

COLORADO SYMPOSIUM ON CRIMINAL JUSTICE STANDARDS AND GOALS

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**Colorado Commission
on Criminal Justice
Standards and Goals**

COLORADO COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS

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COLORADO SYMPOSIUM ON
CRIMINAL JUSTICE STANDARDS AND GOALS

Proceedings

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This symposium had its inception in Congress, the Omnibus Crime Control and Safe Streets Act of 1968, which created the Law Enforcement Assistance Administration (LEAA). Massive funding to state and local units of government subsequently caused influential members of Congress to ask pointed questions such as, What are you doing with this money? In what direction are you going? and What kinds of standards are you trying to assist states to set for their criminal justice system? LEAA got the message: something needed to be done about setting standards and goals.

As a result, LEAA invited approximately 200 people to Colorado for a strategy meeting. This group, which consisted of representatives from the citizenry, courts, corrections, and police, was invited by LEAA to a three-day session in Vail. A conclusion was made by those attending that a national commission should be created to develop criminal justice system standards and goals. This meeting, then, was the precursor of the National Commission on Criminal Justice Standards and Goals.

Several weeks later, 22 people were named to the national commission. The then-governor of Delaware, Russell Peterson, was elected chairman; Peter Pitchess, sheriff of Los Angeles County, was elected vice-chairman, and work was begun. Task forces were made up of practitioners from state, county, and city levels of government, and from law enforcement, courts, and corrections. A healthy representation from the citizenry rounded out the appointments. LEAA provided approximately \$1.75 million for the commission's work.

There was no attempt by the National Advisory Commission or its task forces to address any problems at the federal level, realizing that the problems, if they were to be solved, had to be resolved at state and local levels. There was never any feeling on the part of the national commission that the voluminous publications that eventually were published would be wholly adopted by any state or jurisdiction.

Preface

The word "advisory" is the most important word in the title of the National Advisory Commission on Criminal Justice Standards and Goals. The Commission's work was strictly advisory, and once it was accomplished, its task was completed.

Months of work were invested, primarily in the task forces. The commission had veto power, the power to make change, and most important, the power to coordinate recommendations from the task forces. Almost all the work was done by task forces, and it was accomplished by practitioners from the courts, police, and corrections fields; LEAA did not have a vote on the national commission.

The efforts of the National Advisory Commission resulted in six volumes. These cover the topics of a national strategy to reduce crime, the criminal justice system, courts, police, corrections, and community crime prevention.

In addition to these reports, the first volumes on similar topics by the American Bar Association received final approval in 1968. In February 1973, the last of 17 volumes of standards was given final ABA approval. This effort was designed to promulgate suggested guidelines to assist the 50 states and federal jurisdictions in overhauling, updating, simplifying, and strengthening their criminal justice systems, with the objectives of promoting effective law enforcement and the adequate protection of the public, and safeguarding and amplifying the constitutional rights of persons suspected of crime.

I would urge the citizens, government leaders, and criminal justice people of Colorado to cooperate with each other to study the present inadequacies of our system and our inability to reduce crime and provide equal justice for all citizens. More important, I urge that the resources I have mentioned and others that may become available be utilized to construct Colorado's strategy to reduce crime and provide for equal justice through quantified goals and objectives and specific standards and recommendations.

Donald J. Anderson



Donald J. Anderson



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STANDARDS AND GOALS:
THE POTENTIAL AND THE PROMISE

Edwin R. LaPedis
Regional Administrator
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In order to make it clear to all that the Colorado standards and goals process and whatever products are developed through that process totally reflect the needs and priorities of the people of Colorado, I want to point out that federal involvement is purposely low profile. It is the objective of LEAA to support your standards and goals process, not to promulgate specific standards and goals.

Now I would like to provide a historical perspective of standards and goals. It is another important step in the long-term process of reforming the criminal justice system at state and local levels that was begun by the federal government 43 years ago with the *Wickersham Reports* of 1931.

The authorization of these studies, commissioned by President Hoover in 1929, was the first comprehensive assessment of the criminal justice system, police, courts, and corrections throughout the nation. It was the first time the federal government took the responsibility of an in-depth study of the criminal justice system as it was being administered at state and local levels.

The findings of the commission were shocking and the recommendations to improve the administration of criminal justice in America were sweeping in their scope. Unfortunately, however, the measures actually taken by the federal government to accomplish reform in the administration of criminal justice at state and local levels were almost nil.

The exact reasons for the limited action by the federal government are hard to determine.

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- It may have been that the Great Depression sapped the nation's energy to such an extent that economic rather than social problems had to take priority.
- It may have been the reluctance of Congress to take steps that might have infringed on the traditional responsibilities of state and local governments.
- It may have been simply that those who were calling for reform in our nation's system of criminal justice could not determine what the role of the federal government should be in such an enterprise.

In any event, for the next 33 years the federal government provided very little help or leadership to state and local units of government in the area of law enforcement and criminal justice. The federal government's role in these areas, however, mushroomed dramatically as federal laws were passed that expanded federal jurisdiction over a vast array of criminal offenses.

In May of this year, United States Attorney Jim Treece of Colorado, in his keynote address to the Fifth Annual Workshop for Supervisory Board Members of State Criminal Justice Planning Agencies in the Rocky Mountain region, warned them of the propensity of state and local governments to be too quick to permit the federal criminal justice machinery to handle problems where jurisdiction is shared between them.

The next effort on the national level directed to aid state and local units of government to improve their law enforcement and criminal justice systems occurred in 1964 with the establishment of the Office of Law Enforcement Assistance (OLEA) in the Department of Justice. Although OLEA was modestly funded by federal standards (\$21 million over a three-year period), it accomplished a great deal because of brilliant and innovative administrators.

One of the most important of OLEA investments was small planning grants given to some 24 states to set up and staff law enforcement and criminal justice commissions to begin to assess needs, problems, and priorities of the state and local law enforcement and criminal justice system.

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Many of these commissions were the precursors of the state criminal justice Supervisory Boards established under the Omnibus Crime Control Act of 1968. *The critical importance of this development was the fact that the federal government allocated resources to the states to examine and begin to cope with their own problems in their own ways.*

OLEA also financially aided implementation of the second nationwide comprehensive study of law enforcement and criminal justice in America--the reports of the President's Commission on Law Enforcement and Criminal Justice. The deep concerns about the quality and effectiveness of America's system of law enforcement and criminal justice identified in the *Wickersham Reports* over 35 years previously were reconfirmed by the findings of the President's Crime Commission of 1967.

The second commission made over 200 recommendations to help our nation evolve a safer and more just society. The commission identified eight areas for federal support:

1. State and local planning
2. Education and training of criminal justice personnel
3. Survey and advisory services concerning organization and operation of criminal justice agencies
4. Development of coordinated national information systems
5. Development of a limited number of demonstration programs and agencies of justice
6. Scientific and technological research and development
7. Institutes for research and training personnel
8. Grants-in-aid for operational innovation

Shortly after the commission's report was presented to the President, legislation to initiate a national strategy to improve the law enforcement and criminal justice system was presented to the Congress. Negotiations and debates affecting the legislation went on for many months. The core issue

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being argued was who would control the vast amounts of money to be allocated to state and local criminal justice system improvement and crime-fighting efforts.

Two fundamentally different approaches to legislation were proposed. One form of legislation left a lion's share of the power with the federal government. The arguments supporting this approach were that the states did not have much capability to administer effective crime programs, yet the real bone-crushing crime problems were in the major cities that traditionally have not enjoyed the most harmonious relationships with state governments. The opposing view was that federal fiscal control ought to be trimmed to ensure no federal domination of state and local law enforcement and criminal justice systems. It could be trimmed by allocating the funds to states in the form of block grants, emphasizing that the actual priorities set for utilization of those funds would be established through negotiations between state and local governments.

Complicating these opposing philosophies was the Congress, which gave LEAA the responsibility to approve a "comprehensive state plan" prior to the release of funds to that state, as well as broad authority to establish regulations to guide all aspects of the implementation of the LEAA program at state and local levels.

Congress passed this latter version of the legislation, which by federal standards provided state and local units of government considerable latitude to solve their problems in their own ways. Although the program was not as flexible as the revenue-sharing concept, it was a far cry from the rigidity of the traditional "categorical" grant-in-aid programs.

What is important is that, under the Omnibus Crime Control Act, state and local units of government share a substantial amount of the authority for the utilization of funds allocated under the act. Many say that, because the governors of the several states select the Supervisory Boards that have final authority for allocation of the vast bulk of funds made available by Congress, LEAA's program is a "governor's program".

Although LEAA regulations insist on a wide range of representation on a governor's Supervisory Board, and although the legislation demands that

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the bulk of the block grant funds be allocated to local units of government, my observations would suggest that the governors of the several states constitute the most important factor in implementation of the LEAA program in any state.

Implementation of the Omnibus Crime Control Act began in August of 1968. That was the second summer in which many of our cities had serious riots. Because Congress had allocated the funds, they expected prompt action. As an example of the urgency of the times, the first action funds were awarded to the states based on guidelines sent to the governors by telegram.

It is no wonder that the critics of the strategy to implement the LEAA program surfaced during the first months of its existence. For those of us who were trying to "move it," the criticisms seemed to be most unfair. As the program developed, and as those of us in the program matured, we realized that, because what we were doing would have such an impact on our nation, every step we took had to be subject to public debate, criticism, and eventual negotiation. The flexibility of the LEAA program is best evidenced by the fact that, in LEAA's brief existence, Congress has, on two occasions, passed a series of amendments amplifying and better defining the legislation.

What have our critics (and they have been numerous) had to say about LEAA? In brief, they claim we do not know where we are or where we are going, and we are wasting public funds on a variety of activities that have little relation to the reduction of crime and the improvement of quality of justice in our nation. Although accepted as inevitable by many of us who have been battle-hardened by probably too many years in the program, we feel the allegations are unfair and untrue. As we scan the panorama of activities funded by LEAA, we know the enormous good that is being generated by these new resources throughout the country.

In 1973, the last time the Congress amended the act, they had a lot to say about the responsibilities of the states to establish standards and goals in relationship to their comprehensive planning process under the Omnibus Crime Control Act. In addition, they had much to say about LEAA's responsibility to establish better means to evaluate the payoffs of the \$3.5 billion that has been committed thus far to state and local governments for crime-fighting efforts.

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Our ability to prove the actual usefulness of what is being done will have much to do with what Congress does with the Omnibus Crime Control Act when they review it in 1976. The decision to continue it, modify it, or terminate it will be decided on the "proof" we can offer.

LEAA has been doing a great deal in the area of standards and goals. The effort began about two and one-half years ago with the appointment of a National Commission on Standards and Goals by the administrator of LEAA. Five task forces and a staff were established. The commission and the task forces were made up of people from state and local government and the private sector, not federal bureaucrats.

The product of the commission's work is contained in six volumes entitled A National Strategy to Reduce Crime and in reports on police, courts, corrections, community crime prevention, and the criminal justice system.

The work of the commission was an outstanding effort to bring together much of the best thinking available on how to reduce crime in America. One of the important tests of the reliability of the recommendations of the Commission on Standards and Goals is its remarkable compatibility with the American Bar Association standards established over the last decade in the same area of concern.

In January 1973, 1,500 people from all over the nation came to Washington to discuss the commission's recommendations. Most of those who attended were selected by state governors. The important challenge put to the delegates was not so much the acceptance of the standards under review but the need to get on with the job of setting specific goals and standards in their respective states.

As the National Advisory Commission states, "Operating without standards and goals does not guarantee failure, but does invite it." Specific standards and goals enable professionals and the public to know where the system is heading, what it is trying to achieve and what, in fact, it is achieving. Standards can be used to focus essential institutional and public pressure on the reform of the entire criminal justice system.

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The delegation from Colorado responded positively to what it had heard and supported a standards and goals process for the state. They decided the manner by which to kick off such a process was to initiate a statewide conference on standards and goals for Colorado. It was that key decision by the Colorado delegation that was instrumental in bringing us here today.

The next key decision occurred in late fall of 1973 when LEAA, upon allocating discretionary funds to the regional offices, designated that all of them must be used to assist the states in developing and implementing a standards and goals process and related activities. In the early part of 1974, Nick Pijoan, executive director of the Division of Criminal Justice, working with a small group of advisors, began to put together a program package for a two-year effort to support a Colorado standards and goals process. The application, for approximately \$350,000, was approved by LEAA in May. It was the conclusion of my staff that the approach developed by Nick and his advisors could serve as a model to other states interested in moving ahead in their own standards and goals review process.

We believe the broad base of representation of both the Colorado Commission on Standards and Goals and the individual task forces will ensure that the deliberations reflect the views of the people of Colorado.

In conclusion, a final note on LEAA's commitment to standards and goals. The Congress of the United States has made standards and goals the top priority concern of LEAA. LEAA has responded by developing an able group of professionals within its new Office on National Priorities, headed by Paul Haynes. Its role will be to develop a variety of services and resources to aid state and local governments in their efforts to implement standards and goals. In addition, the national administration will probably earmark between one-quarter and one-third of the FY 75 discretionary grant funds to support state efforts to establish and implement standards and goals activities. LEAA's Institute on Law Enforcement and Criminal Justice is developing an approach to evaluate how the states are doing in their standards and goals process. In short, LEAA has already committed a substantial amount of its resources to standards and goals.

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We have come a long way since the *Wickersham Reports* of 1931. Or have we? I believe the answer to that question will be determined by what you do in your efforts to establish standards and goals for Colorado over the next two years.

I wish you well as you start out on this challenging and exciting adventure.

CRIME AND JUSTICE IN COLORADO

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Vice-president
Corporate Development
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CRIME AND JUSTICE
IN COLORADO

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Two hundred years ago, the Declaration of Independence claimed the right of every individual citizen to ". . . life, liberty, and the pursuit of happiness." In the United States during 1972, FBI statistics reflect that there were more than 18,515 murders, 388,650 aggravated assaults, 46,431 forcible rapes, and 374,555 robberies. In 2,344,991 incidents, the private homes of American citizens were invaded by burglars. In terms of measurable loss, the nation's annual "crime bill" is estimated at well over \$20 billion, which does not take into account the incalculable social and psychological costs. Nor do the figures reflect unreported crimes, which may run to as much as three to five times as many as the number reported.

In recent years, the incidence of crime generally has been increasing at a rate greater than the rate of population growth, and the serious crime rate is higher than ever before. In the past decade, violent crimes have increased at a rate eight times that of the population increase; serious property crimes, ten times. Organized crime, white-collar crime, and blue-collar crime add untold millions of dollars to the cost borne by this country and its citizens. Truly, the dimensions of crime are staggering! The right to "life, liberty, and the pursuit of happiness" has yet to be secured for the citizens of this country, for they are paying the cost of crime.

Here in Colorado, our crime situation reflects the national picture quite faithfully. There has been a sharp increase in all categories of violent and serious property crimes--homicide, aggravated assault, rape, robbery, burglary, auto theft, and larceny. In the metropolitan areas of Colorado Springs, Denver, and Pueblo, aggravated assault has increased by more than 100 percent in the past six years. Of enormous concern is that the incidence of aggravated assault has increased by nearly 200 percent in smaller cities and slightly less than 100 percent in rural areas during the same period. The incidence of forcible rape has more than doubled in metro areas and

smaller cities, while remaining fairly constant in rural areas. Robbery has doubled in smaller cities and rural areas but has increased 175 percent in metro areas.

The questions that have been asked, are being asked, and must continue to be asked by all of us are, Why does the problem of crime exist? Why is it getting worse? Can anything be done about it? What can be done about it?

The only answer to why the incidence of crime is increasing at rates that are alarming and all out of proportion with the population increase is that *the criminal justice system and the citizens who depend upon it and pay to support it have not been doing their jobs. It is as simple as that. The criminal justice system is in fact a "non system," and the citizens appear to be beset with a great measure of apathy.*

It is difficult to believe that recent Gallup and Harris opinion polls have indicated that the "man in the street" believes crime to be the most serious problem facing the nation. If the polls are correct, the "man in the street" should be "up in arms," demanding that the criminal justice system do a better job, and giving it his best support and effort to help it do so.

The answer to Can anything be done about it? is also simple--yes! Yes, because we must do something about it. The social and economic costs of failing to halt the crime problem are unsupportable; the benefits of doing so are immeasurable.

The answer to the last question brings us to the purpose of the Colorado Symposium on Criminal Justice Standards and Goals, for what each of us individually and collectively accomplishes in the next few days should provide the groundwork and direction for a better system of criminal justice and commensurate reduction in crime in Colorado.

I have referred to the criminal justice system as a "non system," and I would like to explore that further. Let me begin by stating very affirmatively that while our criminal justice system, or non system, does have its serious deficiencies in performance, function, and achievement, still it has done a better job for the citizens of this nation in securing justice and public

safety than any other system in the history of the human race. However, because we are here to explore ways to make the system perform and function more responsively and effectively to the rapidly changing patterns in our society, I will concentrate on its deficiencies and inadequacies.

The criminal justice system is a non system because of a myriad of overlapping, diverse, and too-often conflicting jurisdictional responsibilities at federal, state, and local levels, and also in respect to its principal elements: law enforcement, courts, and corrections. Too frequently, professionals within these subsystems are in disagreement with each other about methods, techniques, and approaches to reducing crime and ensuring justice.

The general public finds it nearly impossible to assign accountability for criminal justice at all governmental levels and in the specific areas of law enforcement, courts, and corrections.

The public is unaware of the goals or objectives of each of our criminal justice agencies.

The distinction between criminal and civil offenses is becoming more unclear as legislatures make increasing use of criminal penalties for what formerly had been clearly understood as civil offenses.

The public does not clearly understand how laws are made in this country. Not only are laws made by legislative bodies at all levels of government, but they are also made interpretively by the courts and enforcement agencies.

Thus there is confusion about the system, confusion about responsibility, and confusion about how the laws are made and enforced. Perhaps public apathy can be explained in large measure by the great difficulty the public has in understanding all these interrelationships. But the interrelationships are there, and in nearly all cases they are highly interdependent.

For example, law enforcement agencies cannot increase the apprehending of offenders without directly affecting the responsibilities of the courts and corrections agencies. Similarly, if only because of the large number of

repeat offenders, court and correctional institutions cannot release offenders without a direct effect on law enforcement agencies. Yet law enforcement agencies, courts, and corrections agencies each have very dissimilar interpretations of their responsibilities, as well as personnel, professional objectives, and experiences. The result is a criminal justice non system.

The intent of the Symposium on Criminal Justice Standards and Goals is to address the problems of rapidly increasing crime and of improving the effectiveness of the criminal justice system in responding to the increase, as well as the capability of responding to anticipated future changes in society. Although no specific agency represented here has been charged with the overall responsibility of reducing and preventing crime, it is hoped that the symposium will develop answers, or methods of finding the answers, to the major questions of criminal justice policy, which is necessary if justice and crime prevention and reduction are to be fostered.

For the purposes of this symposium, "standards" are defined as the performance objectives in law enforcement, courts, and corrections that lead to a more effective criminal justice system; and "goals" are the measures that determine whether or not criminal justice standards are being effectively achieved.

For example, if crime-oriented planning is a standard, then goals to measure achievement of the standard might be identification of crimes warranting priority attention, along with timing for the specific reduction in these priority crimes. Similarly, if the criminal justice standard is reduction of "high-fear" crime, then, as suggested by the National Advisory Commission on Criminal Justice Standards and Goals, the ten-year goals might be:

1. Reduction of murder and non-negligent manslaughter by at least 25 percent;
2. Reduction of forcible rape by at least 25 percent;
3. Reduction of aggravated assault by at least 25 percent;
4. Reduction of robbery by at least 50 percent; and
5. Reduction of burglary by at least 50 percent.

Of course, establishment of standards and goals depends in large measure on the state of the development of a given subsystem of the criminal justice system at present, both on a statewide and a local basis. Particularly important also is the timing provided for the achievement of the established standards. Although failure to improve the criminal justice system throughout the state and to reduce crime is not guaranteed by the absence of standards and goals, their absence may well invite failure.

Because the nature of the crime problem varies from county to county and from city to city across the state, the formulation of standards and goals must be flexible with respect to the establishment of priorities. Also, because of the great disparity among counties and cities with respect to financial resources available to the local criminal justice system, the timing for the achievement of standards and goals must also be flexible.

Nevertheless, the need for broad but uniform criminal justice standards and goals across the state is genuine. Is not a resident of Antonito entitled to the same emergency law enforcement assistance response as a resident of Colorado Springs or Denver? Furthermore, the establishment of standards and goals will enable professionals within the criminal justice system, as well as the general public, to know what the system is achieving now, and what it is attempting to achieve on local as well as state levels. Where reform of the system is necessary or desirable, standards and goals can be used to give the necessary justification to the legislature, county commissioners, city councils, directors of correctional institutions, court administrators, sheriffs, chiefs of police, and any others responsible for instituting the changes.

Implementation of standards and goals may occur in any one or all of several ways. Those that have general application across the state and throughout the criminal justice system may require legislative enactment (along with adequate provision for funding) at federal, state, and local levels. Other goals and standards affecting specific agencies may be implemented by executive or administrative order of the heads of the agencies concerned.

Implementation of other goals and standards may be brought about by voluntary compliance of the members of professional organizations such as the state and local bar associations, the Colorado Correctional Association, the District Attorneys' Association, the Colorado Police Chiefs' Association, and similar organizations involving county sheriffs, public defenders, social agencies, and the judiciary.

When I mentioned public apathy with respect to the problem of crime and the problems facing the criminal justice system, I suggested that the apathy may be more the result of an inability to understand the diverse complexities of these problems than a lack of awareness, because there does appear to be a real and growing awareness of crime on the part of the citizenry. The criminal justice system has recognized this awareness and also has recognized the interest in and critical need for supportive interaction between the system and the citizens of this state. Establishment of criminal justice standards and goals can further heighten this public awareness and interest, and eventually enhance the badly battered public trust and confidence in the criminal justice system.

As a model for your consideration there is the 1973 report, A National Strategy to Reduce Crime, by the National Advisory Commission on Criminal Justice Standards and Goals. A similar report with recommendations has been prepared by the American Bar Association, with which I am sure most of you are familiar. Both of the reports, as well as the 1971 report on State and Local Relations in the Criminal Justice System, by the Advisory Commission on Intergovernmental Relations, provide worthwhile guidelines and recommendations, even though certain specific standards and goals might not be applicable or feasible for Colorado, its counties, or its cities.

Without the active and supportive participation of a great majority of citizens, the implementation and achievement of goals and standards in Colorado would be difficult at best, if not impossible. The current lack of citizen desire and willingness for involvement is all too apparent in the result of recent victimization surveys, which indicated that three to five times as many crimes go unreported as are reported.

This symposium should attempt to determine why this is so. Is it because law enforcement is not available in urban and rural areas for the citizen desiring to report a crime? Is it because the citizen does not have sufficient confidence and trust in law enforcement to make a report? Or is it both?

The same can be said of the real need of our courts to have victims, witnesses, and jurors willingly come forward to serve in accordance with the provisions of our laws. Does our present court system operate to discourage this citizen action?

With respect to corrections, citizens within each community throughout the state need to be encouraged to participate actively in the rehabilitation process of probationers and ex-offenders. Yet we see a great resistance to community-based correctional facilities, most notably in the neighborhoods where it is proposed such facilities be located. Most of this resistance is based on emotion, not fact, and positive volunteer action by the local citizenry on behalf of correctional institutions, parolees, and ex-offenders is essential to overcome it.

Finally, while the National Advisory Commission and this symposium, of necessity, stress crime reduction and crime prevention as primary standards, the ultimate standard is equal justice under law for all of the citizens of Colorado. All people are guaranteed by the supreme law of this land the right to be secure in their person and property, to be free from fear of violence, and "to life, liberty and the pursuit of happiness."

A commitment and dedication to constructive and forceful change is vital on your part if this ultimate standard is to be achieved. You are asked to avoid the potentially parochial interests of your respective professional affiliation and to take the broader view of the entire subject matter of criminal justice standards and goals, the need therefore and the determination thereof. The challenge before you is to deal with major criminal justice problems and issues, not specific details. We must avoid the trap of allowing some of the specific controversial standards and goals recommended by the National Advisory Commission to cause our deliberations to go awry and make consensus impossible.

Upon the outcome of your efforts in the next few days and in the coming year, and upon your ability to heighten citizen awareness of and involvement in the criminal justice system, rest the future of justice and crime prevention in Colorado.

LAW ENFORCEMENT: ISSUES AND CONCERNS

Ray Pope
Member, National Advisory Commission on
Criminal Justice Standards and Goals

Pierce Brooks
Director of Public Safety
Lakewood, Colorado

Brad Leach
Sheriff, Boulder County

LAW ENFORCEMENT:
ISSUES AND CONCERNS

Ray Pope
Member, National Advisory Commission
on Criminal Justice Standards and Goals

The National Advisory Commission on Criminal Justice Standards and Goals, through its task forces, has reviewed every possible aspect of the police position and has come up with some recommendations that you in Colorado probably are not going to endorse, nor are we in Georgia. But let me assure you that you will do yourself an injustice if you ignore the tremendous number of man hours that have been put into the production of recommendations on standards and goals for the police of this country.

Standard 1.1, The Police Function: *"Every police chief executive should immediately develop written policy, based on policies of the governing body that provide formal authority for the police function, and should set forth the objectives and priorities that will guide the agency's delivery of police services. Agency policy should articulate the role of the agency in the protection of constitutional guarantees, the enforcement of law, and the provision of services necessary to reduce crime, to maintain public order, and to respond to the needs of the community."*

That is a rather basic recommendation. I am sure that the vast majority of those of you from law enforcement agencies come from an agency that has a written policy manual. If you have been working for the last ten or fifteen years in an agency that has had a written policy manual, then that sounds basic. But would you believe that more than half the law enforcement agencies in this country do not have a written policy manual? If you hire a young man, give him some training, and put him out on the street, you are being totally unfair to him if you do not have a policy manual that he can study to determine under a given set of circumstances what he is expected to do. Written policy also provides additional protection to the law enforcement agency in that the public can be aware of what the authority and limitations of the law enforcement agency are under the laws of your city and your state. That is fairly basic. I really cannot imagine anyone disagreeing with the idea that a law enforcement agency ought to have a written policy.

When you develop recommended standards and goals for law enforcement in Colorado, Standard 1.1 should be the first one. I think that Colorado law enforcement officers should examine that recommended standard. If you do not like it, do one of two things: throw it out or alter it to fit circumstances in Colorado. Let the final product be a product of Colorado law enforcement officers. I think courts, corrections, and citizen's interest groups should be doing the same kinds of things in task forces.

Another recommended standard which is basic and important is Standard 1.4, Communicating with the Public: *"Every police agency should recognize the importance of bilateral communication with the public, and should constantly seek to improve its ability to determine the needs and the expectations of the public and to act upon those needs and expectations and to inform the public that the resulting policies were developed to improve the delivery of these services."*

That is also fairly basic. The power that you derive as a law enforcement agency must come from the governing body of that unit of government that you represent. But your power and your authority must come from the community. I think that it is stupid for those of us in the criminal justice system to say that we know and the citizen does not know what we ought to be. The citizen has also got to have the opportunity and the obligation of listening to the problems of courts and corrections people. A police agency which ignores any segment of the population within its jurisdiction because of failure to communicate is going to have trouble. How are you going to police a given segment of the population if they know nothing about your problems and you know nothing about theirs?

Standard 3.1, Crime Problem Identification and Resource Development: *"Each police agency should insure that patrolmen and members of the public are brought together to solve crime problems on a local basis. Police agencies with more than 75 personnel should immediately adopt a program to insure joint participation in crime problem identification. Every police agency should, consistent with local police needs and its internal organization, adopt geographic policing programs which insure stability of assignment for the individual officers who are operationally deployed."*

This is aiming at two things; first, it means further involvement with the public. That is not to say a police review board nor a civilian

review board--I will fight those to my last breath. I will agree to a police civilian review board the same day that the doctors agree to let police officers stand and look over their shoulders every time they perform an appendectomy and then tell them if they did it right. Then I will agree that the civilians can tell the police how to run the department. But this standard is not recommending a police civilian review board; it is recommending further involvement with the citizens of the community.

The second part of this standard is geographic assignment of police. In the old days when all police officers walked the beat, a man went to work with a police department when he was from 21 to 25 and stayed there. This had several advantages. The officer knew every individual who lived in that area for which he had responsibility. If a stranger came into his jurisdiction, he knew about it; his friends in that jurisdiction would tell him who the stranger was and what he was doing there. It was of tremendous value to the police, but as society developed advances in technology, society insisted that the police become more mobile. So we became more mobile by putting that officer in a car because he could answer a call more quickly than on foot. Now he does not have the opportunity of getting to know the people on a personal basis. This recommendation says you ought to start letting your police officers get more familiar with those people they are assigned the responsibility of policing. Take a look at this standard. It might not be completely applicable to Colorado, but maybe you can develop something from it.

Standard 4.3, Diversion: *"Every police agency, where permitted by law, should immediately 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 and juvenile process would be inappropriate, or in whose case other resources would be more effective. All diversion dispositions should be made pursuant to written agency policy that insures fairness and uniformity of treatment."*

I do not know of a single law enforcement agency that has ever told an officer working traffic that a citizen who drives one mile an hour over the speed limit is to be arrested. But when the citizen exceeds the speed limit by one mile, and the officer checks him out but does not make a case against him, he has been involved in diversion. What this standard is saying on diversion is that the police ought not lock up everybody who technically breaks the law.

I do not agree with the agency that locks up every drunk it finds. Public drunkenness is being decriminalized in state after state. The Georgia General Assembly passed a law in the January session saying that, beginning July 1, 1975, intoxication would no longer be a violation of a state, municipal, or county ordinance. In Georgia there are 159 counties, and in those 159 counties, as of this date there are only six that have alcoholic treatment centers. I suspect that not more than one or two additional counties will have any kind of facilities for taking care of the alcoholic by July 1 next year. We need to start diverting these people whom we will no longer be arresting.

In the city of Denver you probably could find some people who have been arrested for public intoxication 50 times. If these people are still as much in need of help as they were the first time they were arrested, law enforcement has not accomplished anything. You have to have the treatment resources to provide effective diversion. These unfortunates need to be gotten off the streets for their own protection and for the protection of society, but they do not necessarily need to be locked up. Colorado people need to determine what kind and what degree of diversion is applicable to Colorado.

Standard 5.2: *"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 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 government entity or police agency should immediately enter into appropriate agreement or joint operation. At a minimum, police agencies that employ fewer than ten sworn employees should consolidate for improved efficiency and effectiveness."*

You had better take a look at this in Colorado, just like we are in Georgia. Although there is no talk in south Georgia about how we are going to consolidate every five- and six-man police department or do away with it--there is no way that will happen--you know the direction in which we are leaning: consolidation of services.

In one instance, five small law enforcement agencies with a total of less than 25 officers with five dispatchers in five offices now have one. Another example is where agencies were so small they did not have the financial resources to have a good investigator. Now several small agencies located in geographical areas fairly close to each other are combining their resources and are employing one good investigator to work the several jurisdictions. Similarly, with records the possibilities are many.

Standard 13.2: *"Every police agency that does not have a sufficient number of qualified applicants having appropriate college backgrounds to fill police officer vacancies as they occur should immediately implement a specialized recruitment program to satisfy this need."*

In Waycross, Georgia, with 25,000 population and a 50-man police department, I had the first college education incentive pay program in the nation that was based on the number of credit hours that a man could acquire in college.

I went before the city council and said, "I've got an idea. Let's start paying the fellows a dollar an hour for every hour of college credit they can acquire." They asked me how much money I was talking about. I said, "I don't know. I can't really tell you but you know if you put into this thing I might get two or three of the fellows to enroll at this college because they have a criminal justice course over there." Well, the council thought the fellows would drop out the first quarter; it probably could not hurt too much financially, so they drew up the ordinance and passed it that same night. The next day I got my newspaper editor friend to headline a front-page story praising the council to the high heavens. That same week I got five service clubs to pass resolutions that I had drawn up, complimenting the city. Then I walked into the mayor's office, and I said, "This thing got out of hand and I've got 39 people enrolled in college." He said that for sure they were not going to back out now!

I saw, in a small police department, the extra confidence that it gave a young police officer. I saw what it did for him, and it shamed me into going ahead and getting my own bachelor's degree.

Standard 13.3: *"Every police agency should immediately insure that it presents no artificial or arbitrary barriers--cultural or institutional--to discourage qualified individuals from seeking employment or from being employed as police officers. Every police agency should engage in positive efforts to employ ethnic minority members. When a substantial ethnic minority population resides within the jurisdiction, the police agency should take affirmative action to achieve a ratio of minority group employees in approximate proportion to the makeup of the population."*

What this says is that the people on the police department should represent the community. If, within your requirements to become a police officer, you have artificial barriers built in that would prevent minority members from coming into your police department, then you ought to get rid of them. And if you are going to represent fairness, you know you cannot argue with that. Let me assure you that most cities, most counties, and most states, in this nation do need it.

Standard 13.6, Employment of Women: *"Every police agency should immediately insure that there exists no agency policy that discourages qualified women from seeking employment as sworn or civilian personnel or prevents them from realizing their full employment potential."*

One of the smartest moves yet came from Michigan when a young lady applied for a job in a municipal police department. They turned her down because they said she was not tall enough--they had a 5'10" requirement. In reality they turned her down because she was a female. She quietly faded away; she never would have gotten the job anyway because she had a long criminal history. But she waited for one year and came back and filed a civil suit against that municipality. The judge said, "You don't have to hire her, but you've got to process her application and you cannot use height or sex as discriminating factors. You must pay her for this year from the day she applied for the job until today." She had been out working and you know what the city had to do? Pay her a year's salary if it did not hire her.

You had better take a look at these standards or somebody else will!

REACTION

Brad Leach

I am pleased to be able to address law enforcement issues in Standards and Goals from the viewpoint of a sheriff. We have some unique problems and situations.

I was fortunate enough to attend the National Conference a year and a half ago. I have read the police standards, as well as parts of the others, and I did not quarrel with too many of them as they relate to Colorado. I think some of them will not apply, many of them will need to be changed or altered to fit our needs, and a few will probably be thrown out. My remarks will touch on some of those mentioned.

Standard 1.1: *The Police Function*. I do not know how any of us can disagree with that. I do not think there is any department that does not have something in writing about policies and procedures. The standard is saying that we need them--we need to update them, upgrade them, and continue to make changes in them as the laws change and as our community needs change.

Standard 1.4: *Communicating with the Public*. This is very important as it applies to the Sheriff's Department in trying to portray us as a public safety agency rather than a police agency. More than 50 percent of our calls have nothing to do with crime. They are in the nature of forest fires, lost people, fallen climbers, drownings--that type of public safety response. Certainly to the public we are not just policemen out there waiting for somebody to break the law so that we can take action.

One of the things we have done is to name a staff officer as a public information officer. He is called to any major event and is to make friends with the news media representatives. When we talk about lateral entry into law enforcement, this is an area where it must be considered. If there is a former journalist or newsman who wants to become a policeman, you cannot find a

better person to handle those media relations responsibilities. I think rapport with the media is important; they are your best line of communication to the public. They tell the community what you are doing and inform the people of new programs or of a change in operations.

Feedback programs in home owner associations constitute another example of communicating with the public. We have officers who attend those meetings and listen to the complaints. They go to get input from citizens and they bring it back to our staff so that we can hear what is going on.

Geographic Policing. It gets a little difficult in a county like Boulder, a 720-square-mile area, half of which is mountainous terrain. It is hard to assign small districts there.

We have taken care of our mountain district problems by assigning resident deputy sheriffs with vehicles and all the equipment they can carry. They know every back road and most of the citizens in the area and are much more effective when they work those districts permanently and live up there and can be called out day or night, on-duty or off-duty, to take care of problems. That is the kind of team policing, I think, that could work in certain areas.

Geographic policing certainly is not a standard we want to adopt for the entire state of Colorado. Each county is different, both geographically and in the nature of its crime problems.

Diversion is being practiced and I know of departments in which it has been going on for a long time, definitely prior to the writing of this standard by the National Advisory Commission. We have officers assigned to work only on juvenile types of crime and with juvenile offenders. They certainly practice a lot of diversion before the court ever hears about it. That is working very well for us. Again, it is specialization, but in this area with the children's code and procedural differences in the juvenile court, it is necessary.

The practice of diversion using summons in the last year has been used heavily out of necessity. Our jail count is down until our new facility is completed. Because our capacity was cut in half due to a new health regulation, something had to be done to keep the jail from being overcrowded. To alleviate this in Boulder County we use bond commissioners.

The county judges have appointed senior law students to act as bond commissioners on misdemeanor offenses. When the man is brought to the facility, the bond commissioner can release him if it is a misdemeanor violation--he can call the judge at home, explain the circumstances, and have a monetary bond set immediately so that the person does not have to sit in jail for two days or a weekend until court is in session.

This touches on another point and that is using full-time courts, judges, district attorneys, and defense attorneys. Justice cannot stop at 4:30 p.m. If we are going to have a successful justice system, a flowing one, I think it has to continue through the weekend, and we have tried to do so. I think that is what the diversion standards speak to.

Consolidation of Services. Many areas of the state of Colorado are doing that now. Mesa County consolidated their police and sheriff's departments in terms of the physical facilities at least a year ago. In Boulder, the City Police, University Police, and Sheriff's Department have a consolidated communications system. There are other areas that we should try to consolidate, particularly in the areas of investigation and intelligence.

How does one tell 40 or 50 sheriffs in the state of Colorado who do not have more than ten men that this standard is workable? There is duplication, undoubtedly, but these small departments cannot be eliminated. Boulder County has nine municipalities and one sheriff's department. I know that if we told the community of Lyons, which has three police officers, that it was going to have to consolidate with another municipality and that they no longer were a legal entity as far as the police force was concerned, there would be three ropes on the flag pole in front of the courthouse and I would be on the shortest one. What the standard

is trying to say is that there are areas in which we can consolidate communications, investigative services, specialized areas where we do not need duplication in every department.

For instance, one department should have a photo lab that can do the processing for the entire county instead of having five or six separate labs. This is probably going to be one of the most talked about and most controversial standards in law enforcement.

The Police Officer and his Education. I do not know a department in the state that does not think we need educated police officers, and particularly college-educated officers. But when one department starts officers at \$430 a month and another one starts at \$1,000, there is a problem. Legislatures, councils, and commissioners have to deal with the financial problem involved. As far as I am concerned, we must get some career service for the deputy sheriffs in the state and for police officers where it does not exist. We have taken a giant step forward in the last two years with regard to minimum standards of training and certification of police officers. We need to upgrade salaries and eliminate the tremendous difference in salaries for officers doing the same job.

On minority recruiting, I do not think anything else needs to be said about that. I cannot imagine any administrator or police officer not supporting this policy. It will help break down the internal biases and prejudices in your own department and among your own officers.

Women in Police Work: I have agreed with that for quite awhile. We have three women detectives and four women in uniform on the road. To some of the men, their presence is a challenge and a threat; there is still a tremendous protectiveness occurring among the men officers when a woman goes into a dangerous situation. That is something that is just going to have to work itself out. But if it has been a problem for us, it has been the only problem. The women are doing a fantastic job.

In closing, I would only ask that when we talk about law enforcement standards and goals we recognize that there are several different levels of law enforcement, different jurisdictions, and, in fact, different operational functions. Sheriffs certainly have different daily responsibilities than do chiefs of police in some areas. We all need to sit down--sheriffs, chiefs, marshalls, constables--and recognize each other's individual differences and our common responsibilities and develop standards and goals for all of us--not just for the Eastern slope, Western slope, mountains, or plains. More important, we in law enforcement need the input of other elements of the criminal justice system. We need to continue our dialogue.

REACTION

Pierce Brooks

I want to respond to the briefings of the National Advisory Commission on Standards and Goals in two parts: first, to voice my opinion of them, and second, to discuss some of the important issues that are not necessarily covered, which I believe are major issues.

Regarding the first, *police role and function*: I certainly do agree with this standard. I have read all the recommendations in the Police Task Force Report of the National Advisory Commission and find that I agree with almost all of them. I strongly agree with some and disagree with a few. But the first standard, police role and function, is definitely one with which I agree.

Communicating with the Public. "The police must obtain information from the community as to its needs and the public must also be informed of the police agency's role so that it can better support the police in their effort to reduce crime." Both are our responsibility. We are going to have to find out what the public needs and wants because very few persons in the community tell us. Some do, but what about the bulk of people who just do not want to bother us? Certainly, if we want to eliminate a lot of problems, we must set up a system of communicating with the public and letting them know why we do things.

Also, we are going to have to learn to communicate. We must communicate not only with the public, but we are also going to have to communicate with each other. The police are going to have to communicate with the police, we are going to have to communicate with the courts, and we are going to have to communicate with corrections. We are going to have to understand the problems of the other component parts of the system.

I would like to relate a classic example:

It is late--about midnight--in a residential area. A patrolman might cruise for a block or two with his lights out--a good way to catch burglars; all good policemen know that. But time and time again I have attended meetings where a person stood up and said, "How come there is this double standard? I looked out my window last night at midnight and I saw a cop go by with his lights out. If I did that, you would give me a ticket. How come you can do that?"

I related this question to my wife one morning at breakfast. I told her about this guy who did not understand why a police officer can drive with his lights out. She said, "Why do you?"

So, I thought to myself, here is my wife, the wife of a police officer, and if she does not know, then certainly why should we believe that the community knows? We have to get out and communicate with them.

Geographic policing. Use a lot of caution. I am not opposed to team policing if it is well planned. There are many forms of team policing that I think are acceptable and there are some that will cause a great loss of morale and disorganize your department. There is a problem of coordination. How can you possibly keep a group of police officers in one specified area with transfers, people leaving the department, promotions, days off, sick time, and other forms of interference?

But there are good ways to accomplish workable forms of team policing. I believe we have a system in Lakewood that is working pretty well. We established a neighborhood interaction team, an overlay of patrol. This special team is composed of five police agents with a sergeant in command. Each police agent is assigned to a neighborhood. The neighborhood, for convenience, is one of five wards of the city. This agent is identified as the neighborhood agent. The idea is that all people in that ward know that police agent as "their cop." It seems to be working quite well now. The agents are involved in community interaction,

they ride in an unmarked police car, they have a radio, and they respond to any emergency situation. If there is a large fire, for example, you will see them out directing traffic; in a search for a lost child, they will be searching in the area.

Diversion of as many offenders as possible. I would only say, as Mr. Pope did, "Be sure that this is well planned." As of July 1, 1974, the ordinary drunk is not a criminal any longer in Colorado; he is a sick person. I would say, however, to the police officers in this room, that I think you are going to make a terrible mistake if, in retribution for this new law, you leave the drunk lying there. It takes less time to pick him up and put him in whatever facility there is until we get detoxification centers that it does to try to find out who murdered him if he is left to lie unprotected in an alley.

Consolidation of small departments certainly is something that should be considered. It would be interesting to have a study done on a national level to determine what the optimum size of a police department should be. We keep picking on the little departments and saying, "You're too little to operate," but how well is the big department on the East Coast doing that has 35,000 police officers? Maybe that is too big.

Officer education and development. In Lakewood we have determined that a college diploma by itself certainly does not mean that the person is going to be a good police officer. I think there are other qualities of character that are definitely necessary. But I also believe that a good police officer is going to be a better officer if he is well educated. As far as the college requirement, I do not think we have to move as fast as the national recommendation suggests, but I think we should consider it, and I would wholeheartedly endorse the idea that provisions should be made for a police officer to further his or her education.

I think that *residency requirements* are ridiculous. There are some citizens in Lakewood who object to our recruiting on a national level; they want to professionalize the department by

hiring only Lakewood residents. My argument to this is that we have yet to hire a non-American. People from Florida to California, Americans all, who end up living in Lakewood or close by, are turning out to be fine police officers.

Lateral entry is something that law enforcement should look at. Lakewood would not be what it is today if it were not for lateral entry, but yet it remains a unique situation nationally.

Selection is the key to the future. Selection in recruiting and promotion is the key to the future of law enforcement. We really should look at upgrading our system of selection and promotion. As far as minority recruiting is concerned, I would oppose lowering the standards. I think that there are other systems in our government that are going to have to help to at least bring along minorities who are lacking in the requirements. As far as I am concerned, I do not care what color a person is, or whether the agent wears a skirt or trousers. If people are qualified officers, then we want them in Lakewood.

"Police" is *no longer just a man's world*. In the Los Angeles Police Department, policewomen were riding on patrol as juvenile officers when I was a young police officer. In 1968 I was one of the first detective commanders to assign policewomen to work with detectives on major crime cases involving rape or any major sex crime. You would be surprised how our rape clearances went up. I continued this practice in Oregon. When I came to Lakewood, there were no policewomen agents, and now we have ten. They are all fine young women and they are doing well. I think, however, that any extreme is wrong. There are differences, but I certainly think that there is a place for women in the police and I do not mean just as secretaries or as officers working only in such areas as juvenile cases or missing persons.

Another issue is *crime prevention*. Law enforcement's mission is crime prevention. We realize we can never eliminate crime. But there are many who commit crimes because of the opportunity. I think we can make a big dent in crime if we reach this group of people. Crime prevention is what it is all about.

There are four major concerns in the area of crime prevention:

1. To establish a positive frame of mind in our review of the criminal justice standards and goals. If we look at them with suspicion, nothing will be accomplished.
2. To set standards for all persons involved in the criminal justice system. We have standards for the police; there would be standards for those who want to run for the office of sheriff, for district attorney, or for coroner. In corrections there must be standards.
3. To establish standards that require an education, and in our training programs, we must do something that we have not yet done: we must have the courage to eliminate the unfit. We have to set standards in order for the recruits to graduate, and if they do not meet those standards, they must be dropped. We must also devise a method to measure and evaluate the results of the training.
4. We must have more legislative interest, perhaps an active legislative task force. An example of legislative action necessary can be illustrated in the following:

If Mrs. Jones backs out of the parking space at a shopping center and bumps into Mrs. Smith, and they do \$10 or \$20 worth of damage, it is required by law that one of my policemen leave his patrol district and spend 30 minutes to one hour reporting this minor traffic accident, which no one pays any attention to and which the state does not even record. I know what lobby set that up. We did a survey and found that Colorado is the only state in the West that has this requirement. In our study we found out that we were losing about two and a half police agents per month handling these traffic accidents that were serving only the purpose of the insurance adjustors of this state.

A last concern is *change*. Change must be identified as an accepted concept of the law enforcement community and it is imperative that modern-day law enforcement executives and departments remain administratively and organizationally flexible in

order to adapt to changes in contemporary society. We should realize that we are a part of, and not apart from, the social, economic, and political systems in which we live and work and that the system is undergoing many forms of change at a remarkably fast pace. Understandably, change may cause frustration and have a somewhat negative effect on morale. To change for the sake of change alone, to change without adequate research and planning, to change only to create an image, or to change without some participation from criminal justice and particularly police practitioners is organizationally and administratively unacceptable. The extreme opposite--stagnation or no change at all--is also unacceptable.

I quote, "It must be considered that there is nothing more difficult to carry out nor more doubtful of success nor more dangerous to handle than to initiate a new order of things. The innovator has for enemies all those who would profit by the old order, and only lukewarm defenders in all those who would profit by the new order."

The author of that was Machiavelli. He made the statement in 1532.

COURTS: ISSUES AND CONCERNS

Edward E. Pringle
Chief Justice, Colorado Supreme Court

Harry O. Lawson
State Court Administrator

John P. Moore
Colorado Attorney General

COURTS:
ISSUES AND CONCERNS

Edward E. Pringle
Chief Justice
Colorado Supreme Court

Throughout the nation people are concerned with law and justice. This symposium is an expression of that concern. Your presence here shows strongly that you feel concern, but more is needed; indeed, active participation is required. Together, we--representatives of state and local government, the criminal justice system, and the community--will share in an understanding of and in seeking solutions to the problems plaguing the criminal justice system.

I have long been an advocate of citizen participation in the affairs of state. This is the principle we have attempted to follow in Colorado in administering our judicial system. As my good friend Chester Alter, former Chancellor of the University of Denver, has often said, "The administration of justice is far too important to be left to judges and lawyers."

Concerned citizens are the vanguard of judicial improvement once they understand the problems and the needs of the system. It is the bench and the bar, being generally traditionalist in nature, that are often resistant to change. During the past 15 years, Colorado has developed a state judicial system that is viewed throughout the country as a model. This system was the result of a strong, cooperative effort by the general assembly, the bench, the bar, and citizen support. I think it is important for you to know that most of the standards and goals relating to courts and court administration have been met or exceeded in Colorado. Improvement can still be made in many areas, however. This is one reason this symposium has been convened. There are a few standards that we have not met; there are others with which we disagree.

I would first like to mention briefly some of the more important features of our judicial system that do meet or exceed the recommended standards set by the National Advisory Commission. In doing so, it is important to remind

you that most of the cases before the courts are civil rather than criminal cases. I mention this because in a symposium devoted to criminal justice it is easy to forget that standards relating to courts, focusing as they do on criminal justice, tend to give the impression that this is the primary matter with which courts are concerned. Judicial administration must be viewed within the context of the total of the court's responsibilities.

National Advisory Commission standards call for merit selection of judges, mandatory retirement, and a judicial disciplinary and removal commission. All judges in Colorado in the state system are selected on the basis of merit qualifications and have been since the 1966 Amendment to the Judicial Articles of the Colorado Constitution.

The Colorado Constitution also sets retirement age at 72 for judges.

Colorado has a judicial qualifications commission which is a pretentious title for a disciplinary and removal body. This commission is patterned on a California model and has been in existence in Colorado since 1967. The commission is a constitutional body and is authorized by that 1966 amendment. The commission is responsible for investigating any alleged judicial misconduct and judicial unfitness.

Other aspects of the Colorado system that meet or exceed the standards are as follows:

—The state court system in Colorado is administered state-wide, financed by the state, and all state courts are courts of record. Although Colorado has a court of limited jurisdiction (which is a county court) in addition to the general jurisdiction of the district court, both courts are administered as one unit under a chief judge of the judicial district and judges may sit in both courts. The Chief Justice in Colorado is the executive head of the system and has the ultimate responsibility for administration of the system.

—The Chief Justice is assisted by a state court administrator who has a professional, well-qualified staff. The chief judge of each judicial district is appointed by the Chief Justice. Delegated authority to these chief judges is both broad and clear.

Each one of the chief judges is assisted by district administrators.

—There is a state-wide public defender system that is financed by the state and all public defenders are employed full-time.

—Colorado has pioneered in the application of computers in court administration, especially in such areas as jury selection, case flow information, and probation information.

—Colorado has a judicial education program, which consists both of conferences and seminars within the state and of sending judges to national programs such as those conducted by the National College of State Judges. The Colorado judicial system is constantly attempting to upgrade and expand judges' educational opportunities, as well as those of the court and probation staff.

In other words, Colorado has most of the ingredients that the experts and the National Advisory Commission standards say are necessary for a well-ordered, functional, and accountable judicial system.

Even with these features, which surpass the national standards, the Colorado judicial system still has some problem areas, not the least of which is the provision of adequate resources to carry out the courts' and the people's business. We need more and better resources for public defender staffing, and for meeting uncontrolled costs such as jury costs, witness fees, court-appointed counsels, and grand juries.

Felony cases are to be tried within 60 days of arrest, and misdemeanors within 30 days of arrest. Colorado has a six-month limit from arraignment to trial both by standard and by rule of court unless otherwise extended at the request of the defendant. Our courts are complying with this rule. Most criminal cases in this state are disposed of in 120 days or less, although it is sometimes necessary to assign outside or retired judges to the larger judicial districts to assure compliance with the rule. Attainment of the 60-day standard is a worthwhile objective, but it is one that cannot be accomplished in Colorado without a very substantial increase in the number of judges, prosecutors, defenders, attorneys general, and supporting staff.

Courts:
Issues and Concerns

For the same reason, it is not possible to meet the standard that *all preliminary hearings be within two weeks of arrest*. While this is a desirable objective, there are other demands which should receive higher priority.

For example, Colorado still has part-time judges, some of whom have not been admitted to the practice of law. Those judges serve in courts of limited jurisdiction, as the constitutional provision requires that there be a county judge in every county. There have been legislative efforts to change this provision so that all of Colorado's judges would be full-time lawyer-judges, as specified both in the National Advisory Commission and American Bar Association standards. This would provide greater flexibility in the use of judicial manpower, avoid conflict or the appearance of conflict, and probably save money.

All criminal cases should be disposed of on appeal 90 days after sentence is imposed. This, too, is a commendable objective, but it is not a very realistic one, if each criminal case is to be given proper review and the appellate courts are to remain current with their civil caseloads. It is our ultimate goal to reduce the time on criminal appeals to six months after sentence, that is, having the case finally disposed of within six months after the conviction.

To this end we have requested, and the legislature has provided, four additional judges for the Court of Appeals with that court given appellate criminal jurisdiction formerly held only by the Colorado Supreme Court.

Additional staff has been provided by the legislature for the public defender and attorney general. Because of the present backlog, however, it will be at least 18 months before we can hope to achieve our objective.

Perhaps the main reason for delay is the time it takes to have the record prepared. Reporters are simply unable to give us a record--the transcript of the proceedings of the trial--in less than four or five months. We, along with other jurisdictions, are exploring alternate methods of record preparation. There is much technical innovation in the field and we intend to do everything we can to apply that technical knowledge to getting the records to us in time so that we can meet the objective of early disposition of cases. There is a recommendation that all criminal cases must be finally disposed of in six months. This could result in offenders being turned loose in society if the requirement is not complied with for whatever reason.

Courts:
Issues and Concerns

The standards provide that questioning of jurors should be done exclusively by judges. We are presently working on a revision of our proceedings in which jurors are qualified to serve. We are hoping to give the judge a larger role in the examination of jurors than at present but we will continue to enlist participation by counsel. It is often forgotten in the discussions that, in criminal cases, the opportunity to question jurors is as important in the prosecution as it is in the defense.

The standard with which we have the most disagreement is the one proposing that *plea bargaining be done away with altogether by no later than 1978*. If plea bargaining were to be eliminated, the courts would be far behind and criminal cases inordinately delayed. The only alternative would be either to abandon most of the court's other work, thereby clogging the civil docket, or to double (at least) the number of judges hearing criminal cases and their staffs, as well as the number of prosecutors in the public defense. In my opinion, this added expense is not justified because plea bargaining, with proper safeguards and proper handling by prosecution and defense counsels, attains just results that usually are not very different from those that could be realized if the case had gone to trial, and at much less cost to the taxpayer.

Time does not permit review and commentary on all of the standards relating to courts. You are going to discuss many of them in the group sessions but I have touched on the ones that I believe are most important.

REACTION

Harry O. Lawson

The LEAA standards relating to courts also include prosecution and defense. Many of the LEAA standards deal with matters in these other two areas. My remarks will be confined to the courts.

I note that there is always concern about the delay in processing of cases. We have a six-month rule in Colorado and we are in compliance with the National Advisory Commission standard. Perhaps a study should be made in regard to shortening this period, but we must remember that the standard cannot be implemented without additional resources.

Almost all problems involving the court system are interrelated. For example, this question of time standards for processing criminal cases is related not only to the availability of resources and the other work of the courts but also to the very important question of whether minor traffic cases and game and fishing offenses and the like should be handled administratively either within the court system or by special administrative agencies. Opportunity for review or court access, if desired by defendant, would be available "handled administratively within the court".

The example of the first would be administrative hearings on traffic violations and of the second "handled administratively by special agencies" would be a traffic violations bureau or similar agency within the court where specially trained court staff would have the authority to accept guilty pleas and assess fines according to schedule.

This is directly connected to time standards because we keep these people out of court and the arraignment process and make more judicial time available to hear serious matters promptly.

Standard 8.2, *Administrative Disposition of Courts Standards*, is another important area for study and consideration as to the feasibility and extent of its application in Colorado. This is of some importance in the county courts where cases that are to be tried in court or by jury are delayed longer than they should be because of the judicial time involved in handling minor matters.

Both *time standards* and the question of *diversion* are related to the desirability of having full-time judges in the county court system. Because of the importance and positive impact of part-time judges' judicial accessibility, the elimination of part-time judges becomes less desirable.

The judicial system traditionally has had a difficult time in obtaining full funding for items over which we have no cost control such as jury fees, grand jury operations, witness fees, and court-appointed counsel. As a result, we develop conflict situations in which the public defender cannot take a case or public defender staff limitations necessitate appointment of other counsel.

Considering the uncontrolled cost situation, we find we are never funded at the requested level, but rather we receive the legislative promise of supplemental appropriation should the need arise. The amount of supplement is often in disagreement and, needless to say, is insufficient. This usually results in our having to divert funds from other programs and personnel to cover these costs. This interference with the basic operational budget of the courts limits personnel and resources to carry on normal operations.

Another area of concern is that of *pre-trial release*. In most parts of the judicial system, alleged offenders may be released on personal recognizance bonds if they meet the criteria for such release. Not much has been done, however, to supervise pre-trial release programs. A pilot program in Denver funded by LEAA is getting under way.

Colorado has made great strides in *court organization and administration*, in which we can take justifiable pride. Still, there are some problem areas. We have a problem of interagency communication, perhaps compounded by the fact that the judicial department is a separate and equal branch of government that must make its own administrative decisions if its integrity and independence are to be preserved.

We are, however, talking and working with each other, which is a major purpose of this symposium, and this communication should continue into the future. I feel strongly that it will and I welcome this new opportunity for dialogue and sharing.

REACTION

John P. Moore

We have a great opportunity to do wonders in the Colorado criminal justice system; however, we must be careful to do what is needed and appropriate for our state and we must consider the breadth of diverse interests that we find in our state. We must be knowledgeable in many areas.

I attended the conference on National Standards and Goals in Washington, D.C., and came away with two impressions. First, Colorado had, in fact, already adopted many of the standards relating to courts that were being propounded as new and innovative; we are, indeed, a leader in this nation. Second, it seemed to me, the purpose of the Washington conference was to have a group of people assemble from around the country and ratify what had already been done. Therefore, I am extremely gratified that this symposium has taken the opposite track.

Justice Pringle has commented on *standards for selection of judges*. Should this question of standardization be broadened to include others? The Chief Justice of the United States, Warren Burger, has said that perhaps we ought to develop standards of trial advocacy for lawyers. The Colorado Bar Association has embarked on that project, with respect to the practicing civil section of the justice system. We ought to give serious consideration to the question of whether or not that concept ought to be expanded to those within the criminal justice system. Should we look for standards of trial court and appellate court advocacy for lawyers who practice as prosecutors and defense counsel? This issue should be discussed, but in doing so we should keep in mind one important factor: those of us in public practice must remember that, in getting people to work with us, we have to depend on attracting inexperienced lawyers. This need will have to be taken into consideration for whatever standards are developed in this area of concern.

Perhaps the most controversial of the court standards is that relating to *plea bargaining or plea negotiation*. I would agree that proper plea bargaining is not in and of itself wrong. When employed for legitimate purposes and by utilizing certain guidelines, plea bargaining is perfectly proper. I would add, however, that greater use of screening and diversion, both pre- and post-trial, would probably go far toward eliminating the great need for plea bargaining. It is essential that we give consideration to expanding the use of both screening and pre-trial and post-trial diversion in this state.

Several other issues need close scrutiny and consideration by this group. The first of these is that any standards that we, as a group, might ultimately design for the prosecutor and the public defenders of our state, must be done with a basic concept in mind. That concept is that the offices of the prosecutor and the public defender should be on the same level, staffed to the same degree, and financed to the same extent as private law firms. I see no reason why the public's lawyers should have to accept basic standards that are lower than those of a lawyer in private practice.

Second and even more important, I think that we, as a group, must give attention to the caseload problems of the lawyer in the criminal justice system. A caseload system that any lawyer has must be reasonable and it must not exceed what either he or she can reasonably be expected to handle. A lawyer must have adequate time to investigate the case, research and prepare for a trial, and research and prepare for an appeal. Justice cannot be done when we force lawyers in public practice to employ shortcuts simply to keep up with the burden of their caseload. We must develop a standard in this area and that standard must be applicable to both public and private practitioners. Moreover, I think the standard on caseload for lawyers in the criminal justice system is also essential to aid the public lawyers who are responsible for making operating budgets for their offices and those other public officials who are responsible for appropriating money to carry out the function of those offices. Thus the necessary resources can reasonably be applied to the operation of the prosecutor's office and the public defender's office.

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Finally, we have adopted national standards for *full time prosecutors*. These standards sound logical but they do not meet the special problems of this state. If we consider the problem of prosecution in rural Colorado, two prominent facts emerge. First, the income that any lawyer can expect to receive in private practice far exceeds what he or she can get in public service; and second, there is a genuine scarcity of lawyers in rural Colorado.

We should also consider the role that the state can play in the prosecution of crime in Colorado. Should the state do away with the present system of local district attorneys and adopt a system of prosecution similar to that of the state public defender system? Should the state enter into a system of funding the offices of the local prosecutors only and have no other role to play? Or should the state adopt a system whereby we establish, at a state level, some sort of back-up staff of prosecutors that can be assigned from case to case as needed periodically for short terms throughout the state?

Whatever we do in this area, I think we should recognize that Colorado is metropolitan Colorado, it is rural Colorado, and it is front range Colorado. The problems in all these areas are different. We cannot expect a uniform standard to apply in all instances; nevertheless, we should take the time to reflect upon whether the present system is adequately meeting the current needs of our state.

CORRECTIONS: ISSUES AND CONCERNS

Robert E. Keldgord
Chief Probation Officer
Tucson, Arizona

Marcella Rapp
President, Colorado
Corrections Association

Bruce H. Boggess
Executive Director, Employ-Ex, Inc.

CORRECTIONS:
ISSUES AND CONCERNS

Robert E. Keldgord
Chief Probation Officer
Tucson, Arizona

Perhaps the most notable recent call for change in our field has been the Report of the National Advisory Commission on Criminal Justice Standards and Goals. I would like to examine some recommendations from this report.

Standard 16.4 calls for unification on a statewide basis of all correctional facilities and programs under one administrative agency, except for the possible exclusion of a parole board. The report suggests that such unification would afford better coordination, more effective utilization of resources, and development of better, more professional services.

Those who favor unification believe that:

State-provided services would result in uniformity of delivery of services. It is argued that the state, with greater budgets and more fiscal power, can assure a uniformly higher quality of service throughout the state than can some local jurisdictions, which are less endowed financially than the state.

When left to local jurisdictions, corrections have often been mediocre; some local communities have taken little interest in corrections, and instead, have simply committed the offender to the state at the earliest opportunity. The implication is that local communities often seek to "sweep correctional problems under the rug."

Joseph Coughlin, president of the American Correctional Association, suggests that unification would bring about the following negative by-products:

Corrections:
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It would result in gigantic, unwieldy state bureaucracies, complete with tremendous communication problems, and with increased distance between the policy makers and those who deliver services. The result, according to Coughlin, would be insensitivity and unresponsiveness to local needs.

It would lower autonomy at the local level, stifling creativity and integration of correctional services with related human services that operate under local auspices.

The placement of all services within a single department is inconsistent with another of the report's goals--namely, increased diversion. It is suggested that if all services to the courts are correctional system services, those are the services that will be used. . . and cases will not be diverted to non-correctional services.

In addition to these objections, there are other concerns voiced by opponents to unification. Among them are the following.

Local corrections measures are more in tune with modern, community based concepts. Programs located in the offender's own community have a better chance of success, especially because (1) the offender is, more often than not, a resident of the local community; (2) the offender will, in some 98 percent of the cases, return to the local community; and (3) it is the local community that best knows its own resources and how to apply them.

Traditionally, state-operated programs, especially institutional programs, have been located in remote areas of the state, and are in keeping with an outmoded "banishment" concept that is contrary to modern correctional philosophy.

State-operated institutions, because they are designed to serve the entire state, are often so large that they impede good correctional efforts and they violate national guidelines for correctional facilities.

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Unfortunately, the National Advisory Commission did not mention another alternative, a state-local partnership, despite the fact that a "blueprint" for such an alternative was advanced in the California System Task Force Report in 1971, and despite the fact that a number of respected professionals have endorsed this concept as offering the best of all things to corrections.

The advantages of a state-local partnership are as follows:

it increasingly delivers correctional services at the local level, thus conforming to community-based concepts;

it provides local government with resources that it cannot always generate on its own; and

it assigns to the state important "enabler" functions that "enable" local government to do a better job.

Among these "enabling" functions are the following:

high security institutions for those offenders who must have high security, long-term institutional care;

research and training;

subsidy;

coordination;

standard setting and enforcement;

planning;

public education.

As the state of Colorado or any other state considers changes in its correctional organization, it should not overlook the possibility of a state-local partnership.

Standard 11.1 calls for an immediate curtailment in the construction of new institutions for juveniles, and urges that no new adult institutions be built until it is determined that, after exhaustive planning and examination, there are no alternatives. The thinking behind this recommendation is based

upon the observation that, as instrumentalities of reform, prisons have not worked, that many graduates of prisons and juvenile institutions have become recidivists, and that the institutional experience has "atrophied" the offender's ability to live successfully in the outside world.

Appropriately, the report points out that, by and large, correctional institutions are old, remotely located, too large, and that they produce an atmosphere of artificiality that is not conducive to the offender's ability to make a successful transition back into the outside world. In short, the report argues that, increasingly, offenders should be dealt with in the community rather than in institutions.

The report does not seem to have taken into consideration variables from state to state in terms of (1) the nature, quality, age, size, and location of existing institutions; and (2) the availability of community resources for offenders who would otherwise be confined.

Each state must examine its own situation very carefully before wholly adopting this particular recommendation. Some questions that Colorado, or any state, should consider are the following.

Because it is apparent that, in each state, there are some offenders for whom institutionalization is necessary, should we consign these people to old, decrepit, poorly designed, and poorly located institutions?

Should we be satisfied with institutions that, by their very age, location, and design, impede good correctional efforts, especially when, in several states, such as Arizona and Nevada, the facilities are older than the states themselves? . . . Should we really "make do" with a 120-year-old San Quentin?

Should Arizona, which has no medium security facility, continue to send virtually all its inmates to an outmoded institution that originally was a territorial prison, simply to adhere to the recommendation?

Do we have adequate resources in the community, either for juveniles or for adults, to absorb the increased demands on community services that would be created by a moratorium on new facilities?

In the mid-1960s, California began closing hospitals with the expectation that local "community mental health centers" would serve those persons who would otherwise be institutionalized. Unfortunately, the local centers never materialized to the degree envisioned. The result was that patients were caught in a "no man's land," with almost no services. Now, California is in the process of having to reopen some of the hospitals.

New Jersey is experiencing some similar difficulties. The state enacted legislation that prohibits the housing of juvenile "status" offenders in detention facilities. Unfortunately, local communities did not have adequate time and funds to create separate facilities, so there is no place to house these runaways.

Certainly, treatment in the community is a far better approach than treatment in institutions--at least for most offenders--but I strongly question the wisdom of blind allegiance to this standard.

Standard 7.1 of the National Report urges that, by 1978, each state should have a systematic plan for implementing alternatives to incarceration. At a minimum, such a plan should include: diversion mechanisms; nonresidential supervision programs, in addition to probation and parole; residential alternatives to incarceration; community resources open to confined populations and institutional resources available to the entire community; pre-release programs; and community facilities for released offenders during the critical re-entry phase, with provision for short-term return as necessary.

The thinking behind this recommendation is based on the following observations:
(1) While many correctional systems are using some community-based programs, few programs are as extensive as they should be, and few show the results of careful planning. Rather, those community-based programs that do exist have

little or no clearly defined integration into the system. (2) Institutionalization should be reserved only for those offenders for whom there is no other answer. (3) No individual should be subjected to more supervision or control than is needed. The report suggests that persons have been subjected to over-restriction because of a lack of alternate programs.

Repeatedly, we find offenders in high security facilities when, on the basis of their offense and their sociocriminal history, there is evidence that high security is unneeded, expensive to the taxpayers, and probably a disservice to all concerned.

There is also the related problem of engaging in overkill by subjecting too many offenders to unnecessary high security and by keeping them incarcerated too long.

As we examine the recommendations from the National Advisory Commission's report, I hope that we will do so thoughtfully and carefully, recognizing that our judgment affects not only us, but the offenders in our care, and ultimately, society.

REACTION

Marcella Rapp

Never before has society been so concerned with corrections. The time for change is now. I feel the real beginning was when we, workers in the field, recognized this need. We have been brought together during this symposium to try to determine some attainable standards and goals.

In regard to Standard 16.4 as it relates to *statewide unification of all correctional facilities and programs*, I see this as potentially very effective if set up with proper administration. Standards relating to functional administration need to be considered. Administration needs to be challenged to continue to get and keep the best in our system today. Local agencies or departments need the support offered by greater manpower and budgets that could be contributed through a state system.

I do see the need for local departments to accept their responsibilities and deal with them as their own concerns. I agree with Mr. Keldgord that there is a possibility of "sweeping problems under the rug." But I emphasize that I believe this can be dealt with through proper management and administration. The state-local partnership seems appropriate for Colorado. There is a real need to involve the communities in corrections, and the state-local relationship would ensure this.

When we talk of *work release programs*, we automatically think of institution-based work release programs, such as those of a penitentiary or reformatory. But I am also referring to work release programs of the county jails. There is great need to utilize this type of release for offenders who are not sentenced to terms of incarceration by the courts; these people have families to support and are persons who likely deserve only a measured punishment to curtail possible further offenses of a felony nature.

A work release program from the jail fulfills the need for certain offenders to continue to support their families while still paying their debt to society. What is wrong with using sentenced offenders from all jails for some county upkeep projects? We must set standards to keep them occupied and to encourage them to become an asset to themselves as well as to their community.

Relative to the curtailment of *construction of new institutions* for juveniles and no new facilities for adults, I think the Colorado Division of Youth Services has come a long way in very recent years. It is still confronted with the need for more community involvement, but a pattern for progress has been set.

The adult institutions are also making some progress. The reformatory has a nationally recognized system of confinement but needs more community involvement for the release stages of the inmate.

Looking at penitentiaries for both men and women, let us give credit where credit is due. We can set standards and goals, but without adequate funding and location of facilities for proper kinds of personnel and use of community participation, we will not be able to accomplish our goals. We should see an improvement of treatment and classification with the new diagnostic center, but a question that remains is, are we going to attract the needed personnel to the Canon City area?

Standard 7.1, regarding *alternatives to sentencing*, is being developed under Colorado Senate Bill 55. This is a most important area for discussion at this time. We must involve more volunteers in both probation and parole. We need to involve the community in expanding mental health facilities, and we need to provide more drug abuse treatment centers, vocational training and "on the job" programs with local industries.

There are many local church groups that would like to contribute in this area. Also, we should not overlook college students, of which there is probably the largest enrollment during the

past several years, who are expressing a real desire to become involved in correctional rehabilitation.

I would like to comment on *ending job discrimination* for both women and ex-offenders. I see this as a real problem in Colorado relating to administrative positions. If these people qualify, then they should be considered for the position.

Ex-offenders can serve several purposes to the field of corrections. Who has better "first-hand information" than they? Then too, they are the ones who can really "tell it like it is." I believe that utilizing them is in the interests of achieving the best correctional system possible.

Some other problems I see in Colorado corrections are a noticeable lack of communication in the entire field. Must we operate in our own vacuum? We seriously lack training opportunities for both line staff and administrators throughout the entire correctional system. There should be a training program to include probation officers, parole agents, and institutional staff so that they understand the system thoroughly, from the offender's introduction into the system to his or her final dismissal.

Perhaps we should consider a statewide training center for this purpose. I know this means additional funding, but I believe that training, communication, and administration have to be considered the three most important functions in developing our state standards and goals.

REACTION

Bruce H. Boggess

In corrections we do many things on the spur of the moment. We are very reactionary. We have a tendency, when there is a riot, to withdraw to the old security domain; have a tendency to put up more strands of barbed wire when someone leaves an Honor Unit; have a tendency to forget that, if we believe in the inherent salvageability of the adult offender, we must try to reach that which is salvageable on an individual, person-by-person basis.

We have discussed unification of Colorado correctional institutions and correctional community programs such as probation and parole. There is a long-standing fear--not unlike the fear that the federal government will assimilate what we feel are proper and due states' rights--that if we unify our system, we will come under the domination of "some great demagogue" and thereby lose individuality. I think that is an unfounded fear and typically reactionary. I believe there are ways we can unify without those feared results.

One way is through more citizen involvement in corrections. I do not think it is bad that the citizens of our state look over our shoulder--it is healthy. They are giving us ideas, they are giving us direction, and, out of the intensity of their need, they are encouraging us to build a comprehensive criminal justice system in the state of Colorado.

But let us be discriminating in how we build. We should emphasize and augment what is positive as we prune away what is not. The National Advisory Commission's statement that prisons have not worked as instrumentalities of reform is widely accepted. I do not believe that, however. I think that prisons have worked in some instances, but that they certainly have not worked well in others. There are people, such as myself, who can be referred to as the ultimate consumers of the system. Ten years in the

Colorado State Penitentiary, from 1962 until 1972, makes me think I have the proper credentials to react to the Commission's assertion.

I can respond to what it will be like for the next ten years for men and women living in a space where they can reach out and touch the walls on both sides, where they walk forward three and a half paces, and back three and a half paces. Ten more years of that is ten years too many, and reform is not a likely outcome for most. Time, by itself, is not the enemy. Time can heal both physical and emotional wounds. But the quality of that time must be equal to the objectives of reform.

Colorado's track record in this respect is better than most. We are fortunate, in this state, to have people in the correctional system who can and are bringing about change. The crucial issue is to bring these people together. So often the lack of continuity in the system frustrates the best efforts. We compile probation reports that are not used in the institutions; we establish program and treatment modalities in institutions that are not carried over into the communities; and we fail to effectively use the ex-offender within the system to bring about the conditions required for change.

People can change. However, if we afford them less footage per individual in the penitentiary and reformatory than we do the animals in the Denver Zoo, we deny our humanity. We fail to consider the realities of a negative effect of confinement. We take an irresponsible individual--and crime is the ultimate act of irresponsibility--and put that person in a setting that further diminishes individual accountability. We also take away the realities of a work-a-day world where one is responsible for taking care of one's own food, clothing, and other needs. We have to build into the system opportunities for assimilating responsibility, opportunities with meaning, and opportunities for personal concern. There is no greater hope to offer the confined offender than the reality of being able to make it on the street. My own personal philosophy is that corrections should make it uncomfortable enough for those confined to wish they were not there, but comfortable enough for them to do something about it.

Corrections:
Issues and Concerns

To want to do something about freedom, however, one must believe that freedom is within reach. The speaker referred to "remote institutions" and those in Colorado fit that term very well. Canon City is 125 miles from the Denver metropolitan area, and Buena Vista a little more than that. Of course, the remoteness of the institutions is matched by the remoteness of the community and of freedom, and we try to cover the distance by duplicating in the institutions community resources that are available in a community.

The national moratorium of 10 years on construction of penal facilities compounds this already intolerable situation. No building for 10 years means 10 more years of inhumanity, 10 more years of sweeping people under the rug, 10 more years of social malignancy, 10 more years of having people not well equipped to cope with the realities of life outside the walls. We can do better than that. We have the expertise in both programming and architecture. Both are important, but neither can bring about the needed change without careful and innovative planning.

In that planning, we in the correctional system have to be able to come up with quantifiable goals and objectives. We cannot base our existence simply on recidivism figures and ignore other statistics, such as the number of welfare recipients; we could well be trading one problem for another. If we are going to get the job done, we first have to specify the results we expect and come up with achievable and measurable standards and goals.

Quantifiable results do not mean that we overlook quality of human life. Thoughtful planning of measurable goals can ensure a corrections system that thinks in terms of individuals with unique capabilities and needs, rather than as numbers in an institution.

We have much to look forward to in the future, if we believe we can change, and if we believe the public is receptive to change. We have to be concerned and be able to respond to human need, but most of all, we have to express that concern--we have to talk--to each other.

LAW ENFORCEMENT ISSUES

for

Colorado Symposium on Standards and Goals

Following is a synthesis of the group discussions and comment on Law Enforcement Standards.

The National Standard

Standard 1.1: The Police Function

Every police chief executive immediately should develop written policy based on policies of the governing body that provide formal authority for the police function, and should set forth the objectives and priorities that will guide the agency's delivery of police services. Agency policy should articulate the role of the agency in the protection of constitutional guarantees, the enforcement of the law, and the provision of services necessary to reduce crime, to maintain public order, and to respond to the needs of the community.

THE COLORADO ISSUES

Areas of consideration:

- The role of the police should be limited to law enforcement matters:
 1. Separate answering service for "non-police" matters.
 2. Divert non-police matters to Public Works, Welfare, volunteers, etc.
 3. Provide special staff to handle social problem involvement.
 4. Make public aware of police functions.
- Define police functions through written policy. Make it available upon request and for public information and dissemination to citizens.

The National Standard

Standard 1.4: Communicating with the Public

Every police agency should recognize the importance of bilateral communication with the public and should constantly seek to improve its ability to determine

the needs and expectations of the public, to act upon those needs and expectations, and to inform the public of the resulting policies developed to improve delivery of police services.

THE COLORADO ISSUES

Areas of consideration:

- Strong need for more police-community communication.
- Need for more accurate new coverage of police activities.
- More police communication with the public on individual basis. Provide procedures for follow-through on citizens' complaints.
- Provide a central distribution point for police communication with the public.
- Police should provide an affirmative action program to achieve citizen participation and community involvement.

The National Standard

Standard 3.1: Crime Problem Identification and Resource Development

Each police agency should insure that patrolmen and members of the public are brought together to solve crime problems on a local basis. Police agencies with more than 75 personnel should immediately adopt a program to insure joint participation in crime problem identification.

Every police agency should, consistent with local police needs and its internal organization, adopt geographic policing programs which insure stability of assignment for individual officers who are operationally deployed.

THE COLORADO ISSUES

Areas of consideration: No discussion

SYNTHESIS OF GROUP DISCUSSIONS

Law Enforcement
Courts
Corrections

The National Standard

Standard 4.3: Diversion

- 0 Every police agency, where permitted by law, should immediately 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 and juvenile process would be inappropriate, or in whose case other resources would be more effective. All diversion dispositions should be made pursuant to written agency policy that insures fairness and uniformity of treatment.

THE COLORADO ISSUES

Areas of consideration:

- There should be an increased use of community participation particularly for minor offenses, drugs, alcohol. Develop community resources and funding in this area.
- Stress that early identification of potential law offenders by the community may reduce eventual crime.

The National Standard

Standard 5.2: Combined Police Services

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 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 government entity or the police agency immediately should enter into appropriate agreement or joint operation. At a minimum, police agencies

that employ fewer than ten sworn employees should consolidate for improved efficiency and effectiveness.

THE COLORADO ISSUES

Areas of consideration:

- Consolidate police communications and other kinds of equipment particularly with respect to riot control.
- Establish a centralized clearing house for checking criminal histories of police applicants.
- Consider that consolidation may run contrary to community involvement and diversion.
- Each law enforcement agency should guard its own autonomy and consolidate those services which would not threaten small police agencies.

The National Standard

Standard 13.2: College Recruiting

Every police agency that does not have a sufficient number of qualified applicants having appropriate college backgrounds to fill police officer vacancies as they occur should immediately implement a specialized recruitment program to satisfy this need.

THE COLORADO ISSUES

Areas of consideration:

- Should provide standard qualifications for law enforcement personnel, standard promotional requirements and adequate training for all personnel.
- Provide for research on requirement of one year of college to see if it makes a difference in ability of person to become good law enforcement officer.
- Make careful recruiting, screening and selection of law enforcement personnel. Consider use of psychological testing.
- Should be a link between education and pay in police agencies.

- General education and upgrading of all law enforcement personnel-- police, sheriffs and state police.

The National Standard

Standard 13.3: Minority Recruiting

Every police agency immediately should insure that it presents no artificial or arbitrary barriers--cultural or institutional--to not discourage qualified individuals from seeking employment or from being employed as police officers.

1. Every police agency should engage in positive efforts to employ ethnic minority members. When a substantial ethnic minority population resides within the jurisdiction, the police agency should take affirmative action to achieve a ratio of minority group employees in approximate proportion to the makeup of the population.

THE COLORADO ISSUES

Areas of consideration:

- Develop minority recruiting but maintain standards for all personnel.
- Provide recruiting validity studies if funding can be made available.
- Provide for a better representation of the community through minority recruitment.

The National Standard

Standard 13.6: Employment of Women

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

THE COLORADO ISSUES

Areas of consideration:

- Provide for increased use of women in police work by broadening their base of functions.
- Remove any discriminatory policies.

The National Standard

Standard 4.4: *Citation and Release on Own Recognizance*

Every police agency immediately should make maximum use of state statutes permitting police agencies to issue written summonses and citations in lieu of physical arrest or pre-arraignment confinement. Every police agency also should cooperate in programs that permit arraigned defendants to be released on their own recognizance in lieu of money bail in appropriate cases.

THE COLORADO ISSUES

Areas of consideration: No discussion

General areas of consideration in group discussions;

- There is a need for citizen participation in many areas of law enforcement.
- There needs to be a clarification and an upgrading in the community view of the police profession.
- Needs to be a general review of salaries and raises with respect to education and merit of law enforcement personnel.
- There is a need for more specific education of law enforcement officers, i.e. home crisis intervention, peacemakers in the community, etc.

COURTS ISSUES

for

Colorado Symposium on Standards and Goals

Following is a synthesis of the group discussions and comments on Courts Standards.

The National Standard

Standard 1.1: *Criteria for Screening*

The need to halt formal or informal action concerning some individuals who become involved in the criminal justice system should be openly recognized. This need may arise in a particular case because there is insufficient evidence to justify proceedings or because -- despite the availability of adequate evidence -- further proceedings would not adequately further the interests of the criminal justice system.

THE COLORADO ISSUES

Areas of consideration:

- The current disparities of sentencing and screening should be eliminated.
- There is a need to develop better screening techniques to prevent serious problems.

The National Standard

Standard 2.1: *General Criteria for Diversion*

... such diversion is appropriate when there is substantial likelihood that conviction would be obtained and the benefits to society from channeling an offender into an available non-criminal diversion program outweighs any harm done to society by abandoning criminal prosecution. Among the factors that should be considered favorable to diversion are (1) the relative youth of the offender; (2) the willingness of the victim to have no conviction sought; (3) any likelihood that the offender suffers from a mental or psychological abnormality which was related to his crime and for which treatment is available; and (4) any likelihood that the crime was significantly

related to any other condition or situation such as unemployment or family problems that would be subject to change by participation in a diversion program. . .

THE COLORADO ISSUES

Areas of consideration:

- Need standardized definition of diversion and how it can be implemented.
- Continue support and development of Youth Service Bureaus.
- Use plea bargaining as a diversion.
- Eliminate overcharging by police and D.A.'s. Provide better screening--deferred prosecution--disposition.
- Develop more and better diversion techniques.
- Establishment of dispute settlement boards for court diversion.

The National Standard

Standard 3.1: Abolition of Plea Negotiation

As soon as possible, but in no event later than 1978, negotiations between prosecutors and defendants--either personally or through their attorneys--concerning concessions to be made in return for guilty pleas should be prohibited. In the event that the prosecution makes a recommendation as to sentence, it should not be affected by the willingness of the defendant to plead guilty to some or all of the offenses with which he is charged. A plea of guilty should not be considered by the court in determining the sentence to be imposed.

THE COLORADO ISSUES

Areas of consideration:

- Plea bargaining should not be used to unclog court dockets.
- Wealth of offender and cost to taxpayer of formal prosecution should not be considered.

- Plea bargaining should be done publicly, with public access to record of bargaining.
- Plea negotiations should not be used in felony cases.
- Do not resort to plea bargaining because case is weak.
- Standardization of plea bargaining is necessary.
- Consider who actually benefits from this process--the poor or the affluent.
- (There was general support of the principle of plea bargaining.)

The National Standard

Standard 4.6: Pretrial Release

Adequate investigation of defendant's characteristics and circumstances should be undertaken to identify those defendants who can be released prior to trial solely on their own promise to appear for trial. Release on this basis should be made wherever appropriate. If a defendant cannot appropriately be released on this basis, consideration should be given to releasing him under certain conditions, such as the deposit of a sum of money to be forfeited in the event of non-appearance, or assumption of an obligation to pay a certain sum of money in the event of non-appearance, or the agreement of a third person to maintain contact with the defendant and to assure appearance.

THE COLORADO ISSUES

Areas of consideration:

- Need for standards for bonding and pretrial release procedures.
- Appeal for additional release services.

The National Standard

Standard 4.14: Jury Size and Composition

Juries in criminal prosecutions for offenses not punishable by life imprisonment should be

composed of less than twelve but of at least six persons. If a twelve member jury has been seated, a reduction in jury size during the course of a trial to not less than ten members should be permitted where a jury member has died or is discharged for illness or other good cause. Corresponding decreases in size should be permitted in cases where there were less than twelve jurors initially, but no decreases should be permitted that will result in a jury of less than six persons.

Persons over eighteen years of age or older should not be disqualified from jury service on the basis of age.

THE COLORADO ISSUES

Areas of consideration:

- Jury pay should be higher.
- Possibility of elimination of juries.
- Incentives needed for witnesses, victims and juries, compensation and convenience.

The National Standard

Standard 12.1: Professional Standard for Chief Prosecuting Officer

The complexities and demands of the prosecution function require that the prosecutor be a full-time, skilled professional selected on the basis of demonstrated ability and high personal integrity. The prosecutor should be authorized to serve a minimum term of four years at an annual salary no less than that of the presiding judge of the trial court of general jurisdiction.

THE COLORADO ISSUES

Areas of consideration:

- There is a need for full-time, qualified prosecutors. The need is for adequate funding and personnel.

- A definition of the prosecutor's role should be compiled.

The National Standard

Standard 13.1: Availability of Publicly Financed Representation in Criminal Cases

Public representation should be made available to eligible defendants (as defined in Standard 13.2) in all criminal cases at the request of someone acting for them, beginning at the time the individual either is arrested or is requested to participate in an investigation that has focused upon him as a likely suspect. The representation should continue during trial court proceedings and through the exhaustion of all avenues of relief from conviction.

Defendants should be discouraged from conducting their own defense in criminal prosecutions.

THE COLORADO ISSUES

Areas of consideration:

- Need for more adequate staffing regarding manpower and personnel for Public Defenders.
- Consideration of the possibility of having Public Defenders available in police stations.

General areas of consideration in group discussions;

- There should be a standard against discrimination in the court system.
- Victims should be more involved in criminal justice. They should be compensated and provided medical and psychological support.
- Sentencing should be standardized. Judges should be removed from the process. Consider cultural bias on part of probation and judges.
- Need selection and education criteria for judges.

Courts Issues

- Need to consider idea of 24-hour courts.
- Need public education on law and function of courts and probation.
- Need for better communication between all those involved in criminal justice system.

CORRECTIONS ISSUES

for

Colorado Symposium on Standards and Goals

Following is a synthesis of the group discussions and comments on Correctional Standards.

The National Standard

Standard 5.2: Sentencing the Non-dangerous Offender

State penal code revisions should include a provision that the maximum sentence for any offender not specifically found to represent a substantial danger to others should not exceed five years for felonies other than murder. No minimum sentence should be authorized by the legislature . . .

THE COLORADO ISSUES

Areas of consideration: No discussion

The National Standard

Standard 7.1: Development Plan for Community-based Alternatives to Confinement

Each state correctional system or correctional system of other units of government should begin immediately to analyze its needs, resources and gaps in service and to develop by 1978 a systematic plan with timetable and scheme for implementing a range of alternatives to institutionalization.

THE COLORADO ISSUES

Areas of consideration:

- Need to develop programs such as work release homes where residents pay their own way.
- Need to establish more Employ-ex programs.
- Need to consider use of short-term confinement facilities vs. correctional facilities and separate youthful from hardcore.
- Is Canon City really fit as a facility for treatment?

- Vocational training programs are not geared to individual interest or need, only for convenience of institution. There are fewer treatment or training programs available for women in our institutions.
- Assign selected cases from corrections to be involved in a community based treatment program using qualified professional staff and selected prisoners to increase opportunity for success and expansion.
- Gain political support for alternatives to institutionalization.
- There is a strong need for meaningful range of sentencing alternatives.
- Need to examine archaic laws regarding work release.
- Need to coordinate community based programs with land use planning to avoid problems.

The National Standard

Standard 9.2: State Operation and Control of Local Institutions

All local detention and correctional functions, both pre-and post-conviction, should be incorporated with the appropriate state system by 1982 . . .

THE COLORADO ISSUES

Areas of consideration: No discussion

The National Standard

Standard 11.1: Planning New Correctional Institutions

Each correctional agency administering state institutions for juvenile or adult offenders should adopt immediately a policy of not building new 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 produces a clear finding that no alternative is possible . . .

THE COLORADO ISSUES

Areas of consideration:

- Need to establish a philosophy and set goals to avoid random growth of the system.
- Need community-based facilities. Decentralize institutions.
- Develop state-local partnership in corrections.
- Separate juvenile from adult corrections.
- Consider lack of treatment for different kinds of offenses; i.e. sex offenders, psychiatric disturbances, etc.
- Need for coherent planning in individual correctional agencies.
- Strong need for diagnostic center to insure appropriate treatment of offenders.
- Priority should be placed on developing vocational and educational programs in correctional institutions.

The National Standard

Standard 11.2: Modification of Existing Institutions

Each correctional agency administering state institutions for juvenile or adult offenders should undertake immediately a five-year program of re-examining existing institutions to minimize their use, and for those who must be institutionalized, modify the institutions to minimize the deleterious effects of excessive regimentation and harmful physical environments imposed by physical plants . . .

. . . 4 All major institutions for juveniles should be phased out over the five-year period.

THE COLORADO ISSUES

Areas of consideration:

- Abolish moratorium on construction of new facilities. Establish

a moratorium on construction of new facilities of the same kind which are now not adequate.

- Institutions should be treatment centers.
- Institutions should be multi-purpose.
- There should be a continual upgrading of existing facilities.
- Every institution should have defined rehabilitation programs.
- Need to develop legislation for an industry in correctional institutions whereby inmate works, earns wages, and has responsibilities.
- Try experimental treatment programs in maximum security units.

The National Standard

Standard 12.3: Parole Grant Hearing

Each parole jurisdiction immediately should develop policies for parole release hearings that include opportunities for personal and adequate participation by the inmates concerned; procedural guidelines to insure proper, fair and thorough consideration of every case; prompt decisions and personal notification of decisions to inmates; and provisions for accurate records of deliberations and conclusions . . .

THE COLORADO ISSUES

Areas of consideration: No discussion

The National Standard

Standard 12.5: Organization of Field Services

Each state should provide by 1978 for the consolidation of institutional and parole field services in departments or divisions of correctional services. Such consolidation should occur as closely as possible to operational levels . . .

THE COLORADO ISSUES

Areas of consideration: No discussion

The National Standard

Standard 14.1: Recruitment of Correctional Staff

Correctional agencies should begin immediately to develop personnel policies and practices that will improve the image of corrections and facilitate the fair and effective solution of the best persons for correctional positions.

To improve the image of corrections, agencies should:

1. *Discontinue the use of uniforms.*
2. *Replace all military titles with names appropriate to the correctional task.*
3. *Discontinue the use of badges, and except where absolutely necessary, the carrying of weapons.*
4. *Abolish such military terms as company, mess hall, drill, inspection and gig list.*
5. *Abandon regimented behavior in all facilities, both for personnel and inmates.*

THE COLORADO ISSUES

Areas of consideration:

- Need to provide training that stresses human resources.
- Labor market is poor in rural areas; many use correctional employment as a supplement to other income. Are not career employees.
- Need to consider use of volunteers whenever possible.
- Need for standards for training of correctional officers, uniform salaries and pay increases.
- Need for certification of correctional administrators.

Corrections Issues

- Need to develop standards for caseloads for probation and parole personnel.
- Correctional personnel should include more ex-offenders. Need to develop screening techniques for this.
- Correctional personnel should include more women.

The National Standard

Standard 14.7: Participatory Management

Correctional agencies should adopt immediately a program of participatory management in which everyone involved -- managers, staff and offenders -- shares in identifying problems, finding mutually agreed upon solutions, setting goals and objectives, defining new roles for participants and evaluating effectiveness of these processes.

THE COLORADO ISSUES

Areas of consideration:

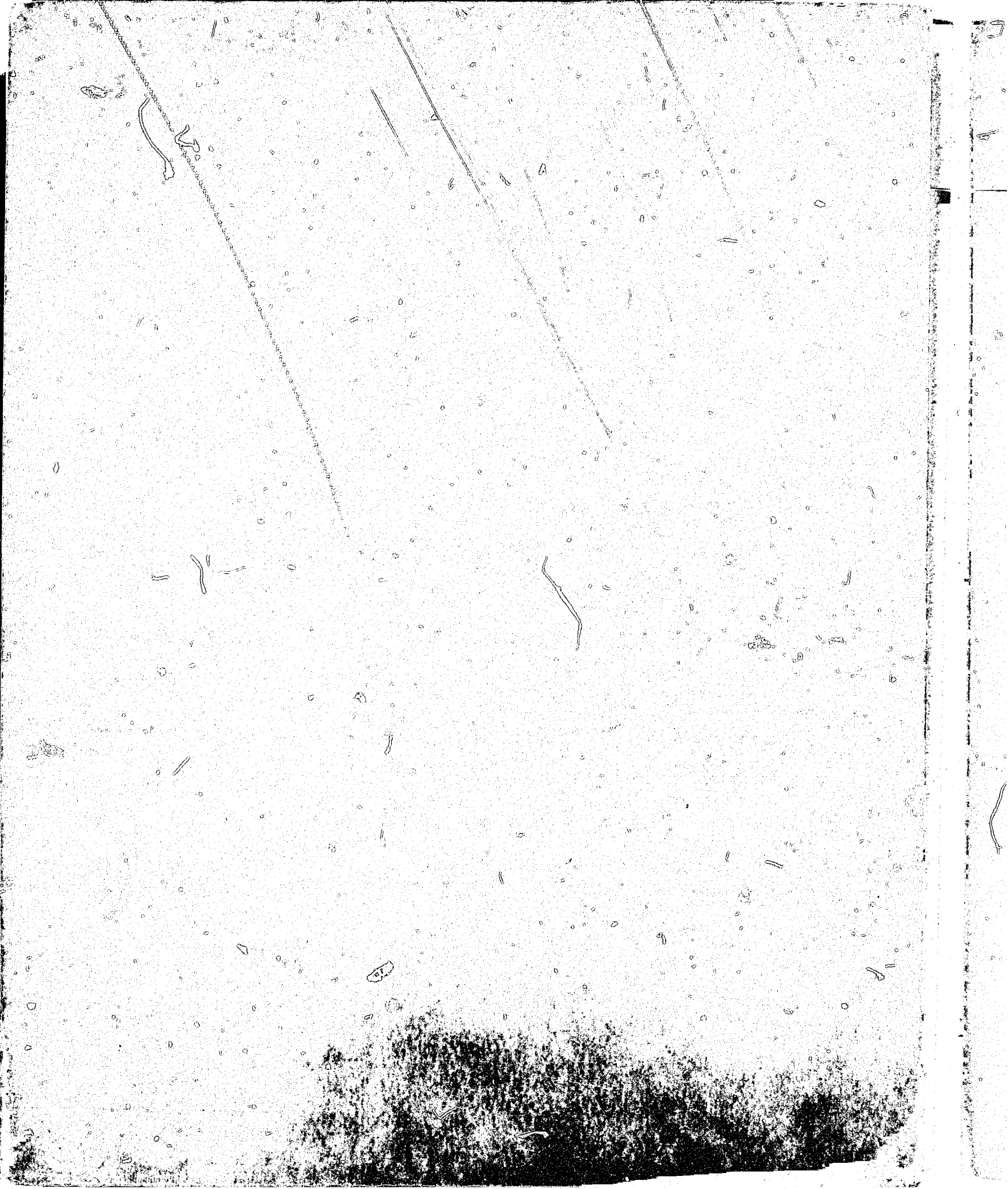
- Need to upgrade management skills in institutions and for other correctional administrators.
- Need to standardize sentencing.
- Develop more professionalism in corrections.

General areas of consideration in group discussions:

- Need better communication throughout the system, with public and legislature.
- Must change public attitude of punishment orientation toward offender. Punishment vs. rehabilitation has led to uncoordinated proliferation of private and public programs.
- Need humanization of conditions of probation and parole. Authority of agent vs. rights of offender. Constraints should be relevant.
- Qualifications for parole and probation officers need to be established.

CONTINUED

1 OF 2



Corrections Issues

- Ongoing training is needed for correctional personnel to insure that attitudes are more rehabilitative than punitive.
- Need to examine institutional programs for women. Eliminate sex stereotypes.
- Need equity and justice in corrections. Discrepancy in sentence length for same offense needs to be reviewed.
- Strive to get adequate funding for correctional programs.

APPENDICES

THE BACKGROUND AND THE FUTURE OF
STANDARDS FOR CRIMINAL JUSTICE

William H. Erickson
Associate Justice
Colorado Supreme Court

THE BACKGROUND AND THE FUTURE OF
STANDARDS FOR CRIMINAL JUSTICE

William H. Erickson
Associate Justice
Colorado Supreme Court

In 1963, the Institute of Judicial Administration, recognizing the wide disparity in the procedures that were used in the resolution of criminal charges, sought to compile standards that would govern procedures for the trial of criminal cases in both the state and federal courts.

England has been blessed with one court system. Because there is only one set of procedures, the substantive law is uniform throughout the British Empire.

In the United States, however, our English common law heritage is complicated by many different procedures. Moreover, variations exist in the substantive law of the 50 states and in the federal law announced in the 11 federal judicial circuits.

In the last decade, the federal courts have reviewed state criminal law and procedure to determine whether state criminal practices and procedures measure up to federal constitutional standards. In many instances, the federal courts have declared that the constitutional right at issue was enforceable against the state through the 14th Amendment.

On March 11, 1971, the President and the Chief Justice of the United States presented historic addresses at the First Conference of the Judiciary in Williamsburg, Virginia. President Nixon said,

We all know how urgent the need is for improvement at both the state and federal level. Interminable delays in civil cases, unconscionable delays in criminal cases, a steadily growing backlog of work that threatens to

make the delays worse tomorrow than they are today--all this concerns everyone who wants to see justice done.

Overcrowded penal institutions, unrelenting pressure on judges and prosecutors to process cases by plea bargaining without the safeguards recently set forth by the American Bar Association, the clogging of court calendars with inappropriate or relatively unimportant matters--all this sends everyone in the system of justice home at night feeling as if they have been trying to brush back a flood with a broom.

Many hardworking, dedicated judges, lawyers, penologists and law enforcement officials are coming to this conclusion: A system of criminal justice that can guarantee neither a speedy trial nor a safe community cannot excuse its failure by pointing to an elaborate system of safeguards for the accused. Justice dictates not only that the innocent man go free, but that the guilty be punished for his crimes.

When the average citizen comes into court as a party or a witness, and he sees that court bogged down and unable to function effectively, he wonders how this was permitted to happen. Who is to blame? Members of the bench and the bar are not alone responsible for the congestion of justice.

The nation has turned increasingly to the courts to cure deep-seated ills of our society--and the courts have responded; as a result, they have burdens unknown to the legal system a generation ago. In addition, the courts had to bear the brunt of the rise in crime--almost 150 percent higher in one decade, an explosion unparalleled in our history.

President's Nixon's remarks were followed by a warning from Chief Justice Burger that was in parallel form to the President's clarion call for improvement. Said the Chief Justice:

Today the American system of criminal justice in every phase--the police function, the prosecution and defense, the courts and the correctional machinery--is suffering from a severe case of deferred maintenance. By and large, this is true at the state, local and federal levels. This failure of our machinery is now a matter of common knowledge, fully documented by innumerable studies and surveys.

As a consequence of this deferred maintenance we see:

First, that the perpetrators of most criminal acts are not detected, arrested and brought to trial;

Second, those who are apprehended, arrested and charged are not tried promptly because we allow unconscionable delays that pervert both the right of the defendant and the public to a speedy trial of every criminal charge; and

Third, the convicted persons are not punished promptly after conviction because of delay in the appellate process. Finally, even after the end of litigation, those who are sentenced to confinement are not corrected or rehabilitated, and the majority of them return to commit new crimes. The primary responsibility of judges, of course, is for the operation of the judicial machinery but this does not mean they can ignore the police function or the shortcomings of the correctional system.

At each of these three stages--the enforcement, the trial, the correction--the deferred maintenance became apparent when the machinery was forced to carry too heavy a load. This is the thing that happens to any machinery whether it is an industrial plant, an automobile or a dishwasher. It can be no comfort to us that this deferred maintenance crisis is shared by others: by cities and in housing, in the field of medical care, in environmental protection, and many other fields. All of these problems are important, but the administration of justice is the adhesive--the very glue--that keeps the parts of an organized society from flying apart. Man can tolerate many shortcomings of his existence, but history teaches us that great societies have foundered for want of an adequate system of justice, and by that I mean justice in its broadest sense.

The Background and the Future of
Standards for Criminal Justice

The need for reform in the criminal law field caused the American Bar Association, at the urging of the Institute of Judicial Administration at New York University, to accept the challenge of preparing a set of standards of criminal justice relating to the proper method of handling a criminal case. The standards were prepared for use in the 50 states and in the federal courts. The objectives of the standards are to promote effective law enforcement and the adequate protection of the public and to safeguard and amplify the constitutional rights of those accused of the commission of crimes. Seventeen standards have been prepared, which provide guidance at each stage of criminal proceedings. The standards begin with the police function and end with the last post-conviction proceeding.

As the American Bar Association continues the Standards Project, the Special Committee on Administration of Criminal Justice* is now engaged in an effort to keep the standards for criminal justice up to date and to extend the standards into other areas that need definition or standards. The 17 standards that have been approved by the American Bar Association, and which are now being implemented in all 50 states, relate to

Defense services	Trial by jury
Pretrial release	Sentencing alternatives and procedures
Fair trial and free press	Probation
Electronic surveillance	Criminal appeals
Discovery and procedure before trial	Appellate review of sentences
Pleas of guilty	Post-conviction remedies
Joinder and severance	Prosecution function and defense function
Speedy trial	Functions of the trial judge
Urban police function	

* Judge Erickson is chairman of this committee.

The Background and the Future of
Standards for Criminal Justice

No set of standards will provide a ready solution to all the criminal justice problems facing our country, but both the American Bar Association and the Law Enforcement Assistance Administration standards and goals offer a direction for improvement. A comparative analysis will enable those interested in modernizing the administration of criminal justice to forge the strongest alloy from the best efforts in both.

THE CITIZEN—KEY TO CRIME PREVENTION

Ellis MacDougall
Member, National Advisory Commission on
Criminal Justice Standards and Goals

THE CITIZEN--KEY TO
CRIME PREVENTION

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on Criminal Justice Standards and Goals

I think that we would all agree that a system is something that works. Obviously, the criminal justice system has not worked. I believe that it has not worked because of one primary cause: fragmentation. Police, prosecutor, corrections: none pays enough attention to the other. There must be a new organization, a unification to make it into a system. Even within the disciplines mentioned, there is fragmentation. Until we are willing to look at the problem of unification, of making our "nonsystem" into a system, I question whether the criminal justice nonsystem will work.

The public is beginning to take notice. They are asking accountability from us professionals. Are corrections people providing the citizenry with safety? Are we returning inmates as better citizens, more able to cope with society? Or are we just detaining people? Are we taking tax dollars and giving the people a fair return, or are we just pouring dollars down a hole?

It is the responsibility of those of us in the criminal justice nonsystem to start making decisions regarding crime based on fact, not emotion. If we look at the laws that have been passed in our nation in past years, nearly all of them seem to have been based on emotional reaction to crime rather than the factual basis on which legislation should be based. Fortunately for us all, however, the Law Enforcement Assistance Administration has entered the picture.

Standards and goals is probably the outstanding contribution LEAA has made. For the first time in the history of our nation, we now have a map to the future: a plan for change in the criminal justice nonsystem. This map points out many of the goals and standards that are necessary to effect the kind of changes that are going to protect our society. The plan is not perfect; many of the goals and standards are controversial. They had to be

projected for 1983, as well as relate to 1974 or 1975. If every discipline in the criminal justice nonsystem will adopt its share of standards and goals, however, we can make a dent in the problem of crime in this nation.

The National Commission on Criminal Justice Standards and Goals directed its community crime prevention approach to the individual, the family, schools, churches, recreation associations, businesses, labor organizations, and government. It wanted to reintroduce community crime prevention programs--remove the desire or the necessity for people to commit crime. Those of us on the Commission did not limit ourselves to programs funded by LEAA, but we contacted all possible funding sources: federal agencies, state and county agencies, and programs of private organizations, civic organizations, and foundations.

We were most interested in the National Commission's target crimes: murder, nonnegligent manslaughter, aggravated assault, rape, armed robbery, and burglary. Because there is little factual information, we made certain assumptions: (1) that citizen indifference and apathy contribute to the spread of crime, (2) that private and public agencies outside the criminal justice system influence the rise and fall of crime, and (3) that crime prevention efforts include demonstrable benefits from existing institutions and agencies that are organized with different goals.

It is amazing to me that all citizens agree that the crime prevention program is everyone's concern, but too many people fail to accept crime prevention as a duty. Typical citizen response to crime is to demand harsher punishment, harsher action by police, harsher action by the courts, longer detainment of people in prison, and denial of parole. When citizens do act, it is a short-lived sporadic outburst in response to heinous crimes. The thing that we do know about community crime prevention is that it is by far the least developed area of crime prevention. The views that the public has are vague, naive, mostly erroneous, and completely devoid of actual research findings.

Action by private citizens is the heart of any community crime prevention program. Citizens can improve education, employment, and recreation; they can devise programs to reduce criminal opportunities by designing safer buildings and insuring the integrity of elected officials. In recent months, citizens in many communities have contributed directly to the prevention and reduction of crime.

There are many specific examples. In Indianapolis, improved street lighting not only reduced street crime, it also reduced accidents. In Georgia, there are 2,100 volunteer probation and parole officers; the recidivism rate among the offenders assigned to them is only two percent. In Charleston, West Virginia, employment training of ex-offenders, disadvantaged youths, and addicts by volunteers has kept them in school through their "Keep Them In School" committee. In Cincinnati, there is a hotline for troubled kids, as well as counseling centers and medical care for addicts. In Memphis, halfway houses have diverted many addicts. In Sacramento, there are citizens' committees that encourage area citizens not only to report crime but also to protect their homes by having better locks and lighting. And in Buffalo, New York area firms have installed radios in their trucks to help spot crime and report it to the police immediately.

The need today is for a more balanced allocation of law enforcement duties between specialists and citizenry. Highly centralized decision making probably deters many citizens from participating in crime prevention programs. Thus, it is vitally important that citizens be involved in the official actions of our cities, counties, and states, so that they are eager to participate. The National Commission recommends that government agencies should encourage and support action programs to prevent increased crime. Existing community organizations should explore ways they can relate their activities to crime prevention. City governments should establish neighborhood facilities such as multiservice centers and "on-the-spot" city halls to aid in dispensing government services and to improve communication between citizens and government agencies. Municipal government should establish a central office of complaint and information to improve government effectiveness and to permit citizens to obtain information and direction on any problem with a minimum of red tape. Municipal services should be allocated to neighborhoods on the basis of need.

Each state should enact legislation to encourage local establishment of youth service bureaus throughout the state and provide partial funding for them. Legislation should also be enacted to mandate the use of youth service bureaus as a volunteer diversion resource by agencies of the juvenile justice system. To avoid misunderstanding, criteria for referables should be developed jointly, specified in writing by law enforcement, courts, and youth service bureau personnel. Referrals for youth service bureaus should be completed only if they are voluntarily accepted by the youths.

The National Commission urges expanded public employment programs in areas

of high unemployment. Programs should offer full-time, part-time, and summer employment. Economic policy should be concentrated on maintaining aggregate employment at a high level. The Commission believes that the ultimate goal of such policies should be to assure that the unemployment rate in low-income areas is no greater than the national rate. To eliminate arbitrary barriers, employment legislation should be enacted prohibiting employees from inquiring about an applicant's criminal history after records have been purged.

Schools should plan programs that will guarantee that everyone leaving school can obtain either a job or acceptance to an advanced program of studies, regardless of the time he or she leaves the formal school setting. An alternative education experience should be provided to students who do not benefit from classroom instruction. School counseling and other supportive services should be available. There should be bilingual programs for young people who are not fluent in English. There should be a guarantee of functional literacy to every student who does not have a serious emotional, physical, or mental problem.

The Commission urges the establishment of a multimodality drug treatment system that would provide a comprehensive range of services in communities with a specific number of drug abusers. Drug education should begin in the home. Teachers should receive special training in drug education and prevention. Programs also should be concentrated on helping individuals solve problems that lead them to drug use; constructive alternatives to drugs should be provided. Both prevention and treatment activities should be coordinated through a central state agency and local coordinating agencies.

Law enforcement agencies, criminal justice planners, and professionals involved in architecture, design and physical planning should coordinate their efforts to reduce criminal opportunity through improved design of buildings, thoroughfares, parks, and other public places. Security requirements should be included in building codes and stated in terms of effectiveness of design.

The National Commission recommends that, in addition to crime sanctions, states adopt revisions for ethics codes and establish an ethics board to enforce and interpret the provisions of the code and apply administrative sanctions. In order to reduce opportunities for corruption and campaign financing, the Commission recommends that states impose and enforce realistic

campaign-spending limitations, require full disclosure of professional interests and financial contributions of all parties and candidates for local and state offices, and prohibit contributions from powerful lobbies.

States should adopt formal procedures for setting and disseminating commodity specifications, handling complaints, encouraging competition, and insuring on-time delivery of goods and services. A state purchasing agent should be established with an advisory board composed of the heads of the finance committees of the legislature, the purchasing director, and the chiefs of various sections of the purchasing agency. Its jurisdiction should be to develop explicit criteria for use by officials in making decisions in zoning, licensing, and tax assessment. States having a history of public corruption at state and local levels should establish an ongoing statewide capability for investigation and prosecution of government corruption and organized crime.

In closing, I point out that probably one of the biggest faults that we in criminal justice have is the willingness to take the blame. We have not made the citizenry assume its fair share of the blame for the failure of crime prevention. Crime prevention is not merely everyone's business, it is everyone's duty. The failure of the criminal justice system must be shared by the citizens. It is my hope that the national goals and standards will work. We will encourage every criminal justice agency to involve the public to make the citizens share the responsibility for crime prevention.

ROSTER OF PARTICIPANTS

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Criminal Justice Standards and Goals*

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