We hope that it is a kind of a cookbook as well as a guide to action. In any event, our panel today will to a great degree be talking about the programs that are in the booklet. And I might add that every member of the panel made a very, very fine contribution.

There are two members of the panel not with us today, and I want to make special reference to them, particularly to Ennis Olgiati of the Court Employment Project in New York City. He was to be here but his project was coming up for refunding and refunding is a traumatic experience. Refunding is a little bit like reincarnation; you try to come around the second round looking a little different, but still proving the same thing you proved the first year. Today was a pretty significant day for him so he had to bow out. But he made a great contribution, as you can see in the book. I invite you to take a look at his program, it's a highly successful program, and he's doing a great job in New York City.

Ed Carlin from the AFL-CIO Department of Community Services is not here today. You'll find the discussion of the AFL-CIO National Council on Crime and Delinquency Education to Action Program described in the booklet, and it'll be referred to again in our program.

To avoid five or seven persons jumping up and making impassioned speeches, we all contributed our ideas to a slide/tape presentation, and I draw your attention to the screen.

TAPE NARRATION

Communities must organize for action against crime. Developing effective community-based programs has become a priority of paramount concern. Participants on this panel can offer no single formula for achieving this goal. Their recommendations on a variety of possible community responses are included in the booklet distributed at the Conference. This presentation supplements that information with observation relevant to marshaling community resources and implementing successful programs. Our hope is that this Conference session will stimulate continuing dialogues leading to replication or adaptation of the successful methods, techniques, and program components discussed.

We begin with New Detroit, Inc., an organization formed to address itself to the problems of the disadvantaged and alienated of that city.

Underlying all its activities is the idea that prevention, not apprehension, is the key to reducing illegal activity. Prevention construed in its broadest sense. New Detroit officials are aware that solving such problems as inadequate housing and high unemployment directly relates to crime prevention. Thus, support is given to a broad range of programs directed at various aspects of the urban crisis.

New Detroit believes government alone cannot solve the problems of crime in the city. Cooperation and commitment of all members of the community are necessary for an effective prevention effort.

To obtain widespread involvement, the criminal justice system must be opened to the total community—especially those who historically have been denied a voice in reacting to problems that affect them most, and those who have a special relation to or interest in the problems related to crime. The criminal justice system can benefit from knowledge and points of view from those outside it. It must be prepared to exchange dialog openly and involve the rest of the community in its activities.

New Detroit believes that only an informed and involved community can provide the proper support for the criminal justice system. To counteract crime in the streets effectively, the private sector—citizens, organizations, and institutions must participate in preventive action that is brought to the streets and neighborhoods of the community.

Business, industry, social agencies, and private organizations have resources basic to crime prevention and rehabilitation of offenders. The church, ex-offenders, and the grassroots community can offer valuable insights on what is needed to make the streets safe. They can tell you what will or will not work in the community.

All interest groups inside and outside the civic establishment must be represented in planning and implementing programs. Criminal justice planning councils are ideal mechanisms to involve the private sector. Organizations similar to New Detroit can be effective in helping form community groups and encouraging them to take an active role in solving community problems. By providing money, counsel and other support, an organization can encourage the development of effective grassroots programs. It can recruit and coordinate services, such as legal and financial counsel, to assist inexperienced organizations in program planning. It can recruit and place volunteers in programs requiring such support. Opportunities are many. What is needed is the motivation to act. Without grassroots participation, crime prevention is a one-way street that has proven ineffective.

To make the street safe once again, a process of involving the total community in preventive action must be begun.

How can manpower resources available in the community be used to best advantage?

The Greater St. Louis Alliance for Shaping a Safer Community offers advice on applying the skills and experience of community volunteers.

The Alliance has found information programs to be effective in educating potential volunteers and motivating them for involvement. An organization should do more than recruit voluntary action. It should help assure that volunteers have the opportunity to decide how their talents and energy will be used.

Effective use of volunteers depends upon continuing interaction with the professionals they serve. Volunteers and professionals must agree on goals. Professionals must provide continuing, helpful counsel. Regular evaluation of progress and mutual agreement on new goals are additional requirements for success.

Criminal justice system professionals must plan specific programs for training and supervising volunteers. If the professional is willing to engage in two-way communication and is open to new ideas, he will have established the basis for maximizing the contributions of the volunteer.

One method the Alliance recommends for organizing volunteers is involving members of the private sector in conferences focusing on criminal justice problems. The motivational impact of the conference can be used effectively to stimulate voluntary action.

Through the interchange of ideas and possibilities, group decisions can be made on actions that should be taken. Those decisions will often call for the use of resources available through those participating in the decisionmaking. The sponsoring organization's most important function is identifying and involving key community resource people in such conferences.

The Alliance believes that the full value of citizen-volunteer work in the criminal justice system can only be realized with full support of the professional.

Cooperation and interaction between the public and private sectors offer the immediate value of increased assistance for ongoing programs and new community responses. In the long run, an involved and aware citizenry is better prepared to support needed legislation and funding, and most importantly, to provide the day-to-day support fundamental to effective crime prevention and control and rehabilitative efforts.

National organizations can play a vital part in stimulating local involvement in criminal justice problems.

One example is the AFL-CIO National Council on Crime and Delinquency Education to Action Program. The approach used could well serve as a model for other national organizations interested in investing time and resources to support local efforts.

The program developed out of a conference in Terre Haute, Ind., involving 44 local labor leaders.

The aim was to train and mobilize local leadership for community action.

Conference presentations were used to explore the nature and extent of problems related to crime, delinquency, and criminal justice in Terre Haute. In workshop sessions, participants discussed how organized labor could serve as a dynamic force in promoting needed change. In addition to receiving information, participants visited local detention facilities and met with officials of local criminal justice agencies. As a result, a steering committee of 15 labor leaders was formed to plan and implement programs to help solve problems identified by the conference.

Based on the experience in Terre Haute, the AFL-CIO's Department of Community Services worked with NCCD on creating a packaged program for use in other communities. It was decided that local union-private citizen action committees could be a nucleus for stimulating labor and other private sector involvement in local programs. The assumption made was that volunteers, with backup from competent technical consultants, could help update the criminal justice system, reduce inequities in it, and develop new prevention programs.

That assumption was proven correct in two demonstration cities.

In Akron, Ohio, one outcome of the local conference was a decision to survey fully the local juvenile justice system. More than 2,600 man-hours were invested in the study. A task force was formed

to help implement recommendations developed to improve the system.

In Kansas City, Mo., the program led to the formation of the Greater Kansas City Committee on Crime and Delinquency. With broad-based labor participation, a Federal grant was obtained to help implement a more effective youth services delivery system as an approach to delinquency prevention. The committee has become a strong advocate for the needed reform in the justice system.

AFL-CIO plans now call for conferences to be conducted in other communities across the country.

Organized labor has proven to be an effective focal point for stimulating extensive private sector action. The success of this approach suggests that other national organizations with numerous local affiliations can be effective in coordinating action against crime at the community level.

Correctional programs sponsored by the W. Clement and Jessie V. Stone Foundation provide another example of how an organization can catalyze local action. For 5 years, the foundation has recruited and trained volunteers for work in 100 correctional institutions in the United States and Canada. Individual citizens, correctional staff, and inmates make up the force of volunteers who seek to instill the principles of a positive mental attitude in institutionalized offenders. The principles, developed by Mr. Stone, deal with attitudes necessary for successful living and effective self-discipline.

The first program developed by the foundation for prisons was "Guides for Better Living." The course lasts 12 weeks. In 1½-hour classroom sessions, inmates discuss principles from four books: *I Dare You, Think and Grow Rich, The Success System That Never Fails,* and *Success Through a Positive Mental Attitude.* The course focuses on the capacity for self-motivation within the inmate and the development of positive attitudes in people who have experienced continual failure. The program goal is to enable inmates to become functional outside prison walls—to help them find and keep jobs, and develop self-esteem.

The Feminine Development Program for women offenders includes "Guides for Better Living" material. In addition, women receive instruction in personal grooming, job preparation, and social etiquette. Part of this activity is a program called "Body Dynamics," which stresses weight control and graceful movement.

The importance of efforts focusing on attitude development is indicated by evaluations of the program. One study showed that only 17 percent of the graduates of the "Guides for Better Living" course had been returned to the correctional system 2 years after release. That compared with a 49 percent recidivist rate for a control group, which had not taken the course.

Experience of the Court Employment Project of New York City illustrates another approach to tapping available manpower resources of the community. A pioneering aspect of this successful pretrial diversion program has been the use of ex-inmates and ex-addicts as staff counselors. With the supervision and training of professional psychologists, their most valuable assets—comparison and credibility—have made counseling efforts with disadvantaged young offenders a success.

They not only relate easily to defendants but also function as positive role models. In addition, by employing ex-offenders and ex-addicts, the project has become a dramatic commercial to other employers fearful of hiring from this population. Although there are countless other roles that ex-offenders can fulfill, the Court Employment Project believes they are most effective in a counseling role.

Their sensitivity and credibility can help build a more natural and lasting bridge between the closed world of crime and the open world of lawful society.

Some words of caution must be offered. It is extremely important to approach the application of their abilities with care and meticulous planning.

Ex-offenders coming to jobs in the criminal justice system are often asked to function in roles that are ambiguously defined—to adapt to structures and routines that are alien to their experiences and to assume responsibilities for which they are ill-trained. To hire an ex-offender without careful screening of his or her individual strengths and potential, and to place them in a job situation without adequate support, is to set him or her up as the house black, Puerto Rican, ex-junkie, or ex-con—a cruel charade.

Careful screening, lucidly defined job responsibilities, and continual training are prerequisites for any program planning to use ex-offenders. If these are met, their contributions to rehabilitation can be invaluable.

The type and extent of supportive services offered by a rehabilitation program are vital program considerations.

Teledyne Economic Development Co. has identified five categories of supportive services that should be an integral part of an overall treatment program for offenders.

Placement services should include such components as world of work and career preparation, job development, placement and coaching, and employer education. Also included should be high school completion and remedial education components as well as military and college placement.

Community services should involve community relations councils, curriculum and program advisory committees, tutors and others identified as community manpower and advisory resources. Drug education, health services, and recreational activities are some program elements to be included.

Family services should include programs to help the family prepare for a client's return from an institution as well as programs in crisis intervention, family planning, home management, and sex and health education.

Social and peer group services should be concerned with helping clients make intelligent choices in social behavior including the selection of friends.

Ancillary support should help clients in their readjustment to the community. Clients should have access to legal and medical services, day-care services, and should be given assistance in solving problems related to transportation, bonding, financial needs, and others.

Community-based programs must intelligently integrate all support services available within the community in order to rehabilitate effectively the individuals served by the program.

To assist individuals back in the community, Teledyne believes that:

1. Correctional programs must be treatment and goal-oriented, rather than maintenance and control-oriented.
2. Differentiation must be made regarding the levels of acclimatization and types of individual needs so that the resultant cure, custody, and treatment may be intelligently administered.
3. Polarization between institutional and community-based programs should be avoided.
4. Correction and probation staff should be adequately trained in dealing with individuals on a case-by-case basis.
5. Administrative policy and procedures should be oriented toward client resocialization rather than perpetuation of institutions.
6. Educational programs should be individually prescribed and relevant to the client and society.
7. A system for the continuity of care and treatment between enforcement, judicial and correctional organizations concerning any given individual should be mandatory.

Above all, Teledyne believes the critical element in the success of rehabilitation programs is involving people who care about helping other people.

At Singer, the Manpower Training Division program's basic assumption is that rewarding work is the primary factor in the rehabilitation of the law violator. Whether this is incidental or symptomatic to the adjustment of the ex-offender in society is not certain. However, Singer's successful experience with the Monroe County, N.Y., Probation/Jail Program has reinforced its assumption.

Much of the credit for success is given to the program's intensive job development, placement, and retention efforts.

1. What is the basic employment situation in the community?
2. What special factors—such as job competition and wage levels—play a significant role in employment potential?
3. What are the characteristics of the offender population?
4. Are industries willing to hire ex-offenders?
5. To what extent are offenders presently being placed?

Actual job development began during a 2-month period before the program began. Using data from the employment survey, placement specialists first contacted employers from major growth industries and also contacted employers who had shown an interest in hiring ex-offenders. Eventually, the majority of employers in the area was contacted.

During the initial meeting with personnel managers, specific job pledges were not requested. Rather, the goal was to build a rapport with the employer by simply requesting that he contact the program when job openings were available. Singer found that stressing mutual cooperation over a period of time was more beneficial than obtaining an immediate job pledge. Placement specialists sought to establish a continuing dialog with as large group of employers as possible.

To enable employers to make intelligent decisions on hiring, extensive information is developed on each potential employee. This employment profile includes information on an individual's:

- Education level;
- Technical skills;
- Attitude toward work;
- Vocational interests;
- Personality traits that would affect on-the-job performance; and
- Past employment history.

Providing employers with extensive background information is a key to removing the uncertainty related to hiring an ex-offender.

After 6 to 8 weeks in the program, clients are scheduled for job interviews arranged by the placement specialists. Leads are selected from the bank of openings obtained through job development. Clients are coached in advance in the techniques of successful interviewing. Depending upon individual need, he or she may be accompanied to the interview by the placement specialists. Interviewing continues until the client accepts a job.

Job placement is only the halfway mark. An employment program must focus on job retention. The first 90 days on the job are critical to retention for it is during this period that the highest dropout rate occurs.

To help clients pass this barrier, extensive employment support services are provided by Singer job coaches through the 90-day period. They help clients solve personal and job-related problems that might affect their ability to hold a job. The service is also geared to the employer's needs. Singer job coaches are the resource for helping solve any problems related to client performance, such as tardiness or lack of cooperation. Singer has found that employers value this service for it eliminates placing the burden on their personnel department.

Once clients are placed on the job and that placement is successful, employers invariably have been willing to accept more applicants from the program.

Job development, placement, and retention efforts are crucial to the success of the employment-centered rehabilitation program. Cooperative relationships with employers and careful matching of the individual to the job are fundamental to success.

Figures from the Monroe County program attest to the value of these program components. With 89 percent of the probationers and 71 percent of the inmates placed, Singer job development and placement techniques appear to be fully validated. The 86 percent retention rate for probationers and 93 percent rate for inmates indicates that appropriate followthrough is the key to making job retention a reality. Comprehensive services to meet individual needs have proven effective in achieving Singer's overall program goal of reducing recidivism.

The participants on this panel join in emphasizing the need for the total community to become involved in providing necessary support for the criminal justice system. Professionals and members of the private sector—representing all segments of the community—must work in concert to solve the crime-related problems plaguing our communities. Without a cooperative effort by the total community, the criminal justice system will inevitably fall even further behind in its crime prevention, control, and rehabilitation efforts.

Mr. Watkins: May I take a moment to acknowledge some credits. The presentation you just saw was a pooling of ideas. Aaron Lowery made a great contribution to grassroots planning in the community; Charlie Watts, in organizing volunteers; Ed Carlin in labor's involvement; Harry Woodward, in public education and public communication; Ennis Olgiati in the use of ex-offenders as staff in rehabilitation and prevention; John Rollo in supportive services; and then my own staff in job placement and development.

Thank you. It was unbelievable to put this all together in this short time.

[Questions and Answers Omitted.]

Third Conference Session

"Special Issues," Thursday, January 25, 1973, 10:15 a.m.

COMMUNITY CRIME PREVENTION 3

"Drug Abuse"

PRESIDING:

Sterling Johnson, Jr., Executive Director, New York Civilian Complaint Review Board, New York, N.Y.

PANELISTS:

William M. Tendy, Assistant Attorney General, Organized Crime Task Force, White Plains, N.Y. "Law Enforcement and Drug Abuse Prevention"

Malcolm Wiener, General Counsel, Odyssey House, New York, N.Y. "Compulsory Treatment: Another Look"

Bernard Moldow, Judge, New York City Criminal Court, New York, N.Y. "Judiciary and Drug Abuse" [This speech is in summary form.]

Peter Bourne, Assistant Director, Special Action Office for Drug Abuse Prevention, Washington, D.C. "Resources of SAODAP"

Mr. Johnson: I received a phone call from Washington over 1 year ago asking that I chair the Drug Abuse Advisory Task Force for the National Advisory Commission on Criminal Justice Standards and Goals. I made a preliminary inquiry to ascertain who would be on the task force and what its function would be.

I learned that the task force was composed of various experts, representing many disciplines in the drug abuse field. There were those from business (pharmaceutical firms), the legal profession (prosecutors and defense counsel), law enforcement, the judiciary, and rehabilitation specialists.

The purpose of the task force was to give the National Advisory Commission on Criminal Justice Standards and Goals the benefit of our expertise so that they could make recommendations that would hopefully reduce crime in this country. I called Governor Peterson, Chairman of the National Advisory Commission, advising him that I accepted his offer.

During the course of our work over the last year, I have had the privilege of meeting and working with some extraordinary people from different parts of the country.

We discussed many problems in the drug abuse area and made specific recommendations to the National Commission. Some of our recommendations were accepted and others were not. Some of the interesting proposals included the following. Because of the increasing number of bail jumpers in narcotic cases, States should pass laws making the penalty for bail jumping the same as the penalty for the crime for which the jumper was arrested. The Commission should come out with a strong stand against heroin maintenance. Addiction is a disease that has reached epidemic proportions. Notwithstanding the failure of civil commitment in Florida, California, and New York, some sort of compulsory treatment for addicts should be required.

There were numerous other proposals that were equally interesting, if not controversial.

Our first speaker is Mr. William Tendy, Deputy Attorney General for the State of New York. Mr. Tendy was the Chief of the Narcotics Unit for the Southern District of New York for 13 years. During that time, he prosecuted many narcotics violators.

Mr. Tendy: I want to emphasize immediately that in the area of drug abuse prevention, law enforcement alone—no matter how effective—will not solve the problem. The entire gamut of scientific knowledge must be brought to bear along with every tool known to the field of sociology. Let me state, just as emphatically, however, that, in my view, without effective law enforcement, the problem of drug addiction is probably here to stay.

In its simplest concept—putting aside the causes—drug addiction is basically a phenomenon of demand and supply. Given the fact of addiction, which is a scientific and sociological phenomenon, there must follow the fact of demand. Demand gives rise to the need for a supply. Interestingly, a readily available supply will enhance the growth of addiction where the potential for addiction exists, whatever the reasons for that potential. I submit that there is a direct relationship between the existence of the addiction problem and the available supply of narcotic drugs. This supply, in turn, will vary substantially with the effectiveness of law enforcement effort.

I do not consider the law enforcement approach to be limited to the functioning of police organizations. I deem it to be the effective implementation of all the police, legislative, diplomatic, prosecutive, judicial, and probationary tools. In the time allotted to me, I would like to touch briefly on each one of these areas, giving specific examples that I hope will point out the need for effecting greater strength in them.

The illicit narcotics traffic is probably the most highly organized and lucrative area of criminal activity. It is an area that constantly challenges the talents of law enforcement. The problem of heroin addiction, as we know it, could not exist in the United States but for the fact that this illicit traffic is so well organized. Witness some of the ingenuous smuggling techniques utilized in the international narcotics traffic:

1. Crates of ski poles, the poles filled with heroin;
2. Oscilliscopes, factory disassembled—2.2 pounds of nuts, wires, and bolts removed and replaced with 2.2 pounds of heroin and factory reassembled.
3. Suitcases and trunks with false bottoms;
4. Airline personnel—pilots, stewardesses, and pursers;
5. Towel disposal bins of Boeing 707's;
6. Sectionalized automobile gas tanks—enough cubic space in a 20-gallon tank for 2 gallons of gasoline, the rest heroin;
7. Cans of legitimate food products; and
8. Diplomats.

It takes the efforts of the most dedicated and professional in law enforcement to uncover schemes such as these. Yet, to me, the fact that a particular smuggling technique is uncovered and a substantial amount of heroin seized is not the ultimate enforcement goal to be sought. I have been told by those who should know—persons in the international heroin racket—that there are overseas mobs who have it stockpiled. That is to say, they can supply any

demand. I made this statement to a group not too long ago, and a number of people present were frank enough to tell me that they thought what I said was incredible. A week or two later, French customs officials intercepted a shrimp boat headed for the United States with half a ton of heroin concealed on it.

A smuggling technique discovered is easily replaced, and couriers apprehended are a dime a dozen. I once spoke to a courier who was taken off an airplane with several kilograms of heroin strapped to his body. He told me there were eight others on the same plane with him. The ultimate goal to be sought at the police level is that of the detection and apprehension of those who comprise the organization behind the smuggling techniques and the courier. With pitifully few exceptions, this type of accomplishment has disappeared from the scene in the past several years, a fact that coincides with the tremendous increase in heroin abuse during the same period.

It can be seen that this highly specialized area of criminal activity requires specialization to combat it. Federally we have the Bureau of Narcotics and Dangerous Drugs and the Bureau of Customs, which has its own organization that makes a specialty of investigating the smuggling of narcotics. In the city of New York there has been created a task force comprised of Federal, State, and municipal officers who devote their energies to the middle echelon of narcotic traffickers. In that same city, there has been created a special narcotics prosecutor's office solely for the purpose of prosecuting the more significant felony indictments.

I suggest that the authorities in other major cities throughout the country examine the New York City approach, not necessarily to determine whether specialized police and prosecutive units should be formed, but also to determine how and to what extent they should be formed. I make this suggestion because I am convinced beyond any doubt that on every level or echelon of the illicit narcotics traffic there is specialization that requires specialized expertise to offset it.

Let me make a few observations on the legislative end of the enforcement scene, particularly as this area affects the prosecutive and investigative approach.

Repeatedly on the Federal level the prosecutor is confronted with a situation wherein the testimony of a foreign witness would be extremely helpful. For years I recommended that the Government be permitted to initiate the taking of depositions of such witnesses in other nations for use in criminal trials in the same manner that the defense could. I made this recommendation to the Selective Committee on Crime in 1970, and I am happy to say that it is now the law.

On that same occasion I discussed another substantial prosecutorial problem. I pointed out that for the period 1960 to 1970 inclusive, there were bail forfeitures in the southern district of New York totaling $966,000. Of this amount, $836,200 was forfeited in narcotic cases.

For many years I have known that it has been part of the modus operandi of substantial narcotic violators, particularly in multiple defendant conspiracy cases, to jump bail on the theory that this type of case can be tried only once—certainly not more than twice. Under these circumstances, they incur the comparative minor penalty for the bail jumping violation rather than the substantially greater penalty if convicted on the basic narcotics charge.

I see no constitutional impediment to making it a condition of bail that the defendant waive his constitutional right to be present at his trial and to agree to be tried in absentia should he fail to appear. Any constitutional right can be freely and knowingly waived. Of course an unintentional absence can always be explained.

Another possible alternative is to make the penalty for jumping bail commensurate with the penalty for the basic crime with which the defendant has been charged. There are a number of substantial narcotics violators all walking the streets today and still plying their trade because they forfeited bail rather than stand trial.

Until May of 1971, violations of the Federal narcotics laws were punishable by minimum mandatory sentences. The two main reasons for this legislation were:

1. Stiff penalties would act as a deterrent to violate the law; and

2. There were chronic violators who for one reason or another never seemed to get more than a slap on the wrist.

For example, one notorious violator—who at the time he was sentenced in 1962 to 40 years after having been convicted as a conspirator in perhaps the most difficult narcotics trial of modern times and who at the time was described by the sentencing judge as an incorrigible dope peddler—had been convicted as a Federal narcotics violator on six prior occasions for which he spent less than 8 years in jail.

The minimum mandatory sentence had at least one additional salutory effect in that it was responsible for acquiring the cooperation of apprehended violators. Everyone in law enforcement in the whole world knows that the informant is its life's blood.

After May of 1971, the minimum mandatory sentence was removed. There is now no minimum

except when one is convicted for participating in a continuing criminal enterprise.

I know—as well as anyone and better than most—that the application of a minimum mandatory sentence in all cases is manifestly unjust and that its existence in this sense should and could have been corrected. But to eliminate it entirely is the classic case of the cure being worse than the disease.

There is one last observation in the legislative area that I am compelled to make repeatedly because there are those who will not accept facts. Their minds have been made up and they will not be confused by facts.

It is time that the arguments that wiretaps and electronic eavesdropping do not materially contribute to effective criminal investigation finally be put to sleep.

In March of 1969 I obtained and utilized the first federally authorized wiretap. Not only did it contribute materially to the successful conclusion of a substantial customs narcotics investigation but it was instrumental in convincing me that two of the five people arrested were, in fact, innocent. Had we relied on what we actually saw—which we would have had to do without the wire—we would have been compelled to have sought their indictment.

Now that such devices may be legally employed I find it amazing that we ever did without them in the first place.

Although wiretapping is now legal in the Federal arena and in practically all of the States of the Union, it is so encumbered by administrative regulations and decisional requirements that its utilization at times becomes impractical, if not impossible. Witness the annual Federal reporting requirements of the States as to eavesdropping orders: the number of applications for orders, the period of interceptions, the number and duration of any extensions, the offense specified, the identity of the applicant, the nature of the facilities from which or the place where the communications were intercepted, the approximate number of persons whose communications were intercepted, the approximate amount and cost of manpower used, the number of resulting arrests, the number of trials, the number of suppression motions made with respect to the interceptions, and so on ad infinitum.

Add to this the growing body of case law outlawing the interception of irrelevant communications, which in turn gives rise to the need to "live monitor." The manpower needs to adhere to these requirements are often impossible to meet. At what point during the course of any conversation is a police officer to determine that what he is listening to has nothing to do with the matter he is investigating? Is the officer on the scene competent to make that determination? All of these requirements, it seems to me, reflect an overconcern about rights to privacy that is completely unrelated to the facts of life. Does anyone really believe that a police officer enjoys listening to conversations that have nothing to do with the matter he is working on?

On the diplomatic level there is one area that I urgently recommend to your attention. It is the matter of extradition.

The country that houses some of the most notorious international heroin traffickers is France, and just about all of them are French citizens. Yet there is no treaty between France and the United States that permits us to extradite a French citizen to stand trial for violations of our narcotics laws, even though his guilt could be established here beyond peradventure of a doubt. There is a crying desperate need for such a treaty not only with France but with other nations.

Some years ago a plot was uncovered involving approximately a dozen Australian citizens who had combined to bring substantial amounts of heroin into the United States from Hong Kong. Three of them, New South Wales police officers, were arrested here. The others were extradited from Australia to the United States. Before trial the three jumped bail and fled to England.

Although the identical treaty exists between the United States and those two countries, England put a different legal construction on its provisions and denied extradition.

The United States cannot fight the heroin problem alone. We must have the help of other nations. If there is any nation in the world that cannot see its way clear to cooperate completely, I say to that nation now: "Your day will come." Heroin addiction is no longer limited to certain parts of the world. France has just found that out.

Statutes are put on the books and agreements between nations are arrived at for the purpose of articulating prohibitions against trafficking in drugs. The end sought is to minimize, as far as humanly possible, the availability of these dangerous substances. In this way there will be a minimal supply to enhance the potential for any further growth of an already existing addiction epidemic. Law enforcement, as I have defined it, is the arm created to implement these laws and agreements and thus make its contributions to the prevention of drug abuse.

I have attempted to outline some of the gaps in the law enforcement wall that I have found over the years to provide difficulties at the highest law enforcement level—that level which constitutes our first line of defense or, more accurately, our first line of offense.

Law enforcement has been given a job to do. Why not give law enforcement the tools to do that job?

Thank you.

Mr. Johnson: Our next speaker is Mr. Malcolm Wiener, Counsel to Odyssey House, a drug-free therapeutic agency. He will give you some history of civil commitment and rehabilitation.

Mr. Wiener: Compulsory treatment of drug abuse has today a poor general reputation. Civil libertarians object because civil commitments in the past have often resulted in what looks like jailing under another name, under vague standards, and without all the rights accorded criminal defendants. Politicians and the public today tend to regard all past efforts at compulsory treatment as expensive failures.

California and New York, where together over $4 billion have been spent on civil commitment, are the prime examples. In New York, most State facilities have been closed and commitments under the statute are largely limited to a small number of instances of diversion of defendants from the criminal courts for periods of about 60 days. The Governor and the legislature have instead turned to a draconian law enforcement approach in an attempt to stop the spread of addiction. In California, prominent legislators who initially sponsored the State's civil commitment program have announced opposition to its continuance.

In the drug treatment community the high hopes held initially for commitment to treatment have largely evaporated. Critics of the California system have noted the absence of any meaningful psychiatric input and the reluctance of parole officers to return parolees to a facility even in the face of evidence of continued drug abuse.

In light of this history, why should your Drug Abuse Advisory Task Force have devoted so much attention to the possibilities and problems of community supervision of drug abuse? Largely, I think, for two reasons:

1. A sense of the inherent limitations of other approaches, including attempts to shut off the supply of substances of abuse through law enforcement, voluntary treatment with methadone maintenance and other means, and proposals for controlled public distribution of heroin.

2. A belief that it is possible for human beings to learn from prior failures and drastically to restructure compulsory treatment efforts away from the civil commitment models of the past to a pilot project of community supervision of drug abusers involving less confinement and more continuing contact.

Surely, by this time, little need be said about the difficulty of shutting off supplies of drugs. Although interruptions in the supply of heroin in certain areas for limited times have been achieved, heroin continues to be widely available along with vast amounts of illicit methadone and endless supplies of increasingly popular barbiturates.

That voluntary programs have some impact on the drug problems seems clear. That there are severe inherent limitations on the ability of voluntary programs to reduce drug abuse to tolerable levels also seems clear. The experience of methadone maintenance programs is critical in this regard, not least because 82 percent of public treatment funds are currently spent on them.

The central and primary difficulty is that youthful heavy heroin users who still enjoying "highs" typically have no wish to stop. For them, heroin use is more pleasurable than anything else they know, and they can see no reason for deferring such gratification. The age statistics tell the story. In New York the average age of participants in methadone programs is 33.7 years, while the average age of all heroin users is believed to be around 20. These figures give rise to the fear that many of those enrolled in methadone programs are those who might otherwise be ceasing heroin use spontaneously as heroin ceases to provide "highs."

A recent study of a major methadone maintenance program in the urban ghetto of Bedford-Stuyvesant—Fort Greene, conducted jointly by the Columbia School of Social Work and the Harvard Law School Center for Criminal Justice, shows the difficulties of reaching youthful drug abusers. All the participants were over 21 at the time of admission to the program; 24 percent began using heroin between the ages of 11 and 17, and 36 percent between the ages of 18 and 20. The study showed that the younger the participant, the less likely he was to remain in the program. The study further showed surprisingly high levels of heroin abuse among those who continued to come for their dosages of methadone; it was evident that many of those enrolled took methadone to maintain a base and "shot over" occasionally to get high. Moreover, abuses of nonopiates continued.

Also of considerable interest was the evidence of disturbingly high levels of criminal activity on the part of those involved in the program. Upon reflection, this hardly seemed surprising. If a child grows up in an atmosphere of addiction and sociopathy, attends, or occasionally attends, schools that leave him functionally illiterate, is taught no rewarding or marketable skills, in short, is unable lawfully to support himself and is of no use to others, and, on top of this, has become accustomed to the excitement of a

criminal lifestyle and to drug abuse, providing him with 60 milligrams of methadone per day at age 21 plus some limited counseling and other ancillary services is not likely to "cure" him.

But the problem of holding the youthful abuser in treatment is critical in lessening the spread of addiction. Both the study just cited and the outstanding paper by Dr. Leon Hunt on the "Epidemiology of Heroin Use," prepared for this Commission, show clearly what prior studies have indicated, that the vector of contagion is not the mythical stranger in a dirty trench coat hanging around the schoolyard—"the pusher"—but the charismatic teenager turning on youthful relatives and friends, the whole process powerfully propelled by the force of peer-group pressure. The very limited effectiveness of voluntary methadone programs among this group is therefore critical in assessing the impact of these programs on drug abuse.

There are, of course, other problems with methadone maintenance that are relevant here, particularly the impact of the diversion of supplies. Methadone is a powerful drug and, when taken by someone not addicted to heroin or in combination with cocaine or alcohol, can produce dysfunctional euphoria. We are already seeing cases among the young where methadone is the primary agent of drug abuse. Moreover, the long-term physical effects of methadone are still unknown, but there are some disconcerting signs, particularly with regard to the infants of pregnant women maintained on methadone. Finally, methadone reduces only the craving for opiates, and hence is only partly relevant to the increasing incidence of polydrug abuse, particularly among the young.

If methadone maintenance and other voluntary programs cannot by themselves reduce drug abuse to tolerable levels, particularly in the urban ghettos, what about heroin maintenance? Would not the free distribution of heroin under controlled circumstances by public authorities at least take the profit out of heroin and hence eliminate or sharply reduce the traffic?

At least a few observations are in order.

Much is heard of the so-called British system. It is useful to consider some figures. In Great Britain on January 1, 1972, 156 addicts were receiving heroin in decreasing amounts; 229 were receiving small amounts of heroin in addition to methadone; none was being given all the heroin he wanted or allowed to get high at will. Five hundred physicians were devoting substantially full time to dealing with 3,000 addicts. (Given the recent Special Action Office for Drug Abuse Prevention estimate of 600,000 heroin addicts and abusers in the United States, it would take 100,000 doctors just to deal with addicts to achieve the same ratio in this country.) The employment rate, including part-time employment, of those maintained in Britain on heroin was less than 30 percent, and this is in an addict population from largely stable, middle-class backgrounds.

There is a fundamental threshold problem. Do you give ever-increasing euphoric dosages or do you gradually reduce dosages? Of course, the physical and psychological risks of giving euphoria-producing dosages are clear. On the other hand, if you do not provide enough free heroin for the addict to achieve a state of euphoria, he will still have an incentive to seek additional supplies on the black market. Addicts willing to be maintained on low or decreasing dosages in a government clinic are those who fear withdrawal more than they cherish the high—would they not be identical to those who now volunteer for methadone maintenance?

At what age do you begin heroin maintenance: at the average age of commencement of heroin abuse in the ghetto, which is 15? Surely no one of us would condemn someone of that age, whose only crime is living in an environment where drug abuse flourishes, to a lifetime of nodding away—his mental growth and reality-testing thwarted, and lacking the capability to choose, will, judge, and act. I should note for the record, however, that at a New York State legislative hearing at which I testified, I heard precisely this proposal made by the permanent legislative representative of a civil liberties group opposed to all laws restricting the right of the individual to use drugs. However, if you restrict the provision of free heroin to those 18 and older who have been heavy users for at least 2 years, as has been proposed for one pilot project in New York, a large market for heroin trafficking is left precisely among those who are most active in proselytizing among their youthful peer group.

It is important to bear in mind that the residual black market need not be large to supply novice users and thus continue the infection-recruitment process.

There are critical problems of administration to consider. Many addicts have no superficial veins left. What do you do then, perform a cut down or a femoral vein puncture? Heroin may deteriorate rapidly; how can you be sure what you are injecting? Are you willing to inject ever-increasing dosages that may even prove fatal? Are you going to determine whether the addict has consumed alcohol or any other substances, which, when added to heroin, may prove deadly? Will you give heroin to pregnant addicts or to women who have had a series of unplanned pregnancies? Will addicts be lined up, army fashion, to receive their shots, or will you try to create an inviting ambiance?

Then there is the problem of security. Dr. Lois Chatham of the National Institute of Mental Health in a recent discussion of methadone maintenance has referred to the critical problems of diversion and the "atmosphere of disorder" that surrounds methadone clinics. In New York, many communities are up in arms about methadone clinics in their midst. How about heroin clinics with their stocks of pure heroin? It appears that a realistic proposal for a heroin maintenance project should include in its protocol one heavy battle tank per clinic.

The effect of free heroin maintenance on other voluntary treatment programs for drug abuse will be deadly.

There is at least a possibility that the existence of free supplies of heroin administered by medical personnel will affect the choice of a drug abuser between heroin and other drugs. No longer will there be a fear of withdrawal symptoms in the event of unavailability, and the use of heroin may be seen to have achieved tacit medical and governmental acceptance. Certainly the availability of free heroin of known quality will affect whether or not an addict spontaneously ceases heroin abuse.

Again, there is the problem of polydrug abuse. As we know, an addict receiving constant or decreasing dosages of heroin can get high on other substances. Moreover, do we intend that the proposed heroin maintenance clinics become drug supermarkets, dispensing to each addict his drug of choice?

The anticipated significant reduction in crime that provides the motivation behind proposals for heroin maintenance seems conjectural at best. Recall the Bedford-Stuyvesant study, and consider also a recent study in St. Louis which showed that 73 percent of the addicts interviewed had committed crimes before they used drugs. The common supposition is that addiction breeds crime, but all our evidence indicates that on the balance, the converse better states the reality: criminality breeds addiction. Indeed, some of those maintained on heroin may become more skillful criminals, when not acting compulsively. Since it seems highly unlikely that any significant proportion of those maintained on heroin would be able to hold regular employment, in part because of the need to come to the clinic four-to-six times a day to receive dosages, there remains the problem of a means of support.

Because of the considerations cited, the Drug Abuse Task Force concluded that heroin maintenance was simply not viable.

Given the inherent limitations of other approaches, compulsory treatment clearly deserves another look. It is worth noting that others are taking another look, too, including James Q. Wilson, the Chairman of the National Commission on Drug Abuse, and his Harvard colleagues, Mark H. Moore and I. David Wheat, Jr., who have concluded that some form of compulsory treatment is a necessary element in an overall strategy, as have *New York Times*' reporter, James M. Marham, and editorial board member, John Hamilton.

As has often been noted, compulsory treatment of drug abusers has two aspects—treatment and quarantine. Most of the literature and discussion centers on treatment, but honesty requires the frank admission that from the standpoint of interdicting the spread of addiction, the quarantine factor is the more important. Indeed, it may even be the more important factor from the standpoint of "cure."

Professor George B. Vaillant of Harvard Medical School compared on a 20-year followthrough basis the first 100 New York City heroin addicts admitted to Public Health Service Hospital in Lexington, Ky., with 30 addicts who had been in prison 9 months or more and who were followed closely and tested for drug use during parole. The results indicate that 20 out of the 30 in the latter category had stayed drug-free. This led Professor Vaillant to conclude: "It is dramatically clear that voluntary hospitalization and punishment in the form of imprisonment were virtually useless in producing abstinence, but that compulsory supervision following a period of prolonged imprisonment was surprisingly effective."

How, then, might we undertake a program of community supervision of drug abusers that avoids the errors of the past and imposes only the least amount of physical restraint necessary to achieve its goal as determined by careful and competent judgment in each individual case?

The report of the Drug Abuse Advisory Task Force sets forth its recommendations in great detail. Time only permits a summary outline here.

We propose pilot projects in two selected areas backed by State legislation and Federal funding. We envision that one of the two pilot project target areas should be a heavily impacted urban ghetto and the other an area where drug abuse in the past has been slight but now seems sharply on the rise. These projects would involve the following essential elements:

1. A drug board composed of panels including a physician, a psychiatrist, and a paraprofessional ex-addict to interview and make recommendations concerning each participant.

2. Compulsory medical examinations including collection of urine samples in secondary schools and public institutions.

3. Interviews and testing of all of those determined to be abusing drugs. Please note that evidence of marijuana use does not appear in urine samples and that marijuana is also outside the scope of the Drug Abuse Advisory Task Force. The proposals made

here are relevant only to the abuse of hard or dangerous drugs.

4. A decision by the drug board panel challengeable in court as to an appropriate method of treatment. In most cases the initial requirement might well be limited to the compulsory provision of urine samples 3 times a week plus 1 hour of counseling or therapy.

5. An attempt through continuing contact including involvement of the participant in new peer groups and activities and family counseling to lead the youthful drug abuser away from continued drug abuse.

It may be worthwhile to note briefly here the recent work of Dr. Carl Chambers. He divides drug abusers into four categories: experimenters, sociorecreational users, involved users, and dysfunctional users. He reports that the former two groups have no distinguishable sociopsychological differences from the general population. Of the latter two groups, 30 percent appear clinically depressed and 25 percent clinically anxious. Their test scores indicate higher degrees of alienation and risktaking as well. The same division appears in connection with the family patterns of drug abusers. The patterns of the former two types do not differ from that of the population at large. For the latter two categories, however, there appears to be a critical difference in the time spent with the drug abuser by the male parent.

The average is less than 15 minutes per day, and the interaction is usually limited to rulesetting or punishment. In the latter two categories, the female parent is more likely to use drugs. Surely, Dr. Chambers' findings suggest avenues of approach toward making effective contact with youthful drug abusers.

6. Where drug abuse continues and/or involvement is heavy, a requirement that weekends be spent in a therapeutic community might be imposed.

7. Where the drug abuser is dysfunctional, or where the judgment of the drug board panel otherwise so indicates, a recommendation of compulsory residential treatment may be made to the court.

8. There should be a provision for the destruction of all records indicating the identity of the drug abuser after a period of time where intervention appears to have led to a cessation of drug abuse.

I hope this necessarily broad and quick sketch has provided some idea of the nature of the pilot project on community supervision of drug abusers that the Drug Abuse Advisory Task Force recommends to be undertaken as a supplement to existing voluntary drug programs and a substitute for reliance on the criminal justice system in an area where it is ill-suited to cope.

I would close, if I may, with two vignettes. The first is from school teachers in Harlem, who tell me that when they assign an essay to their 5th grade pupils on "My Community" or "My Neighborhood," about 80 percent of the pupils write about drugs and the junkies who accost them or lie in hallways of their homes.

The second vignette is of a mother of four children from the same area. The eldest son died of an overdose. The second is in jail on a drug charge. The third, a daughter, is also an addict; the mother does not know where she is now. The fourth child is a son. In the fall he is due to start at the same junior high school where the three older children became drug users. She asked, "What can I do?" I ask, "What can we do?"

Mr. Johnson: Our next speaker is the Honorable Bernard Moldow, Judge of the Criminal Court for the city of New York. He was an attorney with the Legal Aid Society for more than 20 years prior to going on the bench. He will speak to you about civil commitment from the standpoint of the defense counsel and the court.

Judge Moldow: The way to reduce the incidence of addiction is through compulsory treatment of drug addicts. I propose a system in which offenders would be evaluated and treated by doctors and other professionals instead of being sent to prison. Unlike the present system where treatment is more or less on a volunteer basis, the drug addicts would be committed to the center.

Drug treatment centers should be used rather than jails only in cases of personal drug offenses, such as possession of minor amounts of drugs or drug paraphernalia. Diversion from the criminal law system was proposed for minor crimes upon the consent of both sides. Serious crimes would be processed in the criminal system with treatment afforded in a jail-type setting. Parole or prison sentences for drug addicts would be to civil treatment centers.

Security in treatment centers—now very lax—would be on three levels: from none at all to maximum. I really want to stress this need for security. Often, what happens is that addicts in treatment centers commit crimes while there and end up a court again.

It is highly unlikely that such plans will be implemented in New York in the near future because of Governor Rockefeller's recent hard-line proposal requiring a life sentence for drug pushers.

Narcotic addiction in New York is in a state of turmoil and it would be tremendously expensive to implement any new programs. Yet, new programs

are extremely necessary. I find it hard to believe that the Governor would condone indiscriminantly the imposition of life sentences on all pushers without regard for the individual case.

Drug offense cases would be evaluated on an individual basis. The judge, and then the professionals administering treatment, would make the decisions.

Under ideal circumstances, the addict—after residing in a treatment center—would be transferred to a halfway house and eventually treated on an outpatient basis. There is, however, a need for continuous testing of the patient to determine whether or not he is falling back into addiction.

Mr. Johnson: Our next speaker is Dr. Peter Bourne, Assistant Director of the Special Action Office for Drug Abuse Prevention. He will speak to you about the structure of his organization and what its role is in the drug abuse field.

Dr. Bourne: The role of the Federal Government in relation to States and cities is changing. Changes are being made because evaluations of programs in terms of cost-benefit and effectiveness have demonstrated extreme inefficiencies in social service systems, lack of effective planning and coordination, and inability to respond to the needs of the client population.

The deficiencies of the present system are all too clear in drug abuse programs. At the Federal level alone, more than 20 agencies fund several score programs in law enforcement, treatment and rehabilitation, education and training, prevention, and research.

President Nixon recognized the need for a change by establishing SAODAP—Special Action Office for Drug Abuse Prevention—by Executive Order and submitting legislation to Congress outlining its suggested activities. Congress responded by unanimously passing Public Law 92-255, which, in effect, centralized the responsibility for drug abuse prevention activities within one agency. The act further stipulates that block and formula grants should be made available to the States to be dispensed through a single State agency according to a formal State plan.

Following the legislative mandate, the Special Action Office has designed a nationwide delivery system for drug abuse services using a single State agency as the key component. Each State has been required to establish a single State agency responsible for coordination of all drug abuse efforts within that State. Additionally, each State had to develop by June 30, 1973, a plan to be a blueprint for its overall strategy to control drug abuse.

State-City Planning

The Federal Government will be providing, on a formula grant basis, funds to the States for planning, development, and implementation of the plans. In the future, any local community submitting a grant application to the Federal Government for funding of drug abuse programs will be required to include a certification from the single State agency that the proposal conforms to the overall State plan or strategy.

The establishment of this mechanism makes it imperative for cities to develop lines of communication with the single State agencies. Cities should interact with the States in three ways:

1. It will be important for city officials to make themselves fully familiar with the legislation (or executive orders) setting up the single State agencies.

2. Cities should work very closely with the single State agencies to insure that the needs of their cities are adequately met in the development of the State plan.

3. It is extremely important for cities to insure that they are well represented on State advisory councils. In each State an advisory council will be established to work with the single State agency to make recommendations in the development and implementation of the State plan. The State advisory council must include local government officials and representatives from the private sector as well as State government officials.

Although the funding mechanism is being revised, this does not herald a reduction in the availability of funds in the drug abuse prevention and control area. Total proposed FY 1974 funds are slightly higher than FY 1973 funding for Federal drug abuse programs. Of the $784.7 million proposed total budget, slightly more than one-third will be allocated for treatment and rehabilitation programs. Slightly less than one-third is targeted for law enforcement programs, while the remaining one-third is for research, education and training, and prevention. One figure is worthy of note: well over $100 million of the total proposed FY 1974 budget is for formula or block grants.

Evolving Role of Cities

There are two areas in which the cities have increasing potential for leadership roles: law enforcement and treatment. These two areas are closely related, and it is clear that if the drug abuse problem is to be dealt with in an effective way, coordination between law enforcement and health officials is mandatory.

The interrelationship and interaction between the supply (or law enforcement side) and the demand (or health treatment education and prevention side) have been underscored by the Federal experience on a national level. As we have become more efficient in reducing the availability of heroin (by limiting its places of growth, by preventing its importation, and discouraging its sale on the street), several things have occurred. The heroin shortage has had some influence in changing drug use patterns and has increased the demand for treatment. Cooperation and coordination between law enforcement and health officials is imperative so that addicts and users can easily find, or be diverted to, treatment rather than resort to criminal activities.

Although responsibility for both law enforcement and health resides with the cities, in many instances there are cases in which health services come under county or State administration while law enforcement remains under the jurisdiction of the city. In such cases, coordination becomes all the more important, since neither law enforcement nor treatment can by itself result in an effective strategy for the control of drug abuse.

Guaranteeing Adequate Treatment Services

When the Special Action Office was established, one of its major objectives was to create a situation in which the drug abuser or addict would no longer be able to say, "I committed a crime because I could not obtain treatment." This goal will soon be reached, but increased cooperation of cities (large and small) is needed if the objective is to be reached in every metropolitan area.

Treatment capacity has been substantially increased in all major cities in the country, to the point where there is almost enough capacity to meet projected need. Exact figures are almost impossible to procure. However, if we estimate that there are at least 600,000 persons at the present time who regularly use hard drugs, and we assume that over a 2-year period some 50 percent would seek treatment if it were available, then 300,000 treatment slots would be needed. However, with annual turnover, a capacity at a given time of 160,000 to 170,000 would suffice.

At the present time there are more than 400 federally funded treatment programs with more than 70,000 clients. This system is being expanded to cover 100,000 clients. When nonfederally funded, State, and local programs are included, the total is even closer to the estimated need figure. It should be stressed, however, that these are national estimates and figures. Each city should have its own estimates, and set its own treatment objectives.

The Federal Government also has attempted to guarantee adequate treatment services by allocating funds to provide services for persons on waiting lists who could not previously be taken into treatment. In cities such as Atlanta, Washington, and in parts of New York, the waiting lists have been completely eliminated, and any addict seeking treatment can receive it.

We plan during the next year to continue to expand treatment capability, and will hopefully reach a point within that time when there are no waiting lists anywhere in the country, and any addict seeking treatment can obtain it immediately.

Treatment Alternatives to Street Crime (TASC)

The Special Action Office believes that any addict who comes into contact with the criminal justice system should have an opportunity to get treatment for his addiction, particularly individuals who are released from custody while awaiting trial. SAODAP has developed a specialized identification, referral, and monitoring system called Treatment Alternatives to Street Crime (TASC) to identify arrested individuals who have drug problems, and to open the door to treatment.

TASC programs are currently being established in 18 major cities in the country. The program is already actively functioning in Washington, D.C., Philadelphia, and Wilmington, Del. At the time of arrest, accused felons in certain categories have an opportunity for voluntary counseling and urine screening. If they are found to have drugs in their urine, they become eligible to be placed in treatment prior to trial at the discretion of the arraigning judge. If a patient does well in the carefully monitored treatment, the charges against him can be held in abeyance and subsequently dropped, if appropriate.

We feel that the development of the TASC program can result in the diversion of large numbers of addicts out of the criminal justice system and into treatment. The program is not only an alternative to incarceration, but also hopefully will act as a deterrent to crime and will result in a decrease in recidivism. This program, if successful, can be a model for all cities to utilize.

Central Intake Facilities

In many cities treatment programs are fragmented and uncoordinated. Coordination in the drug abuse treatment area should not lag behind that of other health services.

In Chattanooga, Tenn., there are 12 different drug treatment programs as yet uncoordinated with the 95 major health services programs connected by an on-

line computerized intake and referral system. The integration of health services has significant systems, client, and social benefits. The consolidation of accounting systems, transportation, purchasing, data processing, and other support services has enabled the city of Chattanooga to effect numerous economies in one year's time.

The benefits to the client also are impressive in terms of the service he actually receives. Data from the Applied Human Service Systems laboratory at Brandeis University show that, on the average, 60 percent of clients seeking social services are turned away without services. One has only four chances out of 10 of getting even one service. If a client must be referred, the probability that he will receive assistance decreases further. The odds are less than 1 in 5 (17 percent) that a client actually gets to a place to which he is referred and gets treated. The probability of a client actually receiving treatment is greatly improved where there are central or coordinated intake facilities.

Integrating services also provides many benefits to society, especially in the drug abuse area. There can be reduced costs to taxpayers through significant increases in efficiency and a decrease in abuse and perhaps crime. For example, in cities where several methadone programs are being operated simultaneously a patient can very easily go from one to another and register at several facilities. An integrated, centralized system could prevent this by providing for the first time an on-line information and updatable social indicator system for a city.

In order to realize these benefits the Special Action Office will be funding 10 central intake facilities in selected cities during the next year. Such facilities have already been established in Atlanta, Miami, and Washington, D.C.

The central intake facility will provide a single entry point for any addict or drug abuser seeking treatment. The client will come to that facility and receive not only emergency treatment but also a complete medical and psychological evaluation. He will continue to come to that facility as long as he needs to be treated acutely, and as long as the workup and evaluation are going on.

Once the most appropriate long-term treatment for the individual has been determined, he will be transferred—not referred—to whatever long-term treatment facility in the community appears most appropriate for his needs. This might include hospitalization, residence in a therapeutic community, or methadone maintenance. In the case of the latter, new guidelines should insure that good records will be kept, and the client given counseling and suitable rehabilitation, including job training if necessary. An attempt will be made to allow the client to enter a facility near his home and most convenient for him.

The development of central intake facilities will, we hope, eliminate multiple registration, guarantee that an addict can always be assured of receiving treatment no matter what place he first visits, and insure that he receives the type of treatment most beneficial to him. The development of central intake facilities should facilitate integration with already coordinated human service delivery systems where they exist and stimulate further coordination where they do not.

In any case, the SAODAP central intake facilities should be a model for an integrated human social service system.

Part IV

First And Second Forum Sessions

INTRODUCTION

The First and Second Forum Sessions were a series of small seminars, divided by discipline and then subdivided into groups of manageable size. In addition to the seminars on the major disciplines—Police, Courts, Corrections, and Community Crime Prevention—a special seminar, Criminal Justice Information and Statistics, was devoted to the measurement of crime, crime statistics, and evaluation of program results.

Police and Corrections disciplines were divided into 12 groups each, and Courts and Community Crime Prevention into six groups. Discussion leaders and assigned topics covered review of all standards. Each seminar was provided with a Reporter who summarized the discussion. In view of the repetition of these sessions, these Reporters' notes were summarized by discipline, concentrating on delegate opinion, consensus on which attitudes could effect the greatest change, and general attitudes toward the Conference.

These forum sessions constituted a thorough analysis of the standards in each discipline. Discussions at these meetings revealed the differences in practices and needs across the country but also emphasized that similar problems exist nationwide, such as the long delays in the courts for litigation and adjudication of cases. In addition, they showed that not all standards to streamline the system and speed up the processing of justice could be implemented in the same way in all areas of the country with the same results.

Police

The Police seminars were divided among the levels of police agency responsibility—State, county, and city. The 12 seminar reports were combined according to area and summarized; thus, there are three Police summaries: State, county, and city.

In the State summary, delegates questioned the emphasis on the police chief executive, rather than on political leaders, throughout the *Police* report, as well as the isolation of the police from the other disciplines in the criminal justice system. It was generally agreed that the standards relating to State police agencies required further research. With these exceptions, delegates in the State seminars supported the Police standards.

At the county meetings, delegates said that having representatives from each of the four task forces would have provided a more meaningful exchange of information because the discussion primarily involved standards from other disciplines—e.g., plea negotiation, regionalization of detention services, and release on personal recognizance.

At the city meetings, discussion showed that there was disagreement over a number of standards; that some agencies already practiced many of the suggestions; and that many members were concerned that their presence at the Conference might be interpreted as full support of the Commission reports.

Courts

The six Courts seminars reviewed all the chapters in the *Working Papers*, with the exception of those on screening and diversion, which had been discussed in detail at the Third Conference Session.

Although plea negotiation had also been considered at that session, it was considered so important and controversial that further discussion in the small group situations of the forum sessions was warranted. The Commission's reasons for rejecting plea negotiation were reviewed; nonetheless, most Courts delegates opposed the Commission's position.

There was general support of the Commission's standards on increasing speed and efficiency in the court process and on sentencing. The standards calling for unified single-stage review was judged worth experimentation, but delegates withheld blanket endorsement of the entire process as outlined by the Commission. Adoption of the Missouri Plan to select judges was debated widely; some delegates thought that a standard dealing with judicial selection, discipline, and removal was too controversial to be included in a report seeking general acceptance.

The standards dealing with unification of State court systems, the establishment of court administrators, and the upgrading of the office of the prosecution all received general support from the Courts delegates. The standards dealing with upgrading the office of public defender were questioned in the areas of selection, salaries, duties, and workload.

Corrections

At the 12 Corrections seminars, delegates expressed skepticism about the value of the Conference if the Commission reports did not reflect any input from the delegates.

Centralization of State corrections systems was rejected by most of the Corrections delegates. Development of managerial objectives in corrections systems, the isolation of corrections from the community, measurements of success, inmate rights, alternatives to incarceration, prison construction, disparity in sentencing, and probation and parole were debated extensively.

The delegates agreed that education of the public was mandatory in gaining acceptance of not only the Corrections standards but the standards of the other disciplines as well. There was a need to develop an on-going system to promote the adoption of these standards, the delegates said.

Community Crime Prevention

Delegates at the six forum sessions on Community Crime Prevention felt that the most significant topic under discussion was citizen involvement. The delegates enthusiastically agreed that citizen involvement in the prevention, treatment, and control of delinquency and crime was necessary if success was to be achieved. The burden of crime prevention was on the public, not on the agencies of the criminal justice system, they said.

The delegates stressed the necessity for advisory councils, court-watching teams, volunteers in probation and parole services, and above all, educational forums to broaden public understanding of the causes of crime and of the agencies of the criminal justice system. Further, the public must develop planned and continuous programs, rather than responding only to crisis situations. A creative and cooperative relationship between the public and criminal justice professionals must be established, the delegates said.

Three other topics—integrity in government, education, and employment—also were debated. White collar crime among public officials was related to street crime; to have respect for the law, the public must have confidence in its government officials. Despite criticism of some aspects of education, delegates said the schools cannot be held responsible for all the problems of society. In the area of employment, the delegates felt that the business community was hampered in its juvenile hiring programs by minimum wage, insurance, and other Federal laws. Round-the-clock employment in public service projects for juveniles and on-the-job training with suitable pay for hard-core unemployables were emphasized as important aspects of preventing crime through employment.

Criminal Justice System

The single, special forum session on Criminal Justice Information and Statistics studied the standards and recommendations of the *Criminal Justice System* volume for Police, Courts, and Corrections.

The delegates discussed the need for using the Computerized Criminal History data bank, the

National Crime Information Center, and the Offender-Based Transaction System.

In the area of Police, the Commission had defined the services that data systems should provide, rather than developing detailed standards on specific systems. These services included dispatch support, crime analysis, resource allocation, retrieval of information, and crime data collection. These standards were discussed and debated in detail. The delegates thought that the lack of national standards in some areas had delayed the development of the interfacing requirements of local systems.

The standards dealing with Corrections and Courts also were outlined and discussed briefly.

Chapter 10
Police Summary

First and Second Forum Sessions

Police Summary, Wednesday, January 24, 1973, 2:00 p.m., and Thursday, January 25, 1973, 2:30 p.m.

Introduction

The Police forum sessions were divided among the levels of police agency responsibility—State, county, and city. All forum sessions covered the standards from the *Working Papers*. The forum session reports have been combined; instead of 12 session reports, there are three: State, county, and city.

Following are summaries of the Police forum sessions, arranged by State, county, and city reports. Under each section, the standards discussed and the action taken by the forum session are reported. Under each standard, a report on the discussion of the forum session participants also is included.

State

Standard 1.2, Limits of Authority

It was emphatically recommended that the term "reasonable force" be used uniformly in place of "minimum force" throughout the report. In one forum session it was moved, and the motion was carried, that standards should require that all States that have a statewide police agency—whether designated highway patrol or other—grant full police powers to such agencies. The motion was not intended to change current responsibilities.

Standard 1.2(2), Limits of Authority

In Standard 1.2(2), concern was expressed over the use of the term "minimum force," and the group recommended to the Commission that the words be changed to "only the amount of force necessary."

Standard 1.6, Public Understanding of the Police Role

It was agreed that there is a police role in school programs on both an intermittent and a permanent basis. However, care should be used in selecting qualified officers in this area. It was also proposed that when adult education courses involved police skills, police officers should teach the course. State agencies can engage in police-community relations programs, but it is impractical for them to engage in school teaching programs.

Standard 3.1, Crime Problem Identification and Resource Development

This standard requires meeting with elements of the public on a periodic basis to assist the department in identifying problems within the community. The types of groups will vary with the community.

Standard 3.2, Crime Prevention

It was thought that this standard was directed more toward the local agency. However, State agencies were not opposed to it, and some are becoming involved in crime prevention programs.

Standard 4.1, Cooperation and Coordination

The forum sessions endorsed the general concept of cooperation and coordination between the police and other elements of the criminal justice system. Support was also given to the training of other elements of the criminal justice system, particularly local detectives.

Recommendation 4.1, Alcohol and Drug Abuse Centers

Alcohol and drug abuse centers were generally supported by the forum sessions. However, considerable objection was raised to the procedure detailed in the third paragraph under Civil Commitment of Addicts, because of the possibility that any crime might be related directly or indirectly to drug abuse. This section has been the subject of specific abuse in the State of New York, where this same process has been used repeatedly as a refuge for all types of criminal acts.

Standard 4.3, Diversion

Diversion was supported by the group, with the exception that the term "victimless crime" be explicitly defined as to specific offenses covered by the term.

Standard 5.1, Responsibility for Police Service

There was some discussion on this standard. Specifically, most State investigative/technical units are 5-day, 8 a.m. to 5 p.m. units. There is a need to consider greater deployment and the use of 24-hour answering services. It was agreed that a minimum of 10 personnel per agency would be controversial, but that it is probably practical. There was concern about the areas that combine urban-rural districts and areas where small agencies are far removed from other agencies. With respect to coverage, it was suggested that emphasis be placed on the supervisory structure.

Standard 8.1(2), Establishing the Role of the Patrol Officer

In the discussion of this standard, it was thought that the recommended response times were not practical for rural areas.

Standard 8.3, Deployment of Patrol Officers

During the discussion of this standard, it was brought out that local agencies should have the use of State computers for manpower allocation.

Standard 9.4, State Specialists

This was a controversial issue. The State agencies are very reluctant to have local chiefs direct the State specialist. States feel they have the right to control investigation, as they are required by law to conduct the investigation when the local agency cannot. They feel that the State specialist would be ineffective if they suddenly reverted to local control by the local chief. The group thought the local direction aspect was not clearly spelled out.

Standard 9.4(3), State Specialists

The forum group took exception to the wording of this standard and voted unanimously to change this section to read as follows: "... work under the direction of the local police chief executive. This does not preclude State specialists from conducting independent investigations consistent with their authority." Another forum group recommended that this section conclude after "... support of the local agency," eliminating the remainder of the sentence starting with "and that these ..."

Standard 12.2, The Crime Laboratory

There was much concern about State agencies undertaking to provide laboratory and other services for local agencies. Local agencies can become dependent upon the State. If the State legislature refuses to continue to provide services, local agencies will then be in a bind because they have relied upon the State for the service. One recommendation was offered that the State agency seek Federal funding for such things as satellite labs. If the State legislature accepts the program and the Federal financing, then it is committed to continue operational financing of the program after it is initiated.

Lab technician workload is a problem. Testifying in court only compounds the problem. A question

was raised as to whether one lab technician could testify to another's examination. Seeking authority to use this type of testimony, if called for, was the only suggestion offered. There was no known situation where one lab technician could testify to another's exam.

One area in which women have been employed with satisfactory results was as laboratory technicians. There was wide agreement on this from several officials who have women as lab technicians.

Financing of lab services as recommended in the Police Task Force report should be one suggested method of financing rather than the standard method. In the same vein, concern was expressed about the wording, "every agency shall develop" certain capabilities. Development of these capabilities may be impractical for an agency with limited resources. Can the agency acquire them through some other agency through such methods as regionalization?

Standard 13.3, Minority Recruiting

Minority recruiting was discussed thoroughly. The group accepted the standard, with the exception of the recommendation that the administrator take affirmative action rather than wait for court action.

Standard 13.3(1), Minority Recruiting

The delegates objected to ratios for minority officers and thought that this amounted to setting quotas.

Standard 19.2, Complaint Reception Procedures

There was general agreement on this standard. It was thought that it would forestall civil rights investigations and complaints. Agencies must seriously implement this.

Standard 23.1, Police Use of the Telephone System

Apparently, this standard is a real problem. Few agencies have capabilities or plans for disasters and off-hour excessive demands. Unlisted numbers—for retention and use by department employees in emergency situations—must be maximized. The cooperation of the telephone company should be maximized to install connections that will be available for immediate use in emergencies. These lines are usually free of cost until they are used. Several delegates thought security of telephones and radios was a real problem. Possible ties with training of communications personnel (i.e., with Associated Public Safety Communications Officers, Inc.) were suggested. Security of facilities should be emphasized.

Statewide radio networks and the 911 system were discussed. Concern was expressed over the costs. After discussion it was determined that the concepts of the standards were important and the implementation costs secondary.

Standard 23.1(3), Radio Communication

A motion was passed to add "if methods for reliably switching it are not available" to the standard.

Standard 23.2, Command and Control Operations

There was much discussion of this standard. This cannot be implemented without Federal assistance in getting police wider frequency use. The Law Enforcement Assistance Administration must force the issue with the Federal Communications Commission. This will be an even greater problem as radio use increases as these standards dictate. Police must be able to talk to other policemen.

Other Areas of Concern

Discussions of a more general nature—not necessarily relating to specific standards—centered on a number of issues.

Community involvement with the agency was discussed, and it was agreed that, while community input is needed, the final decision must be made by the police chief executive. A survey of the public regarding the activities of each agency will provide the administrators with insight into the activities of the agency, as well as provide political incentive for additional funding in some instances.

A consensus of a forum group recommended a subsequent study to include standards for Federal components of the criminal justice system as applicable to supporting or providing assistance to local agencies.

Offender-based tracking systems were discussed and supported.

Concern was expressed regarding clogged courts, which create a backlog of cases. The group endorsed the 60-day adjudication process, but remained skeptical that this could be accomplished. In a discussion, it was determined that plea negotiation was not the concern of the police except when it results in the complete release of the offender.

Concern was expressed about setting height standards for police candidates. What is the justification for setting height minimums? Diverse experiences were discussed.

Summary

Questions were raised as to the reason for the emphasis on the chief executive throughout the *Report on Police.* Why were legislators and other political leaders not addressed in this report? It was explained that the report focused upon the chief executive because he was the one who would have to convert and convince the individuals in the political arena about the standards and goals.

The question was also raised as to why police were isolated from other members of the various disciplines in the criminal justice system. It was explained that police must first solidify their own ranks with the standards and goals and then interact with other members of the criminal justice system.

It was generally agreed that the standards in the State area were weak. These standards for State agencies need more indepth work. One example discussed was the resistance to assigning State officials to work under the direction of a local chief of police. The consensus was that the State officer would be assigned to make an investigation, but he would be controlled and directed by his own supervisor. He should, of course, take advantage of the suggestions from, and knowledge of, the police chief executive.

With the exceptions indicated, the forum sessions supported the Police standards. A motion was made and passed in one forum session that the standards discussed be adopted in principle and concept.

County

Standard 1.1, The Police Function

One participant expressed concern over specifying a police role that eliminated noncriminal, but traditional, police tasks such as leash laws, etc. The fear was that the public would not tolerate the police limiting their role. The question "who do you pass the buck to" was raised.

Standard 1.1(2), The Police Function

Community attitudes toward crime are of great importance and should not be relegated to a low priority. It was felt that the police role must be determined at the local level by the police chief executive. He should enunciate policy that assures that the objectives, priorities, policies, and practices adopted by the agency are consistent with the law, the needs of local government, and the public. This policy will guide the operational decisionmaking of the police officers under his command.

Standard 1.2, Limits of Authority

A question was raised relative to the inclusion of the phrase "minimum amount necessary" in reference to force used by the police. It was noted that the word minimum was too vague and subject to misinterpretation. The use of the word could result in civil actions and other legal difficulties for the police. Where the authority of the police in most State statutes uses the words "reasonable," or "necessary," it was the unanimous opinion of the forum sessions that the word "minimum" be deleted from the standard.

Standard 1.4, Communicating with the Public

Winning the battle for effective community relations hinges upon the efforts of each individual officer, rather than upon those of a selected community relations officer. More community involvement and understanding of the police role is needed. Mention was made of the policy of paying bonuses to bilingual officers in appropriate areas.

There was some discussion of, and much support for, keeping the public informed. Some delegates encouraged the others to develop school and ride-along programs. Good, active press relations were supported.

Standard 1.6, Public Understanding of the Police Role

Police still do not frequently interact with the general public and need to do so. Furthermore, retired officers are excellent resources for police school educational programs. School security was mentioned, and it was pointed out that it is best handled by school security officers.

Almost all attendees agreed that the police need to have a much greater role in the schools than they presently do. Most agreed that the police must speak in the community much more frequently.

It was suggested that the need for educating parents as to their responsibilities with respect to the law is just as great as the need for educating children.

An objection was raised about the use of the term police officer throughout the report. Some attendees thought that a term such as peace officer or law enforcement officer would more properly describe those in the profession, i.e., Federal agents, sheriffs, State troopers, etc.

Standard 3.2, Crime Prevention

In the area of volunteer neighborhood programs, the comment was made that the public is generally

apathetic and reluctant to get involved in crime prevention programs. Further discussion emphasized the need for law enforcement to take the programs to the public and attempt to overcome their apathy by introducing ideas such as sharing and publicity and credit for crime reduction with businesses, schools, civic organizations, and other contributing groups.

A question was raised as to the difficulty of drafting and obtaining legislation requiring minimum security standards in a given community, as recommended by the standard. It was noted that model legislation in this area was available from the Law Enforcement Assistance Administration.

The problem of the reluctance of some businessmen to prosecute offenders, such as shoplifters, was raised. Such attitudes can be reversed if law enforcement will take the issue to the people concerned and explain the need for their cooperation.

Standard 4.1, Cooperation and Coordination

There was general agreement that the major delay in bringing criminal cases to trial can be attributed to the courts. It is felt that the police are fulfilling their obligation of apprehending suspected criminal defendants, completing the necessary crime and arrest reports, and bringing their findings to the district attorney's office.

It was agreed that relations between the police and other elements of the criminal justice system could be substantially strengthened by training police officers about the objectives and functions of other parts of the system, and reciprocal training of other elements regarding the police role.

Recommendation 4.1, Alcohol and Drug Abuse Centers

With regard to alcohol detoxification centers, there was consensus on decriminalizing drunkenness unaccompanied by criminal acts. The forum generally endorsed the diversion of noncriminal drunks from the criminal justice system. Mention was made that the new Ohio penal code no longer contains any alcohol-related offenses.

Standard 4.2, Police Operational Effectiveness Within the Criminal Justice System

It was agreed that interagency task forces are a good idea and are particularly effective when employed to combat narcotic or drug problems. The standard was endorsed with the qualification that it cannot be effected without the cooperation of judges, prosecutors, and defense attorneys. The Ohio system was mentioned, wherein defense attorneys have limitations on the number of concurrent cases they may handle.

Standard 4.3, Diversion

Delegates agreed that diversion is a sound idea, but that there must be a facility to which offenders can be directed before diversion can become a workable concept. Participants supported diversion for juveniles, mental cases, and some misdemeanors. However, they categorically refused to consider diversion for any felony.

Standard 4.5, Criminal Case Followup

There was a consensus on criminal case followup. Most delegates thought it was cost-effective to assign a man or create a unit especially for this purpose. Attendees also agreed that eventually computerization will be used by police and other criminal agencies. One forum session approved of police monitoring of the judicial system.

Standard 5.1, Responsibility for Police Service

Police responsibility for maintaining 24-hour phone service and the recommendation contained in the standard that agencies too small to comply make contact with others that have this capability were discussed. It was noted that residents in the smaller jurisdictions contracting for this service are likely to resent paying twice for police service. One solution offered was to require police agencies to employ the number of personnel necessary to maintain around-the-clock operation and to require those unable to do this to become part of a regional or area police district, serviced by one agency. Another suggestion was to direct more State funds to regional policing programs.

Standard 5.2, Combined Police Services

As for consolidation, it was pointed out that different areas have different needs. However, a variety of possibilities exist, such as contract law enforcement, tax district costing, and consolidation. A chief of police expressed concern that combining services within a county may result in the dissolution of municipal agencies within that county.

Delegates discussed the concept of a law enforcement authority in a particular area to enhance existing police services. No objection was raised to the recommendation to abolish agencies with fewer than 10 officers. The concept of crime laboratory services on the State level to assisting

local agencies was endorsed with the provision that such labs be regional in operation.

Standard 8.3, Deployment of Patrol Officers

The difficulty of obtaining sufficient personnel to maintain proper deployment was cited. It was noted that the Kansas City, Mo., Police Department is currently involved in an attempt to measure the value of preventive patrol, and positive results might be used to persuade local government to allocate more funds for police personnel. The need for computers in proper manpower deployment was cited, and it was pointed out that these services can, in many cases, be obtained from outside sources.

Standard 9.4, State Specialists

Delegates suggested that the county, and not necessarily the State, should assume more responsibility for criminal specialist investigations.

Standard 12.4, The Detention System

The main point of contention regarding the detention system involves the selection of personnel to run temporary holding facilities. Traditionally, the personnel assigned to jail duty have been relegated to a low status. Moreover, many have been assigned as a punitive measure. Some incentive should be provided to acquire and retain top-flight police personnel for the jail function. If civilians are employed, they should be under the direct supervision of sworn police personnel.

If the State wants some form of control over local detention facilities, it should subsidize the agency. An example of rehabilitation in Michigan County was offered, wherein funding was obtained, in part, from the model cities organization. It was also noted that educational facilities can be obtained at the expense of the local board of education.

Standard 13.3, Minority Recruiting

The difficulty of recruiting minority employees was noted. The question was raised as to whether the police agency or the State Planning Agency would be responsible for ensuring that the agencies applying for Federal funds have adequate minority representation. Delegates raised the problem of recruiting promotable minority personnel. It was suggested that the recruitment effort be directed toward the better-educated, best-qualified minority group members. One forum rejected the concept of lowering standards for the purpose of increasing minority recruitment.

Many delegates agreed that standards should not be lowered. Most felt that entrance tests should be culturally validated. It was stated that past marijuana usage, for example, in Vietnam, should not be an automatic disqualifier.

Standard 17.4, Administration of Promotion and Advancement

The question was raised as to the negative effects of lateral entry on morale. Lateral entry, particularly in the higher ranks, appears to provoke internal morale problems. Several members reported that such effects are only temporary and precede acceptance of the concept. In addition, one forum session recommended that each agency provide its officers with liability, false arrest, and all other necessary insurance. However, marked benefits are derived when supervisory personnel are exchanged on an interagency basis for a specified period of time and then returned to their original agencies.

One forum session generally approved lateral entry.

Standard 19.2, Complaint Reception Procedures

In the area of internal discipline, a specified length of service should be formulated for police officers working as internal investigators. Such a limit upon length of stay would help to soften the negative attitudes held by other police officers against internal investigators.

There was consensus on increasing the public's awareness of police misconduct/complaint procedures. Some attendees had little knowledge of the impact on the public of such action, but would not argue with those who did.

The point was made that, when the FBI investigates the actions of a local police officer, it does not inform the involved agency of the results.

However, it was pointed out that the standard recommends only that the complaining citizen be informed of the results of the investigation in question and that such practices can be used to advantage in negating the need for police review boards.

Standard 23.1, Police Use of the Telephone System

The difficulty of implementing the 911 emergency number in many areas was discussed. It was suggested that until the difficulties can be overcome, another method for particular areas—using some other easily remembered number—might be substituted. It was generally agreed that the solution to the problems associated with implementation will require State legislation.

Studies have shown that when a 911 system is

implemented, the emergency information received by the police agency can be expected to increase approximately 50 percent at first, and then level off to a 25 percent increase, which will be maintained.

It was felt that the 911 system has neither been adequately demonstrated nor given proper publicity. As installed and reviewed to date, the system's disadvantages outweigh its advantages. The 911 system requires the employment of sophisticated computerized switching devices in order to function properly. As the direct result of system installation costs and necessary increases in personnel to man such systems, fiscal expenditures soar. Another major disadvantage stems from the abuses to which the system is subjected by the citizens' requesting police units for nonemergency calls. On the other hand, the advantages of the system are derived from increased direct connection capabilities to emergency control centers.

Standard 23.3, Radio Communications

There is a general feeling that increased Federal funding is necessary to subsidize the local agencies' expenditures on communications equipment.

Courts

As for plea negotiation, participants from large urban areas thought it should be done away with, but added that smaller population areas might be better able to coordinate plea negotiation due to control and consistency.

All participants of a forum session endorsed the 60-day trial requirements. It was pointed out that if judges worked a full day, caseloads would drop. Additionally, meeting the 60-day requirement actually rushes the case investigator because he must meet the deadline.

General Comments

To provide for a more meaningful exchange among various elements of the criminal justice system, there should have been representatives from each of the four different task forces present at each forum session. Most of the major areas of contention involved other elements of the criminal justice system, rather than police. Such areas of discussion as plea negotiation, regionalization of detention services, and prisoner release on personal recognizance directly involve other elements of the criminal justice system—as well as the police—and need to be discussed with the respective representatives of the other elements.

City

Standard 1.2, Limits of Authority

One solution to quick response problems (cited later in this summary under Standard 5.1(1), Responsibility for Police Services) is to eliminate certain tasks from the police responsibility. There was general agreement in this area and the need for establishing and publishing priorities was commented on. Several suggestions—including employing nonpolice personnel to handle traffic control, ambulance service, escorts, etc.—were discussed. The important consideration is to present the problem of police priorities to the governing body as well as to obtain agreement as to which services must be provided under existing and anticipated future agency resources.

Standard 1.4, Communicating with the Public

Communication with the public is mostly dependent upon intra-agency action, which depends to a large extent upon the participation of employees at all levels of the agency organization in the development of goals and policy. Interaction with all elements of the community, including such groups as homosexuals and other special interest groups, should be encouraged.

One chief expressed the need to explain to the community why a new program is being implemented and how it will operate. A mayor concurred, noting the value of public participation and input when new programs are being considered.

Several chiefs mentioned the need for, and high acceptance levels of, officers walking beats in the community to improve communications. Successful programs utilize officers on motorcycles and in police cars, who park their vehicles for periods of time to walk beats while remaining in radio contact with the police dispatcher. One agency operates a storefront center. It no longer provides much police service per se. However, it is highly valued by the community members because it serves as an access point for other social agencies.

The value of the ombudsman concept was discussed. Ordinarily, elected city officials should fulfill this role. However, in cities where elected officials fail to perform this role, the idea of an ombudsman should be considered.

Some provisions of this standard are already in operation with promising results. Creation of community relations experts or specialists within the police agency should be limited to absolute need. Good community relations should be practiced by all agency personnel, not just a few experts. Phasing out

community relation specialists in favor of departmentwide efforts should be the ultimate goal.

Standard 1.5(2), Police Understanding of Their Role

An extreme problem is created when police officers do not live in the city or area they police. They are less sensitive to, and understanding of, specific neighborhood problems.

Standard 1.6, Public Understanding of the Police Role

There was discussion of the value of police officers in schools as well as the methods of budgeting school districts and police departments. In the discussion of storefront centers, it was pointed out that there was a need to ascertain if one will serve crime prevention needs, as well as a public relations function.

Standard 1.6(2), Public Understanding of the Police Role

Several chiefs disliked the use of numbers to establish department size. One chief of a 30-man department has a man teaching in school and feels that the 400-man size mentioned in the report will be used by politically motivated councilmen to undermine his program. He and others requested that consideration be given to deletion of all numbers to indicate size of department. He went on to comment that if this was not possible, the Commission should make a strong statement emphasizing that these are minimum standards and should not be construed as restricting forward-looking departments.

Standard 1.6(4), Public Understanding of the Police Role

Youth programs should be engaged in by police officers, preferably on a volunteer basis. Sponsoring juvenile programs should be avoided if the result is a drain on manpower that results in an adverse effect upon primary policing objectives.

The importance of involving parents in juvenile programs and the process of communicating to parents through their children were discussed. A balance that maintains the confidence of children as well as their parents must be attained.

Standard 3.1, Crime Problem Identification and Resource Development

Team policing was still thought to be a somewhat unproven approach. Undoubtedly, the theory is good. Organizational fragmentation and problems of control and coordination must be guarded against when trying a team policing concept. Inadequate supervision, particularly at the first line level, also can be a defect. The neighborhood meeting concept was seen to be a good idea. However, caution must be used to guard against creating undue expectations of service levels that exceed an agency's ability. On the other hand, apathy may also prevail in many communities.

Standard 3.2, Crime Prevention

It was generally agreed that a chief implementing any volunteer program should stress the requirement that volunteers should not take enforcement action. Overenthusiastic volunteers represent the greatest hazard to this type of program. Two volunteer programs implemented by members of the forum sessions were mentioned as successful programs in this area: Operation Crime Stop in Titusville, Fla., and the March on Crime in Greenville, Pa.

One chief thought that inspecting buildings for their security-soundness was a good idea. However, he questions where he will get the manpower to do it. Another chief said he has a security unit and finds that contractors are eager to consult the security unit experts. Florida's building code is a State law. It will be necessary to change the code to include this provision.

One chief was concerned that tenants may destroy safety equipment and that the landlord would be liable. He felt this was an inequity. Another chief thought there are many higher priorities to be met in his city before this type of provision could even be considered.

A mayor thought that the police should be consulted when writing the building code, but that security provisions of the code should be enforced by building inspectors. A chief thought that a logical place to start implementing building security standards is to assist contractors building apartment complexes. He noted that the contractors are looking for help.

There was some discussion of civilian volunteers who own citizen-band radios notifying police of traffic accidents, etc. Police should provide both guidelines and limited training.

In summary, delegates thought that the standard was good because it makes the police active, rather than reactive. Such activities may also be used as the basis for increases in budgetary funds. Sections 1b, 1d, and 1g were particularly applauded.

Standard 3.2(1), Crime Prevention

Operation Identification and Exact Force programs were stressed.

Standard 3.2(3), Crime Prevention

In this area, there may be community opposition due to police intervention. Therefore, there must be publicity and coordination of the efforts.

Standard 4.1, Cooperation and Coordination

There is a widespread lack of mutual understanding and adequate rapport between police agencies, courts, and other segments of the criminal justice system. This standard was acceptable to the delegates and several agencies have employed recommended provisions in whole or in part. The 60-day limit in bringing cases to trial is an excellent provision from the police standpoint, but it was thought that this factor was a court prerogative and outside the control of police agencies. Some thought this limit would be very difficult to implement.

The discussion of coordinating councils stressed the importance of their establishment and the inclusion of private citizens as members.

Recommendation 4.1, Alcohol and Drug Abuse Centers

According to one chief, one specific problem that would require State legislation would be a law to exempt officers from civil suit for false arrest if persons are to be taken into custody without charges being placed. One chief suggested that the State should provide transportation to detoxification centers if meaningful reductions are to be made in police manpower expenditures for a health problem. Another chief replied that transportation is provided by State personnel in Massachusetts.

One delegate noted that when detoxification center laws are drafted, police input should be included. In his State, persons under the influence must be transported home or to a hospital and may not be taken to a police facility. He commented that this has placed a real burden on small departments that are not located near a hospital. There is a drain on hospital manpower when a drunk cannot remember his home address. The delegate states the problem is necessitating a change in their State law to include more flexibility in drunk dispositions.

There is a need to restrict diversion to alcohol and drug abuse centers to those individuals who have committed no substantive offense other than being under the influence of or addicted to alcohol or drugs. Those who commit other offenses or who are a danger to others should only be diverted dependent upon an assessment of the gravity of the crime. Again, there is a need for the 24-hour availability of such clinics and centers in order for the sytem to work. One drawback to the recommendation is that it will not result in a substantial savings in manpower for field officers. Police will still be required to tie up manpower transporting and otherwise processing the individuals. The cost of such a system may exceed that of the current practice of incarceration. The question arose as to the objective of the recommendation. Is it designed to help free police from handling addicts?

If so, then the entire process should be handled by another agency, including identifying, transporting, and processing. The Department of Health, Education, and Welfare was suggested as a possible resource for research and recommendations on this possibility.

Standard 4.2, Police Operational Effectiveness Within the Criminal Justice System

The discussion centered on extending the on-call concept to all witnesses. Improving reporting and testifying procedures to maximize effective use of time was also emphasized. One mayor stated that his city has a successful on-call system for the municipal court. However, they have no such system for high courts. Many chiefs thought that it would be difficult to secure court cooperation in establishing an on-call subpena system.

A chief said that his city has computerized all court information and that the system has greatly improved the court scheduling and eliminated many unnecessary delays in getting cases to trial. For example, if an attorney is scheduled to handle a case in one court, the computer program will prevent any other cases requiring the attorney's presence in another court during the same time period.

In general, there were few difficulties with this standard. It was acknowledged as necessary and fairly easy to implement.

As a result of this standard and the question of paid overtime, a discussion of police unions followed. Several delegates thought that strong union activity was inevitable throughout the police service and that the group should consider methods of coping with the situation. It was pointed out that this subject was addressed by the Commission, although the material was not included in the *Working Papers*. It was brought up that police unions are a factor that will make implementation of many standards difficult due to labor contract restrictions and requirements.

Standard 4.3, Diversion

Several chiefs practiced diversion in certain areas, for example, informal hearings for juveniles, and

detoxification centers. The importance of providing diversion resources for first-time juvenile offenders was stressed. Others voiced the opinion that only courts should conduct the diversion process. Many stated that State enabling legislation would be required before diversion by police would be possible.

There was strong objection to the last paragraph of the commentary regarding victimless crime. This paragraph did not seem consistent with most enlightened police thinking. This paragraph should be reviewed to determine if it is consistent with the Commission's position on criminal code reform.

Standard 4.5, Criminal Case Followup

The concept of greater involvement of police in the criminal justice system was generally accepted. Specialized training to enable paralegal officers to advise other officers on operational legal problems was also discussed.

Standard 5.1, Responsibility for Police Service

There was general agreement that all people are entitled to 24-hour police service, but there were diverse opinions on whether or not a department of less than 10 men could provide all or a part of this service. This produced much discussion on whether police departments of less than 10 men should be eliminated. One chief thought the people of his State would not accept this.

Another chief stated that services could not be obtained from the next higher level of government without paying for it, and he thought that many would prefer that the money go for an inferior local department with local control.

In general, the forum session attendees agreed that regionalization of services on a cooperative basis should be stressed, rather than forced merging of agencies.

There was a discussion of the diversity of the size of the cities represented in one of the forum sessions. Some attendees from highly urban areas thought that problems of the agencies represented were too diverse.

Reducing response time to service calls was emphasized as an important factor in crime control and criminal apprehension rates. The time limits recommended by the report for emergency and nonemergency calls may not be realistic under existing personnel constraints for most agencies, particularly smaller jurisdictions and those responsible for large rural areas.

There was criticism of lack of information on management techniques and organizational development, particularly from outside of the police service area.

Standard 5.2, Combined Police Services

Most delegates believed the idea to be good, but public resistance and resentment can be expected due to the home rule philosophy. The permissive language of the standard with respect to enabling legislation is good because it opens the door to consolidation in appropriate cases.

Experiences of Jacksonville, Fla., Nassau County, N.Y., and other places were cited as good examples of implementing this standard. Some consideration should be given to establishing certain exempt services by State statute, including police service newly chartered cities could not provide. The effect might be to force cities to annex rather than fragment the provision of police services. However, a caveat was sounded to the effect that bigness was not necessarily goodness.

Several chiefs stated that State enabling legislation will be required in their State before consolidation of police services can be effected. One chief stated that the terms regionalization and contract services were more acceptable than consolidation when discussing the combining of police services with small communities anxious to maintain their identities.

There was acknowledgement that metropolitanization is not practical for all in the immediate future, but that other forms of consolidation should be immediately pursued.

A major benefit of consolidation appears to be the upgrading of smaller agencies to new levels of efficiency and effectiveness.

The question of obtaining LEAA funding for such consolidation was raised. The feeling was that the funds would be made available.

There was long and heated debate concerning postemployment residency requirements. There was no consensus. Some thought they were unprofessional, while others felt that they are excellent in bringing the people and the police together.

Standard 5.2(2), Combined Police Services

The phrase "10 sworn employees" was discussed. One commentator thought that the phrase might well dictate the restructuring of 39,000 police agencies in the country. Several other delegates thought that the phrase would tend to professionalize the smaller agencies, eliminate the part-time policemen, and improve overall police service. Many delegates from smaller agencies gave examples of poor or inadequate police service that would be significantly

aided by such a standard. It was strongly suggested that the standard be supported and that legislation be sought to facilitate its implementation.

Standard 9.3, Annual Review of Agency Specification

The group felt that determining the use of specialization on the basis of agency size alone was arbitrary. Individual agency needs must be considered as well as size.

Standard 12.4, The Detention System

There was general agreement that city police do not belong in the long-term detention field.

Standard 13.3, Minority Recruiting

There was general agreement on this standard. Most agencies are actively recruiting in the minority communities. Success has been limited, particularly in recruiting adequate numbers of black officers.

The delegates were against lowering employment standards to hire anyone. They believed entry standards must be based on merit and ability alone.

There was a lengthy discussion of Federal court decisions requiring the hiring of unqualified minority members to fulfill quotas. One forum member stated that the message is clear that affirmative minority recruitment programs are needed to preclude court action.

All agreed on the difficulty involved in recruiting qualified minority members. It was also agreed that there should be no lowering of standards. One chief stated that he would hire a female applicant during the next week for solo car duty.

There was discussion of the arrest record and minor conviction record problem that occasionally presents itself during minority recruitment as well as during normal recruitment. The general feeling was that there is a sufficient pool of otherwise qualified minority applicants, and that general moral character should be the criterion. However, written tests and other hiring procedures should be reviewed to eliminate built-in bias.

The delegates recommended that the paragraph relative to "compensating factors" be stricken from the report. This provision appears to contradict other portions of the standard.

Standard 13.3(1), Minority Recruiting

Some delegates addressed the problem of getting minorities—especially blacks—to even apply for the job. This is a major problem. One solution is to motivate the black employees to recruit in their own communities. One agency gives a $50 recruitment bonus to officers who refer candidates who are hired. There was the question of an affirmative action recruitment program—going to minority candidates on the eligibility rosters, regardless of position. This must comply with civil service procedures in most cases. The cadet corps may be a limited resource for minority hiring.

Standard 15.1, Educational Standards for the Selection of Police Personnel

The discussion in the area of education centered around recognizing the value of the upgraded performance that results from higher levels of education, as opposed to paying bonuses for education, regardless of the level of performance.

Chapter 16, Training

In one forum session, a motion was passed to support the Police Task Force standards on minimum training and standards.

Standard 17.4, Administration of Promotion and Advancement

Lateral entry should only be used as a last resort and restricted to chief executives. Lower ranks such as lieutenants and sergeants should not be filled through lateral entry. Each agency should emphasize internal development and career planning to ensure availability of competent personnel for advancement within its own ranks.

Standard 19.2, Complaint Reception Procedures

Internal discipline was a controversial issue. However, the establishment of formal, uniform policy—made known to all persons concerned—is key to the development of confidence in the internal discipline system on the part of police personnel and the public. Policy formulation in this area should be deliberate and well-grounded in existing statutory provisions.

Standard 23.1, Police Use of the Telephone System

There were interesting discussions of emergency telephone number 911. The experience of 185 agencies has been good. However, the high cost and multijurisdictional coordination still present many problems.

Although the 911 system shows promise, some agencies have experienced difficulties. For example,

when one agency has the system, the agency is pressured into providing a referral service for surrounding agencies that do not have it. Recording of telephone calls is being used widely and is beneficial.

Some delegates stated that the many services provided through a 911 telephone number caused people in the area occasionally to get a busy signal. One chief mentioned that a California State law requiring a 911 number by 1982 was an effective step to spur the telephone companies to action.

Standard 23.3, Radio Communications

The need for statewide radio communications capabilities was stressed, particularly in the event of major unusual occurrence control and coordination. Cost was described as a prohibitive or restrictive factor in obtaining the necessary equipment.

Summary

The discussion was directed to the issues contained in the report itself. It is apparent that there is not a unanimous agreement on all the standards. At the same time, it is apparent that some agencies have achieved portions of the standards.

Many practitioners are obviously going to use this report to make progressive steps in their departments. The authoritativeness of the report will be used as an argument for those standards that these practitioners agree with and desire to implement.

Some delegates were concerned about their role with regard to the report. It was generally agreed that care should be taken in any news release to say that Conference delegates met and discussed the report, rather than saying they met and agreed with it.

Chapter 11
Courts
Summary

First and Second Forum Sessions

Courts Summary, Wednesday, January 24, 1973, 2:00 p.m., and Thursday, January 25, 1973, 2:30 p.m.

Introduction

The Courts forum sessions were directed toward a review of all of the chapters in the *Working Papers,* which followed the *Report on Courts,* with the exception of Chapters 1 and 2 on Screening and Diversion. These two chapters were considered in detail at the Third Conference Session and, therefore, were not reconsidered at the afternoon sessions except by brief reference during the discussion of other relevant chapters. Although the chapter on the negotiated plea was considered at both the Second and Third Conference Sessions on Courts, the program coordinator decided that that particular chapter should be discussed again in the small group meetings because of the expected adverse reaction to the Commission's position on abolition of plea negotiation and the need for venting such thoughts in an organized forum group.

The discussions on plea bargaining revealed the extent to which the Commission materials were studied and digested prior to the forum meetings. The meetings themselves were not directed primarily at achieving a consensus in favor of the elimination of plea negotiation or of any other Commission position. In fact, it was anticipated that the consensus of the assembled groups would be decisively against the Commission position on this particular subject. Rather, the purpose of the forum sessions was to air fully all sides of every important issue so that the delegates at the National Conference would have an opportunity to give feedback to the Commission and to have transcribed in the record of the proceedings the fact that there was significant support for, or substantial opposition to, Commission positions on specific issues.

At the same time, the Commission had adopted a position in favor of the abolition of plea negotiation, and it was important to outline fully the reasons for the Commission's stand on this and every other issue covered in the *Report on Courts.* The memorandums sent to the forum chairmen and discussion leaders prior to the convening of the Conference indicated that these individuals were not being asked to advocate recommendations with which they disagreed. Instead, they were told to summarize the Commission's positions and its rationale and then proceed to their own critique, leading into a lively discussion of all phases of the Courts Task Force materials as

reproduced in the *Working Papers* for the National Conference.

The Negotiated Plea

The discussions on this topic began with an explanation of the Commission's position in support of the total abolition of plea bargaining within the next 5 years. Mentioned generally as justifications for this position were the following: inmates are frequently bitter about plea negotiation, as stated in the report on the Attica Prison Riot. Plea negotiation often acts as a block toward rehabilitation. Innocent defendants may choose to plead guilty in order to avoid a trial and less favorable disposition when they are not aware of potential weaknesses in the prosecutor's case. Shorter prison sentences are often the inappropriate result of the bargaining process. Deterrence is reduced by the knowledge that negotiation on the outcome of a criminal offense is an acceptable procedure.

Courtroom time is often wasted anyway where the plea negotiation is completed at the eleventh hour on the courtroom steps.

In support of the predominant position of the panelists, which was in favor of retention of plea negotiation and the institution of the remaining standards in the chapter concerning formalization of the process, the following suggestions were set forth. Prison inmates are most likely to be bitter regardless of the process through which they entered the prison. There is no conclusive evidence that innocent defendants are pleading guilty because, in fact, a defendant is more likely to plead guilty if the case against him is known to be a strong one based on reliable evidence. Conviction after trial is never a certainty. There is a legitimate place to reward a defendant for cooperating with law enforcement officials.

Avoiding a trial can provide comfort and protection to a victim of a crime by not requiring him to testify. The decision to plead guilty is often the first step toward rehabilitation. Elimination of plea negotiation would greatly encumber already overcrowded courts. Plea negotiation aids the entire process by getting necessary information and meting out justice. There are not sufficient resources to try all criminal cases without plea negotiation. Finally, the system can be shaped to be an ultimately fair one with the institution of the interim measures suggested in the negotiated plea chapter.

A question was raised at a few of the forum sessions as to whether the sanction given to the processes of screening and diversion in the first two chapters of the *Report on Courts* was not, in fact, in support of what could be considered to be plea negotiation at an earlier stage in the prosecution. This characterization was generally rejected by a majority of the participants. However, the raising of this issue did indicate that it was found to be important to consider all chapters of the Commission report when considering the suggestion to eliminate plea negotiation. Nevertheless, in the few instances where a vote was taken as to whether the delegates supported the Commission on abolishing plea bargaining, the vote was overwhelmingly against the Commission position.

The Litigated Case

There was general agreement among the forum participants that the first priority set by the Commission—increasing speed and efficiency in the court process—was properly designated, although there was some minority sentiment toward making the upgrading of prosecution performance the number one goal. In furtherance of this first priority, the chapter on the litigated case was central in setting forth normative time frames for case processing. Although consensus was not a requirement for the sessions, there was general support of the time limitations suggested in this chapter. In fact, the major objection raised to this chapter was the lack of specificity concerning sanctions that would be imposed for violating any of the time requirements.

It was generally thought, for example, that the prosecution should be required to bring a case to trial within 60 days or the case should be dismissed. It was thought that these important standards would lose a high degree of their potential impact by the failure to provide for such tight rules for enforcing the time limitations.

The requirement that all felony cases be brought to trial within 60 days of arrest, except in unusual cases, was generally accepted with the caveat that this time limit might be difficult to reach initially in the large cities with their massive backlogs. The time frame requiring that a potential defendant be brought before a judicial officer within 6 hours of arrest was felt by some to be unduly restrictive in both large and small jurisdictions. It was suggested in a few of the forum sessions that the specific hour figure be eliminated and in its place the phrase "forthwith after arrest" be inserted.

Further concern was expressed with the suggestion in the standard concerning the initial presentation before a judicial officer that would permit the judicial officer to remand the defendant to police custody for custodial investigation. There was a general feeling in those sessions that focused on this standard that it might be constitutionally impermissible and that, in any event, there should be a definite time limitation on the period for holding. The

suggestion that this arraignment court function on an around-the-clock basis in metropolitan areas was questioned by some delegates as a potentially wasteful use of resources. Generally, however, it was recognized that there should be presentation before a court as early as possible in the processing of a criminal case.

There appeared to be some confusion on the suggestion to eliminate trial arraignment as a separate stage in the criminal process. Many delegates failed to focus on the fact that the standards propose retaining the preliminary arraignment as set forth in the standard concerning presentation before a judicial officer following arrest. The trial arraignment, which primarily serves the purpose of entering a plea and setting a date for trial, would be merged into the preliminary hearing.

Some time was spent on discussing whether both a preliminary hearing and a grand jury procedure could be eliminated. Most groups agreed that one or the other device should remain for allowing a finding of probable cause to be made at a point in time between arrest and trial. However, some delegates felt that the expanded discovery provisions could eliminate entirely the need for either process. It was suggested that there be further study on the best way to accomplish what everybody agreed was the same goal—providing the defendant with appropriate information concerning the evidence against him sufficiently prior to trial to allow for preparation of his own case.

Sentencing

There was general acceptance of the Commission's standard on the court's role in sentencing, abolishing jury sentencing, and providing that trial judges shall impose a form of an indeterminate sentence set within the outer reaches of the statutory maximum for the particular offense. The discussions indicated that in most jurisdictions today, indeterminate sentencing is in effect in practice, if not in name, because of the various authorities such as parole boards that play a role in the sentencing process after conviction.

Some delegates felt that it was difficult to discuss the sentencing chapter of the *Report on Courts* without focusing in greater detail on the *Report on Corrections* material involving sentencing. Within the time frame of the National Conference, it was not possible for the Courts delegates to give extended attention to even those portions of the Corrections materials that do coordinate with the Courts materials.

Review of the Trial Court Proceedings

This chapter, which provides for a unified single-stage review procedure, was viewed among the delegates as novel and worth experimentation within selected jurisdictions on a pilot basis. At the same time, many objections were raised to any blanket endorsement of the entire process as spelled out in the chapter. Some delegates thought that this procedure could raise more problems than it would solve and that there would be serious constitutional problems in attempting to limit the access of convicted defendants to higher State or Federal courts. In particular, it was felt that any limitations on the writ of habeas corpus would be unconstitutional and undesirable. In the same vein, fear was expressed that the role of the appellate judge might be compromised by the establishment of a professional staff to review appeals cases in the first instance.

It was thought that appellate judges should not become rubber stamps for their own staffs.

Most of the participants concurred that institution of some type of a unified proceeding, even if not totally along the lines detailed in this chapter, would aid in standardizing the appellate process generally. It was recognized that some appellate courts at present lean toward ruling on substantive law matters where the judges themselves are concerned mainly with the severity of the sentence imposed. A procedure that would permit review of sentencing at the appellate level, under the standards set forth herein, would relieve this problem.

On the other hand, the prosecutors present urged that consideration be given not only toward permitting the defendant to seek review of the potential severity of the sentence, but also toward permitting the prosecutor to seek review of the potential leniency of the sentence. It was recognized that there could be constitutional problems in conflict with the double jeopardy clause, but further study in this area was urged by the prosecutors. There was even some sentiment toward permitting the State to have the full right to appeal on any issues in the same manner as the defendant, although it was generally recognized that this would require a constitutional change that would be most difficult to secure and implement.

The four key issues discussed in relation to this chapter were finality of process, frivolous appeals, the State's right to review, and the defendant's right to review following a guilty plea. Experience in various jurisdictions was cited by the delegates to indicate interim measures that have been established in some States to deal with these general concerns. Everyone agreed that the major goals should be a

fair trial and then a fair appeal on all possible issues, eliminating timewasting devices.

The Judiciary

The Missouri Plan on judicial selection is the basis for the National Commission's standard on appointment to judicial position. There was extended discussion, both pro and con, in most of the forum sessions regarding the advisability and feasibility of implementation of such a standard in every State. Most of the judges present opposed the Missouri Plan and favored instead a procedure for nonpartisan election of judges with a retention ballot after completion of a first term.

Those in favor of the Commission standard advanced the following general reasons. It takes the judiciary out of politics. It allows for selection of qualified young judges in jurisdictions where partisan election would prevent such a result. It insulates the bench from political attack on unpopular decisions. It has the support of the academic community. Finally, it has functioned better than the system it replaced in those jurisdictions where it has already been adopted.

Those opposed to this standard voiced some concerns. It does not take the judiciary out of politics because the nominating commission itself is politically appointed, so that it therefore takes the selection process itself away from the people. Only "blue ribbon lawyers" from "blue ribbon law firms" would become judges under such a commission selection process. The judiciary should be responsible to the people in the same way that the executive and legislative branches are. It would increase voter apathy concerning the people's role in government processes. No guarantee for the selection of qualified judges is provided just because a committee is doing the choosing. It does not allow for an adequate method to remove unfit judges since removal has been more effective at the hands of the public through elections than at the hands of a disciplinary commission.

Some delegates further thought that a standard dealing with judicial selection, discipline, and removal should not be included at all in the task force report because the manner of judicial selection is irrelevant to the question of the reduction of crime, all systems of selection produce both competent and incompetent judges, and it is just too controversial to be included in a report seeking general acceptance. However, in those forum sessions where an actual vote was taken to seek a consensus, there was a slight majority sentiment for both including a standard on judicial selection and then including this particular idea as the standard.

The Lower Courts

There did emerge a consensus in favor of the standards regarding unification of the State court system. Further suggestions in this area included a stratified system for divisions within each State court organization so that judges would be assigned to handle specific areas according to individual ability, interest, and experience. Under such a unified system, it was basically agreed that all judges should be attorneys. This sentiment merged well with the standard on administrative disposition of certain matters now treated as criminal offenses. The discussion group delegates chose not to get into an extended review of what types of cases beyond traffic offenses could be handled administratively by a law-trained officer, in that such a discourse would necessarily branch off into the whole concept of victimless crimes.

Court Administration

Here again, there was general agreement with the standards relating to establishing State and local court administrators and setting up procedures for adequate caseflow management. Some concern was expressed over the proposal to give supervisory authority over the State administrator to the highest appellate court. There was some reluctance to vest such power in the statewide tribunal as opposed to spreading more responsibilities among local courts.

However, at the same time, it was agreed that the local court administrators should be responsible directly to the presiding judge of the local trial court. It was suggested that the responsibilities of the presiding judge as enumerated in the standards were too great and that some of these responsibilities should be shifted to the court administrator. To alleviate the potential problem of overburdening the appellate tribunals with administrative and supervisory tasks, there was a suggestion in some of the forum sessions that a type of governing board be created to handle these functions in place of the already overcrowded existing court structure.

The Prosecution

As might be expected, the prosecutors tended to dominate the discussion time that focused on the chapter related to their work. However, the problems they cited as the most serious concerns in their operations—including low salaries, insufficient staff support, high prosecutor turnover, and inadequate case preparation—were recognized by all to be serious matters that deserved the important emphasis given to them in the Commission standards.

It was generally agreed that the concept of full-time prosecutors is a worthwhile goal, with the recognition that there might be some areas where conditions would require part-time prosecutors due to the small workload encompassed in even a large geographical rural area. A suggestion toward implementing this concept was that salaries for full-time prosecutors be paid by the State rather than by the county and that strong statewide prosecutors' associations be created to provide supportive services, as urged in the standards.

Some of the delegates thought that the standards should recommend that prosecutor offices maintain professional administrators to handle tasks that need not be coordinated by lawyers. In this context, it was recognized that lawyers are frequently poor administrators and should not be charged with handling large budgets and complicated staff services with no specialized training to perform such roles. A standard to this effect is contained in the final version of the *Courts* report, but was not included within the materials selected for consideration at the Conference.

There was considerable discussion on the standards concerning the prosecutor's investigative role. The delegates were informed that the final version of this standard would differ from the version in the *Working Papers* in that the first paragraph would be deleted to tone down the thrust of the prosecutor's investigative efforts on major felony, fraud, organized crime, and corruption cases. Some took issue with this position, while others agreed that the prosecutor should be concerned first and foremost—and if necessary to the exclusion of all other matters—with the courtroom role. The provision that would give the prosecutor the power of subpena appeared to conflict with the downgrading of the investigative role.

Although it was not in the *Working Papers*, the commentary to this standard does, in the *Courts* report, delineate the investigative functions of the prosecutor. Thus, the apparent conflict existed more in emphasis than in actual function.

The Defense

There was some conflict between the public defenders and the private defense counsel in the various groups on the form defense services should take. The delegates who held public defender positions felt that a public defender system in the best method for providing such services, while the private attorneys saw more benefit in a court appointment system that would involve many different lawyers, especially in less densely populated jurisdictions. Regardless of their orientation, everyone agreed that representation at the earliest stages in a criminal proceeding is essential to provide true due process of law and to expedite the process by allowing matters to proceed more smoothly and by eliminating unforeseen reasons that would lead to reversals upon appeal.

The method of selection of the chief defender was also debated. Some delegates agreed with the standard providing for appointment by a judicial nominating commission or other similar group. Others saw the need to keep the appointment process out of politics but thought that it should not be confused with the process of appointing judges and that no judges should sit on the commission that would make the appointment because of the possibility of conflict of interest.

It was agreed that, once appointed, the defender should receive a salary comparable to that of the prosecutor and to the prevailing wage for judges in the same geographic area. The standard regarding assistant defenders' salaries was also endorsed, with some delegates questioning the 5-year cutoff provision on matching salaries to those available in private practice.

The standard on workload was questioned as being too arbitrary. Some feared that it did not allow for consideration to be given to unusual cases and unusual events that would require extended preparation or trial time. Many felt that the supporting data for the standard was insufficient, and that the use of seemingly arbitrary figures detracted from the basic concern of not overburdening the defense.

Summary

The delegates attending the Courts forum sessions gained an understanding of key Commission standards and the reasoning that led to the articulation of those standards. The delegates were told that these recommendations were not absolute but were subject to adaptation, modification, or rejection as persons in the criminal justice system in the various jurisdictions would see fit.

The Commission was asking primarily that its positions be given thorough consideration and study because its findings were written and sanctioned by criminal justice practitioners after a lengthy period of discussion and review. The overall goal was to encourage all elements of the system to work together toward the common aim of reducing crime.

The priorities set forth in the *Working Papers* would be implemented toward this end. The special purpose of the forum sessions at the National Conference on Criminal Justice was to review these priorities, to plan further implementation, and, finally, to reduce crime.

Chapter 12
Corrections Summary

First and Second Forum Sessions

Corrections Summary, Wednesday, January 24, 1973, 2:00 p.m., and Thursday, January 25, 1973, 2:30 p.m.

Introduction

The discussion in the forum sessions covering the corrections section of the *Working Papers* touched on many topics, however briefly, with emphasis on a number of areas felt to be particularly significant to the participants. Many expressed concern about the planning and organization of the Conference relative to the development of the Commission report. The question was raised as to the purpose of the Conference if the guidelines were already finalized. There was concern that the delegates had had no time to read and respond to the material and that their responses were not requested. Some delegates said that this was a rubberstamp Conference and that the Conference was avoiding the major problem in corrections—racism.

It was pointed out that although the guidelines are in final form, the ultimate decision on implementation will rest with individual jurisdictions. The makeup of task force members ensured that a cross-section of knowledgeable people was involved. The *Corrections* report was characterized by one official as exceptional. He stated, "I think the *Corrections* report will stand as a monumental achievement in the history of corrections . . . a major breakthrough."

Centralization of State Corrections Systems

A great deal of discussion centered on the question of centralization of the State corrections system. Two issues that surfaced were the need for State control and the need for a definition of the State's role in corrections. The issue of State control was found to have a number of facets. Does the State through unification provide the answer to the problems of fragmentation of services and lack of financial, personnel, and program resources? Will centralization solve the problems of the rural communities whose needs and problems are seen as different? How will centralization affect the current trend toward community-based programs and increasing concern for diversion of offenders from the correctional system?

There was agreement that centralization was not the answer to these problems. The important issue is the State's role in corrections. Many felt that the State should provide leadership and should be con-

fined to the development of standards, the establishment of methods to enforce standards, and the provision of financial and technical assistance to local correctional systems.

Small rural communities do not have the resources to hire the needed personnel or to provide specialized services to offenders. The State has the resources to assist the rural communities in these areas. But centralization and State control would not necessarily have a beneficial effect nor contribute to the diverse needs of the various communities within the State. Some unification should be considered by small jurisdictions as a method of implementing the task force recommendations.

Two models exist that are relevant to the discussion: the jail inspection programs now in operation in a number of States and the absorption of jails into the State correctional system. There are many legal and political problems to be addressed in any unification move, and there may be resistance from those interested in local control. It would seem that the State role should be one of assisting local corrections in achieving the level recommended by the task force report.

Management by Objective

An examination of the correctional systems would indicate the need for the development of a management rationale. The idea of management by objective, although not a new one, has not had wide acceptance in corrections. However, the various facets of management required in order to monitor a system are slowly gaining acceptance. The standards provide a base for developing managerial objectives and suggest some of the management needs that must be addressed. This will require the formation of research and statistical departments and the use of systems analysts and programers whose function would be to provide information about the system to the administrator and to assist him in monitoring progress and determining if goals have been achieved.

Accreditation as a means of determining if standards are being met and as a means of implementing the task force report was considered to be another management tool.

A number of administrative problems are beginning to emerge in corrections and will need to be addressed by administrators; for example, the Equal Rights Amendment as it relates to discrimination by sex. Women on police forces are the precursors of women correctional officers in male institutions.

There were no suggestions of possible methods of dealing with this change. The task force report indicates that the inclusion of minority groups, women, and ex-offenders in the correctional institution may change the character of corrections. Perhaps the solution to the problem then will evolve out of current practice rather than succumb to a frontal assault.

The isolation of corrections can be reduced through the increased participation of the community in management of the system. The community agencies would have some involvement through participation in setting objectives, program planning, and volunteerism. Although there was concern for some method of involving the community in the management process, it was also felt that this involvement should be limited to public relations activity, participation in volunteer activities, and the use of the community in supplying those resources not available to the system. There was agreement in principle that community involvement is needed, but that it should not extend to the management of correctional systems.

To some extent, correctional managers have a basis for their defensiveness. The field of corrections has always been measured by its failure—recidivism. Instead of using this as a criterion, would it not be more useful to measure corrections in positive terms, by the amount of time in professional involvement, in skill development, and in the provision of services to inmates? Why not measure the system through management and treatment approaches within the community? The weakness of such an approach, however, is that it confuses process with outcome. There is no assurance that if a system has certain procedures and contains a mix of certain programs, it will, in fact, successfully reduce the criminality of its clients. Corrections cannot avoid being measured by its failures or its successes.

Inmate Rights

Recent years have seen a burgeoning of activity relating to inmate rights. The requests by offenders of the courts concerning their rights have been matched by the courts' willingness to respond. Increasingly, the courts have reversed their hands-off stance toward interference in correctional administration. The effects of this trend were obvious in the forum sessions, and the discussions that ensued indicated a lively interest in and a deep concern for the issues involved.

Basic to the discussion was the agreement that the system should take into account the constitutional rights of the offender and recognize the need to satisfy the requirement of due process. Although it was recognized that the offender does not retain all the

rights of the free citizen, he is entitled to those constitutional rights that do not impinge on or are not in conflict with those that are of compelling State interest. The responsibility of the State for the lives and well-being of other prisoners overrides the right to be free from search and seizure. However, even here, due process must be recognized, and an inmate should not be subject to the whim of the corrections personnel.

The rehabilitation process—whether probation, parole, or prison—should not dehumanize an individual. Prisoners should have grievance procedures, rights to practice religion, to free speech, to belong to organizations, to have no limits on mail, to send confidential letters to courts and lawyers, and to have access to the press. Unquestionably, some of the procedures necessary to accomplish the achievements of these rights will pose difficulties for administrators. However, the need for fairness and the achievement of justice within our institutions is a major concern.

Institution rules and regulations should be in writing and the rights of offenders clearly indicated. The offender should have similar rights to those of the citizen except when it is necessary for corrections to carry out its function. Where conflict exists, the burden of proof should be on corrections. This raised the issue of whether the inmate should have the right to refuse to participate in rehabilitative treatment and whether such lack of participation should result in sanctions by the institution. The question of participation in treatment could be met by parole board inmate contracts that specify goals to be achieved in order for parole to be granted.

The success of such contracts will depend on the degree of inmate participation in program development and the inmate's acceptance of correctional objectives. The medieval model of therapy has not worked in corrections. The stance "you are sick and we will prescribe for you" has been singularly ineffective.

To what extent is the inmate entitled to devote his time to preparation of writs and other appeals to the exclusion of or interference with treatment objectives? This issue can be met by the development of procedures, programs, and resources that make his access to the courts and legal services more easily achieved, and in such a way that it does not require an inordinate amount of his time and does not interfere with institution programing.

In the interests of fairness and in order to achieve a more equitable balance between inmate rights and institution needs, standards and administrative procedures should be in writing. Corrections is in need of a code that clearly spells out its objectives and the policies that are intended to support them. Such a code would clarify the role of corrections to both personnel and inmates.

It was felt by some that the problem of insuring inmate rights may become more difficult as corrections in the community results in a residual hardcore inmate population in the institution. Where such a situation occurs, it is apparent that security will need to be given high priority. However, the Corrections Task Force does not address this problem. It indicates that regardless of the characteristics of the offender population, the system will need to demonstrate a lack of arbitrariness in its procedures and practices.

Distinctions between kinds of classifications of inmates in terms of age or degree of danger to the community are not differentiated by this report. For example, the report does not recognize the differences between adults and juveniles. However, there is no reason why there should be such a difference because the same considerations and rights should apply to both. The Advisory Commission report did not deal with age ranges and related issues regarding juvenile offenders because this would have resulted in addressing substantive issues of the criminal laws of the States. There will need to be substantial work on the State level in order to delineate and differentiate the implications of the standards as they apply to juvenile systems.

The emerging problems of offender rights and the concern of administrators in this area have also produced some defensiveness and resistance from staff. The required changes in institution procedures in order to insure inmate rights may result in staff antagonism and resistance to change. This will need to be overcome by leadership and positive reinforcement from administrators. In some instances all efforts may be unavailing, and a new generation of staff may be required before significant progress can be made in achieving inmate rights. As rights of offenders become accepted and impact on the system, the status relationship between inmates and staff is due to change significantly.

It may be that the superior-inferior dichotomy may shift and become one where both staff and inmate more fully participate and interact meaningfully in a treatment program. Because of court involvement in questions of right to treatment, challenges to arbitrary security classification and job transfers or transfers to other institutions, and the requirement of documentation of correctional decisionmaking, the relationship of inmates and staff will undergo modification if not significant transformation.

The concern for inmate rights is producing some reaction from both the staff and the public. The concern of corrections for the offender should not ob-

scure the growing feeling that the staff has rights also, and that the public has a right to be protected. Thus, the rise in pre-occupation with inmate rights may be somewhat out of phase with public sentiment and with Gallup polls that reflect public opinion indicating that a tougher approach is needed.

In order to balance the trend toward more inmate rights, it may be necessary to recognize the public's desire for the application of social sanctions (punishment), and the growing concern for the victim. The probability of Government-funded insurance programs for victim compensation may be an answer.

Diversion Programs

The recognition of the fact that not all offenders are in need of confinement and the need to begin the reintegration process as quickly as possible have resulted in the emergence of diversion programs. Diversion is viewed as a constant thrust to keep people out of the system if at all possible, and out of institutions when other alternative methods are available.

As a first step, the mentally ill, drug addicts, alcoholics, prostitutes, juvenile runaways, and minor delinquents should be diverted from the system to other agencies that can more adequately meet their needs. It would be pointless, however, to divert offenders from the system or from institutions to the community if resources do not exist to meet their needs. Diversion will require the involvement of mental health, welfare, and many other agencies. It will require these agencies to accept these persons without feeling that corrections is dumping its problems on them. This may be difficult to do since community agencies traditionally have avoided dealing with the offender.

The community and community agencies will need to accept correctional programs in the community and to provide the services needed by the offenders in their midst. The concept of reintegration is posited to a great extent on community involvement and the use of community resources. Citizen involvement in planning of community corrections programs and the use of volunteers are critical to the success of these programs.

Corrections Facilities

The increasing concern for inmate rights, the rising militancy of prisoners, and the trend toward community corrections are all having their effect on the prison. The unmanagability of large institutions and the difficulty of developing rehabilitation and work programs have pointed to the ineffectiveness of the prison with a large population.

The task force report standard recommends against building major institutions for juveniles under any circumstances, and against building new institutions for adults unless an analysis of the total criminal justice and adult corrections systems produces a clear finding that no alternative is possible. The delegates were divided on this issue.

A moratorium on building—especially diagnostic and classification centers—will pose problems for those systems that see such construction as essential to attracting professionals who will not consider employment at present outmoded prisons at out-of-the-way locations.

Many States and localities already have building plans and are committed to them. They are not planning ahead and are not considering program alternatives that would make construction unnecessary.

Current trends toward community corrections require that institutions be used for confinement of the dangerous offender. The changing nature of corrections—as evidenced by the trend toward community programs, the moratorium on construction, and the emphasis on the small institution—may have an influence on prison industries. There is little question that prison industry is a failure in that it has provided work for only a few. Certainly, it has not solved the problem of idleness in the prison. The task force report treats prison industry in a perfunctory manner and does not explore the ramifications of a viable prison industry program.

Prison Industry

If prison industry is to become another program intended to enhance the offenders' reintegration into the community, it must to some extent duplicate work conditions in society. For example, higher wages should be paid, and profits should be returned to the system in order for this to be done. There is some question of whether production for State use will be sufficient to meet the need for higher wages. It may be possible to develop prison industries that include private industry. However, this poses many problems that have not been explored. Certain segments of the community—both industry and labor—may resist any new directions. There is little doubt that whatever new plans and programs are developed in this area will require the collaboration of those two major community elements.

Sentencing, Parole, and Probation

Disparity in sentencing has been a long-standing correctional problem. The offender who compares

his longer sentence with the shorter one of another offender convicted of a similar crime is not likely to view the criminal justice system as fair or accept correctional efforts as beneficial. The task force report deals with this problem in a forthright manner and suggests methods such as sentencing institutes as a solution to the problem. Although sentencing institutes may have a salutory effect on the vagaries of sentencing judges, there is always the possibility that judges will react to community pressures. Sentencing councils would avoid this problem.

Selection of parole is an area that has been affected by prisoners' rights. In many instances parole boards have never felt it necessary to give reasons for denial of parole. This is changing, and many States conform to the standards for notification as outlined in the task force report.

The opening of the parole hearing to participation by outside parties representing the offender will result in establishment of criteria for release and generally bring parole decisionmaking out into the open. Criteria and policies for parole release will also remove subjective decisions from parole hearing and require parole authorities to make logical and detailed explanations of their decisions. Objective information will be required, and greater participation of institution personnel may be necessary.

Traditionally, probation has been a local government function, with administrative control residing in the courts. The task force report recommending the incorporation of probation into the unified State correctional system may not only violate that tradition, but will pose other problems as well. For example, one State has reduced confinement in State institutions by subsidizing local governments to retain convicted offenders within the jurisdiction of the county. The standard would reverse this trend by centralizing probation services and removing them from local control. Although there is some question concerning the capability of the court to administer a probation program, there is a reluctance to separate the probation department from the court. The State could better contribute to the improvement of correctional services if it assisted in implementing standards at the lowest level of government without taking control of the correctional program.

Regardless of the kind of administrative structure, the role of the probation officer needs to be examined and redefined. The probation officer and the parole officer should see themselves as brokers of community services and as community managers, in addition to being persons who provide specialized services to the offenders. The client must be viewed as a human being in need of services from all available community resources.

Summary

The implementation of the Commission report will, to a great extent, depend on public understanding and acceptance. There is a great deal of misinformation and many misconceptions about the correctional system. Both the public and other members of the criminal justice community often do not understand the need for reform of that system. In some instances, some components of the criminal justice community will attack correctional programs. This is especially true of police attacks on parole and community programs.

The point is that all the standards interrelate and should be read together for a picture of the system to emerge. Much groundwork needs to be done. This includes community education, community participation in as many areas of correctional program planning as is feasible, and coordination with other criminal justice components.

A concerted public information effort must be a part of the strategy for change in each State, and must be a prerequisite to approaching the legislature for new legislation and additional funds. Use of the standards as a management tool in preparation for budget presentation is one useful strategy. Standards can also be used to explain program and financial needs to special interest groups in eliciting their support.

There is a need to determine who on the State level will take the lead in implementing the standards. Possible leadership may reside in the Governors' offices or the State Planning Agencies through the use of Law Enforcement Assistance Administration funds. However, it must be understood that there is a need to develop a system and not a process. There will be some forging ahead by a few leaders, but the whole system must move ahead also.

Chapter 13 Community Crime Prevention Summary

First and Second Forum Sessions

Community Crime Prevention Summary, Wednesday, January 24, 1973, 2:00 p.m., and Thursday, January 25, 1973, 2:30 p.m.

Citizen Involvement

The most significant topic discussed in the six forum sessions relating to the findings and recommendations of the Community Crime Prevention Task Force was the area of citizen involvement. The task force report continually emphasized the interrelatedness of the criminal justice system and the community-at-large. For too long, the professionals in police, courts, and corrections have resisted active community participation in the planning, implementation, and evaluation of their services. In addition, the community—business, industry, labor, and individual citizens—have remained willingly uninformed and unconcerned about their local criminal justice system. This gap has recently been magnified by the urgency of our crime and delinquency problem and the recognition that its solution must become everyone's problem.

The theme of citizen involvement in the prevention, treatment, and control of delinquency and crime was repeatedly stressed. This unique perspective gained unanimous support of the Conference attendees. It was recognized that crime cannot be prevented by criminal justice professionals alone, but is a total community responsibility. All citizens, working in concert, must become more concerned and knowledgeable if a significant impact on crime is to be made.

Public Responsibility

It was generally agreed that the onus on this new perspective is on the public. The community must familiarize itself with the organizational structures and objectives of local police departments, detention facilities, courts, and correctional programs. This can take the form of advisory councils (perhaps to the highly professionalized State Planning Agencies), court-watching teams, volunteers in probation and parole services, and creation or implementation of programs aimed at assisting those already in the system. Above all, educational forums must be highlighted to broaden the knowledge of the public and private sectors in the causes of crime and the agencies handling law violators.

The public must involve itself in planned and con-

tinuous programs, rather than responding only to crises (e.g., Attica) as has happened in the past. Most Conference participants recognized how difficult this would be, particularly without an organization charged by law to coordinate and plan for citizen participation in preventing crime at the community level. An illustration of this organizational structure was presented in the Third Conference Session (New Detroit, Inc. and National Alliance for Shaping a Safer Community) where a coalition of concerned community groups, representing the establishment and grassroot citizens united to combat a common problem. In this way, it was agreed, local citizens can become aware of the significant role they can play in preventing delinquency and crime and can begin planning necessary local programs.

In one forum session, it was suggested that State Planning Agencies review and evaluate programs carefully and fund only those agencies and services that reflect close coordination between local citizens and communities with the criminal justice system.

It became evident in various discussions that diversion, community-based corrections, and topics discussed in other forum areas were placing heavy emphasis on the community's role in the system. There is much controversy currently surrounding the closing, or planned closing, of some juvenile and adult correctional institutions. If this thrust is to be successful, the community must be willing and able to accept responsibility for developing alternative programs and to rely less heavily on the traditional facilities (i.e., jails and prisons) to handle law violators.

Ongoing Dialog

An ongoing dialog between the professionals and individual citizens must create a climate of mutual trust and responsibility. Drawing on the community resources of the public and private sectors, training for citizens can be made available. Technical assistance from private business and industry for program planning and implementation of crime and delinquency prevention programs would allow local neighborhoods and communities to have a significant role in reducing crime. It would also illustrate practical ways for the total community to work toward a common goal. In this way, many delegates thought the established agencies and institutions would begin to lessen their resistance to change and see a valuable role for neighborhood groups.

Outlook

Much of the material presented for discussion was of generic nature—a way for citizens to become more involved. Discussions were often vague and lacked focus. Most of the emphasis was on urban crime problems and some delegates believed this lowered the priority of rural crime and delinquency. Most agreed, however, that discussing prevention in the same arena with police, judges, prosecutors, public defenders, probation and parole officers, and institution heads helped create an atmosphere of concern. The Community Crime Prevention Task Force presented no rules. Instead, the task force presented questions and suggestions for change. The forum groups responded to the task force's challenge.

Other Topics

Three other topics in community crime prevention produced lively discussion: integrity in government, education, and employment.

Integrity in Government

The information on integrity in government was quite specific and far-reaching. This emphasis on white-collar crime (e.g., conflict of interest laws, financing of political campaigns, honesty in elected officials and government employees) attempted to relate public corruption to street crime. It recognized that most public officials are honest, yet polls continually cite the public's lack of trust or confidence in government officials. This attitude must change if street crime is to be reduced. A corrupt statehouse or city hall creates an atmosphere of irresponsibility or outright crime that ordinary citizens view as hypocritical. Standards were discussed to provide the mechanisms to find and prosecute corruption in government. Although there was agreement among the delegates as to the seriousness of this problem, solutions varied. Again, bringing the issue to the surface for public discussion was recognized as invaluable.

Education and Employment

Recommendations from the task force in the area of education and employment produced interesting dialog. It was recognized that "every child in trouble with the law is also in trouble in school." It was evident that delegates did not believe schools were doing their part to prepare youth for a law-abiding life. A variety of ideas surfaced indicating the need for alternative curriculums, counselors independent of particular schools in order to be true child-advocates, training parents in how to educate their children, as well as the need to develop crisis intervention programs. Early identification of delinquency-prone youth was seen as undesirable due to

the problem of labeling. It was agreed that this nation cannot in the near future guarantee literacy and an equal education for all.

Suggestions were made to educate youth and their parents on a voucher system, and to allow children to leave school for a period of time without the drop-out stigma. In spite of critical reactions to current educational practices, delegates agreed that the schools should not be blamed for the problems of society at large.

Employment recommendations and discussion focused on the right of everyone to have a job. Major emphasis on job development and manpower programs reflected a contradiction in what was expected to be implemented at State level and what was being actively discouraged at the Federal level. Business would respond to hiring incentives, but minimum wage, insurance, and other variables frequently make jobs prohibitive to youth. Round-the-clock employment in public service projects was suggested as a way to reduce idle-time delinquency.

On-the-job training, with appropriate pay, was emphasized as necessary to bring hard-core unemployables into the work world. It was suggested that the expertise in the private sector should become more involved in planning and teaching vocational and technical skills in schools and manpower programs. Again, local business, industry, labor, and community groups must work together to alleviate this problem and reduce the likelihood of persons becoming involved with the criminal justice system.

Summary

An attempt was made at the close of the forum sessions to present a model of a human service delivery system. This approach to coordinating and unifying services and programs with a goal of preventing delinquency and crime by improving the quality of life (e.g., education, employment, health, mental health, recreation, drug abuse, prevention, etc.) was presented in the abstract for delegate discussion. It was recognized that each community has at one and the same time differing and similar needs and problems to be solved. A few models were presented of ways different communities have tried to coordinate human resources. One forum session aptly summarized this topic: "Much more needs to be done in a coordinated and integrated manner to assure that the poor, disadvantaged, and pre-delinquent, as well as those in trouble with the law, are all reached and assisted to stay away from crime."

Chapter 14
Criminal Justice Information and Statistics Summary

First Forum Session

Criminal Justice Information and Statistics Summary, Wednesday, January 24, 1973, 2:00 p.m.

Introduction

This task force started with the basic assumption that data on the criminal was needed. It was recognized that Computerized Criminal History (CCH) held the key to identifying and locating the defendant. The need for and the availability of the National Crime Information Center (NCIC) to provide data about the criminal event was also recognized. NCIC provides details regarding serious crimes and identification numbers for stolen weapons, vehicles, and serial-numbered property.

In attempting to tie together multiagency activity involving police, courts, prosecutors, and corrections, it was recognized that the Offender-Based Transaction System (OBTS) would accommodate a good portion of such activity. OBTS follows the arrestee through the criminal justice system from encounter through final disposition. It accounts for events, relationships, and time. OBTS should give as much information about the criminal justice system as NCIC does for crimes and CCH does for criminals.

With this as a base, the task force report calls for those items of information, goals, and standards necessary to supplement these information systems.

Police

The most numerous and advanced component information systems occur in the police area. The task force thought that the development of detailed standards would be less useful and certainly well beyond the scope of the Commission report. Accordingly, the task force concentrated on defining the services that these systems should provide. The services unique to the police component include: dispatch support, crime analysis, resource allocation, retrieval of information for patrol and investigation, and crime data collection.

The first standard simply states that every police agency should have a well-defined information system for the orderly collecting, retrieving, organizing, and reporting of police data.

The standard relating to crime analysis states that every police agency should improve its crime analysis capability by taking advantage of existing information files and manipulative capabilities. A great deal of useful information can be developed by reorganizing known data to provide different perspectives.

Resource Allocation

Another standard calls for the development of a manpower resource allocation and control system. Resource allocation is the systematized allocation of police manpower to those locations and time periods that need it the most. Resource allocation has been ranked by major police agencies as the most important computer application. The standard emphasizes the need for a system that will also provide a means of continuing evaluation of the adopted plans.

A resource allocation model based solely on the occurrence of crime and other events requiring service will often produce patrol plans with unrealistically undermanned areas. This results from the fact that fear of crime is more evenly distributed than crime. Fear of crime affects the quality of living as much as crime itself and is a legitimate police target. A resource allocation model should explicitly take into account the population, and number of streets to patrol, etc.

Information System Response Time

A standard dealing with information system response time differentiates between four types of information users:

1. For field users exposed to high danger potential—120 seconds. This is the interval between the initiation of the request and the delivery of response;
2. For field users not directly exposed to high potential danger such as a parked car—5 minutes;
3. For users engaged in postapprehension identification and criminal history determinations, the maximum delay shall be 4 hours; and
4. For users engaged in investigatory activity without personal contact—developing lists of suspects—the maximum delay should be 2 hours.

Crime Data

Crime data are the fundamental statistics used for guiding police efforts at every level. Police also bear a major responsibility for collecting crime data for the use of other criminal justice components. There are four standards dealing with the improved collection of crime data.

The first standard is short: "Every police agency should fully participate in the Uniform Crime Reporting (UCR) program."

The second standard calls for an expanded set of crime data elements to support investigation, planning, and evaluation. In addition to incident characteristics (type of weapon, degree of intimidation, and type of location), it calls for such offender characteristics as relationship to victim, prior record, and apparent intent. These expanded data elements should be obtained, at a minimum, for every murder, forcible rape, robbery, aggravated assault, and burglary.

Another standard calls for every police agency to make provisions for an independent or outside audit of its crime reporting to insure the integrity and credibility of crime statistics. Such audits should start with the call-for-service and include an interview with the citizen making the call. The audit should verify that the incidents were properly reported, classified, and recorded in statistical summaries. To maintain performance auditability, the standard calls for dispatch records to include time of arrival, field unit disposition codes, and a numerical reference to any reports prepared.

The last standard dealing with crime data calls for geographic location coding or geocoding of incidents in medium and large cities—those cities with more than 100,000 population. Such a geocoding system permits addresses to be compressed in statistical records and with the use of a computerized geographic base file, automatic aggregation of statistics on a beat, district, census tract, or other spatial basis. Geocoded data is impervious to changes in organizational boundaries and permits easy comparison with demographic data collected on other specialized zoning systems.

The most readily available system in many cities is the Dual Independent Map Encoding (DIME) file prepared by the Bureau of the Census for all major metropolitan areas. Like other good base files, it contains the location coordinates of street intersections. This permits the computerized plotting of incident locations on city and district maps.

The geocoding standard was included since the few instances of its use have resulted in significant improvement of many of the police information system functions.

Technical System Design

The chapter on technical system design is introduced by the following paragraph:

> The establishment and improvement of information and statistics systems requires extensive planning and understanding of the system development process. Top management's understanding of the evolutionary system design process and their participation in that process are essential to the successful development of the system.

Kent Coulton, a professor at MIT, made a survey of police agencies using computers and identified several factors that seemed to determine whether the system was successful. The first was the involvement and support of the ranking commanding officer of

the organization. Insufficient involvement, whether due to the press of other obligations or a fear of things technical, will certainly compromise any resulting system.

The chapter on technical system design contains only three standards of a generalized nature. Two are significant in what they do not say.

The standard on programing languages does not identify a particular high level language—such as COBOL, Fortran or PL1—as a standard, but urges that the requirements for logical, mathematical, and data movement in a system be established before a language is selected. The commentary points out that some governmental units have statutory limitations on what languages can be used. It was one panelist's experience that successful transfer of criminal justice applications from one organization to another is seldom made in the form of coded programs but most frequently as flow diagrams, formats, procedures, and even raw concepts that must be structured to the local situation.

The standard on teleprocessing calls for sufficient attention to be given to other planned or existing national, State, and local information and statistics systems, to facilitate interfacing with those systems as appropriate and necessary. The commentary notes that on-line communications with NCIC, Law Enforcement Teletype System (LETS), and State systems are essential for an effective criminal justice information system. The standard does not call for a terminal in every police facility or for particular data speeds. The response time standards (2 minutes, 5 minutes, etc.) are more relevant and adequate.

The standard on terminology calls for data elements relating to subject identification, offense category, and disposition to be consistent with the specifications prescribed in the NCIC manual or the System for Electronic Analysis and Retrieval of Criminal Histories (SEARCH) Technical Report #4 (Implementing Statewide Criminal Justice Statistics Systems). Although there may be a need for additional items or translated equivalents locally, it shall be the responsibility of the local agency to make the conversions and assure that the basic requirements are met.

The panelist pointed out that there is willingness to conform to national standards when they exist. The lack of national standards in certain areas has delayed the development of local system applications with interfacing requirements. The digital encoding of fingerprints is a prime example. This must await the work of the FBI.

The panelist also noted that the SEARCH project has performed a valued service in providing a focal point for the development of other national standards. The task force report contains numerous references to SEARCH documents. In many areas, these are the only documents that can be considered suitable national standards.

Courts and Prosecutors

The standards for courts were discussed.

The report recognizes that the current concept in courts is active and centralized court administration and calls for information as the cornerstone of this approach. It recognizes that it is difficult to distinguish between information systems that serve the court and those that serve the prosecutor. The report avoids that obstacle to progress by describing the information system and not its mentor.

A court information system should provide data needed for decisionmaking in individual cases and generate management data. To this end it must provide both defendant data and case-handling or case-following data as well as cumulative statistics on both for management purposes.

The report assumes that the court information system will be provided criminal history data and offender-based transaction statistics by the criminal justice system in its area or, in its absence, by the courts themselves.

The standards for courts were outlined briefly. The topics included: defendant information, calendar management needs, court management data, prosecutor case management, research and evaluation, case counting, and event data elements.

Corrections

The standards for corrections were also briefly outlined and included: development of corrections data base, uniform classification of data, expansion of data base, statistical data, population and movement, corrections experience data, and evaluating the performance of the system.

Discussion

One discussion leader cited the following: 10-year purging of criminal convictions, separating offender files from management control files, and not overlaying criminal justice data files with other files. He commented that the security standards are not economical. He further thought that the State government should have control over criminal justice security with an administrative body to oversee privacy.

Another discussion leader, commenting on the

draft report, thought that the report was basically good. However, he thought it was nonspecific in the areas of parole, probation, and corrections, and in these areas, seemed to have more goals than standards.

The discussion leader cited the cost of storing a single character of CCH data, the increased problems of the new system, and the fact that although users are contributors to NCIC and CCH, they are not contributors to OBTS. He noted that it would take approximately 12 years to implement such systems.

The discussion leader pointed out that criminal justice is part of a larger organization—government.

In general, the panel expressed disappointment that a report was not available for distribution at the Conference and that the arrangements made for this forum session were inadequate.

Part V

Third Forum Session

INTRODUCTION

The Third Forum Session took place at 8:30 a.m., January 26, 1973. The theme of the session was "The First Step to Reform." Delegates convened by State to hear reports on the Police, Courts, Corrections, and Community Crime Prevention forums and to discuss strategies for implementing the criminal justice standards and recommendations set forth by the National Advisory Commission on Criminal Justice Standards and Goals.

The State Caucus meetings provided an opportunity for each State to voice its feelings about the Commission's standards and goals as well as to suggest its future course in regard to the adoption and implementation of its own set of standards and goals.

The Third Forum Session was the culmination of the National Conference on Criminal Justice. For 2 days, State Caucus delegates had convened in a number of Forum and Conference Sessions by discipline. They heard speeches by National Advisory Commission and task force members and participated in forum and panel discussions designed to acquaint them as fully as possible with the work of the Commission.

The State Caucus meetings gave delegates the opportunity to consider the Commission's standards and goals as they apply to the needs and practices of individual States. The meetings also provided the first opportunity for all members of the delegation to exchange ideas and information with their fellow State delegates, thus bringing together all segments of a State's criminal justice community in an interdisciplinary forum setting.

Delegates from 55 States and territories attended the Third Forum Session. There were 51 separate State Caucus meetings; American Samoa met with Guam, Montana with Wyoming, New Hampshire with Vermont, and North Dakota with South Dakota.

The State Caucus meetings were convened under the leadership either of the chairman of the Governor's committee on crime reduction or of the director of the State Criminal Justice Planning Agency (SPA). The format of the meetings had been planned in conjunction with the SPA directors, who had their own organization, the National Conference of State Criminal Justice Planning Administrators. The format provided for the appointment of State Reporters representing each of the four practitioner areas at the Conference—Police, Courts, Corrections, and Community Crime Prevention.

State Reporters were instructed to take notes on their own observations concerning the sessions they attended. The Reporters were also provided with summaries of sessions that concerned their discipline and that they were unable to attend.

Because the State Caucuses were of different sizes, the State Caucus meetings were conducted as informal discussions or organized so that each State Reporter made his presentation followed by general discussion and a summary by the State Caucus chairman. No report of the Maryland meeting is available.

The National Conference on Criminal Justice staff provided an information specialist to each State Caucus, with the exception of Maryland. The information specialist took notes on the discussion and reports made at each State meeting. These notes were transcribed and sent to each SPA director for review and approval. State Caucus Reports were approved by the individual States themselves, except in a few cases as indicated in the text.

Chapter 15
State Caucuses

State Caucuses "The First Step to Reform;" Friday, January 26, 1973, 8:30 a.m.

STATE DELEGATION MEETINGS

ALABAMA *

Police

In the discussion of Objective 1, the item of main interest was communication. Specifically, the 911 System was questioned as to its workability. The Mobile Police Department does not like this system and feels that it is a waste of time, while the Birmingham Police Department likes the system and has started to use it. It was also felt that the individual agencies must produce their own schemes and plans for the deployment of their forces to serve the needs of their communities.

* The State Caucus Report was not approved by State Planning Agency personnel and represents, therefore, the information specialist's summary.

It was agreed that, in the area discussed under Objective 2, community relations were extremely important—so much so that each individual officer should be able to represent adequately the police department's views and explain its actions and positions. It was also felt that when police were present in the schools the emphasis should be on their educational function instead of their enforcement capacity.

Under Objective 3, although the emphasis was placed on cooperation and coordination, the Police delegates felt that it would have been beneficial to have Courts delegates present because the Police delegates felt it inappropriate to endorse something that would affect another portion of the criminal justice system. They liked the concept of the 60-day limit but felt that this was mainly a court prerogative. Delegates from all disciplines agreed that cooperation was extremely vital in this area and in the diversion and screening processes, where firm guidelines should be drawn up because of the overlap in authority.

Standard 13.3, Minority Recruiting; Standard 17.4, Administration of Promotion and Advancement; and Standard 1.4, Communicating with the Public were discussed under Objective 4. In Mobile, Ala., special efforts were made to recruit minority members for the police department. It was dis-

covered that the main obstacle was that there was not enough interest in police work within the minority community to attract qualified men into the field. It was agreed that standards must be maintained whether or not recruits from a minority group are sought.

In the discussion of lateral entry, it was felt that although this might be desirable in the higher echelons, it would create serious morale problems if practiced at the lower levels.

In the area of Standard 1.4, Communicating with the Public, it was stated that this should not be the job of specialists. It should be a departmental task with all members of the department able to fulfill this function, especially in the geographic areas to which they are assigned.

It was pointed out that Birmingham, Ala., has already adopted about 90 percent of the proposed standards and was considering the remainder where feasible and politically possible. It was also noted that the police should develop a good rapport with the courts in order to protect the public to the highest degree.

Courts

In the discussion of Courts, major emphasis was placed on making plea negotiation much more feasible. It was noted that, if plea negotiation were abolished, it might increase the number of trials because of the tendency of prosecutors to charge the most serious crime possible. It was felt that standards should be established so that individuals convicted of similar crimes would have similar sentences. If this were accomplished, the benefits would be realized by both the courts and corrections officials.

The public defender system was discussed and it was proposed that each circuit court be allowed to decide whether public defenders or assigned counsels or a combination of the two would be used.

Merit selection of judges was discussed and most delegates felt that the major problem with this approach was to be found in the composition of the selection board and the selection criteria for this board. Objections were made to the election of judges in highly populated areas because the majority of voters would, in all likelihood, be unfamiliar with the records of the candidates and the amount of money spent on the campaign could easily determine the outcome.

It was further felt that the national standards and goals should be tailored to the individual needs of the community.

Community Crime Prevention

The major emphasis in the discussion of Community Crime Prevention was utilizing, to a much higher degree, some of the present available facilities. Teachers from the Head Start level and throughout the educational system should be made aware of the part they could play, both individually and collectively, in crime prevention. One delegate felt that ministers from all churches also should be enlisted in this campaign. He went on to say that he thought it would be helpful to draw up a crime prevention plan and to start working with these groups and the community as a whole to implement it.

Corrections

The opinions of a number of experts actually working in the corrections field were echoed by several delegates. These experts feel that there is too much emphasis on academics and not enough participation by men actually working in the field in the national committees and task forces considering the problems of the corrections field. Some delegates felt that there was more concern for the criminal than for the protection of the public.

One delegate stressed that the basic purposes of corrections must be kept in mind: the deterrent effect, reforming and reintegrating the offender, and the tranquillity of the country.

The attached proposal was offered for consideration with final action being deferred until all members of the delegation had had the opportunity to read and consider it.

Throughout the entire discussion there was a commitment to continue to work on the proposals of the Conference and on the problems of all of the sections of the criminal justice system. All delegates present agreed that cooperation and coordination among all sections were necessary to maximize any advances and to speed the solution of problems, especially those involving areas of overlapping authority.

Proposal

We express our gratitude to the Department of Justice for convening a national meeting on the pressing problem of crime and its prevention and control.

We are particularly grateful for the widespread participation on the part of every segment of the community—police, courts, corrections, citizens, offenders, and minority groups.

Although the general thrust of the recommendations—police improvement, enlargement of probation and parole, more rational sentencing practices, humane treatment of the imprisoned offender, and the full utilization of all community resources—

evoke our enthusiastic concurrence, we cannot endorse the report as presented. The vagueness on the one hand and the excessively prescriptive characteristics of the standards on the other hand, the failure of the report to address itself to some fundamental problems, the obvious need for refinement and clarification of the standards—all force us to withhold our endorsement.

Now, therefore, be it resolved that the attendance and participation of the Alabama delegation at this Conference does not constitute an endorsement of the standards and goals as set forth by the National Commission; and,

Therefore, that any such endorsement shall only be made after an opportunity for a full discussion by all persons present at this Conference and those other persons who shall participate after having been questioned and having received and had an opportunity to consider the full recommendations of the Commission.

Chairman, Alabama Delegation

ALASKA

Introduction

The Alaska delegation commented that the presentation of a final draft of the *Working Papers,* with inadequate time for study and selection, was a poor method for soliciting real local input and data. It was suggested that a better system would have been to supply a tentative draft with real State input to be included before publication.

The delegation also felt that the task force representatives were not sufficiently geographically diversified, and therefore tended to overlook some specific problems relating to individual State situations.

Accordingly, the State Planning Agency is not intending to rubberstamp any or all of the Commission's recommendations, but rather to take back to respective agencies the standards and goals, to run them through the system, and to implement those applicable and feasible.

The delegation consisted of four members of the Governor's Commission on the Administration of Justice. In Alaska, the supreme court has the power to make rules with regard to all criminal procedures. Thus, over one-half of the delegation consisted of planning decisionmakers.

Police

The Alaska delegation was generally in favor of the standards and goals set forth for the Police, although it did not intend to rubberstamp the entire package. It was pointed out that the Police Task Force was comprised primarily of representatives from the Los Angeles Police Department and the task force should have reflected more geographic diversity.

Alaska currently meets the major portion of Police standards, though more can be done in achieving Objective 1, Fully Develop the Offender-Apprehension Potential of the Criminal Justice System. The response time called for in Standard 5.1, Responsibility for Police Service, was totally unrealistic for Alaska with its vast territorial areas to cover.

Alaska's Criminal Investigation Bureau already provides services called for under Standard 9.4, State Specialists and Standard 9.7, Criminal Investigation. The provision to have investigative specialists serve under the administrative jurisdiction of local chiefs of police when serving a particular area cannot be met. It is impractical for Alaska's situation.

Standard 12.2, The Crime Laboratory, is already implemented, but more facilities are needed and envisioned. Alaska has concentrated much effort toward improving the police communications system, including such techniques as instant recalls and telecommunication.

Standard 23.2, Command and Control Operations, regarding response to false alarms, does not apply to Alaska's situation.

There was agreement and compliance with other standards, such as Standard 23.3, Radio Communications; Standard 8.3, Deployment of Patrol Officers; and Standard 9.4, State Specialists. Alaska has written policies regarding the duties of patrol officers, who work on four 10-hour shifts. This system of deployment seems to work extremely well, to improve morale, and to maximize manpower usage.

The State delegates agree with Objective 2, Get the Police and People Working Together as a Team, but acknowledge the need to do more.

Alaska has recently acted on Standard 4.1, Cooperation and Coordination, by instituting some regional criminal justice component meetings and there are plans to expand this process. In addition, some personnel are now trained under the team concept, which provides for exposure and practical knowledge of all phases of the criminal justice system.

Standard 4.3, Diversion, is adhered to in the cases of alcoholics, drug addicts, and juveniles.

Standard 5.2, Combined Police Services, is being implemented but needs improved communications systems to make it more effective.

Alaska has no local police department detention system with the exception of small local holding facilities. These may be abolished by 1975, except for geographically distant village "bush" jails (Standard 12.4, The Detention System).

The State delegation raised an objection to Standard 13.3, Minority Recruiting, not in concept, but in a concern for the maintenance of appropriate per-

sonnel standards. Standards of eligibility should not be lowered solely to accommodate minority recruitment.

Alaska police officials do meet with minority group leaders and are planning to come up with modified statewide policy for police eligibility requirements under a recently established Police Standards Council.

Standard 16.4, Interpersonal Communications Training, does not apply to Alaska.

Courts

The State of Alaska is already meeting, if not exceeding, most of the standards and goals relating to the courts. There is little doubt that the time frames for adjudication can be met as outlined, but the State currently holds to a 120-day speedy trial rule.

Regarding the standard to abolish the grand jury in some cases, the Alaska delegation voiced no strong feeling to change the current system, which seems to be working well.

The main objection concerned Standard 3.1, the Abolition of Plea Negotiation. The current system works adequately and the additional manpower and resources such a move would require would render it totally unfeasible. Alaska currently has a ratio of one supreme court justice to every 50,000 people, one superior court justice to every 20,000 people, and one district attorney and public defender to every 10,000 people; this is three to four times what other jurisdictions have. Even with this advantageous ratio, the courts do not have the manpower to try every case. There is serious doubt that the tax base or legislature would provide the additional funds that would be required.

Alaska would not be able to supply jurors to try all cases. Alaska's difficulties in implementing this standard would be magnified several times for States with larger populations and less favorable manpower ratios.

The delegation felt that the abuse of plea negotiation was not a strong issue in the State because most cases concern misdemeanor charges, and to abolish the system would produce no meaningful results, especially because the cost, an additional $4 to $5 million annually, would be so great.

There are standards for regulating the plea-of-guilty process to minimize abuse, including the videotaping of such hearings.

The delegation members felt that the abolition of plea negotiation was desirable in concept, and yet totally impractical. It is recommended, however, that a pilot program be run somewhere to determine its feasibility and relative cost.

Alaska's State Planning Agency has allocated monies to conduct a special project to review the Courts standards and make recommendations for compliance with the standards set out by the American Bar Association. The project is set to begin in the middle of March 1973.

Alaska operates under a completely unified criminal justice system, with the exception of local police units. All systems are statewide, including police, courts, prosecution, public defenders, and corrections, which are under the Court System or Executive Office of State government. This seems to be the best administrative system, as acknowledged by the Commission's report, and can be considered as a model for other jurisdictions.

Corrections

Most of the standards and goals for corrections are already being met. A criticism of the *Report on Corrections* is that the juvenile field is sorely neglected. There is a problem with the Commission's definition of "corrections" in that it appears ambiguous and contradictory. On the one hand, the Commission speaks of corrections' role in diversion, yet on the other hand, corrections' function refers to cases after adjudication.

There is accord with Standard 3.1, Use of Diversion. In the case of alcoholics and drug addicts, there is agreement that such cases should be dealt with through medical and civil agencies. However, a concern over the lack of diversionary treatment facilities for such cases limits the use of the diversion procedure. In the area of juveniles, cases such as runaways and other non-criminal acts are already diverted from the corrections system in Alaska.

Alaska supports Standard 10.2, Services to Probationers, and is moving toward full implementation of it. This is presently an incomplete system in that probation currently only services the Superior Court in juvenile and felony cases: there is the need to expand this to the lower courts and misdemeanor cases.

There is agreement with Standard 11.1, Planning New Correctional Institutions, calling for a moratorium on construction of penal facilities, with the qualification that this should not apply to the replacement of current facilities. Alaska's largest institution holds 120 inmates. Many facilities are community-oriented, some of which need replacement. Alaska does not have, nor does it want, any maximum security institutions.

Alaska has a centralized statewide correctional system under the administration of the Executive Office and currently meets Standard 16.4, Unifying Corrections Programs. The State desires to keep this

system, even though within the State there are efforts to regress and place corrections with the judiciary. This, it is felt, would be counterproductive. Alaska is currently a recognized model of correctional administration for other jurisdictions around the country.

Community Crime Prevention

Alaska recognizes the value and usefulness of community participation and involvement in the criminal justice system. Most standards and goals in this area are desirable and already in effect. The Alaska Criminal Justice Plan (1973) spells out most of the standards included in the Commission's Report. The former practice of public relations efforts on the part of the criminal justice agencies has given way to a new partnership agreement concept between the community and its criminal justice representatives.

AMERICAN SAMOA * AND GUAM

Introduction

Edward Aguon, State Planning Agency Director for Guam, stated that LEAA standards are based on the operations and problems for the States (U.S.) and do not affect or relate to the problems of the territories (Guam and American Samoa). He considered these standards as guidelines rather than mandates. It was the unanimous opinion of all Reporters that these standards were excellent for those States to which they applied.

One delegate from Guam could not relate to the United States' problems of ghettos, unemployment, lack of education, poverty, lack of mental health resources, etc., as causes of crime. Felonies in Guam are rare. Most crimes in Guam are a result of a lack of recreational facilities, youthful larks, or challenges to the police. He considered a factor in the high rate of minor crimes to be the unique year-round warm climate that allows the population to be outdoors.

Community Crime Prevention

One delegate felt that the strictly daytime employment was a factor in crime rates. Youthful residents frequent bars in the early evening hours and become stimulated. This leads to vandalism and assaults in later hours. Around-the-clock employment, YMCA and YWCA facilities and better parks would eliminate many of these crimes. The delegate cited the large truancy problems of the schools as a reason for many daytime burglaries. He believed that more technical training in the schools might sharply curtail truancy. However, most daytime burglaries are committed by youths from better-class homes who steal insignificant and unneeded items that they often throw away. Most of these problems are solved as the youths mature.

One delegate reiterated his statement about poor education not being relevant to Guam's situation. However, he did support instruction about crime, its penalties, and the need to live by the rules of society. Another delegate advocated instilling the "brother's keeper" concept into the community. He suggested that children of retired servicemen, businessmen, and tourists influence Guam's youth by introducing drugs and changes of lifestyle. He also suggested that the changing image of the police will be a great factor in encouraging the entire community to come together as a team to work with the police in community crime prevention.

One delegate was concerned about the LEAA standards for Community Crime Prevention. Mr. Aguon suggested that some problems, such as the introduction of drugs by certain groups, must be brought before the crime commission.

It was stated that Samoa shared the same problems with Guam. However, Samoa is more isolated and not as developed for tourism as Guam. A large percentage of their young people leave the island because of a lack of educational and job opportunities. They do not have community crime problems as such. However, they are implementing educational television to reach villages.

It was reported that tradition and religion play important roles in community crime prevention in Samoa. Three major organizations—the Chiefs' Organization, the Women's Organization (wives of chiefs and village leaders), and Men's Organization (civic-minded men)—also play large roles in community crime prevention. The Men's Organization, in addition, has law enforcement roles. It has citizen arrest powers, which it practices, although too vigorously at times.

One delegate noted that the implementation of standards would be no problem as long as the council approves. Guam does not have the problems of court backlogs and offenders overstaying their sentences as is the case in the States.

Courts

The delegates discussed the Courts priorities for Guam as follows.

They agreed that speedy trials would please and help to aline the public with the criminal justice sys-

* The State Caucus Report was not approved by State Planning Agency personnel and represents, therefore, the information specialist's summary.

tem. They suggested that grand juries should be abolished in favor of arraignment judges. One delegate stated that speed of review was important, but not mentioned. Getting transcripts on time raises problems. There are no standards. Guam is slow, for no apparent reason.

Improved prosecution was discussed. If the prosecution is speedy, other components of the criminal justice system would be forced to come up to par in order to survive. The standards set by the Commission for screening and diversion were supported.

Improvement of the judiciary was discussed. There was some opposition to the election of judges. Some extremely well-qualified judges in the States are defeated in elections. One delegate advocated that an informed body—one-third of whom are judges—make recommendations to the legislature on reappointments. He felt that judges should be observed in some way, and a report made. Many judges leave early in the day in States where there are backlogs.

One delegate would like to see required sentencing instituted—with the judge responsible for the sentencing. He did not favor indeterminate sentences. He did not approve of plea negotiation, and felt that the overcrowded calendar was no excuse for plea negotiation. Mr. Aguon asked if different sentences for similar crimes were unjust. The delegate suggested that sentencing and trials in plea negotiation may not always be in accord with the facts.

Concern was expressed for speedy trials because citizens often blame the police when there are violators on the streets while awaiting trial. The point was made that police also may forget some facts of the cases that are awaiting trial.

A delegate from Samoa suggested that judges in small communities may be intimately involved in community affairs, and as a result, have a difficult job being completely impartial.

Police

The need to upgrade police ability to prevent crime on the street was discussed. Police are so bogged down with fighting crime that they do not develop the ability to solicit community support in the area of crime prevention. Informing the public that an officer has been reprimanded for wrong actions was advocated. However, community control of the police to the extent of giving details of the Police Trial Board was not advocated. It was felt that this type of action only gives the community more ammunition for hating police.

In Guam, emergency police phone numbers are an old idea, but the telephone company is not yet equipped to handle this. Setting professional standards for police in Guam is difficult because of the isolation of the island from States that give specialized training. Mr. Aguon stated that he and the State Planning Agency Director for Hawaii are working together to form a centralized Police Training Institute in Hawaii. There is no problem with determining which police agency will investigate a crime in Guam, because there is only one police force.

One delegate disapproved of any politics or elections for law enforcement positions. He believed that the ranking police officer in the States should answer only to the Governor of that State.

Corrections

There was no one in the Conference who could address himself to corrections for Guam and American Samoa. One delegate did state that corrections should be completely separate from the courts, and that perhaps juveniles should be placed under the jurisdiction of the Executive Office in the territories.

ARIZONA

Introduction

The Arizona State Caucus began with brief reports from forum sessions of three disciplines: Corrections, Courts, and Police. Community Crime Prevention was not represented due to the illness of its Reporter.

Corrections

Four overall areas were discussed: equity and justice in corrections, sociomedical problems, the shift from institution to community-based facilities, and the increased involvement of the public.

The delegates believed that implementing correctional reforms is dependent largely on funding.

There seemed to be a consensus that there should be a State-regulated approach to the problem of corrections and that there should be a social system created to deal with it.

It was mentioned that there was very little specific mention of juvenile offenders in the sessions, but a probable reason given for this was that juveniles put into the correctional system were to be treated the same as adults.

It was stated that the public has a vengeance-punishment orientation as opposed to a rehabilitation orientation. However, the discussion centered around the question: Who should be the motivating factor in the organization and coordination of the four dis-

ciplines? All the disciplines have a crime prevention and control role.

The sociological basis behind corrections was discussed. The delegates discussed the fact that there should be a systematic analysis of who is in the prisons.

Also mentioned was the desire for legislation requiring mandatory crime data reported from all components of the criminal justice system to measure the problem adequately.

There was much disagreement on minimum as opposed to nonminimum sentencing. The delegates proposed that minimum sentencing be held intact—contingent upon the option for corrections to come back to court before the minimum sentence date occurs to determine that an offender is ready to return to the community prior to the minimum sentence date.

Courts

The Courts sessions were discussed, and the Reporter stated that all the sessions he had attended were concerned primarily with plea negotiation. He mentioned generally that the American Bar Association in Arizona works under goals and standards very similar to those of the Conference, and they are reflected in the courts. He noted the importance of recodification of the criminal laws.

The delegates were in favor of screening and diversion procedures in which the prosecutor makes the decision, and there is strong input from the police. The Reporter then discussed the notion that as the sentencing recommendations are put into effect, plea negotiation will become less important.

The recommendation that a case should be tried within 60 days was affirmed and supported by Arizona, which has a rule specifying a pretrial limit of 90 days in custody and 120 days out of custody.

Appointive as opposed to elective judges and the one-tier unified trial court were discussed with some skepticism. Many thought a two-tier system would be more valuable and more effective.

The delegates agreed that there should be high professional standards for prosecutors and defense counsels, and that the public defender should be removed from politics. The delegates discussed briefly the idea of having the same salary for prosecution and defense counsel and trial judges.

Police

The State Reporter for Police discussed four major areas covered at the sessions: the criminal justice system as a team, further offender apprehension, the police-citizen team, and police response to particular community needs.

He mentioned a lack of cooperation between police and the other disciplines, citing as an example the fact that law enforcement officials are generally unaware when ex-offenders return to their community.

It was stated that police are undergoing training and upgrading their experience in the community in order to understand their role.

The delegation felt the height requirement should be abolished contingent upon a height-weight consistency.

Summary

The Arizona State Caucus was committed to the goals set out in the Commission report. However, it will question some of the standards. The Arizona delegates will wait for the complete report of standards and goals. At that time, they will meet with representatives of all the disciplines in a similar conference to determine what will be implemented and how it will be implemented. Many of the standards and goals are already in practice in Arizona or are in the legislative process.

The delegates were adamant about the recommendation that there be a body, sufficiently financed and staffed, to review and revise standards and goals continually as determined by the inputs of the States. Each State should receive the annual report from this body. A conference such as the National Conference on Criminal Justice should be an annual conference with each State having its own State conferences.

ARKANSAS

The delegation from Arkansas wished to commend Governor Peterson and all of the members of the National Advisory Commission on Criminal Justice Standards and Goals for their dedicated efforts in developing the standards and goals that hopefully will provide new directions for the criminal justice system.

Accepting the fact that these standards are merely guidelines for a concerted attack on crime at every level of government, the Arkansas delegation was in full agreement with the purpose of the Commission's report—the setting forth of ideas and standards for the better administration of criminal justice and the reduction of crime.

The delegation recognized that standards of conduct and approaches to problems necessarily differ due to dissimilar situations. Because of this, the implementation of certain recommendations of the Commission should be considered in light of the

geographic, physical, monetary, and political factors in each State.

It was the plan of the delegation to return to Arkansas and to recommend to the Governor, the legislature, members of the criminal justice system and the local governments and communities that these standards and goals be studied in depth for possible adoption by and implementation in the State of Arkansas.

CALIFORNIA

Police

The Police Reporter thought that all of the standards were valuable and supported the adoption of those applicable to localities where similar standards are not in operation. Most of the standards are a blueprint of what California is currently doing in police work. Most areas of police concern were addressed by the forum sessions; however, there was difficulty in reaching a consensus of opinion except for the issue of not getting involved in police unions.

There was no presentation of why any specific standard was considered valuable or not. However, several points were noted:

1. There should be consolidation of small police departments to eliminate duplication of efforts.
2. The statement in the Police section that recommended the use of minimum force should be changed to "reasonable force."
3. Diversion efforts should be coordinated and carefully documented, and the use of police in the screening process should be considered.

It was pointed out that plans for implementation must be developed on State and local levels.

Courts

The Courts Reporter indicated that California agrees with most of the report but did not reach a consensus on specific issues.

Of the 49 standards presented, plea negotiation was the most debated. There were strong feelings expressed for both sides.

The second major issue brought up in the forum sessions was speedy trials. The statutory framework for speedy trials is already provided for in California; the problem is getting the judge to implement it.

Areas of interest not covered by the forum sessions included the following:

1. Systems planning and the need for a data base for reaching decisions;
2. The feasibility of regional or local planning for courts;
3. Judicial Impact Statements with new legislation to determine the impact of new programs on the court workload;
4. The search for truth in trial, which relates to the exclusionary rule, discovery, perjury, etc.; and
5. Changes in the jury relating to size and unanimous verdicts.

A question about summary probation was raised: How can a system be developed to prevent the problem of probation being granted in two or three different courts without the knowledge of each court?

Members of the California judiciary were disappointed that pretrial detention was not fully discussed and that no conclusions were drawn.

Appropriate allocations of money, manpower, and management were considered to be significant in carrying out the ideas included in the Commission's report.

It was mentioned that major studies are going on in California in many areas raised by the standards.

Corrections

The Corrections Reporter stressed that the Commission report should be considered as recommendations and not as standards to be imposed.

It was generally agreed that the Corrections section was viable and practical with a few exceptions. A number of the standards have already been tested in California and plans are being made to test some of the other concepts and standards.

A strong position was taken that the standards for a corrections system should be implemented at the lowest level of government. Control should be at the county level as opposed to the State level of government, and funding should be provided from the Federal and State governments to the county level, which has the responsibility but is now without the resources for corrections.

Support was expressed for diverting offenders from the criminal justice system who could be better served in the community, e.g., the emotionally disturbed, alcoholics, and drug users.

Members of the judiciary expressed concern over the issues of local control as opposed to State control of correctional facilities. It was suggested that a resolution of this issue might well be the establishment of a partnership relationship between the State and local units of government. There was concern expressed that community corrections programs needed to know more about correctional work: local people run programs without real expertise in the field.

The delegates noted the weakness of probation and parole in the *Working Papers*. For instance, pro-

bation was not represented on the Commission or task force level.

Concern was expressed over the inconsistent role of the parole officer in the Corrections section: protecting society by controls which would alienate the parolee on the one hand, and lessening these controls to establish a better rapport with the parolee on the other.

The point was made strongly that public protection required that a parole agent have the right to search a parolee whom he suspected of having a weapon or other prohibited item (Standard 2.7, Searches).

The delegates disagreed with Standard 12.4, Revocation Hearings, which does permit parole officers to place holds on parolees charged with additional offenses. They thought that parole officers should have the authority to place holds in certain cases.

Community Crime Prevention

The general feeling expressed by the Community Crime Prevention Reporter was that not enough data, information, and expertise are available to the public on community crime prevention. A lack of cooperative relationships was noted among local, State, and community corrections agencies.

The private sector has shown it wants to be involved but needs and wants training from professionals in the area of corrections. The community cannot assume the responsibility for maximum security facilities.

But it was also felt to be true that the community must provide the courts with alternatives to present corrections facilities. It was suggested that offices of the criminal justice agencies be located in the community to facilitate the total involvement of community agencies. It was also suggested that police who work in the community should be permitted to retain their assignments for longer periods of time.

Public defender services and basic court functions—arraignments, bail hearings, etc.—should also be provided on a local community basis. The Community Crime Prevention sessions also emphasized a need for coordinated volunteer services from all criminal justice agencies.

Delegates expressed concern that there was no discussion of drug abuse or drug prevention programs. It was also questioned whether the Commission's report will be used as an authority to support positions even if the various disciplines have not agreed upon them, or whether it will be seen as a mandate that can be used to illustrate deficiencies by noncompliance.

The State Planning Agency director made several comments. Emphasis was placed on the need for each agency to develop its own goals and standards with precision and clarity. The California Council on Criminal Justice has emphasized this in requiring project objectives that are quantifiable.

Discussion pointed out that given the absence of clear standards and goals, LEAA may measure each State Planning Agency by the standards of the Commission. It was felt that at this point the *Working Papers* represent only the position of the Commission and not the position of local units of government until these jurisdictions have stated their goals.

LEAA was commended by the reporters for the courage to assume leadership and direction in criminal justice and the responsibility for the development of standards and goals. It was recommended that the delegates return and institute similar conferences for the purpose of followup and the involvement of others in their respective areas. It was suggested that the Commission report be made available for this purpose.

The California delegation did not want to appear to have approved the Commission's report by default and thought that it did not have an ample opportunity to review, discuss, and approve the recommendations of the Commission.

A member of the judiciary wanted it to become a matter of record that LEAA had done a great deal in criminal justice and did not want the chances of continued support to be jeopardized by this Conference.

A Representative from Capitol Hill expressed interest in reaction of the delegates to the problems of criminal justice, particularly the manner in which legislators ought to address the problems of corrections with respect to LEAA programs.

COLORADO

Introduction

State Planning Agency Executive Director G. Nicholas Pijoan chaired the Colorado State Caucus. Mr. Pijoan asked that the delegates address themselves to the question: Which standards were particularly impractical or unworkable in Colorado and which were particularly suitable? Forum session reports followed. Although certain key issues were discussed fully, there was little general discussion.

Police

Several delegates thought that the standards for consolidation of small departments were not suited to the terrain and the large distances between small towns in Colorado. The delegates thought that many

of the standards related to urban problems that were not present in much of the State, and that special problems of communication and cooperation over long distances presented difficulties not covered by the Commission.

One Police delegate mentioned problems of technology and lack of resources in implementing such systems as the 911 emergency telephone number (Standard 23.1, Police Use of the Telephone System).

Corrections

In the corrections field, one delegate pointed out that many of the standards had already been reached or exceeded in Colorado, and therefore, present needs in this field were not the same as those recognized by the Commission. He pointed out that the standard on closing major institutions suffered from a confusion in definition, and might be applied in the wrong cases. Only 2 to 3 percent of present offenders are institutionalized, and this may, in fact, be the minimum level discussed by the Commission. Because most institutions in Colorado are small, it was emphasized that the standards relating to institutions and community centers need to be rewritten to be applicable to the State.

The problems of county jails were not discussed in the Corrections forum sessions, but several Police delegates reported on their groups' opinions of what a jail or detention center is or should be. The Commission standards call for rehabilitation in short-term holding facilities, but the delegates did not feel that such activities as recreation, conjugal visits, and job training were suited to the short time—one delegate stated an average of four days—that people are incarcerated in such facilities.

A professor at a Colorado academic institution expressed concern over the increased pressure for more rights for confined offenders. He thought it was illogical to afford due process rights such as counsel, hearing, and appeal on objections of offenders whose rights had been deprived by a system that already follows due process requirements. In addition, he thought affording due process rights to confined offenders was impractical as it would lead to harassment of staff, distraction, and tumult similar to that experienced on college campuses in the recent past. The delegate felt that such change, however, was almost inevitable and would require a change in the type of administrator and staff at corrections facilities.

In the field of search and seizure in corrections institutions, the delegates thought that directors of such facilities were very much opposed to affording present civilian rights to inmates.

Community Crime Prevention

The discussion on Community Crime Prevention was more general and far-reaching. One delegate thought that the forum sessions stressed two major points—citizen involvement and improvement in the overall quality of life. The sociological analysis of urban problems was criticized because it was nonspecific and failed to suggest solutions. In addition, there were reports of major controversy in the forum session discussions about legitimizing through official policy the concept that one should report on one's neighbors.

In the field of education, one delegate felt that the Commission's goals far exceeded the present system in Colorado. He said that while the State had taken the first step in providing alternatives to traditional education, there was a long way to go in the area of a bill of rights for students vis-a-vis a constitutional guarantee of education. The delegate felt change was necessary because of the correlation between failure in school and delinquency. He related failure to the present system of competition.

The delegates thought that the standards for employment training programs were difficult to implement in Colorado because of the small percentage of minority group members in many areas of the State.

In commenting on the forum session discussions on integrity in government, one delegate found it difficult to relate well-publicized criteria for tax assessment, zoning, and licensing boards to decreases in crime. Another delegate suggested that such standards were meant to increase citizen confidence and eliminate corruption in government, but that such discussions on the quality of life went far beyond the proper goals for a community crime prevention unit.

Other members of the delegation felt that changes in noncriminal governmental units could have positive results aside from increasing the public confidence. Some examples mentioned were the relationship between land use and crime rates, ordinances on minimum security in commercial establishments, and stricter enforcement of licensing agency regulations. Some delegates thought that the police could provide a significant input in these areas, while others felt that such a procedure would lead to fragmented and inefficient administration, and that existing personnel could handle such problems given the proper operational structure.

Courts

The area of Courts, and in particular plea negotiation, sparked the greatest discussion in the Colorado delegation. The forum session attended by one dele-

gate was almost unanimously opposed to the Commission's recommendation that plea negotiation be abolished. He cited the impracticability of such abolition, the absence of empirical data demonstrating impact in terms of extra resources, and the lack of evidence showing that innocent defendants were actually pleading guilty in response to pressures of the system. The consensus was that those involved in the courts phase of the criminal justice system were overwhelmingly opposed to the Commission's standard and would prefer instead the interim standards of the Commission or the American Bar Association standards on plea negotiation, both of which bring the process into the open and require that the results of the negotiation be formalized.

There was some concern in the State Caucus over the controversy involving the Courts Task Force. Some delegates felt that traditional legal reform channels, specifically the American Bar Association, were not sufficiently involved.

Both Police and Corrections delegates thought that they should have been represented at the Courts forum sessions on plea negotiation, since their perspective was different. Police delegates expressed dismay at the lowering of charges in situations where they felt the case was solid. A Corrections delegate thought that the plea negotiating system was at the base of many corrections problems, and that at least formalizing the system would help. One delegate who was not involved with the courts felt that abolition of the system would lead to more realistic and accurate charging of defendants at the outset. Another delegate stated that prosecutors are not in possession of full information at the time of formal charging and requiring accuracy might be too great a burden.

The discussion on plea negotiation brought out the point that only through increased communication and dialog among the different disciplines—such as that fostered by the Conference—could real progress in reform be made. It was proposed and generally accepted that Colorado have its own interdisciplinary caucus sometime after the final report of the Commission has been issued. It was suggested that the delegates to the Conference serve as a steering committee to disseminate the knowledge that cooperation among different segments of the criminal justice system can be productive.

Summary

Several delegates thought that their presence at the Conference would be taken as implicit approval of the Commission's report. However, most of the delegation opposed either imposing national standards or making grants conditional on their implementation. The delegates feared that the State policymaking function might be eroded by such action.

The delegation wished to go on record commending the Commission for its hard work setting goals and fostering discussion among the different disciplines. The delegates wished, however, to reserve judgment on specific standards until a State conference could be held and dedicated study could be given to the applicability of the standards to the particular problems of Colorado.

CONNECTICUT

Police

The Police Reporter noted general agreement with the *Working Papers*. Differences in opinions centered around details and implementation.

The delegates agreed that the key issue was implementation. Discussion of the standards was considered to be the first step toward implementation.

The delegates suggested making the *Working Papers* available to every police chief in the State and all police academy instructors. It was thought if one idea was picked up by a police chief, the Conference would have been successful. The *Working Papers* will be made available to the Municipal Police Training Council and the LEAA State Planning Agency committee at a later date.

Problems with funding for implementation were cited and it was decided that LEAA funds within the Connecticut Planning Committee on Criminal Administration (the Connecticut State Planning Agency) cannot be expected to foot the entire bill.

Accepting all of the standards versus accepting some of the standards was discussed. It was decided that the time for picking and choosing had passed and that general endorsement was called for.

Corrections

The Corrections Reporter generally endorsed the Corrections section of the *Working Papers*. He would prefer to see the use of the term goals instead of standards. The Reporter made the following points on what he considered to be significant standards:

1. Legal counsel, trained and supervised by attorneys, should be made available.
2. CLAP (Civil Legal Aid to Prisons) was a way to modify existing programs.
3. Harassment cannot be eliminated through legislation.
4. The rights of an offender could be obtained through employment.

5. There was a double standard with regard to the construction of institutions. Although the standards advised not building institutions, the use of community centers was encouraged.

6. The standards on juveniles correlate with Connecticut's juvenile programs.

7. He disagreed with the notion of centralizing corrections. He felt this would be harmful to juveniles. The thrust with juveniles should be a community one.

8. There w general agreement with the parole recommenda s. Although there is a problem with financing, it was also noted that criteria for decisions was a controversial issue. It was felt that previous history should be at the top of the list while institutional adjustment should be at the bottom.

9. Inclusion of the business sector to solve the problems of the system was advocated. The criminal justice system cannot solve its problems only within the system.

Courts

The Courts Reporter noted the following:

1. There was much disagreement in the Courts area because it is an adversary process.

2. On most major standards the Commission disagreed with the Courts Task Force.

3. The place of courts in the criminal justice system is to speed up the process, and hence reduce crime.

4. Connecticut is in "good shape" with regard to the Courts standards and goals.

5. Plea negotiation was very controversial.

6. There was discussion on the litigated case, especially regarding the trial court procedure versus the appellate court procedure.

7. There was agreement that the appellate process was too lengthy.

8. The Missouri plan was recommended for consideration for use by Connecticut in the selection of judges.

9. Prosecution and defense agreed with pay recommendations, but disagreed with the recommendation of full-time employment requirements.

10. In some cases diversion may give a man a break before he has earned it.

11. A strong correlation between Police and Courts was noted.

Community Crime Prevention

Although the Community Crime Prevention Reporter was not able to attend, the Caucus noted the following recommendations made during the forum sessions:

1. It is very important to involve the community in police efforts.

2. Most people favor community crime prevention programs, but not in their own neighborhoods.

3. There is a need to identify potential public interest groups to be reached with regard to material relating to the *Working Papers.*

Summary

The following weaknesses of the Conference were noted:

1. Standards and goals will be difficult to implement if they are not favored by delegates or States.

2. A more widespread availability of the material prior to the Conference might have made the *Working Papers* more acceptable to the Conference delegates.

The Connecticut delegates agreed on the following:

1. They will maintain themselves as a standing committee, including those delegates invited, but unable to attend.

2. They will prepare a press release referring to the action intended by the committee.

3. They will make copies of the *Working Papers* available on a widespread basis in the State of Connecticut.

4. They will meet 4 to 6 weeks after the receipt of the Commission's report.

DELAWARE

Introduction

Ten persons attended the Delaware State Caucus meeting to discuss the recommendations made by the National Conference on Criminal Justice. Reporters presented information from each of the four task force meetings and delegates discussed their reactions in general and to specific standards. The discussion was led by Joseph Dell'Olio, Director of the State Planning Agency.

Community Crime Prevention

The Reporter for Community Crime Prevention stated that there were no specific standards but "black letter" recommendations in this area and therefore it was difficult to react to the forum sessions. The meetings in this area consisted primarily of presentations rather than discussions. She reported on the presentations on religion, education, integrity in government, citizen involvement, and drug abuse.

The delegates agreed that Delaware needs to do more in the area of community crime prevention, especially with respect to citizen involvement. The delegates also agreed that drug-related offenses should be decriminalized. Efforts in this area are already taking place in Delaware, where compulsory treatment, i.e., civil commitment, is used for drug offenders. The delegates also agreed with the Commission's position against heroin maintenance.

Police

The Reporter for Police stated that, in general, the standards were admirable and practical and most of them could be implemented, some with modification. He felt that they should be considered as guidelines to be reviewed by all Delaware police departments.

He agreed with the Commission's position that the proliferation of police departments is detrimental to effective law enforcement. He stated that Delaware should work to implement the standards at the State level. The State Planning Agency Director noted that Delaware already has adopted some Police standards and has State specialists (Standard 9.4). Also, the largest police department in Delaware has a formal system for complaint reception (Standard 19.4). The delegates felt that the latter would be impractical for some of the smaller police departments.

One of the delegates noted that many of the police departments have no formalized method of setting policy as called for in The Police Function (Standard 1.1). The other delegates agreed with the Reporter that the standards for Police were worthwhile and should be implemented wherever possible.

Courts

The Reporter for Courts agreed in general with the standards and goals set forth by the Commission as did the other delegates. The consensus was that Delaware has already implemented some of the standards and is in the process of working toward the implementation of others.

The delegates thought that the time frame was good; perhaps even too liberal.

They agreed with the elimination of the grand jury. In fact, Delaware is working on that standard.

They agreed that court sessions should be from 9 to 5 and that the 12-man jury should be eliminated. Delaware is attempting to implement a 6-man jury now.

They also agreed that the computer should be used more widely to assist in court functions. The delegation disagreed with the priority scheduling of cases, however, feeling that it was unconstitutional.

Delaware already has judicial training. In fact, it is probably one of the foremost States in the courts area. There is a statewide system of prosecution now (Standard 12.4) and the prosecutor's office is being further improved.

The delegates agreed with the Abolition of Plea Negotiation (Standard 3.1) as the only path to take in good conscience. They believed that screening and diversion programs can be used instead to alleviate court congestion. They felt that the courts must work with both the police and corrections to eliminate plea negotiation.

The delegates thought the standards for sentencing (Chapter 5) were good.

In general, the Courts Reporter felt that he should confer with the chief justice before formally reacting to the standards for the courts.

Corrections

The Reporter for Corrections felt that the meetings were not conducted as the Commission had intended. Rather than discussing the standards, many people aired their own problems. The Corrections Reporter and other delegates felt that the standards and goals in this area were very good.

The consensus was that the standards that involve the public in corrections (Chapter 7) and that deal with the rights of offenders (Chapter 2) are of particular importance. The former is vital because the public must participate to be able to achieve the other goals; the latter because of the possible side effects and repercussions. The delegates felt that giving rights to offenders would change with the offenders' and the correctional officers' perception of this situation. This would be a benefit. However, it may have some repercussions because of the possibility of offenders suing correctional officers (Standard 2.18). The State would need to consider bonding its employees. Giving offenders rights would be the first step toward the professionalization of corrections officers.

The delegates agreed with the Commission that the State should be given more leeway in sentencing alternatives (Standard 5.2). The delegates also agreed with the screening (Courts Standard 1.1) and parole (Chapter 12) standards and thought that the latter could be implemented easily.

The delegates thought the standards on classification of offenders (Chapter 6) comprised a very important area. Delaware does have some standards in this area, but the consensus was that they should be improved.

The delegates felt they have a good statewide system now, partly because of the small size of Delaware.

Summary

The delegates from Delaware felt that the National Conference on Criminal Justice and the standards and goals presented during the Conference were both very worthwhile. The consensus was that Delaware should accept the concept of having standards and goals for the criminal justice system and in general accept the specific standards presented. They also felt that there was a worthwhile information exchange among the various elements of the criminal justice system.

The proposal to create a State commission presented by Joseph Dell'Olio, the Director, was unanimously accepted by the other delegates. The purpose of the Commission would be to review the national standards, to adapt them to Delaware's needs, and to give them a broad exposure within the State of Delaware.

The organization of the State Commission would be patterned after that of the National Advisory Commission, and would include task forces for Police, Courts, Corrections, and Community Crime Prevention. The task forces would review the standards in detail and make recommendations on them to the full commission. The commission would then hold a statewide conference to give broad exposure to the standards. After the commission completes its assignment, it should be reduced to a committee under the Delaware Agency to Reduce Crime, Delaware's State Planning Agency. This committee would have the continuous role of revising and upgrading standards and goals.

DISTRICT OF COLUMBIA

Courts

The Courts Reporter reported that he:

- Favored ending plea negotiation with the assurance of additional personnel;
- Was opposed to the State court administrator having a direct line to the local court as it would make the local court appear to be an agent of the State court;
- Was against creating a new appeal body for review as it interferes with the defender function;
- Was opposed to the prosecutor or complainant appeal rights when the crime was not prosecuted;
- Has reservations about the police being present during plea negotiations;
- Believed the court should set trial time limits, and opposed the 6-hour rule; and
- Thought night court was unproductive.

The majority of the group did not think that abolition of plea negotiation was necessary because:

- All pleas are on record;
- Pleas are made in open court;
- Transcripts of all hearings are available;
- Guilty pleas are heard by the judge;
- The District uses *Alfred* pleas; and
- The District does not bargain on sentences.

Eighty-five percent of cases indicted are disposed of by plea negotiation. There is also appellate court review.

During the discussion of prompt processing of criminal cases, all agreed on 60 days from arrest to trial. They did not think a rigid time frame was necessary for all procedures. All rights to waiver should remain.

The prosecutor should not have to show cause why he did not take a case to court.

All the District of Columbia delegates recommended that the District of Columbia prosecutor become more responsible to the people served.

Public defenders should be court-appointed.

The police are in favor of night court. A delegate suggested trying night court on an experimental basis.

A recommendation was made that courts located in areas where a second language is spoken should have an official interpreter.

Corrections

The Corrections Reporter felt the section on Corrections was making statements about community programs that were not backed up with facts.

Delegates approved the following guidelines for the District of Columbia:

1. Sentencing alternatives.
2. The parallel system, such as community programs.
3. Equality in sentencing.
4. No minimum sentence but a maximum sentence.
5. Sentencing based on individual treatment.
6. In reference to parole:
   a. There should be no more than 5 persons on the parole board;
   b. The board should be independent of corrections. Administrative functions could be retained by corrections;
   c. The parole board should review as an exception only. When a man is eligible, he should be paroled;
   d. Qualifications should be delineated for standards on contract sentencing, particularly as far as parole is concerned.
7. All testing of prisoners should be continuous.

8. New facilities are needed, particularly pretrial detention facilities for women accused of major crimes. All persons should be sentenced equally, men and women, and detained in proper facilities.

9. There should be more inmate involvement with the community rather than just emphasis on involvement of the community with offenders in prison. However, groups that are invited by inmates to visit prison should make every attempt to go.

10. Private industry operations should be encouraged; and

a. Prisoners should be paid prevailing wages and taxed;

b. Earnings should be used to support dependents; and

c. Space in prisons should be to industry.

11. The functions of presentencing and probation reports should be separate.

Police

The Metropolitan Police Department indicated that there were some new ideas in the report but for the most part, the report simply reiterated both current and former criteria.

The report should have dealt with the expanded use of policewomen and legal advisers, but the Department did not believe this omission to be a serious deficiency.

There should have been more written procedure and policy relative to the Commission's policy on police discretion. While it is difficult to set policy in this area, some general guidelines should have been expressed.

The community relations delegate requested more feedback from the police relative to reasons why programs could or could not be implemented. This is now being done through the monthly Citizens Advisory Council meetings and other meetings held with both governmental and private agencies within each police district.

In regard to detention, the police agree that they should not be a holding facility for prisoners.

The community should have a statement from the police on mission and goals.

Police should be geographically assigned. A deputy chief said that the District of Columbia is now doing this.

There should be some sort of neighborhood council for communication between police and citizens.

It was pointed out that police do have followup procedures for complaints about an officer.

A delegate responded to a question on lateral entry (Police Standard 17.4) by noting that departments should be able to promote from within. Small departments need lateral entry. The biggest problem delaying use of lateral entry concerns pension and retirement programs. It was suggested that there should be at least statewide or perhaps nationwide retirement programs.

Community Crime Prevention

The Community Reporters summarized as follows:

1. Community role should be strong on crime prevention.

2. Citizen involvement should continue at all levels.

3. Large segments of the community should be mobilized and be supplied information and direction on where they can impact on the criminal justice system.

4. People and organizations should be aware of the changing needs of society.

5. There should be some body created to give technical assistance and aid to citizen groups that wish to present ideas for community programs.

6. This advisory group could inform citizens of ways of obtaining funds for starting and continuing programs and keeping needed records.

7. There should be legal aid to all officials attached to the agency represented.

8. All officials need legal briefing prior to attending hearings before governmental bodies.

FLORIDA

Introduction

Edgar Dunn, General Counsel for the Governor's Office, gave the Florida delegation an overview of the format that the meeting would follow. He explained that at a preliminary meeting the State Reporters had asked that their remarks be considered as observations and not considered in any way as committing Florida to any course of action.

Generally, it was felt that Florida has already achieved many of the goals outlined in the *Working Papers*. Additionally, the general counsel noted that much had been accomplished without and in addition to LEAA assistance. The concept of standards and goals was recognized to be important as a national ideal but it was felt that some of these standards represented minimum standards for Florida. It was pointed out that the lack of discussion of some standards was due to limitations of time and did not indicate either agreement or disagreement. The general counsel further stated that there was a general consensus that a follow-on conference should be held for the State of Florida.

Corrections

The State Reporter for Corrections commented that he had chosen the six standards covered in the Conference press release for discussion.

The idea of combining juvenile services, probation, and parole required further discussion.

Florida is moving toward the standard on manpower.

The Reporter questioned whether the emphasis placed on the rights of offenders adequately took into consideration administrative problems, although he agreed with the ideal.

He felt the move toward community corrections is largely a matter of finding suitable locations. The professionals are ahead of the community in their perception of the problem.

The Reporter felt that Florida is somewhat behind in the area of diversion.

Another Corrections Reporter speaking on parole mentioned that the *Working Papers* seem to move parole into an adversary system. He did not agree with this conceptually. Florida is moving toward diversion but there is a lack of facilities and no evaluation process as yet. He felt that there is a need to study the suggestion of separating the parole staff from the paroling authority, but at the moment he is inclined not to do it. The overall view of the section on Corrections is that parole is a "right" and the Reporter did not agree that this is so.

The section on Corrections stresses the importance of educating the public. This is very important as the public must be brought up to date. A delegate from Corrections also questioned the placement of juvenile services in a unified corrections setting from the standpoint of funds. He pointed out that other conferences have stressed that health and rehabilitation services are valuable locations strategically.

From the standpoint of general administration, it was felt that the *Working Papers* should be studied to determine, from a practical viewpoint, how the recommendations match up with the current State organization.

A delegate stressed the concept of supervision rather than takeover from the counties as a first step in respect to jails. In the future, law enforcement does not need to be concerned with running jails. An additional point made was the importance of one set of guidelines for the sake of consistency if parole and probation join with corrections. Finally, he commented that recommendations are lacking in how to put into effect some of the standards that call for extensive changes such as "prisoners' rights."

Police

The State Reporter for Police stated that there was more diversity in the Police area considering that its organizations ranged from one-man marshals to a 2,000-man department in Dade County. It was felt that these goals and standards have been set forth as an ideal for the country as a whole and that each locale should pick and choose standards appropriate to its needs.

The Conference considered the Police standards against four basic objectives:

1. Fully developing criminal apprehension ability;
2. Getting the police and people working as a team;
3. Getting the police and other criminal justice components working as a team; and
4. Fully developing the police response to special community needs.

The Police Reporter pointed out that 85 percent of the suggested goals and standards have been tried with success by two or more communities. An assessment of Florida's implementation of standards follows:

1. Florida has done a fair job to date with minimum standards for advancement;
2. The Florida Criminal Information Center has been a real boon;
3. Criminal justice institutes and the police academy are rapidly developing;
4. Area crime labs to share resources more effectively are coming into being;
5. State assistance to local law enforcement agencies is being implemented; and
6. Regional communication is advancing and a management information system and computer data methods are being planned.

The Police Reporter felt that some solid recommendations had come out of Conference discussions and that if a conscientious effort was made, the recommendations would make a strong impact in the Police area. He agreed that the biggest need for most States is to join in with the changing times.

The Police section in the *Working Papers* overlooked some important problems:

1. The document did not emphatically address gun control;
2. Victimless crimes, which plague the police, did not receive sufficient attention; and
3. The National Advisory Commission had a poor balance nationally and too few police administrators were on the task force.

The Police Reporter mentioned that some delegates had come to the Conference with the idea that they were expected to be a rubberstamp for the goals and standards. He did not agree with this viewpoint and expressed the opinion that this was the time to begin working toward improving the system.

One delegate pointed out that according to the

Police section, there is no such thing as victimless crime. Ensuing dialog mentioned that the American Bar Association is thoroughly studying victimless crime. In the same discussion, traffic violations were also brought up as an area that does not fit into the criminal justice system properly.

One delegate was enthusiastic about the Conference as a means of measuring Florida's progress nationally. He also felt that it underlined the importance of working as a system.

Another delegate stressed that Florida is looked to as a leader in many of the areas covered. As a growth State, Florida has had an opportunity to progress in methods and education and has done so. A particularly important theme to be aware of and to act upon is consolidation. Florida has a chance to shape its police departments in a professional manner and to show other growing population centers the way. The opportunity is here to lead rather than wait until standards are imposed on Florida.

The Conference has shown that the criminal justice system is a total system with each component affecting all others. It is important to continue to meet and communicate.

Several comments were made to the effect that it was very refreshing to have the courts working with the other participants because they set so many of the standards. Most frequently it was felt that the courts act as if they are on another level when there is a real need for shoulder-to-shoulder participation within the system.

Again, the feeling surfaced that larger sections of each component should be brought together back in Florida to share the same experiences.

One delegate commented that in 30 years of experience this was the first time everyone had sat down together and concurred that they were indeed part of one system and recognized one another as such.

Community Crime Prevention

The Community Crime Prevention Reporter explained that this section had been presented in a general way. The main objectives outlined were:

1. No one is excluded, everyone is needed; and
2. Delinquency occurs most frequently where there is poverty, illiteracy, and unemployment.

These factors predispose but do not necessarily cause crime.

The Reporter felt that the necessity of educating the public about what can be accomplished in prevention was not stressed enough. Many ways of getting citizens involved in criminal justice activities were discussed. The importance of achieving integrity in government as a means of building confidence and setting an example was stressed.

In the area of drug abuse the Community Crime Prevention section indicated that many crimes should be handled through diversion rather than prosecution. Because 60 percent of the addicts in Florida are nonwhite, recruitment of nonwhites to work with nonwhite addicts is important, and this is being attempted in Florida.

The Reporter also felt that the standards on drug abuse, reviewed at the Conference but not previously issued, were very worthwhile. They contain strong arguments against both methadone maintenance and heroin maintenance. They recommend the forcible enrollment and containment of addicts in a compulsory treatment program, this being the least evil method of treatment. The cost of treatment is justified to society compared to the cost of no treatment. An example was given of one returning Vietnam veteran who alone was responsible for turning on 50 people when he returned home.

The attorney general of Florida is the chairman of "Help Stop Crime." This program has received recognition from the public and the press in all areas and is LEAA-financed.

A general discussion centered around the need for improving public educational treatment of crime prevention and criminal justice. Teachers are felt to have poor knowledge of the system and have not been included in the various conferences around the country. Also, if the criminal justice system is just now getting to the point of recognizing its own existence, the general public is obviously in a state of ignorance.

One possible course of action would be to include the criminal justice system as a part of junior high school curriculum. Action is needed at the State level. Surveys show that teachers and parents are unaware and unappreciative of the police functions. This is true of all components of the system. The reaction of the schools to undisciplined behavior—expulsion—indicates their misreading of the lessons of experience.

A member of the Community Crime Prevention Task Force pointed out that most of the section dealing with this component was not in the *Working Papers.*

Additional discussion elicited the need for considering the degree to which a parent should be held responsible for the child's behavior. Also, it was pointed out that guidance is needed on what should be done when the family breaks up or does not exist as a unit. Education, in filling this void, needs to include the inculcation of ethics and a sense of responsibility in the child. Juvenile court statistics show that 70 percent of delinquents are from one-parent families. Somewhere a value system needs to be implanted.

One delegate pointed out the need for input from all groups to the legislature to stimulate activity. He emphasized that proposals should stress what results can be expected.

Courts

The State Reporter for Courts explained to the Caucus that standards and goals must be looked at from the standpoint of what Florida is already doing. About 75 percent of the suggested standards are already in being, although that does not mean that they work as well as they should.

Emphasis was placed on screening in the *Working Papers*. In effect, the Reporter stated that because the decision of whether or not to prosecute was the decision of the State's attorney, screening now exists. He felt that diversion and intervention were areas where additional attention should be focused.

Plea negotiation, one of the most controversial items, has not been considered an ornament of the criminal justice system. However, this, too, involves the element of discretion on the part of the State's attorney. Practices are sometimes set up from an administrative need and do not match the philosophy of the goals and standards.

The courts in Florida are already set up to operate 24 hours a day, 7 days a week, with a 30- to 40-day maximum delay before action.

In reference to sentencing, the Reporter felt that this standard is even more controversial than plea negotiation. Sentence review seeks to reduce the administrative load by eliminating many of the needs or avenues for appeal.

There is general agreement that traffic should be handled administratively. In some jurisdictions this is now being done by having one judge concentrate solely on traffic violations.

Florida's public defender level is not yet up to the standards.

The courts generally need to be careful of what the Courts Reporter referred to as the domino effect, the impact of changing existing methods. Therefore, communication with all components of the system is important and everybody needs to sit down together and determine where the problems lie.

With respect to the role of the prosecutor, the prosecutor frequently does not know where his place is in the system and the standards do not indicate this. For example, in plea negotiation, decisions by the prosecutor directly affect the courts, corrections, and the police and the prosecutor is in the position of acting as all of them.

The Conference felt that if social problems could be eliminated from the docket, high-fear crime could be concentrated on.

Administratively, Florida conforms quite well to the courts standards. Professional management is well integrated into court procedures. Plans call for giving support to all the courts through State financial assistance to help improve the system statewide.

From the viewpoint of a delegate who was a public defender, sentence review appeared to be worthwhile and necessary because there is a noticeable disparity in sentencing around the State. There are too many crimes on the books and an effort to reduce the number is needed. Presently such a program is being conducted in Florida.

Summary

It was suggested that LEAA should have a means of measuring accomplishment at the State level. The Reporter stated that, within 2 or 3 weeks, a time and place to review the standards and goals specifically from the Florida viewpoint would be announced and an advisory group established.

For the record, LEAA should be commended for the fine manner in which the Conference was conducted.

GEORGIA

Introduction

Delegates from Georgia felt that a cross-disciplinary dialog would have been valid and valuable and had been overlooked to a great extent in the work of the Commission and the structure of the Conference. It was hoped that at a later date the separate disciplines would exchange information as they did in the Caucus session and as they do on the Georgia State Planning Agency Supervisory Board. It was reiterated that no one section of the Commission report or one standard in the Commission report can be viewed in isolation. Criminal justice must be viewed as a system.

It was also felt that objective criteria for additional personnel should be included in the standards. Criminal justice should assume a better management posture; problems and needs should be anticipated and provided for in advance and with proper planning and the utilization of realistic and proper standards.

Courts

The Courts delegate noted that the difference in response to standards as they related to more than one geographical area required the establishment of priorities based on the circuit to be served.

It was noted that some standards were workable, others idealistic, and that the implementation of standards and meeting the goals of the Commission would cost Georgia billions of dollars.

Problems of the urban court were cited. Between 1962 and 1972 there was a 200 percent increase in criminal indictments, and a 43 percent increase in civil filings without an increase in the number of judges.

It was felt that plea negotiation, a long-discussed issue, had not been thought out sufficiently; no real empirical data were available. There was a lack of definition, and it was felt that a serious mistake was made in thrusting plea negotiation on delegates in this manner.

But, in general, it was agreed that if used properly, plea negotiation was practical and workable. The possibility of LEAA withholding money if a State did not comply with standards, e.g., elimination of plea negotiation, was discussed and such fears were generally set aside.

Implementing standards in Georgia within 3 to 5 years was viewed according to the impact they would have on available resources in the State. A present paucity of judges and prosecutors was noted in the State.

It was pointed out that plea negotiation provided the judge with an alternative. The adoption of the American Bar Association standards was mentioned as a possible compromise. It was asked if plea negotiation is abolished, what will replace the plea of guilty?

When reading the chapter on sentencing (Chapter 5) in the Courts section it is necessary to read as well the standards for sentencing in the Corrections section (Chapter 5).

The review procedure for criminal cases raised some concern, particularly the requirement that appellate judges and law clerks reconstruct the dynamics of the courtroom from a cold record. It was felt that there was a lack of alternatives presented in this area. The major cause of delay has been the transcript, and this ruling presupposes a fantastic job of transcription. The recommendation seems to encourage appeals and take away a judge's responsibility. The judge now has the responsibility of disposition. The Review Board should not be allowed to determine the disposition of cases. It was felt that the judge's role is being limited and he is an elected official responsible to the community.

Police

The Police section did not raise as much controversy as the other sections. It was felt there were no real earth-shaking revelations in the Police section and that the main problem was the expense of implementing the standards. The goals are good and the State should strive to attain those levels. Much of what is included is already in the State plan.

It was stated that high priority for the State is lateral entry (Standard 17.4). Attempts are being made to establish lateral entry in police departments throughout the State. Although it may cause some problems within a department, the value would be considerable.

In answer to a question on protecting the smaller departments it was pointed out that lateral movement would enable the State to retain good personnel within its police departments, including the small ones. This might prevent police from retiring early. It was felt that implementation of this standard and others would have to be done on a statewide basis.

It was urged that there be higher minimum State standards for training and statewide pension benefits.

The standards for consolidation were commended, but the practical realities, it was pointed out, create difficulties even though consolidation would improve the efficiency of law enforcement in the State.

Corrections

The standards and goals in the section on Corrections were felt to be very idealistic and implementation would create many problems. It was recommended that public information campaigns would be helpful to educate the public on corrections.

The standards and goals recommended the setting of maximum sentences, having the courts set sentences not exceeding the maximum, then having the parole board determine when the parolee would be released. This is highly impractical in the State of Georgia. The legislature is contemplating passing bills that would restrict the parole authority of the parole board.

It was recommended in the standards that the State corrections system take over local jails. This is politically impossible in Georgia. Some modifications might be workable.

Regarding setting up comprehensive standards within the State, a question was asked as to who has the authority in the State to look at the standards. It was felt there was too much dispersion of authority in the State to set standards. The centralization of authority appears to be necessary.

Problems with centralization, it was felt, come from a lack of a career ladder on a local jail level, and standardization might produce better quality personnel and prisons. The biggest problem with level of services occurs at the local jail level.

It would have been preferable to direct more dis-

cussion toward providing an advisory person (during the presentence investigation) to help the judge in sentencing.

It is recommended in the standards that no major institution for juveniles be built. No one is in favor of incarcerating juveniles, but what should be done with behavior problems? What the Commission should have said is that more community-based facilities are desirable.

It was agreed that institutionalization of children is sometimes necessary for the sake of the child, but it was questioned whether institutionalization helps solve some of the other more basic social problems.

More emphasis, it was felt, should be placed on the vocational structure of the institutions.

Community Crime Prevention

The Community Crime Prevention Reporter felt that the standards were idealistic, too general, and totally impractical. The reaction expressed by the delegates was: So what's new? No one outlined a plan as to how the standards could be implemented, and no one defined the nature of the structure of the citizen action organizations. It was felt that amateurs were dictating policy in forum sessions.

There was a disregard for the problems of the small towns and communities.

Summary

Where do we go from here?

The State Crime Commission is going to have to provide leadership:

- To review standards; and
- To set up meetings in the near future to discuss standards point by point. Other segments of the community should be included in these meetings.

GUAM

The Guam Caucus met with the American Samoa Caucus. The combined Caucus Report is carried in Part IV alphabetically under American Samoa, above.

HAWAII

Courts

The standards and goals proposed by the Commission are valuable and requisite for the efficient and expeditious disposition of litigation of criminal cases. The Hawaii delegation will gladly agree to accept all of the recommendations and make those which are not already incorporated in their judicial system part of their criminal law procedure, except for the standards on the selection of judges and plea negotiation. There was strenuous opposition to these two standards.

The delegation was in full accord with the objective of developing a speedy and efficient system of achieving the final determination of guilt or innocence of an accused. Many of the suggested standards are already part of Hawaii's judicial practice. As for suggested standards that are not included in the judicial system, there seems to be no difficulty in their adoption. Also, it may be noted that at the present time Hawaii is in the process of rewriting its rules of criminal procedure. From Hawaii's point of view, the standards have been suggested at a most opportune time. Thus, concerning standards of a procedural nature, the delegation was confident that they will be adopted as part of the new rules.

Implementation of the standard calling for trial of criminal cases by a jury of fewer than 12 jurors will take a legislative act. On that question and others that require legislative action, there is a plan to request the Judicial Council to initiate the move by recommending that the legislature enact the necessary laws. To eliminate the grand jury will require a constitutional amendment. The Judicial Council will also be requested to initiate this move.

The judicial branch of the State of Hawaii has been granted funds to begin the implementation of a computer data system.

In conclusion, the judiciary will use whatever authority and means within its judicial power to achieve the objective of dispensing criminal justice most efficiently and expeditiously.

Police

The Police Reporter introduced his remarks by stating that the numerous standards for guidance and priorities for action pertaining to the police that have been developed by the National Advisory Commission on Criminal Justice Standards and Goals clearly delineate the role of law enforcement in our democratic society. This was done with sufficient clarity so that: both the law enforcement practitioner and citizen can understand the responsibilities of law enforcement; the young man or woman who contemplates a professional law enforcement career can receive an objective perspective; and those in other disciplines can appraise and evaluate law enforcement according to more logical criteria.

The Police section outlines the extremely sensitive problem of conducting regional and responsive law enforcement operations within our democratic framework. It provides the means to prevent crime

and disorder, and alternatives to repression by tyrannical police agencies. It enables police to recognize that the authority and power to fulfill their function is dependent upon public approval of their existence, goals, and actions, and on their ability to secure and maintain public support and cooperation in the task of fostering observance of law.

The *Working Papers* emphasize that the achievement of a professional level of service depends upon the continued development of law enforcement education and training, planning and research, and, more particularly, the implementation of all workable and practical standards prescribed.

The Reporter thought that the vast majority of the goals and standards are feasible and are currently being implemented by the four local police agencies in the State of Hawaii. He also believed that the initiation of a statewide criminal justice council, as recommended by the National Advisory Commission, designed for the purpose of implementing these guidelines and standards, was most noteworthy.

The council would assure regular and uninterrupted discussions among the top decisionmaking executives representing all of the key elements of the criminal justice system of the State. The council could develop an action-oriented plan for implementing substantive and fundamental improvements in each segment of the system, and would improve relationships and develop mutual respect among all components of the criminal justice system. Interagency problems (people and systems) can be recognized, frankly discussed, and, where possible, eliminated.

The council would establish standards and procedures known and acceptable to all, commencing with the arrest and continuing through the appellate procedure. It would be charged with constantly reviewing arrest, investigatory and trial procedures, understanding and appreciating the various problems confronting each agency, and outlining proper lawful and constitutional methods in all of its aspects.

The Reporter predicted that an agency such as this would not only create better rapport and understanding between disciplines, but also would prevent many conflicts, delays, trial errors, and unnecessary and costly appeals. Such an agency cooperating and coordinating the functions of the several entities involved and working closely together would establish and maintain one of the most efficient systems of criminal justice possible.

It is conceivable that the State Planning Agency can expand its present functions and undertake the responsibilities outlined for the proposed criminal justice council. It is recommended that this possibility be fully explored before considering the establishment of a separate council.

Corrections

The suggested standards are to be considered as the beginning of the compiling of relevant guidelines that will, after the test of time, become standards that can be used to measure the effectiveness of the most difficult task—the modification of human behavior. The standards for Corrections are equally valuable when applied to specific problems. The coordination of effort needed to implement multiple jurisdiction standards can be accomplished in Hawaii because of the existing ease of communication.

One major area of importance that needs to be emphasized is the apparent conflict between Standard 5.9, Continuing Jurisdiction of Sentencing Court, and Standard 12.1, Organization of Paroling Authorities. The main point in Standard 5.9 is that the court shall have continuing jurisdictional authority to reduce or modify a sentence for the entire period of the sentence.

The proposed Intake Service Center outlined in the "Correctional Master Plan" intends to treat this problem by a continuing monitoring process whereby each individual is carefully evaluated at each stage of the rehabilitation process.

The proposed standards are accepted as tools and guidelines for the improvement of Hawaii's criminal justice system.

Community Crime Prevention

The goals and standards outlined are basically valuable in a crime prevention effort.

In the areas of citizen involvement, improving the educational system, more employment opportunities, and increased recreational opportunities, greater efforts are now being exerted on the State, county, and neighborhood levels. Much more needs to be done in a more integrated and coordinated manner to assure that the poor, disadvantaged, predelinquent, and those in trouble with the law are reached and assisted.

Although Hawaii does not have a Youth Services Bureau, a similar type of service may be established if deemed necessary in the Correctional Master Plan.

The approaches to implementing the various recommendations will vary with the different counties according to the makeup of the rural and urban communities and the extent of problems encountered.

Increased awareness and understanding of the need for responsiveness on the part of government agencies and units to people's needs, coupled with citizen action through the neighborhood associations, district councils, PTA's, churches, and civic

groups, can provide the means for greater citizen participation in the crime prevention effort.

Financial support to educate the public, organize people in rather unorganized areas, and assist in meaningful involvement is of vital importance. Some of the examples cited in the *Working Papers* are being tried and others may be of value to Hawaii.

Summary

The delegation agrees with the standards and goals outlined in the preliminary papers. The State will review the Commission's report in its entirety through the existing organizations in the State; i.e., the State Planning Agency and the Judicial Council. This approach will be utilized in lieu of creating new agencies. There exists already in the State of Hawaii the following five task forces aiding the State Planning Agency:

1. Task Force on Corrections;
2. Task Force on Courts;
3. Task Force on Prosecutors and Defenders;
4. Task Force on Police; and
5. Task Force on Community Involvement and Delinquency.

It should also be noted that the State Planning Agency has completed a master plan for corrections (distributed at the National Conference on Criminal Justice), which encompasses and is consistent with most of the standards and goals of the Commission's Task Force on Corrections. The police departments of Hawaii have implemented many of the items outlined in the standards and goals.

The Judicial Council of the State of Hawaii (consisting of a cross-section of the community) is currently involved in preparing a set of rules of criminal procedure along the guidelines of the Task Force on Courts of the Commission. Those standards and goals not presently implemented in the State of Hawaii will be further explored by the applicable State task forces and would be implemented through one of the following avenues: legislation, agency policy, or executive order. The delegation generally agrees with the statement of the standards and goals outlined and will make every effort to advance their implementation.

IDAHO

Courts

The Courts Reporter thought that the Commission had developed valuable goals, with certain qualifications. Standards 1.1 and 1.2 of the Courts section concerning screening were acceptable. Also, Standards 2.1 and 2.2 dealing with diversion were acceptable. Standards 3.2 to 3.8 concerning plea negotiation were acceptable, but he found Standard 3.1, Abolition of Plea Negotiation, unacceptable.

He advocated Standards 4.1, 4.2, 4.3, 4.5, 4.8, 4.9, and 4.10, which dealt with time frame and pretrial procedures. He also spoke in favor of unification of court systems (Standard 8.1). He disapproved of jury sentencing (Standard 5.1).

The Courts Reporter thought that the provisions for a public defender system were acceptable (Chapter 13).

Other sections that he quoted as acceptable were Standard 6.8, Further Review in State or Federal Court—Claim Not Asserted Previously; Standard 9.1, State Court Administrator; Standard 9.3, Local and Regional Trial Court Administrators; Standard 13.7, Defender to be Full Time and Adequately Compensated; Standard 13.8, Selection of Public Defenders; Standard 13.10, Selection and Retention of Attorney Staff Members; Standard 13.11, Salaries for Defender Attorneys; Standard 12.1, Professional Standards for the Chief Prosecuting Officer; Standard 12.2, Professional Standards for Assistant Prosecutors; Standard 12.4, Statewide Organization of Prosecutors; and Standard 12.8, The Prosecutor's Investigative Role.

He held the following standards to be "irrelevant" for Idaho due to the lack of these problems in the State: Standard 8.1, Unification of the State Court System; Standard 9.1, State Court Administrator; Standard 9.3, Local and Regional Trial Court Administrators; Standard 4.8, Preliminary Hearing and Arraignment; Standard 5.1, The Court's Role in Sentencing; and Standard 12.4, Statewide Organization of Prosecutors.

The Courts Reporter went on to say that certain goals or standards were "admirable in intent but unworkable." These were Standard 7.1, Judicial Selection; Standard 6.4, Dispositional Time in Reviewing Court; Standard 4.5, Presentation Before Judicial Officer Following Arrest; Standard 3.1, Abolition of Plea Negotiation; Standard 6.9, Stating Reasons for Decisions and Limiting Publication of Opinions; Standard 8.2, Administrative Disposition of Certain Matters Now Treated as Criminal Offenses; Standard 4.9, Pretrial Discovery; Standard 4.10, Pretrial Motions and Conference; and Standard 6.8, Further Review in State or Federal Court—Claim Not Asserted Previously.

The Courts Reporter felt that there was a possibility of immediate implementation of the following standards: Standard 3.2, Record of Plea and Agreement; Standard 3.3, Uniform Plea Negotiation Policies and Practices; Standard 3.4, Time Limit on Plea Negotiations; Standard 3.5, Representation by

Counsel During Plea Negotiations; Standard 3.6, Prohibited Prosecutorial Inducements to Enter a Plea of Guilty; Standard 3.7, Acceptability of a Negotiated Guilty Plea; Standard 3.8, Effect of the Method of Disposition on Sentencing; Standard 4.9, Pretrial Discovery; Standard 4.10, Pretrial Motions and Conference; Standard 6.8, Further Review in State or Federal Court—Claim Not Asserted Previously; and Standard 8.2, Administrative Disposition of Certain Matters Now Treated as Criminal Offenses.

In a discussion of plea negotiation, three basic questions were raised:

1. Whether plea negotiation as a concept was acceptable as an institution under the criminal justice system;
2. Whether the process could be formalized into a workable situation; and
3. Whether plea negotiation in effect reduced the deterrent effect of the criminal justice system.

The Courts section of the discussion gave strong arguments in defense of plea negotiation. It was pointed out by one Courts delegate that discretion is used throughout the criminal justice system, starting with the police, and is vital to the system's effectiveness. Another delegate thought that it was necessary to get the system out into the open to give the criminal justice system integrity and to protect the rights of the defendant.

Another issue raised was whether certain areas that are under the criminal justice system at present should be removed, such as traffic offenses and drug abuse. No determination was made. The Courts Reporter warned delegates of the hazards of delegating judicial responsibility.

The issue of diversion was brought up during the Caucus, and it was determined that judicial approval would be needed in order to qualify Idaho residents for treatment. The delegates as a group seemed to find that review of sentence by all elements of the criminal justice system was worthwhile.

Corrections

The Corrections Reporter thought that the standards dealing with classification (Standards 6.1 and 6.3), diversion (Standard 3.1), and all of Chapter 4, Pretrial Release and Detention, were acceptable. He thought that State jail inspections (Standard 9.3) were important and that the elimination of searches of individuals (Standard 2.7) was not feasible at the present time.

The Corrections Reporter went on to say that rehabilitation (Standard 2.9) should be at the discretion of the administration.

He said that a parole hearing officer was not a sound idea. He was in agreement with the standards proposed in Chaper 6, Classification of Offenders, and felt that they would aid in reducing recidivism. It was suggested that one of the main problems in bringing about needed correctional reform would be educating and motivating the public to give corrections increased priority in planning expenditures. A delegate pointed out that the public still believes in retribution as rehabilitation.

The Corrections Reporter felt that community-based correctional facilities were important. He also thought that bans on the production or dispersion of prison-made goods and services should be lifted, and that professionalization was needed among prison guards and officials.

He also felt that the indeterminate sentence was of great value provided that no minimum was set. He thought that initial screening of offenders at local jails, before commitment, was essential, and that work-release programs needed better defined standards.

The Corrections Reporter felt that high recidivism rates could be eliminated by incorporating certain standards proposed by the Commission.

Community Crime Prevention

The Community Crime Prevention Reporter felt that the Community Crime Prevention section dealt in generalities and was not generally applicable to Idaho.

A question was raised concerning the role of education within the criminal justice system. It was pointed out that the average age of offenders is presently 23. In the past it was older, and in the majority of cases, the offenders were school dropouts.

There was general agreement that the elimination of corrupt local government would have a positive effect.

Police

The Police Reporter felt that a 911 telephone system would not be worthwhile in the northern part of Idaho due to telephone communication problems, which would involve three different telephone companies throughout the State. Another delegate felt that the difficulties could be overcome and that the 911 system was a good idea.

The Police Reporter thought a detoxification center was needed and that the concept of diversion was worthwhile.

It was suggested that if the States were to regulate local jails, they should help fund them.

Summary

The Idaho State Caucus delegates felt that a State meeting was needed in advance of a national meeting in order to familiarize delegates with material.

The delegates decided that an Idaho Law Enforcement Planning Commission task force should be established, and that an analysis should be undertaken to compare existing practices and the standards recommended at the National Conference on Criminal Justice. Several seminars would then be held throughout the State, after which the recommended national standards would be accepted, modified, or rejected. Criminal justice standards would then be developed that fit this particular State's needs and desires.

The final step would be to conduct a State criminal justice conference to discuss and, hopefully, to adopt standards that would help provide citizens with an effective criminal justice system.

ILLINOIS

Introduction

The meeting was opened by the State Planning Agency Executive Director, Allen H. Andrews, who explained that the purpose of this State Caucus was to provide interdisciplinary review of the major components comprising the Commission's work on standards and goals, and also to establish an overall position of the Illinois delegation regarding this work. He introduced four panelists to summarize each discipline's views and findings.

Corrections

The State Reporter for Corrections felt that some 80 percent of the Corrections section of the report was acceptable. He pointed out several areas of disagreement and recommended that the following be done:

1. Parolees should be able to have "hold orders" placed on them by corrections for new crimes.

2. Institutions should be maintained to handle juvenile offenders who are a danger to society and the community. The institutions should not be abolished outright.

3. A single State agency to direct corrections at all levels is not totally agreeable. Flexibility must be provided in each State to allow the correctional system to meet particular needs.

The Reporter also stated that the question of who should handle sentencing was not fully addressed. Although corrections might do it, the courts will still have a role to play. He concluded by stating that overall the Corrections section was well done.

A general discussion followed pertaining to the fact that more—not less—security was needed in the institutions.

The conclusion was that, although the Corrections section was done well, it was a plan for the future. It was not to be implemented tomorrow, and further study would be required back in Illinois by interested people.

Further comments from the floor indicated that the problems of juvenile corrections programs had not been fully explored. Such programs were not discussed in any of the documents.

Community Crime Prevention

The Community Crime Prevention Reporter stated that the education section presented was not always realistic or practical, and that the recommendations on citizen involvement were dependent on to what extent local government would accept citizen involvement.

In respect to employment for ex-offenders, he stated that while he favored employment of ex-offenders, he did not know how to employ veterans, young people, etc., as well as the ex-offender.

He stated that the Community Crime Prevention section was aimed at motivating a community to ask itself some hard questions, but was not a rule book on what to do.

Courts

The Courts Reporter expressed great dissatisfaction and disappointment with the Courts section and felt that the only value of the entire Conference was that it afforded an opportunity to meet and exchange ideas with representatives of the criminal justice field from across the Nation. He also felt that the Conference was a case of the "tail wagging the dog." LEAA money came from the States to begin with and they (LEAA) were only returning it.

He stated that there were no data available to support the position adopted in the Courts section of the *Working Papers*. He did feel that there were several good screening and diversionary programs mentioned, but commented that these were already being done in Illinois.

In addition, he stated that Illinois already has a unified court system (Standard 8.1) and that it would have benefited the Commission to come to Illinois to study its operation. There is no mention of it in the *Working Papers*. The court administration program has been working in Illinois for some time.

Plea negotiation is necessary and, if the States

would put it out in the open and on record as Illinois has done, there would not be any problem.

Standards pertaining to public defenders and prosecutors are good and should be implemented.

The grand jury system should be retained, and the entire recommendation pertaining to sentencing (Corrections and Courts) should be further resolved.

Police

The Police Reporter stated that he was in favor of the Police section and those parts dealing with police training, citizen involvement, operational inspections, and other areas.

He stated that each piece of the system had to work together to improve the system.

He suggested that perhaps the Illinois Law Enforcement Commission could convene a meeting in Illinois to further the Commission's efforts and study ways of implementation.

Conclusion

After much discussion, the following resolution was passed:

Whereas, The Illinois delegation to the National Conference on Criminal Justice wishes to compliment and congratulate the National Advisory Commission on Criminal Justice Standards and Goals and its staff for their dedication and hard work in preparing this comprehensive set of standards in the *Working Papers* on the criminal justice system, and

Whereas, there is in attendance at this National Conference on Criminal Justice only a small portion of those officials and persons from the State of Illinois who have an abiding interest in this subject, and

Whereas, the information furnished on the standards set forth by the National Advisory Commission on Criminal Justice was incomplete and received at too late a date to afford sufficient time to study and evaluate the same, and

Whereas, much of the material and standards promulgated appear to be of value and importance;

Now, therefore, *be it resolved* that the attendance and participation of this Illinois delegation to this Conference does not constitute an endorsement of all of the standards and goals as set forth by the National Advisory Commission, which endorsement can and shall only be made after an opportunity for a full discussion by all persons present at this Conference and those other persons who in the future shall participate and have an opportunity to consider the full recommendations of the Commission, and

Be it further resolved, that the Illinois Law Enforcement Commission should conduct a conference of appropriate Illinois officials and others interested and involved in the criminal justice system to consider such standards after they have been distributed by the National Advisory Commission on Criminal Justice Standards and Goals; and we urge the Commission to request that the LEAA State Planning Agencies in the other States conduct similar conferences and that the findings and recommendations of all such State Conferences be forwarded to the National Advisory Commission on Criminal Justice Standards and Goals for its consideration.

INDIANA

Police

The Police Reporter summarized the discussions held in the Police forum sessions. He said the delegates had agreed to pursue actively criminal justice coordination in order to serve the community better.

The delegates asked that the wording of Standard 9.4(3), State Specialists (Cooperation), be changed to emphasize the cooperative and supportive nature of the State specialists' function.

The forums agreed that Standard 23.1(3), Police Use of the Telephone System (Misdirected Calls), should apply only if reliable methods of switching calls are not available.

Apart from these reservations, it was recommended that the standards discussed be adopted in principle and concept.

Further comments by the Police Reporter were:

1. State police should publish standards for use by local police on making buildings secure (Standard 5.1, Responsibility for Police Service).

2. Full-time emergency police service should be universally available. Because Indiana has 90 telephone companies, this is being accomplished through uniform sheriff's radio frequencies.

3. Amalgamating local police agencies with staffs of less than 10 would defeat the purpose of local law enforcement. However, small police agencies might share communications and record keeping equipment.

4. Officers should be trained to receive emergency calls, bearing in mind the stress on the caller.

5. Emergency numbers should be universally known and police telephone lines should be buried for security and tested periodically for tapping.

Possible portable radio equipment would be desirable (Standard 23.3(2), Radio Communications), but would require large new monetary outlays. Recommended response time (Standard 8.1(2), Establishing the Role of the Patrol Officer) is not practical in rural areas, especially in large States.

Discussion then turned to regional crime laboratories. It was thought that meeting the personnel requirements necessary for these standards was not practical in Indiana. The delegates agreed that in Standard 1.2, Limits of Authority, the term "reasonable force" was more appropriate than "minimal force." The delegates endorsed criminal justice planning as necessary to avoid wasting resources. The Police Reporter stated that police feel they should not be asked to provide professional nonpolicing services to the community, such as family counseling and alcoholic rehabilitation, but that the responsi-

bility of police should be limited to guiding people to these services.

The police do not favor storefront headquarters because their experience has been that local people then want to direct police operations. The Police Reporter argued that highway patrol officers should be given a full range of police privileges to aid in the fight against crime and to halt unnatural jurisdictional restrictions. The Indiana delegation supported the above material, and the Police Reporter commented that most of the standards have already been implemented in Indiana.

Discussion then turned to the fact that no standards are offered for a criminal justice information system, although this was often discussed at the Conference. One delegate said that this is an extremely sensitive issue because the information in such a system could be potentially damaging to many people, and the information would have to be closely guarded.

Courts

The Courts Reporter stated that legal experts agree only that delay must be minimized because it blunts the deterrent effect of punishment.

The standards on plea negotiation were overwhelmingly rejected by the Courts forum, but they might be accepted if a substitute for minimizing delay were offered. Diversion would not be satisfactory as a substitute because the effect of eliminating plea negotiation would be to increase the caseload by a factor of 2 or 3.

The Courts forum sessions agreed that the standards regarding waiting time for trial and for appeals were desirable, but the Indiana Courts Reporter felt that they were not practiced in Indiana.

The delegates thought that abolishing motions to grant a new trial would be a mistake because the motion for a new trial restricts the defendant from raising some issues on appeals and calls errors to the attention of the trial judge, thereby cutting the number of appeals made and minimizing delay.

The Courts forum sessions disagreed that grand juries should have their power reduced because this would only increase the power of the prosecutor.

The Courts Reporter's own comments were:

1. In reciprocal disclosure, the defendant benefits, the State loses, and further delays are caused.

2. The judiciary was underrepresented at the Conference even though the cooperation of judges is vital.

3. Federal courts spend too much time reviewing irrelevant issues.

4. The Missouri Plan for selecting judges makes the courts responsive to the people.

On the subject of plea negotiation, there was a discussion between two delegates in which one delegate maintained that plea negotiation nullifies the work of the police officer and destroys morale. The second delegate responded that more evidence is needed to convict than to arrest, and that the effect of plea negotiation is to get more convictions.

Another delegate said the information presented to the Commission indicated that drastic change is needed to improve the quality of the judiciary and that he wondered what effect dropping plea negotiation would have in Indianapolis. In response to this question, it was brought out that dropping plea negotiation reduces deterrence.

One delegate said that juries should consider sentences. Another delegate noted that the Commission's proposals were idealistic rather than practical.

Discussion then centered around the remark that judges consider themselves to be sacred cows, and that they must learn to think of themselves as part of the criminal justice system. The majority of the Indiana delegates agreed. One delegate remarked that the supreme and appellate courts in Indiana are already on the Missouri Plan. The compromise between public responsiveness and high standards must come in the counties. It was noted that in the Missouri Plan judges run against their own record, something unknown in the present system.

The Indiana delegation then adopted the following resolution:

> We accept the intent of the standards for Courts with provision for detailed consideration and examination by appropriate groups in the State of Indiana.

Corrections

The Corrections forums agreed that standards are needed and that the emphasis on corrections should shift from the institution to the community. The delegates thought that much in the standards is impractical, however. For example:

1. Inmates should not have the right to refuse treatment for communicable disease;

2. Searches must be allowed in cases of stabbings and other emergencies;

3. The right to free expression and association must not tolerate strikes or demonstrations; and

4. The right to religious expression, if it includes special diets, threatens chaos.

The Indiana delegation agreed that:

1. Corrections must cease to be society's dumping ground.

2. More specialized attention must be given to the human victims of social problems.

3. Diverting children into adult courts and facilities is not a good alternative to juvenile institutions.

The Indiana delegation adopted the following resolution:

The Indiana delegation would like to express its gratitude to the Law Enforcement Assistance Administration for the convening of this historic first National Conference on Criminal Justice.

We are particularly grateful for the opportunity of widespread participation on the part of every segment of the community: police, courts, corrections, citizens, and minority groups.

We applaud the general thrust of the recommendations of the National Conference—police improvement, enlargement of probation and parole, more rational sentence practices, humane treatment of the imprisoned offender, and the full utilization of all community resources.

While our attendance at this Conference does not constitute an endorsement of the standards, recommendations, and goals, we do wish to give recognition to this historical step forward in the field of criminal justice.

Now, therefore, be it resolved that the attendance and participation of the Indiana delegation to this Conference should not be construed as an endorsement of all of the standards and goals set forth by the National Commission; and,

Be it further resolved, that if any such endorsement is requested, it should only be made after an opportunity for a full discussion by all persons present at this Conference and those other persons who shall participate after having had an opportunity to consider the full recommendations of the Commission.

Community Crime Prevention

The Community Crime Prevention Reporter stated that no standards and goals were offered in the forum sessions he attended. He commented that professional criminal justice agencies do not usually solicit citizen help in a sincere way, and that when they do, citizen help does not appear to reduce crime. The forum sessions supported citizen participation, however. The following problems of citizen participation were discussed:

- How and when to organize;
- Selecting problem areas;
- Determining priorities;
- Selecting attainable goals;
- Recruiting and training citizens;
- Dealing with public officials;
- Financing citizen action;
- Sustaining citizen effort; and
- Evaluating results.

The Community Crime Prevention Reporter noticed that public defenders were neither included nor mentioned in the Conference, and he remarked that increased police services seem to be more effective than anything else in reducing crime.

Police chiefs then commented that their overtures for public support do not often get much response.

IOWA

Courts

In dealing with the court system, prime consideration was given to plea negotiation. Upon presentation to the State delegation, plea negotiation (Standard 3.1, Abolition of Plea Negotiation) was neither opposed, nor supported, but given consideration as to how it could be improved. At present, most delegates feel that plea negotiation was not accomplishing its purpose but was merely a "horse trader" process between a prosecutor and a defense attorney. Speedy disposal of the case should not be the goal of plea negotiation; complete approval of the offender, the offense, and the deserved charge should be.

The delegates believed that plea negotiation should continue in the State of Iowa, but that it should continue on a more open basis. The prosecutor, in processing the plea, should realize his responsibilities to the public, and his chief goal should not be to obtain as many guilty pleas as possible, but to give assessment to the individual and considerable evaluation to the charge. The charge should be met with some integrity.

Conference suggestions included more discovery rights on the part of the defense, but neglected to uphold increased discovery on the prosecutor's part. Delegates felt that discovery was equally important on the prosecutor's part, especially in the actual determination of the disposition of the case. To eliminate plea negotiation altogether—as was suggested in the Commission report—was an impossibility, both financially and administratively. The tieup in the court system and the number of cases that would need to be tried would only be an addition to the already overloaded system.

The elimination of arraignment was also outlined in the Conference sessions, but this idea was also opposed by the State delegation. One individual felt that the arraignment presses the individual charges and allows the chance for motions to be made—both ideas being equally important to the proper processing of any criminal case.

Speeding up appeals as outlined by the report was met with approval. The Iowa Supreme Court has already given consideration to the lag within the courts, but at present has found no real solutions to this problem. The Commission advocates time limitations on stages of trials, but the State delegation felt these limitations cannot be met until many changes, including communication and coordination between the courts and other branches of the criminal justice system, have been accomplished. The delegation supported the Commission proposal to hold pre-

review. Disposal in pretrial stages definitely could eliminate problems in the overloaded court system.

Police

The overall reaction of the police was quite positive. Those who participated in the Conference quite readily accepted the Commission's proposals. Major emphasis was given to community relations and improvements in police efficiency.

The Police Reporter agreed with these proposals, but was not clear as to how they could be implemented. From his point of view, many small towns were at a disadvantage when the issue concerned city-wide law enforcement improvement. He supported the suggestion of consolidation—especially for the State of Iowa, where many police departments are very small and provision of various community services is impossible because of limited resources. However, in Iowa, as well as in many other States, consolidation imposes political problems—jobs eliminated, rivalry between towns for head positions, etc.

Until these political problems can be compromised, consolidation appears difficult to institute even though the State delegation felt that consolidation could encompass many police objectives and community service accommodations.

Diversion of cases through referral to service agencies was also an important point outlined by the State Reporter. In his opinion, the police in Iowa very much support plea negotiation and referral services—two practices they felt could reduce the number of people with whom the police must deal. At present, however, with the plea negotiation question unsettled by the Commission leaders as well as delegate members and the lack of actual recognized community resources available, diversion of cases appears impractical.

Coordination and communication between the police and correctional agencies (halfway houses), police and courts, and the police and other community agencies definitely must be improved before many reforms can be instituted.

There was little disagreement among the delegates as to the improvement of the policeman's role. A few members felt that policemen should be involved with the disposal of all cases while others gave the policeman a more limited role. For example, one delegate felt that policemen had no right to deal with the mentally ill, family disturbances, or juvenile offenders. These disagreements might be attributed to what one delegate outlined as discrepancies that exist between the American Bar Association and LEAA.

Iowa adopts a code package consistent with many current Federal rules and follows several American Bar Association guidelines. Because the National Advisory Commission's standards are so new, they have not been largely incorporated in the criminal code package that was almost completed prior to the Conference.

Corrections

The State Reporter gave a positive recommendation concerning Corrections. He stated that Iowa has already initiated many of the Commission's suggestions. The chief Commission recommendation concerned deemphasis of penal institutions and increased emphasis on community involvement in corrections. Particular standards outlined were those concerned with pretrial programs and community-based correctional systems.

The Reporter placed strong emphasis on the reform of juvenile corrections. The Commission advocated removal of judicial administration and referral to community resources whenever possible in juvenile cases. The delegation's discussion following this report stressed the improvement of the Iowa State juvenile correctional system. At present, the juvenile in the State of Iowa is given very little real consideration. The majority opinion was that juvenile offenders were not the same as adult offenders, and should not be dealt with in the same manner.

There was discussion as to how the community services could be allocated. Many delegates felt that the State of Iowa needs to take a close look at the type of personnel needed in the juvenile corrections system. A motion was made to institute an entirely new department of corrections—a department that could fund and allocate whatever community services necessary, i.e., Youth Service Bureaus.

According to the Reporter, the abolition of correctional institutions was met with much resistance. Administrators (including the reporter) whose jobs and other vested interests were at stake gave consideration to the problem that would be posed with the total abolition of correctional institutions. The saving of expenditures was definitely a spur to institution abolition, but this expenditure saving was not accepted without consideration of protection of the public. Until community services could be well coordinated and public attitudes toward offenders changed, abolition of correctional institutions appears unlikely.

In conclusion, the Reporter and others repeated the need for improvement of juvenile corrections in the State of Iowa—many of these improvements are based upon recommendations outlined in the Commission's report. The overriding opinion was that correctional institutions could remain and could be

run effectively if community resources could be applied effectively to the correctional program.

Community Crime Prevention

The opinion of the Reporter concerning Community Crime Prevention was that the Conference itself was hazy about many of its issues. The Commission outlined improvements that should be made within the educational, occupational, governmental, and religious institutions of the community, its overall goal being a human resource delivery system that would improve the individual's perception of himself as well as of his community. However, the improvements outlined were difficult to visualize without real application to particular communities.

Because not all communities have the same community problems, it is difficult to summarize community needs and how these needs might be met. Special consideration was given to education. Certification and training standards should be instituted in each system. Teachers should be hired only according to capabilities. Emphasis was given to involving the individual in community programs (occupational, religious) to strengthen community ties. Particular emphasis was given to involving the community itself in correctional programs. Changing the image of the police and developing civic programs were also considered.

The State Caucus terminated with the suggestion that a State conference on crime be held in April or May. The National Conference on Criminal Justice delegates would serve as the core of the State conference, would evaluate many goals and standards outlined in the National Conference on Criminal Justice, and would initiate, as soon as possible, whatever goals and standards may apply.

KANSAS

Corrections

Kansas welcomes the standards and goals for the Conference. It supports the Commission's report and is ahead in many areas:

1. Regarding Rights of Offenders (Chapter 2), Kansas already provides legal services.
2. The mentally ill, drug addicts, etc., can be placed in alternative resource units in Kansas as recommended in the *Working Papers.*
3. Kansas has no halfway houses, and the delegates felt such facilities should be established.
4. Corrections should coordinate their efforts and programs with the other components of the criminal justice system.
5. Kansas has already met the minimum requirements outlined in the section on manpower development.
6. There should be more community involvement with corrections.
7. Corrections should do more research, have more training programs, and educate the public about rehabilitation programs.

The delegates felt the Conference did not give enough emphasis to the following problems:

1. Who should provide the leadership in Kansas to implement these goals.
2. The Commission dealt too much with symptoms instead of causes.
3. There was not enough emphasis on professionalism of correctional officers.
4. There should be a national clearinghouse so that all States are able to learn what the others are doing in the criminal justice field.
5. The Commission did not emphasize treatment programs enough.
6. The Federal Government should set up a criminal justice model system for States to follow.

Implementation was discussed and the following issues were raised:

1. What money will be available to implement these programs?
2. Implementation will require legislation.

It was thought that the Conference was an expensive extravaganza.

Corrections needs something like the FBI to provide national technical assistance programs.

One delegate said that the most important Commission standard was the implementation of community-based programs.

Another delegate said the key issue for juveniles was to get noncriminal offenses out of the juvenile court. Still another delegate indicated that the Commission's recommendations were too broad, impractical, and expensive, and that there was not enough emphasis on staff and salaries. He did not want to do away with uniforms and military terminology. He said that Kansas has gone beyond the minimum standards for liberalized discipline of inmates. The *Working Papers,* in his opinion, lacked ideas for implementation. He was dismayed that the Conference did not take a stand on the death penalty. He was in favor of it.

One delegate indicated that the inclusion of all correctional activities in one central agency was a very important standard.

Police

The metropolitan areas of Kansas have already implemented most of the standards. The reporter

was in agreement with most of the standards, with the exception of the consolidation of police services. The people of Kansas have voted against consolidation.

The report was considered to be an excellent police management tool, but it lacked standards on police employment.

A speedy trial for everyone was considered to be a key priority.

There should be a State meeting to discuss Kansas implementation of the goals and standards.

Thomas Regan, State Planning Agency director, indicated that the State Planning Agency absolutely would not hold back funds if the Commission's standards were not met. Excellence must be developed, not required.

The Reporter was in favor of diversionary programs for alcoholics.

The State Planning Agency director and the Reporter indicated that not enough emphasis was placed upon lateral entry. Both felt it was important. The consensus was that lateral entry was difficult with existing civil service laws.

There was lengthy discussion about minority recruitment. All delegates agreed with the concept, but the implementation process was not evident in the *Working Papers*. How can Kansas get qualified minority people to apply, and how can they be kept in the system when private industry can give them higher pay? The delegation was pleased that the Commission did not recommend lowering admission standards for minority recruits.

The consensus of the delegation was that the people will pay more for better protection and increased effectiveness of the criminal justice system.

Courts

The Reporter indicated that the concept of plea negotiation was the main source of discussion in the sessions on Courts. He, personally, was against the elimination of all plea negotiation until adequate diversionary mechanisms were in operation. He believed that the priority of the Conference, and rightly so, was the strengthening of the office of the district attorney. He agreed that the prosecutors should be hired on merit alone, and that their pay should be increased. The office of the district attorney should be locally controlled, and independence of the prosecutor must be maintained.

The Reporter believed that the key to the Conference was the States getting together to discuss problems in the criminal justice field, and that each realm of the criminal justice field should become more involved with the others.

Summary

A major criticism that the Kansas delegation had of the Conference was that each component of the criminal justice system was not represented in each other's forum sessions. The interdependence of the criminal justice system was considered to be essential. The report emphasized this interdependence, but the shaping of the forum sessions did not.

The Corrections Reporter thought that the most effective methodology for making these standards and goals public would be through regional meetings among the States.

Kansas plans to have followup conferences within the State on the standards and goals.

KENTUCKY

Introduction

State Planning Agency Director Charles L. Owen opened the Caucus by advising the delegates that in his estimation the current National Conference on Criminal Justice had been convened to refine and update the information and recommendations assimilated and disseminated in the National Advisory Commission report pertaining to the disciplines of Police, Courts, and Corrections.

Mr. Owen stated that it was his belief that many of the goals and standards recommended in the *Working Papers* of the National Conference on Criminal Justice have already been adopted by the State of Kentucky. He cited the Commission's adoption of State supplementing of local police salaries and/or services. He further cited the area of juvenile corrections as being similar in Conference discussions and recommendations to programs already being implemented in the Kentucky correctional system.

Courts

One delegate stated that he and other representatives of the Courts felt they were put upon by Conference speakers. Much resentment could have been avoided by an explanation of the goal or end-product expected. He thought that he and others were there for window dressing or tacit endorsement of something the National Advisory Commission had already decided. He personally disagreed with the recommendation for the Abolition of Plea Negotiation, Standard 3.1, and noted heavy opposition among representatives from other States. He thought there was much of a constructive nature that could have been accomplished by the talent assembled at

the Conference had the delegates been told that their purpose in being there was to comment upon rather than to change the report.

The delegate thought that the report included many good recommendations with reference to the courts, especially in the area of procedural reform. He did not elaborate on this. The Courts delegates were upset because the recommendation for a 5-year limit on sentencing, Standard 5.1, was commented on in the Corrections section rather than in the section on Courts.

In the discussion that followed, several issues were discussed.

The Reporter was in favor of the 60-day limit between the arrest and trial of an offender. This system is now in effect in Kenton County. He stated that this concept was not practical for rural areas. However, he felt if venue statutes were changed, a 60-day period between time of indictment and trial would be practical for these small rural locations. He thought that most rural people were not worried about speedy trials, and that where an offender is subjected to heavy bail or denied bail, arrangements are made for a speedy trial anyway.

Another delegate did not believe that the 60-day period between arrest and trial was practical given the present structure of the Kentucky court system. In his opinion, such an innovation would require legislation. He suggested that one solution to this question might be to leave venue for trial in the county of occurrence and have the indictment in the location where the grand jury is presently sitting. The recommendation for speedy trial, in his opinion, was the most important concept proposed at the Conference.

Mr. Owen believed that appeal procedure needs to be revised to guarantee speedier appeals and that the recommendation that the case go to appellate court 90 days from the date of sentence is an important one. He also felt that abolition of the grand jury was not feasible in the rural areas of Kentucky and that a full-time prosecutor was sorely needed in these areas.

The Reporter noted the need for financing of circuit courts by the State to insure a unified system (Standard 8.1, Unification of the State Court System), of both courts and administration. He did not agree with the one-tier system in effect in Kentucky.

Mr. Owen would like to go before legislators with recommendations to assist the court in obtaining needed financing. One delegate thought that State financing was needed and cited instances where court personnel had to buy parole and probation personnel such items as paper and pencils. He believed State financing would speed up trials. He would have the State pay all circuit court judges' expenses and have court reporters brought under one system in order to require speedier transcripts. Mr. Owen estimated that implementing State administration of judiciary functions and full-time prosecutors would require over 8 million dollars per year. Another delegate noted that prosecutors are currently paid through fines and forfeitures.

Another delegate felt that court expenses are items for the Governor's office but that the Governor must find other ways for obtaining income to finance items previously financed by court surpluses. Furthermore, he thought that the Conference was valuable in all areas except the position on plea negotiation.

Another delegate thought that the opposition to Standard 3.1, Abolition of Plea Negotiation, might be to the plea negotiators themselves rather than plea negotiation per se.

Police

The Reporter commented that the overall reaction by the police to the standards set forth was favorable. There was a question on the feasibility of complete autonomy for State specialists (Standard 9.4) in pursuing independent investigations because it was thought that local police should exercise local control.

The diversion recommendation (Standard 4.3) regarding alternatives to arrests for misdemeanors in some instances.

In the area of communications, the only complaints centered around the FCC regulations and the scarcity of operating frequencies (Standard 23.3, Radio Communications).

One delegate stated that another area questioned was that of recruitment of applicants (Standard 13.3, Minority Recruiting), wherein an applicant's excellent performance in one area should be regarded as compensating for his failure to comply with requirements in another. The delegate emphatically opposed this. Lateral entry (Standard 17.4, Administration of Promotion and Advancement) was, in his opinion, not taken kindly by Conference Police delegates. He thought that if this was done throughout the entire structure of a police force, there would be little incentive for or officers to try for promotion.

In the discussion that followed a number of issues were discussed.

Mr. Owen stated that setting standards for local police is already done in Kentucky. The National Advisory Commission did not have this recommendation, but he thought that they should have. He thought that the recommendation by the National Advisory Commission for consolidation of services was a positive one. He questioned whether the State would continue to fund departments of less than 10 men. He stated that if the pay board permits a sup-

plement, then pay to local police would begin at 15 percent.

One delegate questioned whether long-range financing of police services, such as police laboratories would be borne by the State or the communities.

Mr. Owen mentioned that the Safe Streets Act, terminating on June 30, 1973, amounts to 8 million dollars in LEAA funds and 3 million dollars in matching State funds. If lost, this would cost the criminal justice system in Kentucky 11 million dollars.

Corrections

The reporter noted that Standard 5.11, Sentencing Equality, and the majority of Standard 5.1, The Sentencing Agency, had not been discussed at the Conference level. He further cited the *Working Papers'* recommendation on the issuance of 5-year maximum sentence, except for violent crimes such as rape, murder, and the assassination of police officers. He believed this to be one of the more important standards for consideration. However, it was not discussed at all by the Corrections delegates at the Conference.

The Reporter stated that of primary import was the recommendation that no major correctional institutions should be built (Standard 11.1, Planning New Correctional Institutions), and that all major institutions for juveniles be phased out over an immediate 5-year period (Standard 11.2, Modification of Existing Institutions). He felt that a definition of the term "major institutions" was needed. He noted that the State of Kentucky just spent millions of dollars in modernizing its juvenile facilities throughout the State. He also believed that these facilities were ahead of anything contained in the recommendations of the Conference.

He explained that no more than 50 juveniles were now based at any one correctional facility operated under State auspices and that he did not believe that the State legislature would accept the closing of these juvenile facilities after having spent so much money to modernize them. In addressing himself to the Conference discussion on coeducational facilities for juvenile detention, he stated that Standard 8.3, Juvenile Detention Center Planning, was of dubious quality. Kentucky has had coed facilities for juveniles in the past and has discontinued this type of facility because it turned out to be less effective than separate facilities.

Regional jails were discussed. The issue of financing was raised because in many cases juveniles are farmed out to foster homes in lieu of detention and through LEAA funding are being segregated from adult offenders. The Reporter cited Campbell County Juvenile Detention Center in Kentucky as an example. He felt that the State of Kentucky is ahead of the Conference standards and goals in most instances in the corrections field.

Mr. Owen felt another look should be taken at the 5-year maximum sentence. He felt that tractable offenders should be worked with. Organized crime and hard-core offenders should be given 25-year sentences. The delegation was in unanimous agreement.

A legislator thought that the taxpayer expects offenders to go to jail, and most legislators felt the same, otherwise they would not be legislators for long.

Mr. Owen believed that the people in the criminal justice system, especially corrections, should go ahead with needed programs and revisions as they are neither subject to nor amendable to many of the political considerations that legislators must adhere to.

Mr. Owen felt that the Conference report and recommendations completely ignored incarceration and punishment as being valid concepts. He regretted that discussions over punishment and rehabilitation became polarized as liberal versus conservative.

LOUISIANA

Introduction

The LEAA representative spoke on the purpose of the meeting and its aims.

Police

Standard 5.1, Responsibility for Police Services, is currently in effect ensured by grants.

Standard 8.3, Deployment of Patrol Officers, is also in effect in Baton Rouge.

Standard 9.7, Criminal Investigation, is under consideration at this time.

Standard 4.1, Cooperation and Coordination, is being implemented by monthly meetings of the statewide board.

Programs now in effect reagrding Standard 4.2, Police Operational Effectiveness Within the Criminal Justice System, need improvement in the area of community relations.

Standard 1.6, Public Understanding of the Police Role, is stressed in the current process of police training.

Only three agencies within Louisiana were found actively to recruit members of minority groups (Standard 13.3, Minority Recruiting). Two of those agencies spoke to a total of three possible applicants.

No applications were made. The third agency spoke to two possible applicants who later said they were going to police departments outside the State.

One delegate thought that the requirements at the present time were too steep regarding education, i.e., they were prejudicial against minorities.

Another delegate pointed out that his department has reduced standards for entry of blacks. On the written exam a black needs 75 percent while a white applicant needs 80 percent to pass. Still another delegate made offers to law schools at Tulane, Louisiana State University, and Angola to hire top black graduates as law clerks with no results. One delegate noted that with respect to an LEAA meeting held 2 years ago in Maimi regarding minority recruiting, he wrote to LEAA for assistance in minority recruiting as promised at the meeting. There have been no results to date. Another delegate wanted to strike out lowering of standards for minorities. There was agreement that lowering standards would be prejudicial to whites.

Using black officers in black neighborhoods was considered by one delegate to be effective. Eighteen years ago he recommended three blacks at a Mayor's Advisory Commission meeting. One is now a captain, while the other two are lieutenants.

The idea of standards and guidelines was endorsed by another delegate, but the acceptance of standards as a basis for Federal grants was considered to be objectionable. The universal acceptability of standards without different consideration of sizes of agencies, populations, etc., was also questioned.

In Standard 1.6, Public Understanding of the Police Role, the wording—i.e., American District Telephone (ADT) service that is currently being given free of charge—was questioned by one delegate. He stated that 99.4 percent of all alarms are false and suggested monetary compensation for responding to false alarms. He also noted that LEAA failed to provide expertise in areas such as communications and equipment as needed.

One delegate did not give blanket approval of the standards and felt that another look should be given to them in Louisiana. Another thought that the National Conference on Criminal Justice should not be interpreted as the Nixon Administration's standards for issuing of Federal funds. Each State should use its discretion. Another strongly opposed methadone maintenance programs. He stated that methadone deaths exceeded those of heroin. Another delegate suggested greater familiarization with the task force reports.

One delegate spoke on specialists and laboratory personnel. He noted the need for better services. The need to develop a statewide system was mentioned. Police specialists cannot be developed under present civil service law, which is currently based on seniority. State law would have to be adjusted.

Courts

The abolition of the grand jury was not an objectionable recommendation because indictment by grand jury power is held in other authorities also. One delegate noted that cases of a "public problem" should go to a grand jury. Another delegate commented that evidence may be developed in a grand jury that may not be developed elsewhere.

One delegate found Standard 7.1, Judicial Selection, and Standard 9.4, Caseflow Management, undesirable.

The Reporter believed in the recommendation on full disclosure. One delegate questioned if all disclosure could be enforced, and wanted to see it tried. Another delegate did not think it would work and thought that its applicability had been proven in civil law but perhaps not in criminal law.

Plea negotiation was endorsed 100 percent by the Reporter and the same delegate rejected the goal of eliminating plea negotiation as an institution. He thought that plea negotiation should be modified but not formalized. Plea negotiation was used when a district attorney did not really have a case according to another delegate. He accepted the standard on plea negotiation but called its use as an institution "detestable." One delegate thought that discretion as to negotiation should be left to the judge. Another delegate thought that the abolition of plea negotiation, Standard 3.1, was wrong.

The Reporter thought that Standard 4.1, Time Frame for Prompt Processing of Criminal Cases, varied with the population and the convenience of court areas. He objected to long pretrial detention. Another delegate commented that the 6-hour time limit to appear before a magistrate was impractical. Forty-eight hours is reasonable for pretrial discussion of pleas and is currently on the court record.

One delegate felt that time limits did not need to be boosted to expedite court cases, because it was also to the advantage of the State to have a speedy process. It was pointed out by another delegate that the 6-hour limit is currently impossible. Forty-eight hours is in effect on weekdays and 72 hours is in effect on weekends. In reference to 60 days to trial for felony, he thought that sometimes it was not sufficient time for the police officer to complete investigation, but blamed defense counsels for continuances. He pointed out that full discovery would cause delays in the court process.

The Reporter stated that a 24-hour period between arrest and magistrate was sufficient. One delegate asked why a judge could not be available on

a 24-hour basis. Another delegate replied that he had requested a duty judge (around-the-clock) with no results to date. The Reporter stated that some duty judges are already in existence. The consensus was to recommend the position of duty judge to speed up the time from process and lower arrest to magistrate.

Corrections

The Corrections Reporter thought that the requests made by the Corrections Administrators' Conference in Chicago to have leaders heard by the National Advisory Commission on Criminal Justice Standards and Goals Task Force on Corrections were not always granted and she expressed hostility partially on that basis. If adopted, she thought the standards proposed by the National Conference on Criminal Justice would "confuse the public and misplace priorities" in the corrections field. It would be a "terrible, terrible abuse to place priorities as the Commission states them in its standards."

Standard 2.2, Access to Legal Services, was considered to be impractical and the cost to provide prisoners with attorneys for noncriminal items would be "ridiculous." Some of the suggested rights would cause security problems and unwittingly cause more hostility than they proposed to reduce.

Standard 2.13, Procedures for Nondisciplinary Changes of Status, was considered generally unfeasible.

It was thought that access to the media would hurt pending court cases (Standard 2.17, Access to the Public). One delegate thought that prisoners should not be permitted to hold press conferences. The Reporter commented that acceptance would need more manpower and would stress the wrong priorities.

Standard 3.1, Use of Diversion, is underway currently. Louisiana has doubled the number of its probation and parole officers. The Reporter considered diagnosis to be necessary to get people out of the system. Elimination of diagnosis would be damaging. Generally, she rejected the closing of juvenile institutions because they contain "hardened people." Small homes of no more than 30 residents were not considered to be practical because of staff limitations. Inmate involvement in corrections would open doors for lawsuits and threaten prison security. The Community Crime Prevention Reporter thought orientation should begin on community-based programs. Angola prison should be phased out in 10 years. The Corrections Reporter noted that the adoption of standards will have no purpose other than confusing the public and misplacing priorities.

Community Crime Prevention

Supplementary services to court programs to reduce recidivism cited were: employment for ex-offenders, educational provisions, and private organizations turning to the private sector for involvement, i.e., Detroit, Inc., and Stone Family Foundation. Organizing volunteers and tapping resources of other volunteers were stressed. With regard to corruption, it was thought that the law should be practiced. The State Commission should be set up to supervise zoning, tax assessments, etc. The problem of organized crime was acknowledged.

Summary

The delegates to the National Conference on Criminal Justice from the State of Louisiana commended the National Advisory Commission on Criminal Justice Standards and Goals for the enormous and challenging task that they have undertaken to assist the States in establishing goals and standards designed to reduce crime in America. They fully endorse the stated concept of the National Conference on Criminal Justice. This Conference in itself has served the important purpose of bringing together for the first time the leadership of the national criminal justice community and has afforded them the opportunity to review preliminary standards and goals developed by the National Advisory Commission.

They recognize that the standards suggested by the National Advisory Commission are not necessarily applicable or even desirable in all communities and areas of the Nation. They therefore wish to have it recorded that their presence at the Conference does not necessarily indicate their endorsement of the standards suggested by the National Advisory Commission on Criminal Justice Standards and Goals.

They appreciate the valuable assistance the Commission has given them. They thank its members, the task forces and the staff, and all who have shared in this monumental work.

And they commit themselves to a continuing effort to establish and implement, in Louisiana, goals and standards that will enable them to reduce crime and improve the administration of criminal justice.

This delegation formally reports to the Governor, chief justice, and attorney general of the State of Louisiana its recommendation that this Conference be followed by a statewide conference in Louisiana to be attended by a broader cross-section of criminal justice and private sector for the purpose of considering the recommendations and standards drafted by the National Conference on Criminal Justice Stand-

ards and Goals, and more specifically, the comments and recommendations of the members of this delegation with reference thereto.

The objective would be to establish for the State of Louisiana a consensus on short- and long-range goals and use of State resources for the reduction of crime and the improvement of criminal justice. In pursuing the above, efforts to secure LEAA assistance to hold the statewide conference will be sought.

MAINE

Introduction

The Maine State Caucus began with an introduction by the Chairman of the Maine SPA Board, Richard S. Cohen, in the absence of the State Planning Agency Director, John B. Leet. The introduction was followed by reports from the four disciplines. Each report will be divided into three sections: general reactions to the standards, specific reactions to standards, and the action that will be taken within the State. The separate reports were followed by comments by State legislators and a general discussion of the standards.

Mr. Cohen stated that the purpose of the State Caucus session was to get personal reactions to the panelists and the forum sessions. Cohen suggested that the comments on the forum sessions should consist of general reactions, because the entire Commission report was not yet available.

Police

One Reporter said that this was the first time a bible of criminal justice problems was ever published. He agreed in principle with all the standards, noting that problems in many States seemed more intense than in Maine.

Specifically, he felt that the *Working Papers* should be used as a yardstick to plan programs. He objected to the civilian review board plan. He felt that the judiciary was capable of handling problems that might arise, and that a civilian review board would only complicate problems. He spoke of taking action personally to discuss these standards by calling a commissioned officers' or staff meeting. He thought that everyone in the field of law enforcement in Maine should be informed of the standards.

The other Reporter's general reaction was that the standards were good and could not be argued with. He thought, however, that these standards must be flexible, because they were set up to be used across the Nation and were not tailored to Maine's specific needs. He also noted that the purpose of the standards was to reduce crime by 50 percent in 10 years.

Courts

The Reporter's general reaction to the standards was that they should be used as guidelines rather than standards. He felt that the whole purpose of the Conference was to reduce crime.

He noted that Screening (Standards 1.1 and 1.2) was used in Maine now by police officers and prosecutors. He reacted to the Abolition of Plea Negotiation (Standard 3.1) in a negative way. As a judge, he does not use plea negotiation. He felt that if a man is on trial with the aid of an attorney, the court is capable of handing down the correct decision.

In reacting to the appellate review (Standards 6.1 to 6.9), he pointed out that Maine does not have a problem with delayed trials. The only time lapse that existed was in the finality of the judgment. He said that after a decision had been made, the defendant had the chance to bring back any lawful complaint. The Reporter also indicated that the chief justice now has an assistant, but that the office could be strengthened.

In reaction to Standard 7.1, Judicial Selection, he thought that judicial review should not be more than every 7 years, and that judges should be appointed.

He thought that the supporting personnel (Standards 9.1 to 9.4) in Maine were not as effective as needed. Personnel were not qualified. The Reporter also thought that the clerks should be appointed by the courts.

Mr. Cohen's general reaction to the *Working Papers* was that no definite action could be taken today because only a small percentage of the final report was available. He thought that money was an important part of utilizing the standards. He thought that the prosecution (Standards 12.1 to 12.8) should be separate from the courts. Prosecutors have investigative abilities and should not be "lumped in" with the courts.

He attacked the Abolition of Plea Negotiation (Standard 3.1) from a practical point of view. He felt that by abolishing plea negotiation the courts could become overloaded. He thought that plea negotiation is being used in almost every State and that it should be continued under certain restraints. He also commented on the lack of available data to ascertain the effect of plea negotiation. He spoke about the professionalization of prosecutors and claimed that there is no place in the system for part-time prosecutors.

Commenting on public defender systems (Standards 13.1 to 13.12), Mr. Cohen thought that the public defender systems were important, but that

professional prosecution had priority over the public defender system. He commented on the right to appeal by States and thought that States' appeals were very important, not to overturn acquittals, but to resolve questions of law.

Corrections

The Reporter stated generally that a majority of the standards were either already in practice or could be easily absorbed within the operational philosophy of the Bureau of Corrections. The forum sessions emphasized the advantages of a correctional umbrella agency, which Maine provides already with the exception of county jails. She felt strongly toward Use of Diversion, Standard 3.1. It was thought that diversion may or may not be a function of corrections. She said that diversion should begin before offenders enter the system. She also stated that Maine does not have today the necessary related social facilities to deal with diversion effectively.

The problem of facilities for adults depended on the expansion of community-based programs. Even more emphasis was put on the current lack of qualified personnel to use indeterminate sentencing (Standards 5.1 to 5.9) to best advantage. Maine is in the process of asking its legislature for funds to develop diagnostic teams. The Reporter emphasized the need for statistics and data collection for use in research (Standard 15.5, Evaluating the Performance of the Correctional System). When asked if there was a law against hiring ex-offenders, she responded that questions of arrest and conviction may be asked, but that they are not used alone to exclude the ex-offender from work in State employment.

A delegate thought in general, that many of these programs can be run on the county level. He thought that they would take time to be implemented. Commenting on Standard 2.7, Searches, he thought that they were necessary in an institution for protection. Diversion (Standard 3.1) was an excellent alternative to incarceration. In his opinion, pretrial intervention (Standards 4.1 to 4.8) involved much research. He further thought that if States began to control local institutions (Standard 9.2), the institutions might become overloaded. However, the States should continue inspection. He thought that judges should become educated as to the jail systems available regarding Continuing Jurisdiction of Sentencing Court, Standard 5.9. He concluded that the criminal justice system must move together to coordinate and to educate the public.

Another delegate also commented on corrections, noting that one could not quarrel with 90 percent of the standards. He added that he had already been approached about the legality of searches.

Community Crime Prevention

The Reporter thought that the Commission had not spent much time on this part of the *Working Papers*. Maine does not have anything set up to help community crime prevention. He said that key issues were education of the community, organization, and industry.

Summary

Three representatives commented on criminal justice in relation to the State of Maine. All three approved the standards. One thought that most of the standards were realistic but that some were idealistic. He thought that coordinated effort was necessary to attain the standards. The second thought that the State representatives should be made more aware of the conditions and that the experts should be responsible for the education of representatives. He also thought that many changes could be made without implementation of law. The third commented that Maine seemed to be a relatively progressive State and that he saw problems only in the development of priorities.

An LEAA representative commented on the dramatic change in criminal justice. He foresaw rapidly expanding horizons within the organization.

A short discussion followed. Some comments during the discussion were related to the use of standards as guidelines rather than as standards. The fact that LEAA was used as a Federal function instead of State function was discussed. It was the consensus that time limits had to be met in relation to what Maine as a State could handle.

MASSACHUSETTS

Introduction

The State Planning Agency director began by detailing the background that led to the development of the *Working Papers*. The only Massachusetts representation was on the Community Crime Prevention Task Force. The Commission and its work were funded through LEAA and cost $250,000. The task forces made recommendations only to the National Advisory Commission (whose members represented all the disciplines), which then made the final decision on which standards and goals were adopted. The *Working Papers* represent only a portion of the approved recommendations. The final report will not be out for several months.

The purpose of the Conference was to have the standards and goals discussed and then to have the

States implement and/or create standards and goals unique to their State's situation. The Conference was intended to be a focal point from which action could begin. The director noted that delegates have to decide what to do with the standards and goals, i.e., where to go from here.

Corrections

The major emphasis was on rights of offenders diversion, pretrial activities, adult versus major institutions, research and development, and the need for the disciplines to develop a systems approach that interrelates and coordinates with all of the other disciplines.

The Rights of Offenders, Chapter 2, was the most controversial issue with discussion focusing on the rights of citizens and officers as well as of offenders. The role of the courts in deciding due process and rights of offenders as they relate to correctional policy was also discussed. It was thought that corrections should implement their own due process and rights, but if they do not, the courts will decide on them.

There was strong support for both diversion and community-based corrections and agreement that these should be major issues for corrections. The problem of risk classification will have to be resolved and written processes developed. There was agreement on the issues of prescription programing and mutual agreement contracting. Smaller institutions, no more construction of juvenile institutions, and a 5-year moratorium on construction of adult institutions (while programs and goals are developed) were received favorably. The development of smaller, 100- to 300-person facilities and the elimination of jails and houses of correction were discussed also.

State centralization versus local decentralization was left unresolved.

The development of standards for institutions was agreed to be necessary, as were research and development and information systems.

The major weakness in the *Working Papers* was thought to be limited information on probation.

Courts

The forum sessions ran into problems because many terms were interpreted differently. Treating prosecution, defense, and courts as one unit was seen as a hindrance, because these are all specialized areas. The incompleteness of the *Working Papers* was criticized. Many standards were not relevant to Massachusetts. The group agreed on appointment rather than election of judges.

Plea negotiation was considered to be the most controversial issue. Suggestions for the abolition of grand juries were discussed but not agreed upon. The process of information, discovery, and a hearing was agreed upon. Uniform and regular written procedure on the acceptance of a plea was thought to be desirable. There should be only one procedure for the defendant to handle all points. For example, collateral attacks should not occur.

Massachusetts needs more court centralization. Coordination and delegation of responsibility and hearings should not be done by one person.

The court's involvement in crime prevention was discussed. It was decided that crime prevention was not the role of the court. Judges should not decide who should be prosecuted. Standards and goals will be referred to the appropriate judicial review committee in Massachusetts for review and recommendations.

In the discussion that followed, one judge felt it was important for people to understand that Screening, Chapter 1, is an executive function, while diversion is a court function that is new and needs to be expanded. He also thought that implementing standards for speedy trial was necessary in Massachusetts for jury trials. The Massachusetts delegation should continue meeting to discuss these standards and goals and to develop a Massachusetts plan. Many delegates were dissatisfied with the process and feared that their attendance at the Conference would be seen as rubberstamping the standards and goals before they have had time to consider them and to make changes, modifications, additions, etc.

The delegates agreed that the underlying principles of the standards and goals were the important issues, not the specifics that will have to be tailored to Massachusetts over time. It was suggested that the delegates continue to meet and to broaden the input at home to get a true State plan for Massachusetts. The process of achieving this goal was considered to be very important.

Community Crime Prevention

The topics outlined for discussion in Community Crime Prevention were: Youth Services Bureaus, citizen action, education, religion, employment, recreation, and integrity in government.

The Community Crime Prevention section of the *Working Papers* was very brief. Delegates were informed that standards and goals were prepared by the task force only in the areas of Youth Service Bureaus and government integrity.

The delegates wished to receive the full report on Community Crime Prevention and a copy of the roster of delegates.

The goals for the role of schools included the following:

1. Involve parents as teachers. They should be trained and eventually paid.

2. Reorganize the schools to encourage justice and democracy.

3. Guarantee the rights to read and write to all students.

4. Develop increased and diverse application of career education.

5. Develop reality-based career education.

6. Make extended (year-round) use of school facilities.

7. Develop special language programs for foreign-born students.

Delegates challenged the idea of blaming the schools for reflecting broader problems of society. They suggested seeking consensus on national goals against which to measure schools and other social institutions. The *Working Papers* were criticized for concentrating on form, not substance. A recommendation was made that counselors not be part of the school system so that they could serve as ombudsmen for the students.

The recommendations on religion included the following:

1. Active participation as volunteers in the criminal justice system;

2. Leadership in interpreting crime, and in combating fear and apathy;

3. Use of church facilities to assist groups involved in prevention activities;

4. Participation by congregations in the local system through volunteer programs and periodic facility visits; and

5. Development of voluntary network to assist in community crime prevention activities.

A suggested formula for program involvement and implementation in the area of recreation included:

- Youth involvement;
- Parental involvement;
- Special training of recreational staff members;
- Youth development, specifically in the area of leadership;
- Piggybacking, i.e., extra activities riding on the back of recreation—club groups, scouting, tutoring, etc.; and
- Outreach programs.

The major recommendations on employment included the following:

1. Employers and unions should take an active, aggressive role in expanding youth opportunites.

2. There should be expanded after-school and summer youth job opportunites.

3. Community-based pretrial prevention programs should have an employment component.

4. Employers should expand opportunities for offenders. The purging of criminal records is one way they can help.

5. Legislation should be enacted to prohibit inquiries after records are purged.

6. Expanded public employment opportunities must be developed for offenders.

7. Special needs offenders such as drug abusers should be provided with job opportunities.

8. Aggregate employment should be maintained at a high level. Inner city employment rates should be no lower than the national averages.

9. Government procurement units should abide by equal opportunity laws.

10. Public agencies should increase purchases from minority businesses.

11. Government should design affirmative action programs to allow people to live near worksites in order to minimize travel and housing complications.

The concept of community action is based on the following assumptions:

1. Citizen apathy and indifference contributes to the spread of crime.

2. Private and public agencies are not welcomed into professional crime prevention circles.

3. Community crime prevention needs the cooperation of existing groups and systems.

The citizen action section of the *Working Papers* contains no standards but, rather, focuses on numerous examples of citizen projects for crime prevention and describes how such movements are organized and financed. The following factors should be considered for Massachusetts:

- Formal training for citizen participants;
- More citizen participation at all law enforcement levels and within the State Planning Agencies; and
- More support from citizen groups.

Integrity of government was discussed and the following issues were elaborated:

1. If we could stop the cost of corruption of government, we could solve many of our economic problems.

2. Integrity of government definitely relates to street crime.

3. Prisons may be just about the best places to serve as models for corruption.

The discussion on corruption included: codes of ethics, campaign financing, procurement of goods and services, land-use planning, zoning, tax assessment, licensing, etc.

People must know what is required to find and prosecute corruption, establish criteria for procedures, and make procedures available to the public.

Some delegates thought that the Commission could have focused more attention and resources on the community crime prevention area.

Some questions cited the leadership role of the Commission and the advisability of presenting recommendations instead of standards for local program implementation.

The question of how sincere we are in the desire for community action was raised. When citizen action is needed, it is always a request for volunteers, whereas in other areas people get paid for their smallest efforts.

The recreation section of the *Working Papers* points out that what is considered recreation in one area may be considered delinquent behavior in another. Generally, there was great disappointment in this section of the *Working Papers*. It was described as innocuous, irrelevant, and lacking in goals.

The lack of material available to Community Crime Prevention delegates was severely criticized.

It was suggested that dissatisfaction, while it could not change the final report, could have an effect at individual State planning levels.

There was a developing feeling that the Conference and perhaps even the final report were never intended for uniform application in every community. Rather, it was meant simply to motivate the community to act on community crime prevention.

Police

There was general agreement that the standards and goals were good and should be implemented. The Police delegates considered the standards and goals to be realistic. This was probably due to the fact that 85 percent of the recommendations were tried in two or more communities and 15 percent were tried in one community.

Plea negotiation was seen as necessary, but police representation of some type needs to occur during the process.

Alcohol and drug centers were approved in general. Such centers should be looked at carefully for persons involved in serious or violent crime.

Lateral entry is acceptable, but it is a serious area problem.

The delegates thought that neighborhood security programs were beneficial. However, because of the dangers involved people should take only limited action.

Mutual aid and interagency cooperation already are being practiced in Massachusetts.

All police departments should strive to implement team policing in the future. In general, police do not agree that there are victimless crimes. An ombudsman should be a local politician, not an outsider. Better personnel training is already occurring.

There was much less controversy in the Police sessions because of the preparation involved. The majority of the standards and goals were approved. Delegates should continue to meet so that all disciplines can get to know each other better, alleviate misconceptions, and develop a true system of correctional standards and goals. The breakdown by discipline at the Conference worked against sharing among disciplines.

The standards and goals in the *Working Papers* did not deal with officer quality, training, unions, or implementation. Without these considerations, the standards cannot work. Also, some delegates thought that the *Working Papers* dealt with police as mechanical robots, not as human beings. Crime cannot be reduced 50 percent unless all the disciplines work together.

The Massachusetts delegation decided to use the standards and goals as a guide for developing Massachusetts as a prototype correctional system. All delegates will share the standards and goals with others in Massachusetts, give written feedback to the State Planning Agency, and meet in the near future to develop specific recommendations for Massachusetts. They agreed that it would be a long, complicated undertaking that would require commitment from all disciplines working together to accomplish common goals. The *Working Papers* provided the focus and impetus for Massachusetts to develop a truly progressive model system. The majority of the standards were applicable or already implemented in Massachusetts. The State Planning Agency will keep the delegates informed and coordinate this effort.

MICHIGAN

Introduction

Lieutenant Governor James H. Brickley presided at the Michigan Caucus and began the meeting by questioning what the relationship between LEAA and the States would be, considering there was not a consensus from every State. However, he thought that it was necessary that each State have its own standards. He said that the goals and standards presented at the Conference would be a touchstone for Michigan. Overall he felt that 70 to 80 percent of the National Advisory Commission's standards and goals have compliance in Michigan. Most of the Michigan delegation were members of the Michigan Crime Commission.

Police

From what the Reporter was able to observe from the 12 forum session groups, he thought there was a

consensus among the police on the principles and intent of the standards. While recognizing the small number of standards presented (33 out of 125), the feeling was that these standards were minimum goals and that they were related to basic services and concepts that had been tried (in many cases in only one community) in the country. Overall he thought that the meetings educated rather than reviewed. In general, he observed that during the forum sessions, the standards were not presented as requirements that everyone must adopt.

Standard 3.2, Crime Prevention, was considered to be too specialized. Evaluation studies on the relationship between the public and the police were suggested before specific tasks are drafted as a model.

National attention should be given to assessing the problem of radio frequency.

Analyzing evidence within a 24-hour period (The Crime Laboratory, Standard 12.2) was not realistic, although a good idea.

The following amendment was drafted or discussed in the forum sessions in reference to State Specialists, Standard 9.4: "The standard does not exempt a State agency from performing a service on its own. The agency does not have to be under control of the chief of police of a town requesting services."

Reference was made to Standard 1.6, Public Understanding of the Police Role, requiring school policemen for junior and senior high schools in certain sized jurisdictions. The idea was criticized because of vaguely calculated numbers and the costs necessary for implementation.

In regard to States providing specialized laboratory services, it was asked: What happens when services like this are turned off by the legislature?

The roles of the legislature and the executive branch were not mentioned in consideration of State-related services. The delegates thought that if these services were to be required, money had to be provided and guaranteed.

The forum sessions discussed the pros and cons of the 911 telephone system. The consensus was that it had not been demonstrated sufficiently well to be used nationally, and that a hard look (dime versus no dime) should be taken before it is adopted.

The police did not see why they needed diversion.

Sentencing the Nondangerous Offender, Standard 5.2, in the Corrections section appeared to be inconsistent with Police and Courts standards on diversion.

A Commission member of the Caucus pointed out that the overall intent of the Commission was to minimize penetration into the criminal justice system.

Abolishing 10-man-or-less police departments, as recommended in the Police section, would mean eliminating 50 percent of the police departments in Michigan. The wording of this standard was questioned. The word abolition should be replaced by consolidation.

Many forum delegates thought that victimless crime was not adequately defined.

Representatives of several communities did not like referral to numbers of police as a basis for services, and felt this could be used against them.

The delegates commented that there was a lack of material on police-fire services in the *Working Papers*.

The delegates would have liked to have had representatives from the Federal Government included in the forum sessions, as well as more input from the States at future Commission meetings or Conferences. The delegates supported the continuation of LEAA.

There was a recommendation that annual meetings of the International Association of Chiefs of Police be used in Michigan as a forum for considering all Police standards and for updating them.

One delegate asked if there was a standard that required police officers to be residents of their jurisdictions. Apparently, this standard was not included. The inquirer noted that Detroit now requires residency.

In general, the response to the major aspects of the Police report in the forum sessions was:

1. More attention should be paid to general changes in the police role and mode of operation, using specialization only when necessary.
2. If the general public was not educated or informed, the measures on State specialists and arrest versus diversion would never be accepted.
3. There was a great need to identify and/or develop legal capabilities for diversion.

Corrections

The rights and protection of those within the correctional system were the main topics of the Corrections forum sessions examining specifically:

1. Preservation of civil rights (Standard 2.7, Searches);
2. Assurance of increased due process in the criminal justice system through access to courts, disciplinary hearings, inmate participation in decisions on their own careers; and
3. Improvement of the prison atmosphere.

Another topic examined at length in the forum sessions was minimization of imprisonment by: phasing out of all juvenile institutions, use of diversion, screening, community-based facilities, and no probation.

The standard regarding unification of the correctional system under one correctional jurisdiction linking probation, parole, and prisons was criticized for not being better directed toward the States, particularly the smaller States.

The following inconsistencies were noted in the Corrections forum sessions:

1. The move toward local community diversion (halfway houses) and State consolidation of corrections was inconsistent.

2. Specific reduction of crime (the 50 percent goal) appeared not to be attached to any specific standards.

3. Protection of the noncriminal is missing from the standards.

There was discussion about conjugal visits for inmates. This subject was not dealt with specifically in the standards. There was a request that Michigan begin to work on conjugal visits, furloughs, and family visits.

Michigan is ahead of many other States in complying with the standards and in having State standards that have not been considered by the *Working Papers*. For example, the Michigan parole procedure requires performance contracts and reasons for denying and rescinding parole.

Community Crime Prevention

The goals—not standards—of Community Crime Prevention were discussed in the forum sessions, emphasizing the need to make the criminal justice system acceptable to the public. In addition, corruption in government, unemployment, and spotty education were all examined as factors contributing to the high rate of crime.

Alternative approaches to dealing with law enforcement and the public—such as roleplaying with juveniles and talks between police, victim, and assailant—were discussed.

Caucus members from the business community expressed a desire to hire youths but felt limited by strict hiring and minimum wage laws. They did not want to risk hiring until laws changed. They also mentioned how unprepared teenagers were for jobs in areas such as basic reading and writing skills.

One delegate was appalled at the lack in Michigan and other States of one organization to coordinate and plan for citizen participation in crime prevention. This fact was not even mentioned in forum sessions. If prevention has a high priority, he said, no dollars substantiate this. And how, he went on, could you implement standards if there was no organization to do it?

Courts

The highlights of the Courts forum sessions were judiciary selection, abolition of plea negotiation, the public defender program, elimination of delays, and development of more efficient court procedures to improve the crime problem. An example of more efficient court procedures would be the abolition of the grand jury. Three years ago Michigan streamlined its grand jury system after a long fight in the legislature. The Reporter thought that it would be difficult to explain to the electorate that this effort had been wasted.

There was considerable discussion of the Missouri Plan, covered in the standard on Judicial Selection (Standard 7.1). Michigan currently appoints judges at the appellate level. There was strong feeling at the caucus that a panel or neutral screening body, representative of the populace, would be the method to use.

Plea negotiation dominated the Courts forum sessions. The Reporter's views were that plea negotiation has been accepted as part of the system across the country for a long time. Its abolition might be more harmful than helpful considering the heavy backlog now in the courts. He cited the 1,000 homicides in New York City in 1972. Because of the overload, some first degree murderers were being paroled in 4 years.

In Michigan judges do not get involved in plea negotiation. There was agreement within several forum session groups on this reform in plea negotiation. A member of the Michigan delegation thought that the continuation of plea negotiation would detract from the reform of other judicial abuses.

The delegates advocated a mechanism for dialog in the court system to be set up before these standards became law or policy. In addition, a mechanism for opening up communication between the legislature, the supreme court, and the police was suggested. The implications of whether the standards become national policy (i.e., what will happen if plea negotiation is not abolished in 5 years?) were debated.

Summary

The Michigan Caucus expressed six main concerns:

1. Undue specificity and precision are included in the standards, e.g., one policeman for each junior and senior high school.

2. No provision appears suggesting that the national effort be upgraded each year simultaneously with each State examining its own standards.

3. No specific standard clearly describes the criminal justice system as the last resort.

4. Standards overlap and some assign dual responsibility to segments that seem to be mutually exclusive. Inconsistencies were noted between sections of all disciplines that dealt with the same subject matter. For example, the judge's role in sentencing in the section on Corrections differed from the roles cited in Police and Courts.

5. There was no specific recognition that there existed great differences between the States. The standards seemed to be too uniform.

6. The threat of imposition of the standards on the States by the Federal Government was not specifically safeguarded by the standards.

There was a brief discussion on what the Michigan delegation could do in Michigan now. One proposal suggested that each discipline continue meeting on its own and meet as a group from time to time. The delegates expressed a need for interdisciplinary techniques—such as a mini-version of the National Conference on Criminal Justice—to extend the ideas of the standards. At the end of the meeting the Michigan delegation made the following motion:

> We, the Michigan delegation, move to commend LEAA for its efforts in sponsoring both the Commission and the Conference and that upon the release of the full report, Michigan will undertake a full review and offer further comments.

MINNESOTA

Introduction

The State Planning Agency Director, Robert E. Crew, opened the meeting by informing the delegates that the purposes of the meeting were to hear brief reports by the State Reporters and to discuss the implementation of goals.

Corrections

The Reporter elaborated on his personal observations of the Conference:

1. Delegates appeared to be divided into three segments: prisons should be closed and everyone let out; more people should be locked up; and more and better prisons should be built.

2. The Conference was too tightly scheduled. There was no bonafide attempt to get inputs from the delegates for the final report.

3. The amount of information in the *Working Papers* was immense. The report should be brought back to the State for review, and recommendations should be made on the implementation of the standards and goals.

4. The *Working Papers* should be given to the corrections department and other agencies for their review and recommendations to facilitate implementation.

5. The Conference delegates appeared to be divided into four factions: State versus local control, conservative versus liberal, belief that the system (referring to Corrections) might be scrapped too soon, and academic practitioners versus the everyday worker.

There appeared to be a lack of meaningful input by corrections personnel. The consensus of the delegates was that 85 to 90 percent of the standards were acceptable.

The State Planning Agency director pointed out that the *Working Papers* as they now stand are not complete. It is anticipated that the final version will contain 500 goals and will be available by April 1973.

One delegate noted that other State delegations at the Conference thought that crime was rising while the prison population was dropping. It was agreed that this was a general feeling and concern of many, i.e., that there were too many early parolees.

Courts

The Reporter thought that the proposal on the abolition of plea negotiation was unfortunate, in that it was too time-consuming. The proposal goes beyond the recommendations of the American Bar Association. The ABA recommended that plea negotiation be brought out into the open and be made a matter of public record, and that although this was controversial, it was acceptable.

The Conference recommended abolishing plea negotiation. If adopted, it would cause chaos in the criminal justice system. The recommendation was thought to be unfeasible and uneconomical. In many instances, plea negotiation was an advantage to the defendant and reduced court costs.

The Reporter pointed out that during plea negotiation an official record was made of the process.

In the Courts sessions, a vote was taken on this proposal to abolish plea negotiation. Although a complete count was not made, there were four votes for and approximately 200 against.

There was a motion for discussion on the proposal for the abolition of plea negotiation. The motion was seconded.

The motion on plea negotiation was considered to be out of order. Too many of the delegates were not considered to be qualified to judge the merits of plea negotiation. The Courts delegates should get to-

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gether, discuss this issue, and make recommendations.

If plea negotiation is to be abolished, then there will be a need for better communications between the courts and the other agencies.

The Reporter thought that the delegation should go on record as being opposed to this recommendation. Although the consensus was against the abolition of plea negotiation, the delegates thought the recommendation would still be adopted.

The judicial selection recommendation was considered significant. The question of LEAA's position on the Missouri Plan was raised. The State Planning Agency director did not know the position, but said he would try to find out.

The retirement of judges at age 65 was not viewed as a realistic proposal.

The issue of unified courts was highly controversial, but barely discussed, due to the furor over plea negotiation. Many delegates thought that the proposal on unified courts was a wasteful recommendation.

Overall, the recommendations in the *Working Papers* are worthy.

A question was raised as to the purpose of the meeting. The State Planning Agency director stated that the purpose was to go over the *Working Papers* and their recommendations.

The Reporter was asked who wrote the *Working Papers*. He responded by saying that experts in the various fields wrote it, but that in many instances, they went beyond the American Bar Association's recommendations.

Some delegates thought that there was not enough time allocated to discuss the recommendations in depth. The *Working Papers* should be taken back to the States and reviewed for feasibility of the recommendations contained therein.

It was pointed out that the delegates were not obligated to approve the recommendations, but rather were asked to return to their respective States, review the report, and then make their own recommendations.

The State Planning Agency director asked if the delegates wished to take positions on individual items of the *Working Papers*. The delegation responded that it did not.

The Reporter made a motion that the delegation go on record that their presence at the Conference did not signify approval or disapproval of the *Working Papers* and the recommendations contained therein. This motion was seconded.

The motion was amended to read that the delegation would go on record as not taking a position regarding the *Working Papers*. It was recommended that the State Planning Agency in Minnesota set up workshops to review the *Working Papers* in detail and to make the necessary recommendations to applicable authorities in Minnesota as to implementing final recommendations. The motion was seconded. The vote was adopted with one delegate opposed. The Reporter withdrew his original motion.

Police

The Police section appeared to have been written by those who made the reports in the various sessions. Controversy appeared to permeate the writing of the report.

The Conference was very valuable because for the first time, all segments of the criminal justice system met together.

Conference delegates should set up State conferences to review the recommendations of the *Working Papers*.

One delegate was concerned about the effect of this Conference on fund requests to LEAA. The State Planning Agency director was unable to go into detail, but thought that the standards adopted by the States would have an effect on funding requests. Reference to this Conference, he thought, might have a beneficial effect on fund requests. It was not a threat, but attention will be given to efforts to implement recommended standards.

Community Crime Prevention

Five basic issues were discussed:

- Sixth grade reading competency guaranteed by 1982;
- Employment;
- Family recreation and religion;
- Integrity in government; and
- Citizen involvement.

There was only one small section on Community Crime Prevention in the *Working Papers*. The Conference focused on discussions rather than recommendations. It is anticipated that a completed section will be available by March 1973.

Enlisting the assistance of successful parents and utilizing them in community crime prevention was recommended.

Summary

If the delegates went back to their State and wrote a report, would they have the final word on implementation or would some other agency be empowered? The State Planning Agency director stated that the State Crime Commission will make the final decision on implementation in Minnesota and will also determine what standards will be adopted.

Attempts will be made to get the final draft of the National Conference on Criminal Justice report for the delegates.

It was noted that there is an administration bill pending to continue LEAA, as well as 51 bills pending that would modify LEAA. There is no concrete idea as to what the congressional reaction to these proposals will be.

The consensus was that the Conference had been constructive.

MISSISSIPPI

Introduction

The National Conference on Criminal Justice goals and standards are realistic and most are already implemented in the State of Mississippi, according to the delegates.

Police

The Police Reporter noted that Standard 5.2, Combined Police Services, was good for small areas because it cut down on operating costs, but in certain localities it was not looked on favorably by police or fire department staffs. Also, combining police services is practical for some geographic areas, but it is not feasible in rural areas that are spread out over large distances. An example cited was Washington County, which has a population of 85,000 in a large geographic area. As a result, Washington County uses both the State Highway Patrol and the municipal police.

The Standard 23.3, Radio Communications, has been under development in the State and with the input of Federal fun[illegible]re will be a statewide system on one band as well as the local police radio bands.

In response to Standard 13.3, Minority Recruiting, it was reported that minorities were represented in the police agencies in the State of Mississippi. The only problem has been that minority persons qualified for police service already hold higher salaried positions.

In response to personnel activities, there was a consensus of the delegates that there should be a screening of applicants for educational background and other job requirements. In the area of training all delegates endorsed the existing statewide training academy. Some new recruits attend for 5 weeks and others attend for 10 weeks.

College training for police officers has been available through an LEAA grant. It is recommended that a law enforcement curriculum be implemented at the junior college level. For the future, the delegates agreed with the goal that by 1985 all police officers hold a college degree. Also, the delegates agreed with the goal of upgrading the salary for police officers in the State of Mississippi.

The Mississippi delegates agreed with the standard to reestablish the walking partolman. In the area of urban crime prevention, the delegates pointed out that the patrolman was the most effective deterrent. The delegates recommended that the walking patrolman be committed to certain periods of time in the same area, and suggested a period of 18 months.

Standard 12.2, The Crime Laboratory, has been established in Mississippi with LEAA funding. The facility, which will be located in Jackson with satellite laboratories in other localities, will be concerned with crime identification and drug identification. A delegate stressed the need for a centralized medical officer in the State.

Corrections

It was agreed that Mississippi needed to improve its correctional system. Mississippi has one penitentiary for adult offenders at Parchman (Mississippi State Penitentiary), and two State training schools for youthful offenders, Columbia Training Schoo' at Columbia, and Oakley Training School at Raymond.

The delegates and the State Planning Agency director stressed the need for standardization of an effective probation and parole system on a statewide basis.

The problem areas cited in the correctional system were the poor facilities for inmates and poor employment practices. A prison employee in Mississippi receives about $300 per month in salary plus substandard housing.

Mississippi, at present, has a system at Parchman that uses trustees, and a case is before the Federal court regarding the future of this trusty system.

The delegates discussed the ex-offender's problem of finding employment. Recognizing the many problems that an ex-offender faces, the delegates discussed the possibility of finding suitable employment within the State Classified Service.

In reference to juvenile corrections, the delegate representing the training schools stressed that there should be separate facilities for juveniles who have been classified as mentally retarded.

The delegates approved the concept of consolidated correctional facilities. In the future Mississippi hopes to establish consolidated jails in certain counties with LEAA funds.

It was mentioned that the adult and youthful

offender need improved vocational training in Mississippi.

Courts

The Mississippi delegation unanimously opposed the abolition of plea negotiation.

In their discussion on the Courts standards the delegates recommended that a part-time district attorney not serve as a prosecuting attorney.

The diversion standards (Chapter 2) were explained in relationship to Mississippi. All delegates were in favor of diversion but felt that they should research it further before implementing it as a standard.

Community Crime Prevention

Discussions on Community Crime Prevention noted its general applicability to criminal justice. The delegates felt the areas of concern were as follows:

1. Specific resources available in the State of Mississippi; and
2. Establishment of goals to involve these resources.

The consensus of the delegates was that public interest in the area of crime prevention should be raised, and that it should go hand-in-hand with the objective of implementing community participation.

MISSOURI

Introduction

State Planning Agency Director William Culver opened the meeting with a message from Missouri Attorney General John C. Danforth, who was unable to attend due to an appropriations hearing in Missouri.

The attorney general requested the delegates to discuss any recommendations that they found useful and to measure them against what is presently being done in Missouri. He anticipated that Governor Bond would appoint the new members of the State Law Enforcement Council shortly, after which task forces and committees of the council would be selected by the attorney general. Mr. Culver expressed the attorney general's desire to make use of task forces, working with the State Law Enforcement Council, to determine what resources would be required for implementation of appropriate recommendations. He also expressed the attorney general's interest in the possiblity of making some "rather deep readjustments" in the criminal justice system in Missouri.

Mr. Culver then called upon delegates in each of the four disciplines to present their ideas and opinions to the caucus.

Police

The Police Reporter felt that there was "no major disagreement" with the Police section. He suggested that several meetings be held in Missouri throughout the year to reach agreement on where specific responsibilities should lie. Mr. Culver suggested that the Missouri task forces be enlarged to include members of the National Conference on Criminal Justice delegation.

Another Police delegate discussed the 5'4" height requirement. He stated that the height requirement in some areas had been lowered to allow the recruitment of more minority members, especially Spanish-speaking officers, but the change had not produced the expected results. This delegate also reported that most of the standards suggested in the Police Task Force section are already being practiced in various parts of Missouri.

Another delegate stated two conclusions he had reached: that vocational training was important for juvenile offenders, and that, despite innovations in correctional institutions, there must still be maximum security institutions for people who "can't be trained."

Another Police delegate stated that the 24-hour access to police service proposal was a controversial concept. According to Mr. Culver, it would necessitate real changes in Missouri.

A delegate discussed the connection between police and corrections. He felt that Missouri is deficient in continuous booking operations. Another delegate described a joint police/welfare booking desk in one Missouri city.

Another man stressed the need for additional training for people who work in jails.

Caucus members discussed lateral entry (Standard 17.4) into police forces. One delegate felt that the idea had received wide approval among Police delegates, but that each person wanted it for other forces and not for his own. A major impediment seems to be the loss of pension. "Portable pensions" are needed. Delegates felt that lateral entry is important if changes are to be implemented.

Courts

The Courts Reporter expressed his belief that 90 percent of the Commission's goals and standards with regard to Courts are already in effect, or are

being put into effect, in Missouri. He specifically mentioned diversion and screening procedures.

Unified appeals are now being considered.

Another Courts delegate estimated that 90 percent of his colleagues at the Conference are opposed to the abolition of plea negotiation. He cited the problems of having to construct additional courthouses to accommodate the greater number of lengthy cases. It was suggested that a constitutional amendment would be required in Missouri for a change of this nature. There was no general agreement on the meaning of plea negotiation. Some delegates felt that it is a necessary procedure, but that it should be open and that standard rules should be made known.

Indeterminate sentencing was also suggested as a possible innovation, but some felt this method harmful from the corrections point of view.

Corrections

One delegate mentioned the possibility of automatic parole, with certain exceptions, but stated that such procedure is not possible now in Missouri.

The difficulty in measuring the "dangerousness" of an offender presents a problem. Caucus delegates expressed favorable opinions about the concept of a "community classification team" (Standard 6.3), which would meet with the offender and review all aspects of his background.

There was no consensus within the Caucus on the proposed 5-year maximum sentence for nondangerous offenders (Standard 5.2), but one delegate felt that the idea had been "taken very well" within the discipline. Delegates felt that guidelines should be established.

Delegates commented favorably on the suggestion to treat "victimless crimes" in a different way.

Missouri delegates approved of diversion (Standard 3.1), which is already being practiced in some parts of the State, but pointed out that initial entry is made through the police system, and improvements, such as salary raises, must be made there.

There was disagreement within the Missouri delegation about the best type of correctional system. All agreed that standards should be established in the State to make facilities equal in all areas, but delegates debated regional versus local community-based systems.

One delegate pointed out that a serious difficulty in working with juvenile offenders is that the juvenile officer must be both "prosecutor and friend." He suggested that these functions should be separated and responsibilities given to different people.

There seemed to be consensus that a serious problem of present correctional institutions is their large size.

Community Crime Prevention

Delegates agreed that the educational system is a prime place to block crime. There was consensus on the goal of 24-hour open schools.

One delegate related that some of the members of her forum groups were disappointed in the standards and goals and in the Conference because they wanted to be given a "how to" set of instructions regarding Community Crime Prevention.

There was general agreement on the need for citizen participation. One delegate stated her support of citizen patrols.

Summary

In addition to the comments dealing with specific disciplines, there were also more general feelings expressed about the Conference and the task force reports in the *Working Papers*. Two delegates made it clear that they did not want to go on record either as endorsing or rejecting the standards and goals as a whole. Several delegates stated that they were disappointed and somewhat frustrated by the States' lack of input into the Commission's report. One man criticized it as a *fait accompli*.

There was general agreement that additional meetings must be held in Missouri to discuss implementation of various innovations.

MONTANA AND WYOMING

It was agreed at the beginning of the meeting that there would not be formal reports from each discipline.

The guidelines for State Reporters were cited and an additional consideration was added as to whether or not it was worth having standards and goals at all. In the discussion that followed, these issues were raised.

Standards and goals can be seen as a consideration for the future. As with wage and price controls, standards and goals should involve voluntary compliance only. Criminal justice problems are basically the same all over the country, although they may differ in form and magnitude. Guidelines are needed, but they should be used as a stepping-off point.

Insofar as accepting the standards and goals, several problem areas were noted. If standards are, or should be, general, do we want to systematize them? What standards do we really want? Standards are valuable to the States and legislatures. The fear that standards and goals will become criteria for obtaining LEAA funds was cited. In both the Conference

and the *Working Papers* there has not been any consideration of the concept of punishment, nor the cost to the courts if plea negotiation is eliminated, or of the rights of the people. Terms were used without a common understanding of their meanings. The question of who should set standards was raised.

A question was raised as to who will go to the Montana legislature and tell them they have to have new goals, and ask them the status of their present goals. The present goals, it was noted, were in the minds of the administrators. At least the standards and goals can be presented to them. One delegate commented that he could live with 90 to 95 percent of the standards and goals. However, the concept of inmates sharing the responsibility of managing prisons was tried in the 1930's and failed.

Much concern was expressed over the relationship between the standards and goals and the availability of LEAA funds. It was felt that if standards and goals were not implemented, funds would be cut, since this is the only clout the Federal Government has. Was this Conference an attempt to build up congressional support for LEAA? Both the *Working Papers* and the Conference were considered good, but there was uncertainty about the standards until the final report was released.

The Courts Task Force of the Commission recommended that plea negotiation, a "hot issue," not be abolished. Yet other sectors of the Commission overruled the Courts section and recommended the abolishment of plea negotiation. One argument was if the goals were practicality and efficiency, plea negotiation was needed; the other argument was if the goals were justice and fairness to all, perhaps plea negotiation should be abolished. The goals remained unclear, but the abolition of plea negotiation may not, it was noted, be realistic.

It was indicated that full-time prosecutors were not practical in Montana. The theory was good, but the distances and geography made implementation of this standard difficult. Certain other specific standards simply cannot apply.

There was little difficulty with the standards and goals in law enforcement. Fear was expressed that some standards and goals cannot work, even if "crammed down our throats."

Many proposals, such as combining parole and probation, were familiar to Montana and Wyoming, but were felt to be unfamiliar in the East.

The problem of community involvement was discussed in depth. Such involvement was considered to be key in the implementation of change. It was suggested that the delegates agree on what they want done, talk to "people on the street" find out what they want, and get people involved. One delegate felt that a problem inherent in involving people was that the fear of crime was not as prevalent (in Montana and Wyoming) as it was in the East and in big cities. A survey was cited which indicated that concerns in Wyoming were economics oriented, not crime or drug oriented. It was also pointed out that fear of crime was everywhere.

A tendency to criticize goals was noted and it was recommended that time should be spent on goals that are valuable. The problem of local opposition in implementing goals was brought up. It was emphasized that change is difficult and may take years to accomplish.

The problem of implementation was a recurrent theme. In one discussion, implementation was brought up in light of specific standards and goals. Most delegates agreed that prisons, or some aspects of them, should be abolished. The timing and the length of time required was questioned. One delegate questioned the feasibility of doing away with prisons.

In another discussion on implementation, the question was raised as to how to get people to see these standards rather than have them decide on issues on an ad hoc basis. It was suggested that people participate in conferences such as this. However, the delegation hoped that LEAA realized the difficulty in implementation.

It was strongly recommended that LEAA have more conferences, but on a regional level. Such conferences would provide a bigger picture than possible here. One delegate commented that there were not enough people here. (There were 18 people present at this Caucus.) Concern was expressed over who would convince people of the value of the report.

A delegate asked how one gets standards and goals, needed funds from LEAA and the State, and then commented that a report like the *Working Papers* was needed.

One delegate observed that there had been nothing in the news about the Conference. He wanted to know how the Commission planned to publicize this Conference and the standards except through the delegates. He wanted to go home and tell others. Another delegate felt as if he had been to a movie.

A commonly held belief was that not enough time had been given to consider the report or the Conference. More time should be allocated in the future. Endorsement was seen as a problem. One delegate felt that there was not enough time for him to read one particular section, let alone the entire report. Therefore, he could not endorse it at this time. Another delegate commented that it was too early to accept or reject the report. This report was and should be a guideline. It was predicted it would take months to understand the standards and goals, their overall effects and interrelationships. It was suggested that delegates should come back a year after

seeing the full Commission report and discuss it all over again. In Montana, the eastern and western sections are very different. It takes time to fit the standards and goals into a State plan.

Regarding the Conference itself, a prevailing criticism was that nothing new had come out of it. One delegate felt that the *Working Papers* were merely a recodification or a restatement of existing ideas and practices in the criminal justice system. Another delegate was disappointed that there were no new ideas, but noted that there were some good discussions. It was felt that there was nothing new said in the Police forums. One delegate felt that the standards and goals were mostly common sense. He felt it was a shame that millions of dollars were spent on common sense.

Did the National Conference on Criminal Justice and the *Working Papers* change any existing ideas of standards and goals? One delegate felt that it did not change his ideas and that every administrator already had his own ideas.

Another delegate questioned whether criminal justice was in as bad a condition as the Conference presupposed. The question of whether or not there was a need to get together and discuss guidelines was raised. If this report started the delegates thinking, that was considered good enough.

Other complaints regarding the Conference and the *Working Papers* included the following. Separating the disciplines at the Conference was considered to be a mistake. If the forum sessions had been mixed, new ideas and a more lively discussion might have followed. The goals should be shared among the disciplines. The police said nothing about the courts, etc. A plea for less criticism of the other disciplines was made. Police are unhappy with the courts, prison wardens are unhappy with parole officers, etc. The lengthy discussions on plea negotiation were criticized. It was thought that such discussions obstructed the other, more acceptable standards and goals. The request for reactions to the standards and goals, which stated that the final copy of the report would not be altered, was considered to be ludicrous.

The following recommendations were made:

1. There should be another meeting on a regional basis to discuss the standards and goals, especially after the final report and more data are released and adequate time has been allocated to consider the proposals.

2. The standards and goals provide a meaningful framework for consideration. However, time and pressure from above and below prevent endorsement of specific standards and goals. The standards and goals cannot be accepted under financial pressure. They must be implemented from the heart.

3. It is hoped that LEAA appreciates the difficulty in implementing many of these standards and goals, and it is hoped that nonimplementation or noncompliance with standards and goals will not mean a cut in LEAA funds.

4. Difficulty in implementation can occur because of political pressure from above and below, as well as geographical reasons. Moreover, it is difficult to implement goals when there is a no common agreement as to what they should be.

5. It was generally felt that while the Conference was worthwhile, nothing new or original was presented or resulted from it.

NEBRASKA

Police

The Police Reporter expressed general agreement with the Police component of the National Advisory Commission's standards and goals and stated that they were well thought out. Any doubts, he felt, would be dispelled by reading the balance of the report. He forecast that the smaller Nebraska police departments would implement the standards. The coordination of police with other criminal justice agencies would be taken care of by legislation and all police departments would work with recommendations, but a lack of funds probably would inhibit the implementation of some of the goals. The 911 system has been implemented in some Nebraska counties already.

An early meeting at Grand Island to advise all Nebraska police departments on the proposed standards and goals was recommended. Generally, Nebraska felt it was in tune with the National Advisory Commission regarding implementation of many of the standards and goals.

There was some concern expressed regarding the implementation of Standard 5.2 (Combined Police Services). Some of the smaller departments, it was felt, would not accept this consolidation. A member of the Conference Committee suggested a better word than consolidation—perhaps contracting or regionalization. All agreed, however, that this direction was inevitable.

Courts

There was a general feeling among the Courts practitioners that they were not sure what they were expected to do with the standards and goals. Some of the delegates wanted to discuss changing the standards and goals but the setup of the Conference prevented this. The Conference format could have been improved.

Basically, Nebraska showed itself as one of the most advanced States in implementing Courts standards.

Delegates criticized the *Working Papers* for not defining terms and much confusion was prevalent among the delegates (e.g., arraignment—Standard 4.8). There was nitpicking on some terms and valuable discussion time was lost.

Regarding screening, it was pointed out that this was already in effect in Nebraska, but not in the form of specific criteria set out in the *Working Papers*.

In reference to diversion, Nebraska has partially implemented this concept.

In reference to plea negotiation, this had not been a serious problem in Nebraska, although the question brought up strong feelings at the Conference. The delegation felt there was little chance of this recommendation being accepted by any State.

In reference to Standards 4.1 for trials within 60 days in felony cases and 30 days in misdemeanor cases (Time Frame for Prompt Processing of Criminal Cases), Nebraska could implement this, but a great deal of manpower would be needed. Presently, a 6-month deadline for adjudication of felons does exist.

In reference to the 6-hour rule for appearances before a judge, this would require 24-hour courts and only Lincoln and Omaha have caseloads to justify this economically.

In reference to pretrial discovery (Standard 4.9), this was perhaps the second most revolutionary Courts standard next to plea negotiation. It was noted that Nebraska had a broad discovery rule, but that the standard went further than Nebraska's law. The standard presents the problem of possible self-incrimination when the defense counsel reveals all his evidence to the prosecution in return for all the prosecution's evidence.

The question of sentencing was not discussed because it was mainly in the Corrections section of the *Working Papers*. The judges at the Conference wanted to discuss the sentencing issue.

In reference to Chapter 6, review of trial court proceedings, local study was needed, and no conclusions could be reached.

In reference to a unified trial court system, Nebraska was one step behind the standard and would need a constitutional amendment. The judiciary committee of the Nebraska Bar Association had already recommended this standard.

In reference to Standard 7.1 (Judicial Selection) and Standard 7.4 (Judicial Discipline and Removal), they have been adopted.

In reference to Standard 9.1 (State Court Administrator), Nebraska acquired a State court administrator in July 1972.

In reference to Chapter 9 (Court Administration), there was some confusion about the roles of the State court administrator, the presiding judge, and the local court administrator.

In reference to Chapter 12 (The Prosecution), Nebraska has attempted to implement these standards (e.g., Carpenter's bill in the State Legislature).

In reference to public defenders, little time was spent discussing the situation. Nebraska has a statewide Public Defender Law but it has never been implemented due to lack of funds.

In summary, court reform and administration in Nebraska are basically in compliance with the standards. Some policy questions have to be raised. A member of the Conference committee took exception to comments on the 60-day rule for felonies. He felt it could be implemented immediately as evidenced in Douglas County, Neb.

All goals were felt to be potentially within the reach of Nebraska.

Corrections

The Corrections Reporter summarized that all the standards and goals were valuable and well-founded. Nebraska has implemented many of the standards, and the delegation decided to recommend to LEAA that they be made a model State for corrections.

Comments were made in favor of pursuing the concept of a unified State correctional system in Nebraska, and the idea of a diagnostic workshop before arriving at prison was felt to be an excellent proposal.

In reference to the standard of legal counsel at a disciplinary hearing, it was felt that this could be worked out, but it would make the system unwieldy.

It was pointed out that the rights of correctional personnel were not spelled out in the *Working Papers*.

Basically they expressed a desire to advocate standards and goals at public meetings, and communication was reiterated as the key word.

One of the delegates suggested the creation of a public information officer to enhance the community-based projects. It was hoped that this recommendation could be included in the next year's budget.

Comments were made about prisons themselves. Prison walls keep the prisoners and the public away from communication with each other. In reference to the moratorium on prison building, Nebraska already has completed a study.

A standard for national accreditation for all penal institutions was discussed, and it was pointed out

that the Federal Government needs to give more guidance and direction to establishing a model penal institution. Reference was made to California and its plethora of penal institutions.

In reference to the juvenile system, community preparation was needed.

It was also recommended that a full-time statistician to compile data be built into the State criminal justice system to substantiate requests for funds.

Community Crime Prevention

Discussions in Community Crime Prevention pointed out that the educational system was not effective and therefore should be modified provided relations between crime and delinquency can be established.

Schools were urged to broaden activities in the following areas:

- Train parents to supplement the role of the school;
- Teach children to react properly;
- Participate in identifying delinquents;
- Attempt to meet the needs of problem children;
- Examine teacher inadequacy and certification;
- Open school facilities for recreation; and
- Employ counselors from kindergarten through 12th grade.

The decrease in the role of religion in the community was recounted. Churches have not been committed to community problems, and have not been intimately involved in the lives of the people.

In criticism of the Conference, remarks were expressed that there was no discussion of white-collar or middle-class crime. All discussions centered on "poor people's" crime. Crime prevention was discussed, and it was assumed delegates knew the causes of crime.

There was little discussion of unified community action.

In reference to integrity in government, a need for a statutory system of ethical guidelines and public disclosure was discussed.

The necessity for people to become involved in governmental affairs was urged; delegates felt there must be a concentrated effort by dedicated people interested in the overall quality of life to cooperate with the criminal justice agencies.

One participant objected vehemently to both the format of the Conference and the nature of the material presented.

It was felt that more time should have been spent on discussions and less on lectures.

Summary

The State Planning Agency Director, Harris Owens, summarized the meeting and commented that Nebraska enthusiastically welcomed the report of the National Advisory Commission on Standards and Goals. He cited the State's participation as extensive. Police Chief Richard R. Andersen of Omaha was a Commission member, Judge Wilfred W. Nuernberger of Lincoln was a Task Force Chairman, and other Nebraskans were advisers.

Nebraska has been very concerned about reducing crime and interested in the work of the Commission as evidenced by 19 participants at the Caucus including three senators from Nebraska, a unicameral State. Nebraska planned to study each standard and goal in view of implementation, which will be a long process given the large volume of data to be studied.

Nebraska has been improving all components of the criminal justice system in accord with some of the standards and goals of the National Advisory Commission. Improvements have included statutes prescribing the minimum training requirements for law enforcement officials and for promotion; establishment of a law enforcement training center; a court reform statute providing for a court administrator; revisions to the criminal code; training of judges; correction improvements such as work release; skill upgrading and plans governing penal reform. These programs have indicated a great deal of momentum to upgrade the criminal justice system throughout the State. Advantage will be taken of the National Advisory Commission's work in preparing Nebraska's plans. LEAA Federal funds played a major role in developing programs in Nebraska and the State has continued these programs.

Nebraska thanked Governor Russell W. Peterson for his extensive effort in leading the Commission; Jerris Leonard, who was leaving LEAA, for his support; and Senator Roman L. Hruska for his leadership in sponsoring major legislation supporting the fight against crime.

NEVADA

Police

The session began with a discussion on probation and parole. The point was argued that probation officers were currently overworked. The example of a California officer with a caseload of 80 to 90 individuals was discussed. Individual supervision of this number is impossible. The average officer spends one day a week in the field.

It was argued that increasing the number of parolees would open up the possibility of giving parole to those who do not deserve it, merely to

lessen the load in jail. The point was also made that years ago when there were 400 to 500 on parole, the officers believed there were too many. There are now 5,000 on parole around the same area. The group thought this to be an important point overlooked by the report.

It was suggested that individual seminars be held in local groups followed by a general statewide conference, to be climaxed by a national conference on standards and goals. The standards and goals would be judged either relevant or not to a State and either accepted or rejected.

A discussion of unions was felt to be lacking in the report.

The next point concerned diversion (Standard 4.3). It was hoped that if diversion were observed (it was agreed that it was in Nevada, even if not under that name) a report of this action, however general, would be filed with the police. At the present time, 90 percent of all field diversion is not reported.

A large variation in statistics was noted concerning the drug problem. Public health hospitals report that 94 percent of all patients go back to narcotics; while for alcohol and drug abuse, the return rate of patients is 49 percent. It was also suggested that public health hospitals have many hard-core addicts.

Detention of prisoners (Standard 12.4) was discussed. It was generally agreed that the local police should detain prisoners before trial. There was strong opposition among the police to housing persons awaiting trial in State-operated institutions. If prisoners were detained by a facility other than the local jail, there was the danger of losing records. If the suspect were acquitted, the record of the arrest might not be kept. The danger of not keeping records of these arrests might exacerbate the following situations: (1) if the man were guilty, but acquitted on a technicality; and (2) an arrest record might provide a lead to the solution of crime, as 60 to 70 percent of crime is solved through the use of the record systems.

The group then discussed minority recruiting (Standard 13.3). It was thought to be unrealistic. The idea was theoretically sound, but not applicable in a practical sense. Because ethnic groups have a natural dislike for one another, the competition between ethnic groups in a police force composed of minority groups would increase, causing disunity rather than unity on the force. It was also felt that to follow the standards as absolutes would be incorrect. Cases in which minority groups do not wish to enter the system were noted.

The gist of the corrections and prosecution discussion for police was that too much attention was paid to keeping people out of the system. They saw the *Working Papers* as having strong theoretical ideas but little practical workability.

Courts

The first subject discussed was screening and diversion (Chapters 1 and 2). It was noted by one delegate that the average policeman does use screening, although he may not use the name. Diversion was not presented as being very prevalent in Nevada. For instance, once the district attorney has begun a case, he usually does not have the flexibility to withdraw his motions. However, it was noted that greater flexibility would be desirable.

With regard to implementation, the delegate felt that each policeman should receive a copy of the chapters of the *Working Papers* relevant to his position. After 6 months, a check should be made to determine if any program has been used. To implement the goals and standards it was noted that Nevada would require no new legislation. A standard like screening could be established by guidelines set up by district attorneys. It was suggested that diversion, however, when used after the case was turned over to the district attorney, would require legislation.

It was noted that diversion could place a "criminal" in nonjudicial system, making the criminal justice system subject to a lawsuit. The idea of a release was discussed, but it was noted that it would not be legal.

An example was noted in which five men took three hostages. They had three automatic pistols and they all got probation. In some cases, it was noted that escapees receive probation, while others receive jail sentences. The gist of the comments were: How can the judges be controlled to produce consistency?

Using probation as a condition for first offenses was dismissed because it was felt that this reflected only the first time the offender had been caught, but gave no indication of habitual behavior.

There was a discussion of permissive attitudes now felt to be prevalent in court systems. An equation was drawn between human beings and animals; criminals should be treated with less permissiveness. It was suggested that the sociological ideas espoused in the report may not be valid. There was a comment that courts appear to be too concerned with keeping people out of the system. If an individual committed a crime, he should be punished.

The standards and goals were thought to be good but aiming too high. The goals for courts were definite ideals to be reached for. It was emphasized at this point that no one phase of law could be separated from any other. The delegates felt unqualified to give an overview of the system.

It was felt that minimum standards should be interpreted as such, with care not to make them goals. Progress in improving the system should never end. Police, it was felt, should watch more closely what the courts are doing and, by so doing, make comparisons of similar cases.

Minimum standards for police were thought to be workable, but the Courts minimum standards were never made clear. For example, qualifications for a judge were not specified. Both lawyers and judges at the Caucus felt there should be minimum standards. An example was given in which a man was tried for murder, but the case was thrown out due to a technicality that had no relevance to innocence or guilt.

In defense of standards for judiciary performance, it was noted that a Federal defender in San Diego maintains records on his staff, whom he requires to spend at least 6 to 8 hours a week on actual case material. It was felt that similar standards should be implemented in other fields. The idea of salary equality in similar fields was mentioned.

Also, it was felt that standards and goals should be made public, and should be discussed as relevant or irrelevant according to the needs of each State. In the early days of law enforcement, centralization took priority, then decentralization. Now centralization is coming back.

Plea negotiation was discussed (Standard 3.1). All felt that the idea of plea negotiation was not as self-serving as it seemed. In a rape case, a girl might be hesitant to walk up in front of a courtroom and detail her experience. Also, when a sentence was lessened, the officer was informed of the judgment with an explanation. Perhaps if a probation violation was detected in return for no prosecution the offender might turn State's evidence and provide information on more important offenses. Narcotics was cited. But, if the plea was negotiated the fact should be made public along with an explanation.

It was questioned whether it was ethical for a lawyer to gain an acquittal for a defendant he knows is guilty. This, however, was viewed as a reflection more on the district attorney than on the lawyer.

The comments on probation reports were considered not applicable to Nevada. Nevada has begun interim steps. To take plea negotiation down to screening was thought to be impossible.

Nevada voted down a modified version of the Missouri Plan (Standard 7.1). This would have placed some qualification standards on the judiciary. It was felt that it was voted down due to a poor campaign and judicial opposition. It was agreed that the present system was not effective and also noted that a workable alternative was not present.

The possibility of one level of trial and one level of appeal was mentioned but not explored. In Nevada some justices of the peace are overworked with preliminaries. It was thought that magistrates could lighten the load.

The next question concerned the quality of judges. The discussion centered around whether the best judges should be in lower courts where more people are reached, or whether they should be in higher courts, which make the most important decisions. Also, it was thought that if a prisoner was up for parole and parole was denied, the logic behind the decision ought to be made public.

Corrections

The Caucus felt that discussion was short due to limited time. It was agreed that most standards were established in Nevada. The State has set up and maintains a legal library.

Comments were made that the prison was viewed as a community with a staff police force. Ninety-seven percent of the inmates look to corrections to protect them from predators.

The problem of searches (Standard 2.7) was discussed, with a delegate maintaining that searches were a necessity. Another point was made that the prison administration was very available for grievances expression, and that all grievances were examined.

Concerning prisoner rights (Chapter 2), a delegate disagreed with the idea of prisoners joining groups, saying that militant groups had no place in institutions. He continued that peaceful assemblies, which generally turn out not to be so, could not be tolerated. The delegation did not consider alteration of identities a positive factor. Religion was given definite recognition for its importance. Halfway houses received consideration but were rejected by the Corrections Reporter as being ineffective.

In conclusion it was seen that diversion, given a limited amount of funds, might be of considerable importance.

Community Crime Prevention

There was little time in the Caucus for this report. The main recommendation was that Nevada improve what has been implemented, and that a standard unified program on crime prevention be undertaken.

Summary

The group agreed that punishment does constitute an effective deterrent, which they felt the report overlooked. While in general agreement with the concepts outlined in the *Working Papers*, none of the delegates was in complete agreement with the *Work-*

ing Papers. All persons felt that more time might have been allowed for a review of the *Working Papers* and preparation of the State Forum Reports. All delegates seemed to be well pleased with the Conference as a whole and the opportunity to broaden their scope of knowledge in the various disciplines and to renew and make new contacts within the system.

NEW HAMPSHIRE AND VERMONT

Community Crime Prevention

Community Crime Prevention delegates from the State of New Hampshire agreed that parents should work closely with their children. The schools should try to give the child proper direction in development of attitude and self-confidence. The Reporter for Community Crime Prevention also stated that the role taken by the school counselor is very weak.

The New Hampshire delegation felt that the main thrust here was to make more use of State and local agencies. A senator thought that it would be an outstanding method of helping. He also reported that greater use of vocational and technical schools was needed for 11th and 12th graders. Also, the educational system should be changed so that students in grades 10 through 12 may, without the dropout stigma attached, leave school for a period of time. In relation to family recreation and religion, the report was a disappointment in that it was irrelevant and lacking in goals, it had been watered down, and there had been too much lip service.

Regarding employment, the State of New Hampshire tried hiring minority members, but some applicants were just not qualified. New Hampshire delegates also expressed ideas for legislation that would permit adolescents to work at a younger age, thus dropping the minimum employment age below 16.

The general feeling was mixed as to whether a person's records should be shown. It was stated that this would put the offender at a disadvantage.

The New Hampshire delegates were in general agreement with the Commission, with the exception of a few points on the concept of maintaining governmental integrity. The main thrust was to determine what standards the State would follow.

The New Hampshire delegation was also in agreement with the concept of citizen involvement. The delegates cited certain examples that might be implemented in New Hampshire, such as the Harambee system used in California. One delegate expressed the opinion that there would be a need for safeguards and he did not know how far it would go. The delegates stated that they had energy, but it was also stated, quite implicitly, that the persons who occupied these posts would have to be well-trained. Furthermore, the main point was that the people must get together and work together to set standards and goals for a safer and better community.

The Vermont delegation did not comment specifically on the Community Crime Prevention section.

Courts

A delegate from New Hampshire noted that the State does use screening, but he disagreed that screening should be made public. The delegates thought, however, that it should be fairly and sensibly administered. The New Hampshire screening process is done informally—it is not required by law.

In regard to diversion, the State of New Hampshire does use it as an institution in the context of plea negotiation. Offenders may be directed to a psychological drug treatment center, etc., rather than to jail or prison. Diversion is not required by law, and delegates did not know how successful the program was.

In New Hampshire, a program of extensive juvenile diversion brought positive results in 60 to 80 percent of cases when the juvenile was placed in the community. Alternatives were used rather than commitments.

In reference to plea negotiation, this practice is carried out in New Hampshire. However, it does not refer to charge reduction but to sentencing. It was stated that there is room for improvement and establishment of a more uniform scale. In New Hampshire, the practice places the prosecutor on the record, although inconsistently. The delegates thought that the prosecutor would be more responsible in his recommendations if he were accountable to the press and the public. Thus, the feelings of the public would be known. As to the question of whether immunity is used in plea negotiation, it was clearly stated that it is not.

The Vermont delegation found the standards and recommendations on plea negotiation to be a subjective condemnation of the plea negotiation process that did not allow for the existence and discussion of the positive attributes of the process.

In litigated cases, fairness and expedition were the main concerns of the New Hampshire delegation. They felt that the limits of 60 and 90 days to trial were optimistic and that the whole process was a good model. They did state, however, that this would be impossible because the grand jury meets only two or three times per year. The backlog in New Hampshire is too great, and it would be too expensive to call up the grand jury more often. A delegate from the New Hampshire police stated the grand jury is a

mechanical process to advance the person, but it is a waste of effort.

A district judge from Vermont felt that there should be no grand jury except in cases of murder and trials carrying political implications.

A New Hampshire delegate thought that the grand jury must be retained and that the delegates must not be hasty in getting rid of principles. New Hampshire must have the grand jury meet more often so that they may comply with standards.

The delegates were of the opinion that the standards regarding arraignment were wrong, and that the standards for determining probable cause should be established as soon as possible. They preferred their system to that of the Commission.

The concept of a unified trial court system is not feasible in New Hampshire because of geographic and population problems.

The New Hampshire delegates felt that sentencing should be done by the court and not by the jury. There was no explicit information relayed regarding prisoners' rights. It was stated that an attempt is made to weed out constitutional errors in litigated cases.

In regard to judiciary selection, it was felt that a review board, made up of members of the bar, would be fair. The New Hampshire delegates also noted that they liked their system, but did admit to a political bias in the appointment of district and probate judges.

There were no specific statements by the New Hampshire delegation in regard to court administration except for the recommendation of a change in district court systems and the need for full-time prosecutors. New Hampshire has no juvenile court system.

In conclusion, the need for professionalization and progress was expressed.

Police

The New Hampshire Police Reporter noted basic agreement with the recommendations of the Commission. The standards for offender apprehension, crime prevention, and neighborhood security are the nuts and bolts of the system. It was noted that the Neighborhood Security Program is inherently different. The police must have a 24-hour, well-trained emergency response system.

For geographic and political reasons consolidation of police services is nearly impossible in New Hampshire. Another consideration is the lack of population.

A major concern of the Vermont delegation was the clear failure of the National Advisory Commission to address itself to some criminal justice problems, notably law enforcement, in the rural State. Rural law enforcement is a major problem and not exclusively that of Vermont. It will become a critical problem in the years to come as efforts to decrease urban crime take effect, pushing criminal activity out into the suburban and rural areas. The Vermont delegation believed the National Advisory Commission's lack of attention to this problem constituted a serious ommission.

The following enforcement priorities were suggested:

- Two-way radio system;
- Deployment;
- State specialists;
- Identification methods; and
- Crime lab unification.

The prevailing opinion was that the courts took a lot of time away from officers, and that this was very costly.

Other priorities noted were:

- Police response;
- Minority recruiting—it was thought that minority recruiting would be difficult to implement;
- Juveniles;
- Citizen work; and
- Lateral entry.

The delegates wanted to take trained policemen from deskwork and put them into the street.

Community involvement was thought to be an area of great concern. Delegates would like to see everyone working together.

It was stated that police unions were playing a major role in the amount an officer is paid for appearing in court. The New Hampshire police are not paid extra unless they have to appear on their day off.

The main thrust of the Police session was for well-trained, professional policemen.

Corrections

The standards of the Commission in the area of Corrections were not totally acceptable to the New Hampshire delegates. They felt that they were being forced into community corrections because the per capita cost to run an institution was too great.

The New Hampshire delegates did agree that something should be done about prisoner abuse, prisoners' rights, and the irresponsibility of guards concerning such rights.

The New Hampshire delegation thought that the classification system was outmoded, and that this was a big error. They felt, contrary to the recommendations of the Commission, that the judicial system should decide what to do with juveniles.

They felt that deinstitutionalization was wrong and that there was a need for offender control and containment. A delegate from Vermont noted that if there were no prisons, offenders would end up in some other institution.

The Vermont delegation thought that the standards on Corrections reflected unqualified and unrealistic support of deinstitutionalization with little attention to problems and failures that have occurred in specific projects to accomplish the same.

The New Hampshire delegation was in strong disagreement with the Commission's definition of an institution in that it was too arbitrary, it was not realistic, and it was unsupported by empirical data.

There was a call for research into the possibilities of greater clinical facilities, which are much needed. Another problem stressed was the lack of funds. Delegates also expressed a desire for flexibility.

It was the general feeling among the delegates that the standards and goals were feasible for the future. It was noted that many were not feasible at this time, but could eventially be attained with some modification.

Summary

In reviewing the Conference generally, the New Hampshire delegates felt that there was a lack of discussion. More interaction among the disciplines would have helped to absorb more information. They also did not approve of speakers reading certain parts of the report.

The delegates also found that the Conference lacked focus. Although generally supportive of the National Advisory Commission report, the Vermont delegation believed the lack of empirical data reflected in the report itself resulted in a tendency toward broad, unsubstantiated generalizations.

It was noted by the New Hampshire delegation that there was no room for change to come about. Figures, such as the number of inmates per correctional facility or the number of days until trial, were arbitrary. There was no opportunity for reaction.

The Vermont delegation characterized the Conference as reflecting the propensity of the Federal Government to force-feed ideas and programs to the States and their respective publics, leaving little or no opportunity for input to those lesser political entities that must successfully implement them.

The New Hampshire delegates commented that they felt pressured into implementing standards as a means to receive Federal funds. They thought that when the money came in, the criminal justice agencies would get the bottom of the barrel, as usual.

The Vermont delegates concurred. The Vermont delegation thought that the Conference was another instance in which the States became unwitting buyers for a Federal product. They thought that they were being used to give the National Advisory Commission report an expansive and costly public endorsement when, in fact, the delegates themselves had little or no input into the development or critical review of the standards and goals.

The Vermont delegation further commented that the delegates were often subjected to a cursory review of the table of contents of the Conference's *Working Papers* and the speeches of an excessive number of National Advisory Commission enthusiasts. The delegates were subsequently informed that the final draft of the *Working Papers* was already in the hands of the printer and was not subject to change.

The Vermont delegation felt that such a situation was hardly conducive to real and meaningful dialog, quashed any sincere feeling of involvement on the part of delegates, and left considerable doubt in the minds of the delegates that the intended purpose of the Conference was anything more than a sales show.

The delegation from Vermont was seriously disappointed that such a generally excellent effort on the part of the National Advisory Commission was presented to its public in this manner. The hardsell approach utilized in the presentation of the standards and goals tended to alienate those who were essential to the success of the given program rather than to enlist their active support and cooperation.

The New Hampshire delegation found the Conference to be a good starting point. Members of the Vermont delegation did not debate the significance of the efforts of the National Advisory Commission on Criminal Justice and its Chairman, Delaware Governor Russell W. Peterson. Development of the criminal justice standards for guidance and priorities for action constitutes a major step toward achievement of the Commission's ultimate goal—the reduction of crime through a combined effort of Federal, State, and local governments.

The stated intention of the Vermont delegation was to give full consideration to the application of the National Advisory Commission standards and goals to the State of Vermont through the Governor's Commission on the Administration of Justice.

NEW JERSEY

Introduction

The New Jersey delegation agreed to continue the Conference back in their State to assure that the

standards and goals were discussed more thoroughly and that the members of the criminal justice system communicated more effectively among themselves and to the public.

Because of the limited meeting time, the delegation concentrated on standards and goals first in Corrections, second in Police and Courts, and a small amount of time on Community Crime Prevention.

Corrections

The Corrections report treated the area of corrections in great detail. The Reporter said that the indictment that seemed to underlie the report—that the system is inhumane, unjust, and ineffective—was not fair and not necessary. He noted that there are positive aspects in corrections and that these should be built upon.

The Corrections Reporter stressed five basic principles that seemed to run through the Corrections section of the *Working Papers* and with which he agreed:

1. There should be a rational systems planning basis for work developed in corrections;
2. When discretion is exercised, it should be under a set of rules or guidelines;
3. Coercive power in corrections should be exercised in a humane way;
4. Prisoners' civil rights must be observed; and
5. The justice system should not intervene in an offender's life more than necessary.

The Reporter approved of the following standards:

1. The primary goal of corrections should be reintegration into the community;
2. Community-based corrections should have priority;
3. Corrections should be the business of the public and political sectors;
4. Diversion was the preferred disposition in many cases and needs more development in New Jersey; and
5. The section on pretrial detention deserved full support.

The reporter added these comments and conclusions:

1. Keeping addicts and the mentally ill out of prisons was likely to be a "pious hope" for a long time to come;
2. The classification section contained the least well developed standards and was almost useless in its present form;
3. In order for the juvenile court recommendation to be successful, it would have to be supported by a variety of facilities and services not now available;
4. There was much to be said for the county's operation of probation with adequate State direction and support; and
5. The parole recommendation seemed too rigid in a number of areas. He thought that States should take over county jails and, for now, take all sentenced offenders.

On institutions, the Reporter said the following:

1. The principle of phasing out juvenile facilities was good. However, if the standard of no new adult facilities is adhered to, what does one do with a prison built in 1834 and the thousands of men who pass through it each year;
2. Work-release and study-release programs cannot replace institutional programs for long-term prisoners until near the end of a sentence;
3. Ethnic and subcultural groups should not be supported independently but moved into the mainstream of American culture;
4. Ex-offenders, paraprofessionals, and volunteers should be used more, but carefully;
5. It is impractical to pay inmates the minimum wage;
6. There should be greater participation by employees in definition of administrative policies; and
7. There should be more management and staff training and the SPA should be funded for this purpose.

The Reporter was concerned about the need for a comprehensive correctional code. He questioned whether all corrections should be unified in one State agency; this could hinder close community and neighborhood participation in community-based programs.

In general, he felt that the Corrections and Court sections of the *Working Papers* were often inconsistent. The report lacked the necessary emphasis on protecting society—which will make the standards hard to sell to the public.

Courts

The Courts Reporter stated that New Jersey was adopting or had adopted most of the recommendations.

He felt that diversionary programs would involve dollars they did not have.

He agreed with abolition of grand juries (Standard 4.4), trying felonies in a short period of time, not necessarily 60 days (Standard 4.1), formalizing right to prosecutor's screening (Standard 1.1), unified review proceedings (Standard 6.1), more effective review of judges' before tenure (Standard 7.2), professionalized prosecution and defense (Standard

12.2), and a statewide organization of prosecutors (Standard 12.4).

He regretted that this Conference did not provide cross-disciplinary meetings and joint efforts.

Police

One of the two police Reporters at the New Jersey Caucus felt that the Police standards and goals were not as controversial as expected but should not become a bible. He stressed the desirability for some technical and organizational changes in law enforcement but pointed out that the police would resist some of these changes. He anticipated that these changes will be accepted when policemen know about the benefits to be derived from them.

He discussed resistance to lateral entry and team policing as standards. In reference to lateral entry (Standard 17.4), the use of consultants and improved management training within departments could help maintain morale.

In discussing minority recruiting (Standard 13.3), both Reporters recognized that there were difficulties at the present time. Suggestions were made to concentrate on improving recruiting procedures and on examining civil service entrance tests for validity without lowering entrance standards. There was no indication of resistance to measures involving recruiting minorities.

One Reporter noted that the type of community was important to the type of standard to be adopted. He commented that police departments should not be expected to enforce laws regarding mandated security devices, such as locks and special doors.

Police-community relations, he felt, should be less formal with more stress placed on team policing and more sensitivity toward customs of minority groups.

He supported the standard for police handling of complaints against officers.

With regard to diversion (Standard 4.3) he noted that police have diverted special types of cases as long as he could remember. He stressed that a great deal more cooperation is needed among police, judges, doctors, etc., if we can ever expect improved diversionary methods. He suggested that the police get out of the jail business. He noted formalization of diversion (Standard 4.3) procedures as good.

He was in full accord with any plans to continue with State conferences. The push for a State conference was enthusiastic, although one delegate was concerned that the *Working Papers* were the same report that had been reappearing for the past 50 years. He asked for more than a conference. He asked for extensive State prodding, training, and pulling together of the justice system.

NEW MEXICO

Introduction

The consensus of the New Mexico delegation was that although the *Working Papers* were not at all times relevant to local problems (it was felt that they were particularly aimed at metropolitan communities of 25,000 plus), they were, in fact, of great value as a stepping-off point in the development of an improved criminal justice system. Not only did the report put into writing a plan of attack that harmonizes the efforts of the criminal justice community, but the Conference provided an arena for discussion and rebuttal.

It was noted that there had been no opportunity for interaction with other disciplines within the forum sessions. This would have significantly contributed to greater understanding and cooperation between the sectors.

The possibility was discussed that the Conference had been called for delegates to put a "rubberstamp of approval" on a document that was already published and with which they had been supplied only a section. Additionally, it was noted that the task force reports might have to be followed as a guideline when applying for future LEAA funding.

The speakers at the Conference were generally discontent with the penal system; the New Mexico delegation was in agreement.

Community Crime Prevention

In the area of Community Crime Prevention, the causes of crime were barely discussed in the forum sessions. In Albuquerque, 50 to 55 percent of the crime is caused by youth. The lack of responsibility of parents, particularly among the poor, was questioned. Young people, it was felt, should be held accountable to the community for bad behavior.

The Reporter stressed the need for the public to acquire a sense of consequence for law violation; this could act as a deterrence to crime. Many delegates felt that attitudes must be changed in youth so that young people will never need to enter the criminal justice system.

The Reporter summarized that it is necessary to exert additional effort to begin new community programs and reinforce old community organization programs. For this, the best resource would be local people. Citizens must be made aware of the role they can play within community; many people would be quite willing to devote time to a program, such as PAL (Police Athletic League) or Big Brother. Currently, the Chamber of Commerce was looking at local programs in Albuquerque in which citizens

could help; this had not been initiated in other cities in New Mexico.

Although there was little basic disagreement with the principles established by the Community Crime Prevention Task Force, the delegates repeated that in many cases the potential of the standards hinged on greater funding. The question was asked as to how far monetarily the public is willing to go to fund a program such as this (standards and goals for the community).

The report was criticized for not dealing specifically with rural area crime control. If the high-crime situation in cities drops, the feeling was that there is a likelihood that crime could increase in the rural areas. It was pointed out that the mayors of several small towns have met to discuss problems unique to small communities.

Courts

The standards within the Courts discipline were felt to be outstanding; when implemented, they would improve both the efficiency and the quality of the courts.

Screening could be an effective tool; however, it is necessary to guard against selectivity. The Caucus was informed that Flint, Mich., has successfully used diversion with only four cases of recidivism to date. One problem with juvenile probation has been that the court has tended to refer the youth back to his or her family, who often times were the original cause of the youth's deviant behavior, thereby encouraging recidivism.

Plea negotiation (Standard 3.1) was an area widely discussed, and it was stressed that plea negotiation should not be entered into for economic reasons. To gain more support from the layman for plea negotiation, the name should be changed to something that sounds less corrupt. Plea negotiation has received much favorable comment because many times the courts have not had a sufficiently strong case to convict a defendant; however, in these cases it has been evident that the accused would benefit from entering the corrections system.

Standard 8.1, a unified court system, was commended for not only eliminating duplication of staff and effort, but also for alleviating the problem of the individual who gets caught between the different systems. LEAA funds have been important to New Mexico in the implementation of this standard.

Police

New Mexico is a forerunner in the adoption of many of the Police Task Force standards. A State crime laboratory recently opened, using guidelines similar to those proposed by the Commission.

Changes in police recruitment in New Mexico require investigation into the psychology of the candidate: Why does a man want to be a policeman? New Mexico has attempted to interest both American Indians and Negroes in a police career; interview teams currently visit reservations to encourage tribesmen to apply for police service. Sex discrimination does exist, and, it was stated, this is necessitated by the very nature of the profession.

Corrections

The discussion of Corrections revealed that changes within the other disciplines as outlined in the standards would cause a subsequent change in the prison population, which would be increasingly composed of hard-core criminal types. It was speculated that this might minimize the favorability of some of the more lenient prison standards.

The guideline against building State juvenile detention centers obviously did not sufficiently consider size diversity within the State. In Florida, a center would be considered community-based with a population of 70; however, in New Mexico this same institution would be a State center.

NEW YORK

Police

The Police Reporter summarized reactions to the standards that were most frequently discussed in the Police forum sessions.

Lateral entry, the ability to move personnel from one police department to another, was discussed. The consensus was that lateral entry was appropriate for higher ranking officials but not the rank and file.

The police believed that minority recruitment could proceed without lowering police standards. They reminded themselves if they were not going to act, courts would act for them. In a survey of cities with 24 percent minority population, only 6 percent of all police department personnel were minority members.

In discussing the issue of absorbing small departments (Standard 5.1, Consolidation of Police Departments), the reaction of the groups was that services should be absorbed but not all departments should consolidate.

In respect to narcotics, alcoholics, and the mentally ill, the importance of diversionary programs was recognized. Arrests for public intoxication have decreased in New York, but the problem of the alcoholic criminal persists.

The Police objectives as a whole were summarized at the forum sessions. There was little comment on

Objective 1. Objective 2 generated a discussion on the involvement of the business community with the police. All the standards in Objective 3 were discussed. The discussion on Objective 4 focused on training.

The first steps toward implementing police standards were suggested:

1. All police administrators and sheriffs should receive copies of standards;
2. Legislators and heads of local government should also receive copies of standards;
3. The visible presence of the standards in police headquarters may be effective;
4. Standards should be divided and adapted to the needs of police departments of varying size;
5. A New York State mini-commission should be established to follow up the implementation phase;
6. After analyzing the standards, a conference should be called in New York State to inform practitioners in the system and the public; and
7. Although the New York delegates were not in uniform agreement about the standards for New York, they felt an urgency to proceed with implementation.

The New York delegates discussed the standards on consolidation of police services. The Police Reporter knew of 40 large police departments that did not want consolidation to begin at this time. He did not know to what degree consolidation should be pursued. In general, the forum sessions agreed that police departments with less than 10 on their staff should consolidate. It was noted, however, that a standard department of this size in New York would cut the total number of departments in half.

In response to arrest of the mentally ill, the police suggested some alternative procedure to arrest—the term "nonarrest" was suggested.

There were questions from the New York Caucus on the Commission's stand on and the Conference's opinion of the national tutoring programs for minorities taking the police exam. New York has responded to the exams, it was pointed out, by changing its exam to include agility tests and by using recruiting teams composed of blacks and whites.

Further comments regarding educational criteria for police countered that standards should not specify a number of years of schooling as criteria for police entering departments, but rather leave it up to local commissioners.

Community Crime Prevention

The major points addressed by the reporter for Community Crime Prevention were in education, employment, integrity in government, and community-based services.

The discussion on education ranged from early identification of problem children by the school systems to the use of school facilities on a continuing basis, 7 days a week.

The topic of employment focused on the need for unions to deal with expansion opportunities and particularly the employment of black youth, offenders, and ex-addicts. One of the main problems with the development of this standard on a State level was that the Federal Government has been discouraging this kind of employment activity.

The business of integrity in government should be left to the government itself and is difficult for citizens to administer.

In response to the Conference's emphasis on community-based services, citizens pointed out that they were never asked to participate in the development of this standard in communities while all the other disciplines were, particularly the police. There was dissatisfaction here because citizen groups believe they are the most important components as they are part of neighborhoods all the time.

A discussion among the delegates followed. One delegate described the session as stressing the need for building community coalitions of organizations including establishment of grassroots groups. Approval of the Singer-Graflex report (distributed at the Conference) was voiced. The delegate complimented the National Institute of Law Enforcement and Criminal Justice on its minimum security guidelines and security for buildings for the elderly, and urged that protective steps like this be brought to the attention of legislators. He noted a real lack in the Conference of youths under 21, who commit a large portion of crimes.

Another delegate felt it was encouraging that the criminal justice system saw a need for inputs from the community. He mentioned that the community will be more likely to provide funds if it has been involved. The business community has many resources to be utilized.

Other comments from delegates included:

1. A merger of certain court administrative functions in New York City was achieved because of a business community study.
2. There had been too much talk about improving the system but very little discussion about keeping people out of the system.
3. Diversion was an excellent idea but what was there to divert people to? The welfare establishment? The education establishment? What guarantee was there that recidivism is not inevitable?
4. Better educated police officers were not the

answer; emphasis should be on inservice training. If there were sufficient courts, police funds, etc., there would be no problem.

5. The standards for police aptitude will be lowered by bringing in minorities.

Corrections

The idea that corrections has not changed since 1870 was the consensus of the Conference and was repeated throughout the Corrections forum sessions. The Corrections Reporter stated that the standards were well enunciated by the *Working Papers* and that the recommendations were not too avant-garde for most of the States—many had instituted similar standards.

In New York it would cost $1 billion to replace the older institutions if the decision to treat almost all offenders in community-based facilities is carried through, but the move toward community-based corrections must be made.

Corrections personnel who repent for all their past sins by self-righteous action were criticized as was the community for being distant from the work of corrections for so long. At the same time the Corrections Reporter mentioned that there was not enough emphasis on the rights of corrections personnel, and that minorities had not been hired by the corrections system. There was also a great need for community involvement in corrections. He pointed out that New York had brought several thousand volunteers into the system, and had moved offenders back into the community through work release, furlough, and compassionate leave.

In referring to the work of corrections in prison, the Corrections Reporter mentioned that the system at present only deals with offenders for a median period of 2.5 to 3 years. He felt there was very little that parole and probation could add to the status of offenders. Some improvements have been made at institutions that offer legal services, but medical care is substandard in most institutions. It was felt to be equally important to monitor the effectiveness of all standards that are implemented.

Comments were made in response to the Reporter's summary of the forum sessions.

1. A minimum number (10 percent) of better trained personnel would improve the quality of prisons.

2. A common factor in young people in trouble with the law has been an inability to read well. Reading is a foundation of society, and this is violated every time a young person reaches the ninth grade with a second grade reading ability.

3. Diversion out of the criminal system for youth was critically important. Legislatures should address this issue. At the same time drug pushers must get off the street. Probation has more clients than any other part of the system.

4. When making a judgment on parole, either for or against, an explanation must be supplied. Handicapping a baseball team leads to reviewing past performance; the same is true of parole decisions. Other considerations when making a parole judgment are the environment the parolee will return to and whether he is better equipped to cope with his environment than he was before.

5. Community-based facilities must not close maximum security prisons since some persons require this security. The New York State Assembly has provided some funds for community-based corrections, but if any incidents occur, the funding of additional facilities will be jeopardized.

6. On the other hand, the notion that the community will not tolerate any mistakes was felt to be regressive. If a community were truly involved, it would be willing to take risks. In any case, the subjects will return and have been returning to the community.

A range of comments followed. Techniques for opening group homes were discussed, included stockpiling furniture in a warehouse so that it can be moved into the facilities before community opposition develops. In one city, victims of crime were placed on boards of directors of halfway houses.

Community-based corrections prompted a discussion on punishment in general. One delegate analyzed the deterrent effect of severe punishment. He went on to say that punishment will stop crime but only if meted out equally. Judges must sentence consistently, and those who are sentenced should serve. He did not believe in probation or parole or rehabilitation in a cage. If the public is assured the system will treat all equally, they will develop respect for administration of justice. It is not denying people their freedom but rather their dignity that is bothersome. Programs for rehabilitation have been used as a means for escaping boredom rather than preparing for later release. Discretionary powers granted to probation and parole have caused many problems. The delegate ended by saying that nothing will be accomplished until we rebuild the dignity and majesty of the law.

Courts

The following Courts standards dominated discussion in the forum sessions.

1. Some disagreement was expressed in the New York Caucus about whether the court should be able to review a prosecutor's decision to screen offenders.

2. The Caucus supported the consensus of Confer-

ence delegates, which said that the goal of ultimate abolition of the negotiated plea is not to be attained or desired. It was pointed out that the Commission has suggested that if people were properly charged and not overcharged, those who are guilty would plead guilty.

3. Time frames for trial of cases were unrealistic because one cannot pressure prosecution to move cases to trial when the defense has other motives.

4. A single all-encompassing appeal may pose some constitutional problems, according to the New York Caucus.

Where statutory change is required both State and Federal constitutional change may be necessary. For example, the waiver of indictment is being tried in New York first by way of a constitutional amendment that is in process.

5. There were opposing views on the desirability of straight appointment of judges or a mixed approach of appointment of judges and later referendum.

6. There was a sentiment that elimination of motor vehicle accident cases is necessary.

7. There was agreement with the New York approach of court administration.

8. Many substantial political obstacles would preclude the immediate implementation of full-time prosecutors and defenders in New York. Organizing defense on a multijurisdictional basis might be possible.

In summary, the group was enthusiastic about a number of standards. There were too few standards on the involvement of law schools and private practice in the courts. The Caucus did not expect too much from the Commission, but thought that whatever could be useful to New York should be extracted from the Commission's report.

Summary

The New York caucus made it clear that the 1,500 persons who came to Washington did not wholeheartedly endorse all the standards. There was some confusion among the delegates as to whether the Commission was asking for reaction to standards or telling the delegates not to tamper but to implement.

The Police Reporter mentioned that New York has the machinery in the police area to implement standards. Perhaps New York should be used as a measure of progress, but before that occurs, the Caucus should be used to reflect, evaluate, stimulate, and determine which standards are particularly valuable for New York.

It was asked whether some standards can be accepted without accepting others when they appear to be interlocked. The Police Reporter went on to say that when mandatory minimum sentences are not set by specific legislation, judges find themselves at the mercy of a defendant in a plea negotiation situation and want limits imposed.

The State Planning Agency Director, Archibald Murray, summed up by charging the State delegation with the responsibility to go home, examine, be introspective, and find ways to implement those standards that can be effective.

NORTH CAROLINA

Police

The standards and goals for the Police provide reasonably good guidelines for evaluating the operation of individual law enforcement departments in North Carolina.

Objective 1, Fully Develop the Offender-Apprehension Potential of the Criminal Justice System, was supported. However, delegates thought that the standards did not reflect a realistic conception of line officer experience and that forum session discussions tended to get bogged down in technicalities.

Objective 2, Get the Police and People Working Together as a Team, although in general very sound, lacked a concrete, significant definition of the police role or function. In addition, there was no input from the Southeast region on the National Advisory Commission, and therefore the report did not reflect the needs of a State such as North Carolina.

Under Objective 3, Get the Criminal Justice System Working Together as a Team, Recommendation 4.1, Alcohol and Drug Abuse Centers, were analyzed in terms of limiting the police law enforcement role, but increasing the police role in other areas. The Reporter strenuously objected to dropping all criminal charges against drug users.

Standard 13.3, Minority Recruiting, was viewed as a good idea, but the reporter questioned the means for implementation. The thought was that minority members objected to being treated differently from the rest of the population.

The major topic of the discussion was the extent to which compliance or noncompliance with the standards and goals would affect LEAA funding. The North Carolina delegation did not feel that it had an input into the development of the standards, nor that the standards necessarily meet local needs. They discussed the possible development of State and local standards for the 1974 comprehensive plan. One Police delegate thought that the standards

stimulated thinking. In addition, the standards would assist his development of objectives and programs with the use of small group meetings at the lower level of the police organization.

In conclusion, the Caucus embraced the concept of the development of goals and standards and the positive effect of LEAA funding.

Courts

The Conference was cited as the best LEAA meeting. Both the topics and speakers were good. The report focused on the structure of the courts, personnel selection and performance, and rules of procedure.

North Carolina has already implemented most of the standards relating to a unified court system and statewide funding. The standards relating to a single trial court were rejected because the merger would result in the need for jury trials in misdemeanors if the superior court and district court were merged.

Standard 7.4, Judicial Discipline and Removal, has been implemented as a result of a constitutional amendment providing for a judicial commission. Judicial Selection, Standard 7.1, is incorporated into a bill in the State legislature. Assessments of the possibilities for adoption varied.

The Courts section of the *Working Papers* acknowledges that North Carolina requires action to improve the quality of its prosecution; however, this is dependent on funding.

A public defender system already exists in two districts in North Carolina with alternative means of representation provided in other jurisdictions.

Standard 3.1, Abolition of Plea Negotiation, was viewed universally with disapproval. The abolition of plea negotiation in North Carolina was thought to be without merit. It could increase current expenditures by three or four times.

The standards on appellate review were rejected as inapplicable to North Carolina.

In conclusion, North Carolina was seen as being ahead of other States in terms of its courts system and is already implementing most of the standards relevant to the Courts.

Corrections

The Corrections standards lacked innovation, but were a collection of resource materials for local and State authorities.

North Carolina meets most of the standards in administrative law to protect the rights of the offender. While it was posited that correctional administrators want to obey the law vis-a-vis offenders' rights, the law is currently under determination in the courts. Delegates were concerned over the effect of minimum standards on pending court cases.

North Carolina delegates acknowledge the need for development of more pretrial release and detention programs, but thought that the Report of the Penal Study Committee of the North Carolina Bar Association provided more appropriate standards.

North Carolina is moving as rapidly as the public will consent to the use of no minimum sentences, as illustrated by the Youthful Offenders Act.

North Carolina firmly supports the concept of community-based correctional programs, but must reject the moratorium on prison construction and renovation. The existing facilities are not adequate to meet the needs of new attitudes in correctional treatment and management.

It is acknowledged that additional community-based programs for juveniles must be developed with adequate funding. However, the need for training schools was stressed.

In conclusion, community-based corrections was accepted in principle, but the difficulties in implementing these programs were pointed out. North Carolina could develop public support for these types of programs while proceeding on a gradual development utilizing existing resources. Increased public acceptance of changes will make such programs more possible.

Community Crime Prevention

The broad and narrow implications of community crime prevention were discussed. In the broad sense, it will require social legislation that covers all aspects of the criminal justice system, as well as legislation directed at corruption of public officials. In addition, the most crucial factor is the need for an extensive effort aimed at public education and understanding of the criminal justice system.

In the narrower sense, if the standards are taken too literally, it could undermine the progress already achieved in the criminal justice system in North Carolina. Public opinion polls were cited as illustrative of the need for the development of public understanding and support for the criminal justice system and community-based programs.

Resolution

The following resolution was unanimously adopted by the North Carolina Caucus:

Be it resolved That the North Carolina delegation to the National Conference on Criminal Justice appreciates the ambitious and thought-provoking goals and standards proposed by the National Advisory Commission on Criminal Justice Standards and Goals. However, this action of the

North Carolina Caucus is not to be construed as a total endorsement of all goals and standards of the National Advisory Commission.

Be it further resolved That the North Carolina delegation appreciates the opportunity to participate in a national meeting of this scope and purpose and to confer with other leaders of criminal justice systems and;

The North Carolina Caucus recommends that the goals and standards of the National Advisory Commission on Criminal Justice Standards and Goals be given further study and consideration by leaders within the criminal justice system of North Carolina.

In addition, the North Carolina delegation unanimously resolved:

Be it resolved to have a multidisciplinary, statewide, criminal justice conference for all components of the criminal justice system and community leaders within the next 60 days.

NORTH DAKOTA AND SOUTH DAKOTA

Police

The concept of the National Advisory Commission report was accepted.

The recommendation that police departments under 10 people be consolidated was not considered appropriate for North Dakota or South Dakota. Local police forces were thought to be better than regional forces.

The recommendation on lateral entry caused much controversy specifically in areas of guaranteed pension and morale.

There was concern about civil rights compliance regulations. If proportional integration is not at the level required by LEAA, or if other guidelines that have already been set up by the States themselves are not those of the report, will Federal money be withheld?

The National Advisory Commission report was thought to be good, yet it raised several questions:

- Was the report a consensus?
- What was omitted?
- Were the recommendations mandatory?

There was concern evidenced that the standards would become requirements within the fiscal guidelines of LEAA.

Courts

In general, the Courts standards were acceptable.

The 60-day process recommendation would be difficult to implement. Stenographic time, for example, would be a problem.

Exclusionary rule was not included in the *Working Papers*. It was part of the standards.

Many standards must be translated in order to be adaptable to rural areas.

The elimination of plea negotiation was discussed. Negotiation is not the best way, but the practice would be impossible to abolish. This is not particularly applicable to South Dakota and North Dakota.

The Bail Reform Act of 1956 was in the Corrections section of the report. Unfortunately, it should have been in the Courts section for discussion by judges. One Courts Reporter thought that it was much too time-consuming because of the issues that must be considered and discussed at length by each judge before setting bail, and because of the presumption that judges would act arbitrarily without these guidelines.

There appear to be two systems of unified courts systems recommended: one truly unified, the other—as in Idaho and Iowa—which retains a 3-level courts system while claiming to be 2-level. The best unified system would be to have all judges at the State level, with equal pay and with each judge acting in the area he knows best. This would, however, be difficult to implement.

Screening and diversion were considered more appropriate to large cities, but it seems like a good idea for them.

Automatic review will not be popular with appellate judges. It is not applicable to rural areas.

Corrections

The *Working Papers* were discussed. The main thrust was to develop a local system that would keep people out of institutions. To this end it would have been helpful for Corrections delegates to have discussed this issue with Courts and Police, who seem not to have had diversion emphasized.

Concerning rights of offenders, it was pointed out that institutional decisions that affect offenders have often been arbitrary. However, the rights of the victims as well as citizens must be considered. This issue was debated within the Caucus.

The employment of blacks, Chicanos, Indians, women, and ex-offenders was emphasized in the report.

Involvement of inmates in the decisionmaking process was emphasized.

Some bold recommendations were the following:

1. Close juvenile institutions and set up community-based facilities.

2. Place a moratorium on building new facilities, improve existing buildings, and expand community-based facilities.

The following recommendations were discussed in the Caucus, yet will not be accepted until they can be further researched. A State correctional system

for comprehensive planning and provision of consistent services should be developed. These functions are now performed in North Dakota by various disciplines—courts, police, etc. However, this is a good suggestion for North Dakota and South Dakota. Recruitment for corrections work should be stepped up.

Uniform sentencing was considered to be a critical problem.

It was considered important to tell the offender why parole was decided upon.

The discussion turned to comments on the *Working Papers* and the Conference. Many recommendations in the *Working Papers* not actually applicable to corrections were included in the Corrections section.

In addition, some critical omissions were cited. There were only six pages on field services in probation. The role of outside citizen involvement was neglected. Both of these areas were considered to be very important.

In general, delegates wished that they had had a part in preparing the report. There was a question as to whether the public would accept the recommendations, even if the Conference delegates did.

The delegates felt that problems of larger cities were emphasized in the *Working Papers*, to the detriment of rural areas.

There seemed to be too little discussion on the overall goal of Corrections at the Conference. It is important to involve the press and legislators in criminal justice problems.

Several key questions were raised. Is the goal of corrections to incarcerate or to rehabilitate? What does society want the criminal justice system to do? Moreover, are we more concerned about the system than the individual and how he or she is affected by the system?

Community Crime Prevention

There was a small representation from each State in Community Crime Prevention sessions. Community people were not enough involved, invited, or familiar with the system.

There should be smaller State conferences, involving many more citizens, and allowing for much more interplay between courts, police, corrections, and community crime prevention people.

Some delegates wondered if they were expected simply to initial the report.

Summary

The summary concerned how North Dakota and South Dakota should proceed after the Conference.

Recommendations should be discussed with legislators, and the standards and goals should be appropriately implemented.

There are three problems facing the system at this time:

- There is too little interplay among the disciplines.
- It is difficult to try everything suggested.
- Long-range goals are needed, and have not heretofore been available from LEAA.

Law Enforcement Councils should meet and discuss the standards systematically—with citizen participation. This should be done in both States. This will be the vehicle for important further discussion.

The crime-oriented planning document could be used as a discussion tool. The delegates thought it was well done.

OHIO

Introduction

The Ohio delegation convened its meeting with the State Planning Agency director, stating that the purpose of the Conference was to receive and examine the Commission's report in light of its applicability to Ohio. The State Planning Agency director then indicated that each Conference discipline would summarize findings from its sessions.

Police

The Reporter was disappointed with the Police section of the *Working Papers* because it did not provide a focus or direction for the police to take. He devoted the majority of his discussion to a review of a 6-page summary of the Commission's report. He thought that the standards for law enforcement, developed by the American Bar Association committee, were more organized than those of the Commission. Further, he felt that a speech, delivered at the Conference by Chief Frank Dyson, Dallas Police Department, was more in line with the goals and objectives of concerned police leaders than the Commission report was.

Two facets of implementation of the Police standards and goals were discussed. First, legislation is needed in the juvenile area to bring Ohio closer to the standards and goals in that area. The Reporter wanted to meet with legislators to discuss legislation. Secondly, from discussion on the juvenile question, it was resolved by the State Planning Agency director that all four specialists would meet with State legislators to discuss the legislation needed to implement desired standards and goals.

One delegate indicated that the Commission's report had good and bad points, but that the value of the report was its reminder to police officials of a number of good things to do. This was guidance that Ohio should respond to.

A summary of the comments from the discussion of the police area indicated a favorable attitude toward implementing some of the ideas in the Commission's report and a desire to work on areas neglected in the report.

Courts

The Reporter liked the idea of a Caucus to discuss the State's role and to accentuate the positive aspect of the Commission's report. He saw the standards and goals as being made to fit Ohio's needs rather than something that was being imposed. He believed that Ohio's supervisory commission should be the body to determine what is to be done to implement the standards and goals. Hopefully, some seminars will be set up in the coming months for this purpose.

He reviewed the Commission's report on the following subject matter.

Screening is the prosecutor's responsibility and the courts should not be involved. A conscientious approach by the prosecutor would be beneficial in reducing the burdens on the rest of the system.

The concept of diversion is excellent in that it works toward a reduction of court overload. Ohio should do more work in this area. Once in the system, cases that can be expedited toward disposition should be handled as much as possible outside the trial process.

Total abolition of plea negotiation is not desirable. It has played a valuable role in the system for a long time. However, better controls of records are a must.

Ohio should establish a plan to work toward the goals established for the litigated cases. The new Rules of Criminal Procedure should be adopted shortly and with the new criminal code due January 1, 1974, actual trials should move at a quicker pace.

More cooperation and communication between courts and corrections is needed with regard to sentencing. The sentencing role of the judge must be continued, but more information should be available in order to impose sentences calculated to serve society and the defendant.

Appellate courts are overwhelmed today, but the drastic new level of review proposal is not the most practical approach to this problem.

With regard to judicial selection, the idea of merit is sound, but good judges will appear when the salary and pension benefits become more attractive. Such items should be equal to Federal judiciary salaries.

Existing statutes on removal and discipline need enforcement more than strengthening.

Ohio needs work in court consolidation. A unified court system in each county is a necessity. Ohio should be working toward regional rather than county consolidation in rural areas.

Progress is being made in court administration in line with the standards. Court management programs leading toward computerization and the adoption of modern business techniques are already well underway in the metropolitan areas of the State.

Corrections

The Reporter believed that the report of the Commission was sound, but that the goals would need alteration for each State. Such goals should be established by people within that State's criminal justice system. This would, in turn, affect the report's applicability to each State.

The Reporter spoke about psychotics who are criminals. Psychotics have caused much harm in prisons to other prisoners and also to correctional programs. He indicated that there was no place in correctional institutions for those with sociomedical problems.

He agreed with the moratorium on construction.

Also, he stressed the need for greater cooperation among the disciplines in the criminal justice system. He believed that those who need correctional services do not get them because of the lack of cooperation in the system.

Community Crime Prevention

The Reporter's presentation indicated that the Community Crime Prevention discussions were vague and lacking in focus. Every issue brought up was hotly debated by the forum session delegates.

Early identification of delinquents was not considered desirable by many because labels have a tendency to remain throughout life.

Employment quota systems were confusing to delegates because of the vagueness of the concept.

The concept of an Ethics Board was of interest, but no one knew how it would work.

Summary

The State Caucus reviewed the Conference in its entirety. Comments indicated that there was a strong interest in what was expected of Ohio on the issue of implementing the standards and goals. To summarize the discussion: Was Ohio required to implement these standards and goals and was implementation required for funding?

One delegate thought Ohio should have its own set of guidelines. These guidelines, he continued, should include a timetable detailing specific levels of performance to be achieved by specific dates.

This suggestion was considered to be important, but was deferred until all reviews were completed. It became apparent that little time would be available to discuss specific implementation of the standards and goals.

However, the Ohio delegation appeared to be seriously interested in setting standards and goals for the State.

OKLAHOMA

The discussion among the Oklahoma delegates was primarily of a general nature.

The presentations gave an overview of what had been discussed in the Conference sessions. Subsequent discussions led to the formulation of the following areas of consensus by the Oklahoma delegation.

The delegates subscribed to the overall goal of the Commission—to reduce crime by 50 percent during the next 10 years. In addition, they supported a great number of the standards and goals outlined in the report, but indicated that their presence at and involvement in the Conference should not be construed as acceptance or endorsement of all standards. They appreciated the opportunity to have been somewhat involved by their attendance at the Conference and indicated their intention to return to Oklahoma, and further examine the Commission's report. This examination will result in a more precise determination of their position with respect to specific standards. The State Caucus agreed to reconvene at a later date to discuss the issues in more detail. The State of Oklahoma Caucus will aggressively fight standards and goals with which they do not agree.

The Oklahoma Caucus observed that very few of the Commission standards in any of the disciplines were different from those already discussed. Many of the basic standards have already been implemented in the State, and commitments to implement further standards would depend upon the availability of funds.

The Caucus was concerned over the possibility of the Commission standards being made mandatory —either by legislation or indirectly by distribution of Federal grant funds. They opposed the arbitrarily imposed standards.

Considerable frustration was expressed by the delegates at the lack of involvement by State and local representatives in the determination of Commission standards and goals. They felt that these representatives were vital to the future implementation of the standards, and they were concerned about their perceived inability to revise the standards and goals. It was suggested that the input from the various States be compiled—after each has had a chance to determine positions with respect to individual standards—and that the Commission's report be amended accordingly.

The delegates wanted to develop community involvement in aspects of all disciplines. Such involvement was viewed as an effective vehicle for generating program support.

The Caucus would like to have the following questions answered:

1. How can the standards and goals as presently contained in the *Working Papers* be revised?
2. For what areas and to what degree will Federal funding support be provided for implementation of standards?

It appeared to the delegates that certain professional associations that had promulgated standards for specific disciplines had not been allowed to contribute materially to the Commission report. They referred to the American Bar Association, the American Correctional Association, etc.

OREGON

Police

The State of Oregon has met the majority of the recommendations made by the Conference.

The police recognize and address the problem of Crime Prevention, Standard 3.2, and presently have programs for community involvement in many areas.

Oregon police agencies recognize and meet the demands of a 24-hour police service (Standard 5.1, Responsibility for Police Service).

Police Use of the Telephone System, Standard 23.1, is in effect for the most part. Other ideas in this area will be incorporated in the future. When technically feasible, the 911 emergency telephone system will be implemented.

In the spirit of continuing professional law enforcement standards, The Police Function, Standard 1.1, is a reality in Oregon.

The State of Oregon recognizes the need for speed in communication and how critical it is to the success of an agency. It therefore accepts Standard 23.2, Command and Control of Operations. This line of thinking concurred with Standard 23.3, Radio Communications, much of which is presently in effect within the State.

Standard 8.3, Deployment of Patrol Officers, and Standard 8.1, Establishing the Role of the Patrol Officer, are integral parts of the police function in the State.

Oregon recognizes the need for Standard 9.7, Criminal Investigation, and has met its requirements in some areas. Other areas will need improvement.

Standard 9.4, State Specialists, must be examined to create a more effective law enforcement body.

Standard 12.2, The Crime Laboratory, is a matter of fact in Oregon.

Oregon will, and does, establish a policy that police effectiveness depends upon public approval and acceptance of police authority (Standard 1.2, Limits of Authority).

Standard 1.6, Public Understanding of the Police Role, has been addressed. Police have been assigned to schools to develop rapport with students. Crime prevention programs have been developed. However, more efforts must be made.

Acceptable procedures are in effect regarding Standard 19.2, Complaint Reception.

The delegates recognized the need to get the criminal justice system working together. They meet or exceed many standards in this area. Some aspects are in need of improvement. General statements were made about the establishment of drug treatment centers and the rapport between State and local agencies.

Standard 1.4, Communicating with the Public, is being implemented through the use of police in the schools and community relations programs. If the police are to be effective, they must depend upon an aware public.

The standard on minority recruiting poses a problem. No one really has the answer. Minority group members are hard to keep. They leave for more money elsewhere or other reasons.

The delegates recognize the need to promote the best qualified candidates and concur with a lateral entry program (Standard 17.4, Administration of Promotions).

Corrections

The Reporter believed that the standards should be used as guidelines to set standards for each State. Oregon, apparently, was a forerunner in establishing rights of offenders (Chapter 2, Standards 2.1 to 2.18). The Reporter thought that almost all of the standards were in effect at present, but was concerned about those standards that were not yet released. Blanket approval of all standards, in his opinion, could cast a bad light on what had been accomplished to date. Many of the proposals related to the South or the East, but were not applicable to Oregon. Some of the ideas now implemented in Oregon included: work-release, liberal furloughs, no minimum for parole, etc.

Chapter 6, Classification of Offenders, was rejected on the basis that the offender cannot be classified.

There was agreement on Chapter 7, Corrections and the Community. A total approach must be taken. A concerted effort to involve the community must be effected.

In discussing whether probation should be on a State or local level, the delegates concluded that each State must decide for itself.

Chapter 11, Major Institutions, was believed to be a little extreme. There apparently was no recognition for what had been done. Delegates did not mean to imply that they wanted to have more institutions.

With regard to Chapter 12, Parole, due process must be observed. Oregon believes it has an effective system.

Although standards on The Statutory Framework, Chapter 16, are being implemented, statutes must be updated.

Courts

Not only were the Courts standards acceptable, but many of them have been implemented.

Chapter 3, The Negotiated Plea, was considered to be too radical an idea at this time.

Delegates believed that the standards in Chapter 5, Sentencing, were inferior to those which Oregon presently uses.

Community Crime Prevention

Although the standards were desirable, implementation seemed to pose a serious problem.

The discussion raised several questions. How uninformed is the public? What is the role of the legislature to be since it is a centralized problem?

It was decided that a committee must be established to attempt to implement Community Crime Prevention recommendations.

One delegate thought that some programs for Community Crime Prevention could be found in the last chapter of *The Challenge of Crime in a Free Society* (President's Commission on Law Enforcement and Administration of Justice). These programs could include units of instruction on crime prevention for high school students, development of building codes, etc.

The educational community must involve itself in crime prevention through classroom instruction. Community crime prevention could be furthered by

community involvement in corrections. The public must be given a stake in the program.

Summary

Rather than a set of standards, what would have been more desirable was input from the delegation. The delegates felt slighted. Poor Federal-State relations were developed from this Conference. They stated the ideas were good, the methods bad. Their attitude reflects the input found herein.

PENNSYLVANIA

Introduction

At the opening of this session, State Reporters were asked to make special reference to those standards and goals that would require special legislation. It was also emphasized that State Planning Agency personnel would use the standards and goals only as criteria to measure and assess, and not as conditions for funding. This was a point of concern to the Reporters, and was referred to repeatedly during the session.

Police

The Police Reporter began by stating that the Police section of the report had generated little dissent. There was general acceptance of the standards and goals and the thought was that many of these were already in use by most police administrators. However, it was thought that the report failed to consider that police chiefs are not autonomous, and that the community and the city government also had to be committed to the standards.

The Reporter referred to a standard in the Police section that stated that police administrators would have to decide which laws had priority for enforcement. He acknowledged the fact that limited resources necessitate this approach. However, he considered the policy dangerous because it could not be justified without legislation.

There was general agreement that the Police sessions reflected disproportionate input from the West, notably California. The situation in the West differs markedly from that in the East. Situations and political orientations were contrasted as well as the availability of resources, notably data and money. It was suggested that LEAA require each region to respond to the report to insure that it was representative and possible.

The Police Reporter also noted that while citizen involvement is vital to the prevention of crime, patrols can easily turn into vigilante groups. The Commission's lack of attention to gun control was noted and criticized.

One police chief thought that legislation is required to allow the police to divert offenders. Another was concerned that Federal legislation and State legislation are often inconsistent. He gave the example of a police officer in Pennsylvania who can, by State law, use his gun in the arrest of an escaping felon. However, by doing so, the police officer can be federally prosecuted. This delegate felt there was a need for a Federal-State effort to eliminate these discrepancies.

Corrections

The Corrections Reporter noted that some standards are easily implemented in urban areas but are not feasible in rural areas, which are incapacitated by lack of personnel. He also raised a question concerning the availability of money and community resources for the transition from juvenile institutions to community-based operations. He observed that resources often are not cycled back into the community after a savings has been effected. He cited an example where the financial burden of State prisoners was transferred from the county to the State and the savings that resulted were not directed back into corrections.

This Reporter also took exception to the standards detailing the involvement of corrections in sentencing. He felt that this was more appropriately the responsibility of the court.

The Corrections Reporter concluded with a statement that the corrections field is only 180 years old and it has nothing for which to apologize.

Community Crime Prevention

The Community Crime Prevention Reporter stated that he thought that delegates were "adrift in a sea of computer jargon." He suggested that taxpayer support could be developed by writing a terse jargon-free criminal justice checklist for the fiscal years 1974 through 1984.

He suggested that the California Parole Subsidiary Program be explored for implementation in Pennsylvania. Referring to pretrial detention, he noted that Pennsylvania needs an ROR program. Commenting on volunteers in the areas of parole and probation, this Reporter suggested that community involvement could be increased in release programs by using nonprofessionals as interviewers. He went on to say that ex-offenders should be able to resort to the government for employment.

Using the concept of the block organization as a

point of reference, the Community Crime Prevention Reporter speculated that the new Home Rule bill could be used to enforce the standards and goals.

Other topics included: pay for prosecutors and public defenders comparable to that of judges, year-round and evening use of schools, legislation for staff training programs, more effective lobbying efforts for criminal justice, and the use of students in the criminal justice system.

Courts

The Courts Reporter registered surprise at the general acceptance of the goals and standards.

He was especially interested in screening and diversion because of the necessity of standardizing procedures. Pennsylvania has had a rule that allows diversion since May 1971.

Although he did not feel that the 60-day requirement for bringing a case to trial was realistic, the Reporter suggested a 20- to 30-day requirement for those detained and that all motions be filed within a 60-day period. During the discussion, it was suggested that all motions be heard prior to the date of trial.

The Courts Reporter was disappointed in the standard on sentencing. He was also concerned that reference had to be made to the section on Corrections for full standards and goals pertaining to Courts. He noted there was no standard pertaining to sentencing panels and their potential effect on sentencing disparities. He pointed to a pending bill on gradation of crimes and a companion bill on sentencing. He also said he would like to see a Supreme Court review of the standards and goals with recommendations.

It was noted that Pennsylvania has just about achieved the standards suggested on the selection of judges.

Rather than complying with the model for court administration, the Reporter thought that there should be a local administrator where there were more than five judges. He also pointed out the need for full-time prosecutors and public defenders in rural areas. This would result in longevity on the job and the benefits of experienced personnel.

Noting the controversy on plea negotiation, the Courts Reporter did not personally favor its abolition, but he felt that an important contribution had been made in procedures and protection in this area. He also thought that the Courts standards placed too much emphasis on speed. He noted that nothing on community relations or on the training of judges was included in the Courts section.

Summary

Delegates repeatedly expressed concern that the report was not sufficiently applicable to the wide variety of geographic areas represented. Nor was adequate consideration and analysis of cost factors apparent.

They felt it was important that the standards and goals remain objectives rather than be used as a measuring stick.

The delegates thought that not enough attention was given to the orientation and training programs of all disciplines in the field of criminal justice. They felt that this should be conducted within and across occupational lines.

Comments on the Conference itself addressed the small number of minority group members, the concentration on homogeneous rather than interdisciplinary meetings, and the problems resulting from receiving the *Working Papers* so late.

The delegation was very concerned with following through on the Conference. The consensus was that it was important to review closely the standards, determine what it would take to implement them, and their potential impact. It was thought that this analysis should be dynamic, viewing the entire system and its interrelatedness from the perspectives of each component of the system both individually and together.

The delegates approved a motion that a steering committee be established of the four reporters, the State Planning Agency director, and one or two community representatives. This committee will convene in the near future to find ways, means, and support for the development of Pennsylvania's standards and goals. The Governor's Justice Commission may be able to allocate a staff officer to assist in the preparation of regional conferences for a State conference that would be sponsored by the Governor's Council on Corrections. In addition to the development of State standards and goals, the regional conferences will address those standards that have already been implemented and the methods by which implementation was achieved.

PUERTO RICO

Introduction

The delegation met alone at the beginning of the session and conducted most of their meeting in Spanish. Their comments in English were ones they wanted specifically "for the record."

Each Reporter emphasized the same two points:

1. He was in agreement with the overall philosophy of the *Working Papers;* and
2. The centralized structure of the Puerto Rican government made the implementation of the standards a significantly different process than would occur in most of the States.

Police

The Police Reporter considered the implementation of the standards a much easier goal to reach in Puerto Rico because of the centralized police force. He added that arrangements for budget increases, personnel changes, etc., will be a basic effort.

He cited examples where Puerto Rico has already met certain standards for some time, as well as certain standards that were totally irrelevant to Puerto Rico. Specifically, he saw no need for the proposed police investigator because the district attorney in Puerto Rico is consulted before any accusations are made.

Courts

The Courts Reporter approved of the Conference philosophy. He discussed specific areas in which the standards did not apply to Puerto Rico.

Puerto Rico already releases any cases not tried within 180 days of arrest, and the initial trial must be within 30 days of arrest (60 days for felony). The Reporter was surprised that there were places not utilizing screening and diversion techniques, as Puerto Rico does. He thought that the appointment of judiciary by the Governor was a good system that made for cleaner politics in the long run.

The Reporter, as well as the rest of the delegation, could not support the end to plea negotiation because it helps to clear the court calendar and puts a person in front of a responsible judge. One delegate thought that no one cared to infringe on the judge's right to sentence in Puerto Rico as that was a tightly held responsibility. Puerto Rico has long had an office of public defense for criminal cases, and recent efforts to raise salaries there have been successful. He pointed out that there were presently police legal advisers in Puerto Rico, and that they even ride with the patrol cars. The feedback on this system has been positive.

Corrections

The Corrections Reporter was convinced that drug-related crimes belonged to corrections. The need for unification in Puerto Rico, in his opinion, was specifically in the areas of probation, institutions, and parole. He committed himself to that goal.

The reporter reiterated the need for adapting the standards to local needs. He thought that a national philosophy on corrections reform was greatly needed. However, he noted resistance to change at the Conference and he recognized the weight that an accepted national standard would have.

Community Crime Prevention

The Community Crime Prevention Reporter supported the philosophy of community involvement, but stated that implementation would be a matter for local adaptation. The seven suggested programs were food for thought.

Summary

The State Planning Agency Director, Dionisio A. Manzano, thought that the Conference had been invaluable as a kick-off to real study of the Commission report and that the delegates from Puerto Rico were returning home committed to applying the standards wherever possible once research and planning could be done.

RHODE ISLAND

Introduction

The Rhode Island State Caucus Report was prefaced by several remarks about the Conference. The Rhode Island delegates thought that although the Conference was valuable, the sessions were poorly matched with no concern for similar-sized jurisdictions being placed together. The major point of discord, however, involved a one-sided approach: the separate components thought that they should not have been segregated but allowed to meet for free exchange in dialog.

Community Crime Prevention

The Community Crime Prevention Reporter, with few exceptions, agreed with the Commission's goals and objectives. However, he spoke of the following areas of discord:

1. The public must initiate action with the police;
2. Police should not work with youths because youths do not respect the police;
3. LEAA must shoulder the burden of funding youth programs including the necessary manpower;
4. All programs must be evaluated for proper implementation;
5. The public should not be invited to observe either the police or the courts;

6. The public is either ill-informed or not at all informed about criminal justice problems and should be educated;

7. Drug abuse must be stopped and no curbs need be put on the necessary measures; and

8. The public, including the business sector, should work on the rehabilitation of ex-offenders.

The State Planning Agency Director, John J. Kilduff, observed that the public responds only to crises and is difficult to mobilize. Another delegate concurred, noting that the program must come from the community and not from the State.

Corrections

The Corrections Reporter essentially agreed with the Commission's findings. He had the following comments to make:

1. He favored pretrial diversion and has effected programs where applicable.

2. He approved of a community-based approach to corrections, particularly in Rhode Island given its small size.

3. He noted the emergence of a new relationship with the offender and was anxious to see the final resolution. Logistically, he wished to replace cages and build diagnostic centers.

4. He agreed that massive institutions should be eliminated.

5. While not opposed to the 5-year maximum sentence plan, he would like to see a more definitive exploration of violent crime.

6. The family court should not issue truancy petitions any more unless accompanied by a different offense. The Commission should have considered juveniles separately and not as though they were younger versions of adult offenders.

7. Probation and parole workloads should be reduced wherever possible. This would require more manpower.

8. Intake should be increased and 50 percent of the people should be diverted.

9. Further research is necessary before deviant offenders can be centrally located in one facility.

10. More emphasis should be placed on the victim.

One delegate thought that the standards and goals directed toward treatment and rehabilitation gave offenders more manipulative power within the prison, and that these programs undermined the authority of the correctional officer.

Police

The Police Reporter wanted the following:

1. Better research and evaluation to insure proper distribution of funds;

2. Fewer union problems, which occupy 25 percent of his time;

3. Support of the 60-day time period between arrest and trial;

4. Issuing of summonses—rather than arrest and detention—for minor offenses;

5. Denying prisoners the right to address the press or to send and receive uncensored mail.

Overall, the Police Reporter could not endorse the Commission's findings because of the lack of consultation prior to the Conference.

The State Planning Agency director pointed out that more legal assistance was needed if the police were to change.

Courts

The Courts Reporter made the following points:

1. He did not favor the abolition of plea negotiation. Plea negotiation should be part of public record.

2. The courts need greater public exposure.

3. There is a need for the criminal justice component to work more closely in order to have a system.

4. He approved of the section on screening, but thought that more information from the police was needed for the prosecutor.

5. He approved of the section on diversion, but stated that pretrial information from corrections is needed.

6. He favored organized courts.

7. No standards should be set for the selection of judges. This is strictly a local matter.

8. He approved of intercourt discipline.

9. Generally, he approved of the 60- and 30-day limits on judicial disposition, except in some instances where the case will need such extensive investigation, i.e., a fair trial could not be held within these time limits.

10. He approved of a 50 percent reduction in high-fear crime.

11. Sentencing should be done in courts with more input from corrections.

12. The Commission should have investigated the penal effects of incarceration.

13. Public prosecutors and defenders are underpaid and understaffed.

14. He approved of the less than unanimous verdict but did not want to see less than 10 votes for conviction.

One delegate urged that the FBI release their investigations of police brutality cases.

SOUTH CAROLINA

Introduction

The South Carolina delegation agreed unanimously to adopt the following resolution to be placed at the beginning of the discussion notes of the South Carolina Caucus:

> The South Carolina delegation accepts in principle a great number of the recommended goals and standards, the majority of which have already been implemented in South Carolina. However, it should be made clear that our attendance at the National Conference on Criminal Justice does not indicate our total acceptance or endorsement of all the proposed goals and standards.
>
> We commend the committee for their excellent work and accept the recommended goals and standards as a valuable resource.

Police

Regarding most of the Police standards and goals discussed at the Conference, the South Carolina delegates agreed that their police forces were already involved, experimenting, or in the planning stage of implementation.

They thought that the subject of communications was controversial. The government must intervene to procure dedicated frequencies, and this could present a problem in regard to already assigned commercial frequencies.

The question of lateral entrance was discussed, and it was thought that problems might arise in this area.

Another area that especially concerned this group was the possibility that the Conference and report might not be followed up by the proper people. The overall thought, however, was that the report was an excellent document and a good blueprint for action.

There was discussion of the abolition of the small law enforcement department. The delegates thought that it was probably a good idea, but questioned how it would be done. The feeling of the group was that it would be hard to maintain a force of less than 10 people. With respect to mutual aid, large cities must take in more areas. South Carolina has adopted basic standards, and in conjunction with this, there is a proposal in the legislature providing for a minimum salary of $6,500 per year for corrections and law enforcement officers.

In summary, the group felt that the report was a very good blueprint—perhaps a bit on the utopian side, but containing good suggestions on specific goals to be achieved. To implement these standards and goals, Federal assistance will be absolutely necessary.

Regarding the question of the disciplines working together, it was thought that the new ideas that crossed the disciplines were not fully explained to the police. The spotlight is now on courts and corrections reform and the police are often left out of planning. What is the best way to get components working together?

Concerning the concept of misdemeanor and felony, the group thought that there should be clarification of statutes in South Carolina. There is no excuse for the statutes to be so antiquated. There is a problem in continuance of cases. There should be a minimum. Great issue was taken with the abolition of plea negotiation. Although unfair, it was agreed that some form is necessary.

Courts

The main points brought out in the discussion of Courts were the following:

1. There is no accountability for courts.
2. Courts should publish disposition of cases.
3. There is a problem in that lower court judges can practice law on the side.
4. Two-way discovery was advocated.
5. The group felt that the negotiated plea should not be abolished, but that guidelines and standards must be developed.
6. Speedy trials were advocated, within 60 days at least.
7. There is a need for the protection of people against unscrupulous lawyers.
8. Some type of conference should be held at the State level as a followup to what has been started at this Conference. More dialog is needed.
9. The manner of selecting judges should be questioned. Should they be elected or commissioned?
10. Some accountability is needed for judges, members of the bar, and laymen. Perhaps a commission could be established.

Corrections

The Corrections delegates thought that there had not been adequate time to read the *Working Papers*. The main points of their discussion were:

1. Prisoners should be allowed to make a minimum wage, and suitable jobs should be provided.
2. There should be a consolidation of services in the State. The police would like to get out of the jail business, and the feeling was that specialists should run the jails.
3. There was disagreement with the idea of no new facility construction, especially for juveniles.

This was because many of the South Carolina facilities are old.

4. There was controversy on the length of sentences.

5. On the question of the appellate review of sentences, why are there indeterminate sentences?

6. Community-based and furlough programs are well established in South Carolina. Perhaps coed prisons will be next.

7. In disciplinary hearings outside attorneys may not be necessary. There is a possibility of using paraprofessionals.

8. Psychotic and victimless crimes should be taken out of the corrections system.

9. There is now a disparity in sentencing.

10. The delegates agreed that much will evolve from these discussions.

Community Crime Prevention

The Community Crime Prevention sector has been looking at the hardware; now they are looking at software. The delegates representing Community Crime Prevention found that most of the recommendations applied to larger communities. South Carolina has mostly small communities. However, South Carolina is quite advanced in the area of the community-based programs discussed at the Conference.

Summary

1. South Carolina seems to be on a par with or ahead of many of the standards and goals.

2. South Carolina has developed community-based programs and fostered programs of cooperation with police. The State has already done much of what is advocated in the standards and goals.

3. The thought was that most of the delegates were disturbed that they were asked to come and review a document that was already in the process of being printed. Therefore, the resolution mentioned earlier was adopted.

4. The delegates did not agree with the closing of juvenile institutions. Proper assessment should be made.

5. The standards and goals should be taken as advice, and the States should not be forced to implement them.

6. There was a strong feeling that presentence investigation should be stressed and implemented.

7. The best experts in their respective fields have prepared the *Working Papers* and the standards and goals. Now they must go to the people who can really help to implement them.

SOUTH DAKOTA

The South Dakota State Caucus met with the North Dakota State Caucus. The combined State Caucus Report is carried in Part IV alphabetically, under North Dakota, above.

TENNESSEE

General regret and disappointment were expressed on behalf of the Tenessee delegation about what they felt was a lack of opportunity for the members to make significant inputs regarding the standards and goals presented at the National Conference on Criminal Justice. Having had only a week to review the findings of the Commission, the delegates were generally unfamiliar with the material and felt as if they were being asked to rubberstamp the findings of the Commission without factual consideration.

The delegates generally endorsed the notion of national goals for the criminal justice system, but refused to comment on specific standards offered by the Commission. The setting of standards, they felt, was a matter that could best be administered by the individual State with the necessary flexibility for their localities.

Delegates were concerned that the standards and goals presented by the Commission virtually ignored any consideration of the criminal justice system in the rural areas. Even if accepted, the recommendations by the Commission regarding police, for example, could never be implemented in rural and semisuburban areas because of conflicting jurisdictions between city and county law enforcement agencies; nor were any standards given for the regulation of such rural problems as powerful county sheriffs and county court clerks. The delegates concluded that the proposed standards and goals offered nothing that was not already being tried somewhere in the country, and that until their inputs and needs were considered, there was little the Commission could do for justice in Tennessee that the State could not do for itself with "a little money and goodwill."

TEXAS*

Introduction

Judge Joe Frazier Brown, the State Planning Agency director of Texas, commented that goals and standards must be established so that crime

control can be a measured function. Secondly, the public should know these goals, how they will be achieved and measured, and whether desired ends will be met.

Judge Brown called upon the delegation for careful communication of the standards to determine their acceptance.

Police

The Police Reporter gave his approval of the establishment of standards and goals.

He particularly approved of Standard 3.2, Crime Prevention; and Standard 3.1, Crime Problem Identification and Resource Development. However, he noted with concern that the areas of gun control, victimless crime, and electronic devices were not addressed in sufficient detail at the Conference. He continued that the term "victimless crime" should be changed and that criminal code reform should be initiated.

Other comments included:

1. The lack of time to review the *Working Papers* resulted in a lack of and inability to provide input.
2. Capital punishment was not addressed and this was an important issue in law enforcement.

Courts

The Courts Reporter reviewed the general response to the standards in the forum sessions.

Standard 3.1, Abolition of Plea Negotiation, was not agreed to. Plea negotiation should be retained and a judicial decision should follow a conference with the police and prosecution. Standards on plea negotiation should be established.

In regard to Standard 3.3, Uniform Plea Negotiation Policies and Practices, policies and practices should be uniform.

In reference to Standard 4.1, Time Frame for Prompt Processing of Criminal Cases, it was stressed that there was a need for standards to insure a speedy trial.

The response to Judicial Selection, Standard 7.1, called for guidelines for judicial selection consistent with the legislature and the community.

Caseflow Management, Standard 9.4, should be consistent with data processing procedures.

The Reporter supported the idea that selection of a public defender, Standard 13.8, should be based upon competence.

As to The Prosecutor's Investigative Role, Standard 12.8, investigation of a complex case, e.g., organized crime and bank fraud cases, should be conducted with the assistance of a prosecutor's investigation. The use of law students as assistants in this area was an idea worth promotion.

It was agreed that the court's role in the sentencing process, Standard 5.1, should be reviewed.

Approval was noted for screening and diversion; all cases should be screened prior to charges being fixed (Standard 1.1) and criteria for diversion should be established (Standard 2.1).

The Reporter stressed the importance of LEAA and the standards and goals established by this agency as contrasted to the revenue sharing concept, and expressed his support for LEAA.

Corrections

The delegates discussed a moratorium on building new prisons (Standard 11.1). There were no unfavorable comments.

In response to women in major institutions (Standard 11.6), there was a general need expressed to review the vocational rehabilitation programs for women. The need to review community-based programs (Standard 7.1) and the use of diversion (Standard 3.1) was urged. The wide difference in sentencing by different agencies (courts and corrections) was justification for standards in this area (Standard 5.11).

Community Crime Prevention

One criticism indicated was the lack of attendance at this Conference by people from the community level. Conference members were of the social worker class and not at all representative of the community.

Community goals such as getting the church involved was not felt to apply to many areas of law enforcement, and did not belong to the standards.

Summary

A resolution was introduced to thank LEAA for the Conference. The highlights of the standards were listed as police improvement, rational sentencing, humane treatment of prisoners, and utilization of community resources.

The Texas delegation approved the general thrust of the recommendations but wanted to meet again in Texas after the final report was issued so that all the standards could be reviewed.

The Texas delegates felt that recognition should be given to LEAA for this type of Conference.

* The State Caucus Report was not approved by State Planning Agency personnel and represents, therefore, the information specialist's summary.

UTAH

Introduction

The theme of the Conference was that guidelines and goals for criminal justice were a beginning. It was also noted that the Conference speakers repeated that LEAA and the Federal Government will be flexible regarding the mandatory adoption and implementation of standards. However, some reservations were specifically expressed by the Utah delegation about being restricted by Conference standards.

The Utah planning staff has had a head start in working on goals and standards toward improving its criminal justice system, and has developed a State plan, but because of limited resources and funds, there is a minimum number of standards and goals it can develop. However, there is a need for input from participating agencies. A recommendation was made to begin using systems planning.

The major points expressed by State Planning Agency Director Robert B. Andersen were that a war should be waged on crime, that cooperation of all entities of the system is required to do this, and that standards and goals are an essential element for all entities.

Police

The Police goals and standards were considered valuable, although some are not workable for small agencies. The feeling was that at the completion of the final report, most important police areas would be covered by standards.

In general, the impression was that a useful start had been made and that the standards could serve as guidelines, although much of the section on Police did not apply to the Utah community. The delegation agreed as well that although the Los Angeles Police Department had performed well, this department was overrepresented on the Police Task Force, and more emphasis could have been placed on using other police departments across the country.

The delegation felt that response by police to commendations and complaints, as related by the standards, was important, but that the inspection and complaint processes were vital functions for all components of the criminal justice system, particularly courts and corrections. The Reporter felt that the standard for lateral entry would have difficulty being accepted.

Police indicated that they did not receive enough information in their forum sessions on standards and goals for prosecutors, courts, and corrections. However, they did discuss their own relationship with the other disciplines and the need for further contact, perhaps on a statewide basis. There was agreement that police should get more contacts with probationers and parolees, and that they could do more with case preparation and coordination with prosecution.

The Police Reporter was impressed that innovation was finding its way into the criminal justice system, particularly the abolition of plea negotiation, removal of bars from cell windows, and use of civilians for nonpolice functions such as impoundment of cars.

Courts

The Courts Reporter noted that the Courts section contained new ideas and urged the delegation to work to put these standards into operation. He expressed hope that the Utah delegation would pursue this goal in the months ahead, and encouraged more dialog between the legislative branch and the courts.

He described the crime control function of the courts. In the determination of guilt or innocence, courts must develop speed and efficiency, and the timelag between arrest and trial must be reduced to a minimum. Although Utah's backlog in criminal cases can compare favorably with any State, there are still unacceptable delays.

The standards call for prosecution and defense staffs to be selected on the basis of high integrity and professional standards. To combat the big business of crime, the Courts Reporter recommended a full-time professional staff, a staff of prosecutors and defenders free from politics.

The Courts Reporter has been on a committee to revise the penal code and code of criminal procedure. In addition, legislation to unify the courts in Utah is before the present legislature. The courts committee has made three major suggestions to be put into use in the courts area as soon as practical.

Screening—discretionary power to stop the investigation of a suspect if evidence or a lack of it justifies termination—must be made by the prosecution. This procedure would save time. Also, a prosecutor should stop all prosecutive action when evidence suggests the defendant will not be convicted. It is essential that the prosecutor make the decision on prosecution, not the judge or police or victim, the Reporter said.

The standard on diversion recommended that the prosecutor arrange with the defendant for the defendant to enter an available program or make restitution, or perform other requirements to avoid further prosecution. If the defendant performs satisfactorily, the prosecution is terminated. The Courts Reporter agreed with this standard and said the decision to divert should be the prosecutor's, not subject to court review, but if diversion required incar-

ceration for a period of time, then the judge would get involved.

The Courts Reporter pointed out that Utah might need legislation to give the district attorney this power. Implementation of this standard would require education of the police, the courts, and the public. Utah should give its prosecutors authority to divert alcoholics and drug addicts to treatment centers. Diversion can be one of the prosecutor's tools in preparing cases for prosecution.

In the Courts forum sessions, there were arguments over the negotiated plea that affected related standards. The vote was 20 to 1 against the standard, but the majority did not vote. The Utah Courts Reporter agreed with the standard of eliminating the negotiated plea. The prosecutor should weed out those cases where a lesser offense is indicated and charge the offense supported by the evidence. With the negotiated plea, an indifferent prosecutor can pin some charge on a defendant and avoid trial of the case. Also, the judge must make a finding on whether a plea is voluntarily entered. The concessions sometimes made by a prosecutor in plea negotiation make it difficult to make such a finding. The use of screening and diversion should afford prosecutors sufficient means to handle their cases so the need for plea negotiation could be reduced to a minimum.

Pretrial discovery must protect the defendant's right not to incriminate himself. The Courts Reporter approved of indeterminate sentencing, which now exists in Utah. Overlapping sentences must be cleaned up. The goal of a maximum of 60 days between arrest and trial should be attempted, he felt. In Utah, a defendant released on bond often commits another crime to pay for the bond. Cutting down time between arrest and prosecution would help avoid this pitfall.

The suggestion of eliminating the grand jury does not apply to Utah because Utah can prosecute on information. The court should have the right to call a grand jury for a specific purpose. Enabling courts to utilize grand juries could eliminate delay on preliminary hearings. The suggestion of setting a 6-hour deadline after arrest in which a complaint must be filed is not practical in all cases.

The Courts Reporter commended the suggestion on collateral attack and consolidating grounds for review as sound advice. Allowing only one review to the State supreme court should stop collateral attack. In addition, Federal district courts should stop acting like the Supreme Court in overruling the State supreme courts. If review in any case is to be allowed by Federal courts, the Reporter agreed it should be by the U.S. Court of Appeals and then only in unusual cases.

In each multijudge court the Reporter urged that a nonrotating presiding judge system be established. The rotating system now used in Utah is not efficient. The trial calendar should be used more efficiently. The empty courtroom is a constant problem; cases are settled or continued, leaving none to be tried. Another problem is a general reluctance to change the court system. The supreme court and the legislature must help effect changes. Also, courts should have control of budgets and personnel.

The Courts Reporter suggested that a graduate law student be appointed for one year as a law clerk and also serve as a bailiff and peace officer. Legislatures should encourage this idea so that courts will be supported in their efforts to appoint and control the personnel of the court.

The problem of money for a single prosecutor system has never been resolved. We need professional prosecutor and defender offices of experienced, competent personnel. These should be full-time offices, State-funded, and on a statewide basis.

Corrections

One goal cited at the Conference was bringing more public understanding and participation into the corrections field. The corrections people were disturbed by the Conference's objectives, feeling that they were the most "under the gun." They named two dangers:

1. The standards might become requirements for LEAA grants; and

2. The present time frame allows too little time to develop standards. In addition, many standards seemed not ready for public acceptance. The Reporter believed the public was reacting negatively to any kind of community corrections, and cited Georgia and Florida as not being able to get community corrections in public areas. However, in Utah there is no backlash problem as yet.

Rights of offenders except those limited by convictions were discussed. This caused much consternation. It was noted that offenders have to be convinced of fairness and equal treatment.

The concept of uniform sentencing with judges agreeing on procedure was applauded. Different sentencing habits have sent the same problems back to the police and public, especially when dangerous offenders are let out on probation.

Utah has begun to remove many people from institutions. In the juvenile area, large institutions were criticized for not having changed long ago in a State where institutions have stopped working effectively, but the Reporter did not feel that there will be a time when institutions are no longer needed. He also agreed that many people can be moved into community corrections.

The Reporter had some reservations about the standards, only part of which were reviewed. However, he felt there would be a general improvement in the criminal justice system if some of the standards were applied. But, he was not as positive as others at the Conference were.

The Reporter felt that as Utah is a small State, its criminal justice components can work together more easily.

Community Crime Prevention

Community involvement was felt to be very important, but discussions were hindered by the small amount of material presented in the *Working Papers*. However, it was clear that the citizen's role is going to become much more important and active.

Utah has a State Advisory Council involving citizens, but the community as a whole, it was felt, must broaden its scope. Citizen involvement could help change the "fiscal starvation" of the courts. The Conference gave legislators an opportunity to hear from citizens.

The Reporter commended the inclusion of the school in crime prevention. Every child in trouble in the community was also in trouble in school and it was not sufficient merely to talk to troubled children. A program is essential that includes the right of a job for youth. Also, he felt, parents should be trained to advise their children on proper educational channels. In addition, he urged opening up communication with programs in language training.

He urged the development of programs for crisis intervention, noting that this had not been done in Utah. Crisis intervention involves returning the child home and counseling for parents and the child.

A delegate wanted more programs in Utah for handling drugs. Project REALITY was cited as the foremost of these programs. The Reporter indicated there was agreement on the need to apply to juveniles the same noncriminal standards for offenses as for adults but there must be an alternative for juveniles. A pilot project to develop a division of family services was discussed.

The contradiction that juveniles are prevented from legally purchasing alcohol and other goods that adults can buy legally was cited as creating disrespect for the law, but such laws will not be repealed. Solutions other than remanding delinquent youths to work centers were discussed.

The Reporter noted that if the lay citizen is to be involved in the criminal justice system, he must be welcomed into the process by receiving adequate information on and understanding of his involvement.

Information should be given to keep legislators informed on criminal justice matters. Utah needs more input to create an empirical courts system. Legislators and judges should develop a productive dialog.

One delegate was disappointed that there was no mention of gun control and victimless crimes. The issues were to be covered in the Commission's summary report. The Utah State Planning Agency director commended the interest and involvement in the Conference that the Utah delegation had shown. The following resolution was proposed by the delegation:

> We, the delegates, from the State of Utah to the National Conference on Criminal Justice hereby acknowledge and proclaim that:
>
> 1. It is the inherent responsibility of the state of Utah, its people and political entities to reduce crime;
> 2. In order to effectively reduce crime, total cooperation between all levels of government is essential; and
> 3. Standards and goals are an essential element in the improvement of the criminal justice system as these standards and goals are developed by and for the State of Utah.

VERMONT

The Vermont State Caucus met with the New Hampshire State Caucus. The combined State Caucus Report is carried in Part IV alphabetically, under New Hampshire, above.

VIRGIN ISLANDS

Introduction

The Virgin Islands Caucus was led by Willis F. Cunningham, Acting Administrator of the Virgin Islands Law Enforcement Commission, who set the tone by suggesting that minute details be omitted, and that a candid, open discussion occur at the Caucus concerning the philosophy of the task force reports as well as their major points.

Police

Honorable David E. Maas, Lieutenant Governor of the Virgin Islands, offered three observations:

1. That he had been impressed by the sessions on citizen participation with Police, Courts, and Corrections, and cited several examples of how citizens around the country were organizing to combat crime (Indianapolis, Cincinnati, and Philadelphia, specifically). He said that such programs were essential to combating the problem in the Virgin Islands by bringing the citizens in closer unity with the criminal justice agencies. He pointed out that they provided

a blueprint for programs adaptable to the situation of the Virgin Islands;

2. That there was a need for research into policy concerning the hiring of police: specifically concerning an applicant's size, sex, etc.; and

3. That there was a great deal of material available for adding to or building a police library for the Virgin Islands.

Courts

The Courts Reporter cited observations made in Courts forum sessions. Discussion ensued from these observations.

The Reporter commented that some modification was needed to fit the standards to the Virgin Islands, and gave the example that unless the governmental structure were changed, most standards on prosecution were irrelevant to the Virgin Islands.

The Courts Reporter expressed great interest in the diversion concept but wanted more information. In the Virgin Islands a great amount of public education would be necessary to gain acceptance of this standard.

The recommendation regarding the selection of judges by a judicial commission (Standard 7.1) had merit, the Reporter felt, and should be seriously considered as it involved joint action by members of the bar, judges, and lay members representing the community. Moreover, the standard precluded political affiliation as a major factor in the selection process.

A bill before the Virgin Islands legislature to provide the courts with an administrator was forecast as having an uncertain outcome. The Courts Reporter did not see the need for a State court administrator. From the discussion that followed, the Reporter's position was also the consensus of the delegates from the Virgin Islands.

The plea negotiation issue (Standard 3.1) was mentioned, but it was not discussed.

It was generally agreed that the judicial process needed to be speeded up (Standard 4.1), but the Reporter saw the task force time limits (6 hours, etc.) as artificial, considering that time depended upon locality.

It was recommended that Standard 8.2 dealing with administrative disposition of certain matters now treated as criminal offenses be adopted by the Virgin Islands as soon as possible.

The Reporter stated that the Virgin Islands was on the threshold of obtaining a public defender system and that goals and standards would be helpful in this area.

Corrections

The Corrections Reporter stated that the basic need in the Virgin Islands was the integration of all components of the criminal justice system. The standards, he pointed out, outlined concepts the Virgin Islands was attempting to work with, and that they would provide short- and long-range goals of value.

Community Crime Prevention

The Community Crime Prevention Reporter suggested that a goal of the Virgin Islands delegates should be to work toward means of diverting would-be offenders before they ever reached the corrections system. The Reporter recommitted himself to dealing with the root causes of crime in the community, with special emphasis on the language problems of Spanish-speaking children in the Virgin Islands and the necessary upgrading of the schools. The Reporter asked that a firm commitment be made by the Virgin Islands to implement an effective bilingual program in the schools by 1980.

The Reporter, with regard to the narcotics problem, agreed that the Virgin Islands must look at the new research on methadone maintenance and that, although they accepted the current methadone maintenance program as "workable," they were not totally satisfied with it and would look for new, more effective and dependable alternatives.

Summary

Other issues were brought up in the discussion that followed, and some standards were selected as priority issues:

1. The need for more funds for more police investigators;

2. The need to enforce the existing conflict of interest laws and the code of ethics in the Virgin Islands;

3. The need to set a deadline for developing a public defender system;

4. The need to structure the budgetary powers of the government;

5. The need for police training programs to be implemented and expanded; and

6. The need to remove traffic offenses from the courts and corrections to an administrative office.

Finally, there was some discussion of problems in the Virgin Islands with specific separation of powers.

It was generally agreed that the Conference stimulated hope for reform, and that the task force reports would provide added clout in all local efforts for reform of the criminal justice system. Recom-

mendations were made that the Virgin Islands Law Enforcement Commission act as the key agency in coordinating all efforts toward acceptance of standards, establishment of goals, and followup of implementation necessary to accomplishment.

VIRGINIA

Police

It was reported that the consolidation of police proposed in the *Working Papers* was not received enthusiastically. However, the consolidation of police services, such as communication or exchange of information, was considered acceptable.

The team police concept was not acceptable because it required additional personnel and funding due to overtime requirements.

It was thought that too much material was covered in a short period of time at the Conference, and yet significant areas such as the use of deadly force were omitted.

The police reaction generally was that the standards and goals were favorably received except for a few minor items.

One delegate noted that there was disagreement between young law enforcement officers and police administrators in connection with the concept of being a 24-hour-a-day police officer and carrying a gun at all times. Additionally, he stated that the standards and goals appeared to be a consolidation of practices utilized by larger police departments. He noted that these objectives, while serving the larger departments well, needed to be examined in light of the local situation.

Another delegate pointed out that recommendations concerning greater cooperation between courts and police, if adopted, would require legislation in some cases.

The proposal to eliminate the small police department (10 men or less) was not acceptable to one delegate because of consideration for sparse populations scattered over a large geographical area. He also noted that there was confusion concerning recruiting—some standards for education and character requirements appeared to have been lowered to obtain minority representation in the police area.

This same delegate also noted that the conference sessions were productive, but that the plenary sessions were not.

Another delegate noted that there is no effective way to rate the performance of police officers because of the diversity of duties involved and the lack of an objective rating system. Consequently, fitness reports are used for administrative purposes but not for promotion. This problem was discussed at the Conference but was left unresolved.

The same delegate stated that the standard requiring uniform training for private security forces was good. Several other law enforcement officials agreed that this was a valuable proposal. One delegate also thought that these security personnel could be useful in times of emergency if sworn into service. R. N. Harris, Director of the State Planning Agency, noted that the State Planning Agency has just completed a comprehensive research project on the private security industry and the recommendations resulting from this research are now before the State Crime Commission for implementation.

One delegate objected to the practice of municipal officials promoting members of a police department without soliciting police departmental recommendations.

In regard to Standard 4.1, Drug and Alcohol Centers, the concept of establishing drug and alcohol centers was not received favorably because of the fear that these centers would be used to excuse criminal acts.

The Virginia delegates thought that victimless crime should either be eliminated from the *Working Papers,* or the term should be clearly defined.

Courts

The Courts Reporter believed that the task force lacked sufficient judicial representation. He also thought that the standards and goals reflected what others outside of the courts system believed should be done rather than what the judiciary believed should be done.

The Commission's proposal that plea negotiation should be abolished received an overwhelmingly negative response from the Courts delegates. But it was noted that offenders lost respect for the criminal justice system under this practice.

The stated goal of setting the trial date for an offender within 60 days of apprehension was acceptable and desirable. However, this goal is inhibited in some circuits in Virginia because of statutes requiring grand jury indictments and the infrequency of grand jury proceedings in rural areas. Ninety percent of Virginia's trial courts already meet this standard.

The standard that favored maximum sentencing was not well received.

It was noted that the reviewing court was a new and fairly revolutionary concept in need of serious study before intelligent comment could be made. Virginia has just completed a design for lower court

unification and the proposal is now before the Virginia General Assembly for adoption.

Administrative processing of traffic citations was not favored by judges because they believe that traffic citations can be better and more effectively handled by the courts. The standards on screening and diversion were ill-defined and not understood by Conference delegates. In regard to jury sentencing, it was felt that sentencing should not be done by juries.

It was noted that most of the standards and goals relating to organization and management of the court system had just been considered by Virginia's Court System Study Commission. Those adopted were now before the general assembly for final action as a part of Virginia's reorganization of its judicial system. The Reporter concluded that no action was indicated for the Courts section because:

1. Through the work of the Court System Study Commission, Virginia has considered the majority of the proposed standards over the past 3 years, rejecting some and adopting others;
2. Virginia has legislation pending on many items addressed in the goals and standards pertaining to courts; and
3. There is no need for any new comparative study in Virginia. Court administrators should look at the recommendations, but a Virginia commission is not required.

Most of the Courts proposals were not well received with the exception of speedy trials.

The Courts Reporter emphatically made the point that his attendance at the Conference did not mean acceptance or endorsement of the Commission report.

Corrections

The Corrections Reporter was concerned that his attendance at the Conference might be considered an endorsement of the report.

The recommendation of a 5-year moratorium on new construction of prison facilities received strong negative response because necessary new construction would be postponed.

The proposal to abolish reception and diagnostic centers was received negatively because of the importance of these centers to correctional personnel in assignment and classification.

Parole and probation standards and disciplinary procedures were acceptable. This was thought to be a good objective. Prisoners, lawyers, and other concerned people should know the criteria for parole.

In parole case consideration, a hearing by a single individual was not favored. Concern was expressed over the amount of information recommended to be provided to the parole board. The standard for immediate notification obviates the requirement for deliberate considerations required in making sound parole decisions. However, the record should show why parole was or was not granted.

Concern was expressed by one delegate over the proposal for personal recognizance because he believed that persons on parole should be adequately supervised.

It was noted that if all standards and goals were adopted, it would greatly expand the parole and probation system beyond the reasonable ability of legislatures to support it.

It was acknowledged that diversion is a good practice. However, one delegate, speaking on diversion, noted that the term was not clearly defined. Also, he stated that the concept of diversion was not realistic when dealing with alcoholics because adequate facilities were lacking.

In regard to sentencing inequities, it was agreed that this problem worked against correctional administrators and needed attention. Endorsement for trial judge sentencing vis-a-vis juries was expressed.

The standard advocating a State correctional inspection system was endorsed, although it was pointed out that funds would be required to correct deficiencies found during inspections. Virginia currently has such a system.

The proposal to eliminate uniforms for corrections personnel is good, but would not be applicable to all correctional facilities. It was also noted that some aspects of the military system in the correctional field are good and should be continued.

The recommendations on research and development were generally well received by corrections personnel.

The standard that recommends the sale of prison products on the open market was not supported due to conflicts with private business interests. The objective—to provide meaningful work to prisoners comparable to a normal community employment situation—was recognized. However, it was believed that this objective is better accomplished through the work-release programs, and this is what Virginia is doing.

The standard recommending full wages for prisoners was not accepted unless prisoners could be charged for living expenses.

Expunging prisoner records was considered to be a dangerous practice because a man with a poor record could be placed in a sensitive position.

The Virginia law that specified when a court no longer had jurisdiction in the case was favored.

The following criticisms were expressed concerning the Conference:

1. The Commission did not have adequate representation from correctional specialists;

2. The rights of the offender received too much attention. Most of these proposals have been adopted in Virginia;

3. The Conference and report did not adequately address the legal requirements of correctional administration. One delegate believed that a legal adviser is vital to good correctional administration; and

4. The mandate for corrections to return the offender to society a better man was simplistic and overlooked the necessity for the individual offender to participate in his own rehabilitation.

One Virginia delegate made the following comments:

1. Many standards were ambiguous and ill-defined, i.e., how big was an institution; and

2. The possibility of universal adoption of national standards was questioned because of great diversity among the States.

Another delegate spoke on juveniles:

1. He found that the Commission findings were defensive and elicited negative responses;

2. Many of the standards pertaining to juveniles are being implemented in the State of Virginia. Some areas were not adequately addressed in the Commission report;

3. Virginia has been using diversion and screening in juvenile work for many years; and

4. Research and development was strongly endorsed, especially those programs that would provide empirical data for decisionmakers.

It was thought by the Corrections delegates that the Commission's efforts were valuable in their attempt to establish standards throughout the country. One delegate favored the Conference because it provided an opportunity to evaluate the report before it was printed in its final form.

Community Crime Prevention

The Community Crime Prevention Reporter doubted that sufficient LEAA funds would be available to implement all the community programs proposed. Additionally, he believed funding should come from HEW and other Federal sources, not just from crime control funds.

In regard to Conference reporting, there was the universal agreement among Virginia delegates that the Conference discussions were inaccurate. They did not reflect what had in fact been the consensus of the workshop groups; but rather reflected the views of participants who did the most talking, or the views of the Reporter himself.

Summary

Richard N. Harris, the State Planning Agency director of Virginia, made a motion to commend the National Advisory Commission for a thorough and comprehensive examination of the criminal justice system and an outstanding report, and to thank LEAA for hosting the Conference. The motion was seconded and passed unanimously.

Mr. Harris then made a motion that upon receipt of the Commission's final report with all supporting documentation, the Virginia delegation would reconvene, allowing suitable time for each delegate to have reviewed the report. The delegation, acting as a committee of the whole at such meeting, would develop a recommendation to the Governor as to further action on the Commission's report that might be appropriate for Virginia. This recommendation to the Governor would primarily concern the methods Virginia should pursue to assure complete and thorough consideration of the report. The motion was seconded and it passed unanimously.

WASHINGTON

The Washington State Caucus was opened by James O'Connor, Administrator, State Law and Justice Planning Office. He stated that the purpose of the meeting was to develop a strategy for the State to determine standards and goals and the means for their implementation. He then asked each of the State Reporters to give their summaries of the Conference.

Discussion was primarily oriented to the question of whether the Federal Government would mandate standards and goals for each of the States. Two delegates stated their understanding to be that it was not the intent of the Department of Justice to establish standards for each of the States, but to encourage each State to adjust to the need for standards and goals, determine which ones were most appropriate for that State, and develop State plans for their implementation or achievement. It was felt that the Omnibus Crime Control and Safe Streets Act clearly left that responsibility to each State.

There were comments on the extent to which the State of Washington has already developed or achieved standards in corrections that correlate with or go beyond the standards and goals recommended by the Corrections Task Force of the National Commission on Standards and Goals. There was also substantial discussion on the lack of correlation between the standards for administration of justice promulgated by the American Bar Association and the standards advocated by the Courts Task Force of the National Advisory Commission on Criminal Justice Standards and Goals. One delegate described those steps that were already underway within the

State for implementation of the American Bar Association standards.

It was decided, after substantial discussion as to what persons, organizations, and agencies ought to be involved within the State in the implementation of standards and goals, that the members of the delegation to the National Conference on Criminal Justice should meet again in the State before any further steps were taken. Subsequently, the meeting date for the delegation was set for Tuesday, February 13, 1973, in Olympia, Wash.

WEST VIRGINIA

Police

The Reporter for Police suggested that the word "minimum" be deleted from Standard 1.2, Limits of Authority. He stated that Standard 12.2, The Crime Laboratory, and Standard 23.3, Radio Communications, were already underway in West Virginia. In further reference to Standard 12.2, West Virginia plans to institute regional crime laboratories in the future. The Uniform Crime Reporting system recommended by the Commission is also in effect in West Virginia and is serving as a model for other States.

In regard to Standard 5.2, Combined Police Services, the Police Reporter stated that there is at present adequate cooperation among the various police agencies serving West Virginia. West Virginia is meeting Standard 4.1, Cooperation and Coordination. There has been good cooperation in West Virginia among all criminal justice disciplines because each discipline is represented on the Governor's Committee on Crime, Delinquency, and Corrections.

He thought that there was a consensus among the delegates that standards for police recruits should not be lowered to increase minority representation in police forces (Standard 13.3, Minority Recruiting). The West Virginia delegation agreed. It was noted that at present an application for employment with the West Virginia State Police requires neither a statement of race nor a photograph. The Police Reporter noted that he found a general feeling among Conference delegates from State police agencies that minorities are not applying for police jobs.

The Reporter thought that much of West Virginia's drug and civil disorder problems are the result of out-of-state college students.

Generally, the Police Reporter commended the Commission for an outstanding job in their formulation of standards and goals for the criminal justice system. He felt, however, that legislators will have to become more aware of problems to achieve successful implementation of the program. The standards and goals are additionally valuable as they can be used to measure the West Virginia criminal justice system.

The delegation agreed that the standards and goals for the Police were set for the entire country and the whole package would not be applicable to West Virginia.

Courts

The Courts Reporter stated that the standards and goals in his discipline typify the national picture. He thought that the report did not reflect the problems experienced by smaller States such as West Virginia. Therefore, many of the standards could not be implemented in West Virginia because of its relatively small size and population.

In regard to Standard 7.1, Judicial Selection, judges are currently elected in West Virginia and there is no supervision of them by the State supreme court. It was thought that this standard might be adopted in municipal areas of more than 200,000 in population. However, the Reporter stated that the Missouri Plan of judicial selection would only mean putting the process under the table.

The Reporter also thought that Standard 9.1, State Court Administrator, would not be necessary in West Virginia unless a unified court system were to be adopted. In his opinion, the appeals process should be limited (Standard 6.1, Unified Review Proceeding).

The Reporter noted that plea negotiation does exist in West Virginia but not because of clogged courts (Standard 3.1, Abolition of Plea Negotiation). It is used in West Virgina primarily when the prosecuting attorney feels that he cannot convict on the original charge. This is done in most cases with the concurrence of the arresting officer. The Reporter thought, however, that a record of the proceedings in plea negotiation should be made public.

The Courts Reporter and the delegation agreed that Standard 2.2, Procedure of Diversion Programs, had been implemented informally over the years in West Virginia.

He pointed out that Standard 4.1, Time Frame for Prompt Processing of Criminal Cases, would be difficult to implement in West Virginia. This is because the relationship between judge and attorney in rural areas is somewhat more personal than the same relationship in urban areas. In addition, he asserted that defendants do not want speedy trials.

The Courts Reporter stated that the concept expressed in Standard 12.4, Statewide Organization of Prosecutors, would not be feasible in West Virginia

because the State is made up of many small counties. He stated that Standard 13.11, Salaries for Defender Attorneys, would not be fair to the private attorney who has to work for his cases.

Corrections

The Corrections Reporter stated that the Commission's report was impressive, as it gave corrections a new status in respect to the other criminal justice disciplines.

He went on to say that West Virginia has already adopted and implemented Standard 7.1, Development Plan for Alternatives to Corrections. Commenting on Standard 3.1, Use of Diversion, he stated that the phasing out of all juvenile institutions would require additional thought in West Virginia. He noted that juvenile diversion suffers from an inadequate number of approved foster homes.

The Reporter also noted that West Virginia's 10 major adult institutions are presently within the suggested maximum population (Standard 11.1, Planning New Correctional Institutions). He gave his approval of Standard 16.13, Prison Industries, but was apprehensive about the possibility of implementation.

In regard to Standard 2.18, Remedies for Violations of an Offender's Rights, the Corrections Reporter stated that full rights for a prisoner would threaten the authority of the administrator of a correctional institution.

West Virginia currently has a diagnostic center (Standard 6.1, Comprehensive Classification System). This center is located within a medium security institution. Referrals to programs are made on the basis of offender's wishes and the security factor. In terms of failures, the reporter is very much in favor of reevaluation of the classification of an offender who has failed.

Finally, the Corrections Reporter stated that he had not had adequate time to consider the report, as he received it only 10 days before the Conference. He also stated that he would take the report back to West Virginia and give it a closer look with his staff.

Community Crime Prevention

The Community Crime Prevention Reporter stated that his group emphasized the importance of institutional training prior to the release of an offender to the community.

The delegates agreed that an ounce of prevention was worth a pound of cure. The importance of having programs available for youths in their spare time was felt to be critical to prevention. The West Virginia State Police are currently involved in youth programs. Drug education training exists in the public schools.

It was stated that the crime picture in West Virginia could change during the next few years because of increasing tourism, a better highway system, and new industry. These issues would have to be addressed in the near future.

The delegates thought that the need for community awareness of its responsibility was crucial. There are at present community service officers in one major city in West Virginia. The delegates thought that many State organizations wish to become involved, but there is a need for program development.

The delegation expressed appreciation to the Law Enforcement Assistance Administration for upgrading the criminal justice system in West Virginia. The major problems facing implementation of the standards applicable to West Virginia are of a statutory nature. There is also the need to educate the general public to accept innovative change as outlined in the standards and goals of the Commission.

WISCONSIN

Introduction

The Wisconsin delegation agreed in general with the proposed LEAA recommendations. It was pointed out that this was primarily because many of the recommendations had already been or were in the process of being instituted in the State. For example, statutes are now on the books that require screening. As a result, prosecutors are now able to use more discretionary power to determine whether or not the evidence and/or circumstances surrounding the arrest are sufficient to bind the defendant over for trial. Several cities are now hiring more assistant district attorneys to alleviate backlog from the court calendars.

The two major issues discussed were community-based corrections and plea negotiation. Plea negotiation was the major source of dissension with regard to the LEAA recommendations.

For the State of Wisconsin, community-based correctional facilities are part of a long-range plan. Although Wisconsin is not ready for such facilities at this time, the State is moving in that direction.

The delegates agreed that before any far-reaching changes toward this goal could be achieved, a re-education process must occur. The community, as well as the entire criminal justice system, must be better informed as to the procedures and changes required to set up such a program. And if the juvenile institutions are to be closed permanently, the com-

munity must be prepared to accept the responsibility of reintegrating these juvenile offenders back into society.

The major emphasis of the discussion concerned the abolition of plea negotiation, which was opposed by the vast majority of the delegates. To the Courts delegates, plea negotiation was merely a device to speed up court proceedings. Others thought that it was also useful in determining whether or not the defendant is tried on the proper charge and in determining whether or not the defendant actually understands the plea negotiation process. The director of a school of criminology recommended that an experimental model be used to test the effectiveness of plea negotiation and questioned the philosophical soundness of the process. He asked if the defendant were being psychologically considered. A legislator questioned the effect of the police on plea negotiation. He believed that the police had too much power in this area, and that defense attorneys were often placed at a disadvantage as a result of this power.

Police

The Police delegates did not greatly disagree with the proposed recommendations. However, some controversy did occur among smaller police departments on the issue of consolidation. They felt that it would be better to consolidate function and to preserve local political autonomy. Concern was also expressed over the omission of recommendations in the area of gun control and in the area of the decriminalization of victimless crimes.

A judge voiced his approval of the following:

- Upgrading of educational requirements for police personnel to a college degree;
- Upgrading of the retirement system;
- Team policing;
- Establishment of a liaison officer to eliminate some court appearances required of police officers; and
- Establishment of an independent staff to give representation to police in the courts.

Courts

The Courts delegates expressed the following views:

- Uniform standards should be established nationwide;
- Prosecutorial screening is a valuable and essential element;
- Police diversion is an important element;
- Time/trial span standards are unrealistic;
- Popular election of judges should be retained; and
- Unified appeal will speed up the entire appeal process.

In addition to the criticism concerning plea negotiation, there was also concern over the lack of discussion on how to bring the bar association into play in selecting judges.

Corrections

The Corrections delegates favored a community-centered approach. They viewed the prison as a closed system and stated that it could no longer exist as such. Corrections has to become involved in the entire criminal justice system, i.e., pretrial proceedings, post arrest, and sentencing. These delegates also supported the following:

- Sociomedical cases not be handled by correctional agencies;
- Closer dealings with judges to keep the person in the community;
- Use of prison manpower on the outside;
- No prison sentence in excess of 5 years except in dangerous cases, which should not exceed a sentence of 25 years; and
- Equal treatment for men and women.

Community Crime Prevention

The Community Crime Prevention delegates expressed the following views:

- There is a need to change the attitudes of people concerning their concept of the community.
- The police and the community should interact.
- State legislatures must take a posture of "doing something" that would act as a positive role in getting community members involved.
- Honest officials must actively work to eliminate corruption in order to obtain community support.
- There is a need to recognize the leadership potential in the low income segment of the community.
- State Planning Agencies should review their programs and fund only those that reflect coordination between the community and the criminal justice agencies.

WYOMING

The Wyoming State Caucus met with the Montana State Caucus. The combined State Caucus Report is carried in Part IV alphabetically, under Montana, above.

Synopses of Standards and Recommendations

This section presents synopses of the almost 400 standards and recommendations that appear in the reports of the National Advisory Commission on Criminal Justice Standards and Goals. They are presented here in a form that is easily understood by the layman as well as by the professional. These synopses present a capsulized version of the Commission's work. By design, they are neither comprehensive nor exhaustive. The actual standards and recommendations themselves may run to many hundreds of words and cover considerably more subjects than are indicated in the synopses.

The intention in presenting the synopses is to give the reader an overview of the standards and recommendations that should be implemented in order to achieve the crime reduction goals proposed by the Commission and to show the scope of the Commission's effort and the sweeping range of its proposals.

Synopses are keyed by book, chapter, and standard or recommendation number to the volume of the Commission's reports in which they appear. Those volumes are *Criminal Justice System, Police, Courts, Corrections,* and *Community Crime Prevention.*

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 2: Requirements for Criminal Justice Information

Contains no standards or recommendations.

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 Reporting 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 Systems

Standards

5.1 Provide background data and case history for criminal justice decisionmaking.
5.2 Provide information on caseflow to permit efficient calendar management.
5.3 Provide capability to determine monthly criminal justice caseflow 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 Systems

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 Inusure 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 Curriculums 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 1: Citizen Action

Contains no standards or recommendations.

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 congregations 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 streetlighting 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, and 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.

POLICE

Chapter 1: The Police Role

Standards

1.1 Formulate policies governing police functions, objectives, and priorities.
1.2 Publicize and respect the limits of police authority.
1.3 Formalize police use of discretion.
1.4 Improve communication and relations with the public.
1.5 Enhance police officers' understanding of their role and of the culture of their community.
1.6 Publicize police policies and practices.
1.7 Promote police relations with the news media.

Chapter 2: Role Implementation

Standards

2.1 Develop workable agency goals and objectives.
2.2 Establish written policies to help employees attain agency goals and objectives.
2.3 Establish a formal police inspection system.

Chapter 3: Developing Community Resources

Standards

3.1 Establish geographic team policing.
3.2 Involve the public in neighborhood crime prevention efforts.

Chapter 4: Criminal Justice Relations

Standards

4.1 Coordinate planning and crime control efforts with other components of the criminal justice system.
4.2 Develop cooperative procedures with courts and corrections agencies.
4.3 Formalize diversion procedures to insure equitable treatment.
4.4 Utilize alternatives to arrest and pretrial detention.
4.5 Develop court followup practices for selected cases.

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 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 narcotic and drug 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 inservice 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 advancement.
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.
tion.

Recommendation

19.1 Study methods of reducing police corrup-

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.

COURTS

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 6 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 2 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 5 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 12 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 be 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 4 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 develop written office policies and practices.

12.8 Assure that prosecutors have an active role in crime investigation, with adequate investigative staff and subpena 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 1: Corrections and the Criminal Justice System

Contains no standards or recommendations

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 Process

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 Implement 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 misdemeanant 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 Professionalize 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 comprehensive 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.

Chapter 17: Priorities and Implementation Strategies

Contains no standards or recommendations.

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Supreme Court of the United States.

Photo courtesy of the Architect of the Capitol; used with permission.

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Police officers reviewing criminal histories.

Photo courtesy of the U.S. Department of Justice.

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Juveniles enjoying a moment of recreation at Fenner Canyon, Calif., an LEAA-funded facility for the rehabilitation and training of young offenders.

Photo courtesy of the U.S. Department of Justice.

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