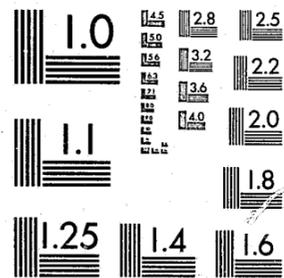


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MARCH 31, 1974

STANDARDS AND GOALS
COMPARISON PROJECT

Final Report

VOLUME II

Community Crime Prevention

U.S. Department of Justice
National Institute of Justice

30831

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Program for the Study of Crime and Delinquency
1314 Kinnear Road
Columbus, Ohio
43212

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Community Crime Prevention -- Police

		POLICE																				
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CCP		1.1	1.6	3.2	4.1	9.1	9.2	9.3	9.5	9.6	9.8	9.10	9.11	10.1	10.2	18.4	19.1	19.2	19.3	19.4	19.5	19.6
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INTERRELATED STANDARDS
Community Crime Prevention -- Criminal Justice System

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CHAPTER 1 - CITIZEN ACTION

There are no standards contained in this Chapter.

CHAPTER 2 - CITIZEN INVOLVEMENT AND GOVERNMENT RESPONSIVENESS IN THE DELIVERY OF SERVICES

Recommendation 2.1 RESOURCE ALLOCATION

The Commission recommends that resources for each neighborhood of the city and county be allocated on the basis of need. Equitable distribution of resources does not necessarily mean the expenditure of equal amounts of money in each area; it means, rather, the expenditure of sufficient sums to maintain equally effective services in all areas of the city or jurisdiction. Of paramount importance for resource allocation are the following:

1. Fire Services: Allocation of personnel, equipment, and prevention programs should be based on at least the following factors relating to the needs of a particular area:

- a. Size of the land area;
- b. Density and nature of the population (especially the number of elderly and disabled persons);
- c. Incidence of deteriorated, inadequately wired, and dilapidated housing; and
- d. Frequency of fires based on past experience. Fire prevention programs should be based on all of the above variables, and should take account of the varying educational levels among area residents.

2. Police Services: Allocation of personnel and mobile equipment for police protection should be based on at least the following factors relating to the needs of a particular area:

- a. Size of the land area;
- b. Density and nature of the population (especially youth);
- c. Reported incidence of total offenses in the area;
- d. Physical environment (street and open space lighting); and
- e. Traffic patterns.

3. Public Transportation: Provision of public transportation coverage should be based on at least the following factors:

- a. Density and nature of the population;
- b. Distance of the area from employment opportunities, professional services, and shopping centers;
- c. Residents' ability to buy cars; and
- d. Residents' ability to pay transit fares (especially the elderly during nonpeak hours).

4. Public Recreation Facilities: Construction and maintenance of recreational facilities should be based on at least the following factors:

- a. Density and nature of the population (especially the number of children who use active facilities, i.e., gyms, playgrounds,

playing fields; and the number of adults who use passive facilities, i.e., picnic areas, gardens, and parks);

- b. Residents' ability to afford private recreational activities; and
- c. Availability of recreation facilities (outdoor yards and indoor recreation rooms).

5. Sidewalks, Streets, and Lighting: Construction and maintenance of public sidewalks and streets and provision of lighting should be based on at least the following factors:

- a. Density and nature of the population;
- b. Residents' ability to buy cars;
- c. Residents' need for walking access to and from school, transit stops, community facilities, etc.; and
- d. Volume of serious crime.

6. Sanitation Services: Allocation of refuse collection crews, street cleaning equipment, and sewerage construction and maintenance should be based on at least the following factors:

- a. Density of the population (especially heavily congested areas with multifamily apartment buildings and housing projects); and
- b. Availability of space for residents to store uncollected trash.

I. Officially Known Endorsements and Objections

The NATIONAL COMMISSION ON URBAN PROBLEMS has noted that frequently neighborhoods requiring the greatest use of city services, such as police, fire, sanitation and public transportation services, receive the least attention, due to discrimination against low-income neighborhoods by city administrations. The Commission recommends that the governing bodies and administrative officials of local governments carefully examine the quality of services they provide to neighborhoods of differing economic levels. The local governments should then develop programs of resource allocation which will recognize and serve the needs of low-income neighborhoods.¹

The PRESIDENT'S ADVISORY COUNCIL ON MINORITY BUSINESS ENTERPRISE recommends that financial and managerial resources available to state and local governments be distributed according to local neighborhood needs. Factors which should influence resource allocation include the population of the neighborhood and its income level. Programs for the distribution of resources should be flexible enough to adapt to local circumstances and conditions in each neighborhood.²

The PRESIDENT'S TASK FORCE ON MODEL CITIES has recommended that federal funds available to city and county governments be utilized to improve the poorest neighborhoods. The formula for resource distribution should be based on an estimate of neighborhood population, the amount of substandard housing in the neighborhood, the number of families having less than a \$3,000 income,

and the number of adults having less than an eighth grade education.³ The U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT has emphasized that the capability and commitment of local governments to deal with the needs of their poorest neighborhoods needs to be increased. Resources should be concentrated in programs devised to eliminate urban poverty problems.⁴

¹The National Commission on Urban Problems, Building the American City (Washington, DC: Government Printing Office, 1969), p. 349.

²The President's Advisory Council on Minority Business Enterprise, Blueprint for the 70's (Washington, DC: n.p., 1971), p. 26.

³The President's Task Force on Model Cities, Model Cities: A Step Towards the New Federalism (Washington, DC: n.p., 1970), p. 12.

⁴U.S. Department of Housing and Urban Development, Nineteen Sixty-Eight Annual Report (Washington, DC: n.p., 1968), p. 37.

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Recommendation 2.2 DECENTRALIZATION MECHANISMS

The Commission recommends that neighborhood facilities, such as multi-service centers and "little city halls," be established to facilitate the dispensing of government services and to improve communications between citizens and government agencies. These centers should provide a variety of government services in one location, so that local residents can receive effective services close to their homes with a minimum of bureaucratic entanglement.

1. Need and Geographic Jurisdiction: Establishment of neighborhood facilities should be based on at least the following factors relating to the needs of a particular area:

- Density and nature of the population, i.e., number of service recipients;
- Degree of citizen alienation; and
- Extent of ineffectiveness of present service delivery systems.

2. Types of Services:

- Multiservice centers should provide a wide variety of services in one location. The specific services should depend on the needs of the population in the area being served. Services might include: welfare processing, food stamps, legal aid, day care, head-start programs, health care, employment and family counseling, housing code enforcement, and assistance to senior citizens.
- Little city halls should provide services similar to those provided at the main city hall. Services might include: city and court clerk assistance, complaint processing, tax and water bill collection, license and

permit issuance, voter registration, birth certificate assistance, and information dispensing.

3. Funding and Staffing:

a. Director. Each facility should have a director—a resident of the area served, qualified by training and experience, and dedicated to public service. The director should be chosen by joint voting of neighborhood citizens' groups, with concurrence of the chief executive or chief administrative officer of the jurisdiction. Salaries should vary according to the complexity of the facility's function and the role of the director.

b. Staff. Each facility should have a minimum staff consisting of a director, assistant director, and one clerical aide. Staff size for multiservice centers and little city halls should ultimately depend on the number of social services and city hall functions placed within a given neighborhood facility, but the staff should be sufficient to keep the center open during weekdays, evenings, and weekends.

4. Coordination:

a. Internal. The center director should hold regular meetings, bringing together staff and representatives of each agency functioning in the facility.

b. External.

1. The facility director should make arrangements, through the chief executive or chief administrative officer, to hold mini-cabinet meetings in the area of jurisdiction of the little city hall or multiservice center operating. The mini-cabinet should consist of the district heads of city departments and agencies that have responsibilities in the jurisdiction. Meetings should be held regularly and should focus on neighborhood problems. The participation of agency and department officials should be mandated by ordinance or agency regulation.

2. Insofar as practicable, the lines of service delivery should be correlated with local district lines, thereby creating coterminous districts that align all governmental services in a given neighborhood.

I. Officially Known Endorsements and Objections

The ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS recommends establishing little city halls and multiservice centers, especially in low-income neighborhoods. The Commission defines a little city hall as a neighborhood branch office of the main city hall which offers traditional municipal services, such as police, streets and sanitation services. A multi-service center, on the other hand, is defined by the Commission as

a branch office for various public and private agencies offering recreational employment, welfare, health, vocational, and legal assistance. Both types of neighborhood facilities should have advisory boards consisting of neighborhood residents.¹

The NATIONAL COMMISSION ON URBAN PROBLEMS proposes that city governments decentralize municipal services to the neighborhood level by establishing local offices. Services which, in the opinion of the Commission, should be offered by these neighborhood centers include housing code inspection, police-community relations work, welfare programs, and recreation activities. Furthermore, the decentralized offices should be encouraged to hire local neighborhood residents. The Commission has determined that the problems of a centralized municipal government are most pressing in low-income neighborhoods, and that therefore local services centers are most needed in these areas.²

The U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT encourages cities to establish multi-purpose neighborhood centers. These centers should offer health, educational, cultural, social, and recreational activities. The Department stresses that priority in the establishment of these centers should be given to low-income neighborhoods.³ Finally, the PRESIDENT'S ADVISORY COUNCIL ON MINORITY BUSINESS ENTERPRISE recommends that local centers be created to provide for the delivery of financial, managerial, and technical resources at the neighborhood level.⁴

¹Advisory Commission on Intergovernmental Relations, The New Grass Roots Government (Washington, DC: Government Printing Office, 1972), pp. 10-12.

²National Commission on Urban Problems, Building the American City (Washington, DC: Government Printing Office, 1969), pp. 350-351.

³U.S. Department of Housing and Urban Development, Nineteen Sixty-Eight Annual Report (Washington, DC: n.p., 1968), p. 31.

⁴President's Advisory Council on Minority Business Enterprise, Minority Enterprise and Expanded Ownership: Blueprint for the 70's (Washington, DC: n.p., 1971), p. 2.

* * * * *

Recommendation 2.3 PUBLIC RIGHT-TO-KNOW LAWS

1. Access to Information: The Commission recommends that local governments enact "public right-to-know laws" that provide citizens open and easy access to agency regulations, audits, minutes of meetings, and all other information necessary for meaningful citizen involvement in local governmental processes. Jurisdictions that already have right-to-know laws should confirm by resolution their willingness to comply with the letter and spirit of such laws. Right-to-know laws

should stipulate in detail the categories of information available and those that are not available to the public, and should provide for dissemination to the public of information concerning: (a) what is accessible to them; (b) not accessible to them; and (c) how they may obtain information that is accessible.

2. Notice of and Access to Public Proceedings: The Commission recommends that city and county council resolutions include at least the following items:

a. All regular city or county council and subcommittee meetings should be open to the public, except when the meetings deal with personnel matters, or when Federal, State, or local regulations specifically prohibit publicity.

b. The public and news media should be notified of significant agency or department meetings. Notice should be posted on a bulletin board prominently displayed in the city hall and at all neighborhood centers (see Recommendation 2.2). Notices should set out the agenda for the meeting. Only those items on the posted agenda should be discussed at the meeting.

3. Dissemination of Information. All elected and administrative officials should disseminate public information upon request. To facilitate public access to information one officer within the jurisdiction should be made responsible for gathering information and making it available to the public. This may be the responsibility of the city clerk, the public affairs officer, or the director of the central complaint and information office (see Recommendation 2.7). The chief administrative officer should be ultimately responsible for such matters and should expeditiously locate and provide information that may have been improperly withheld by others.

I. Officially Known Endorsements and Objections

The NATIONAL MUNICIPAL LEAGUE recommends that citizens have reasonable access to public records, including payrolls and accounting records, and that city councils and agencies be required to hold public meetings. In order to insure that these objectives are met, the League suggests that city councils legislate charter provisions requiring the publication of proposed ordinances, the time and place of council and agency meetings, and the minutes of these meetings. Annual reports by municipal officials, councils, and agencies should also be required. The League stresses that a "government by the people" depends on adequate citizen access to information about the conduct of the government.¹

The AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS (AFL-CIO) supports federal, state and local "freedom of information bills" requiring governmental agencies to make public their records and other information. The AFL-CIO does not sanction unnecessary interference

with the effective functioning of governmental bodies by information "fishing expeditions." However, reasonable requests for information should be enforced by court injunctions requiring the production of information being unlawfully withheld.²

The AMERICAN CIVIL LIBERTIES UNION states that governmental secrecy with respect to national security matters should not "serve as a cloak" for governmental inefficiencies, improper behavior by officials, and information which the public has a right to know. Federal, state, and local governments should provide citizens with the information they need to be adequately informed on matters of public interest.³

The NATIONAL COMMISSION ON URBAN PROBLEMS stresses that meaningful citizen participation in local government can only occur if the public is given information concerning public issues before governmental decisions are made on these issues. Furthermore, municipal officials should explain this information to the public, when necessary.⁴

Finally, the ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS suggests that city councils and commissions regularly hold sessions in neighborhoods so that citizens can have easier access to municipal information, which they have a right to have, and which they need in order to influence the decision-making process.⁵

¹National Municipal League, A Guide for Charter Commissions (New York, NY: National Municipal League, 1968), pp. 39-40.

²American Federation of Labor and Congress of Industrial Organizations, Labor Looks at the 89th Congress (Washington, DC: American Federation of Labor and Congress of Industrial Organizations, November, 1966), pp. 41-42.

³American Civil Liberties Union, The Policy Guide of the American Civil Liberties Union (New York, NY: American Civil Liberties Union, 1970), Policy #10.

⁴National Commission on Urban Problems, Building the American City (Washington, DC: Government Printing Office, 1969), pp. 351-352.

⁵Advisory Commission on Intergovernmental Relations, The New Grass Roots Government (Washington, DC: Government Printing Office, 1972), pp. 4-5.

* * * * *

Recommendation 2.4 INFORMING THE PUBLIC

The Commission recommends that local government permit radio and television stations to cover official meetings and public hearings on a regular basis. Cooperation with media could include taping city or county council meetings at which significant or controversial issues are discussed and providing

the tapes to radio stations.

1. Cable television access channel: Local governments in communities with cable television systems should develop television programing capabilities to make effective use of the government access channel provided by FCC regulations. Public affairs and staff and communications specialists should be employed to develop this capability.

2. Public media commission: A nonpartisan public media commission should be appointed by the mayor with membership approved by the city council. At least 60 percent of the commission's members should be non-government employees. The commission should advise the government on the most effective ways of presenting issues to the public through broadcasting, and should coordinate programing concepts with local broadcasting stations. The commission should attempt to insure that programing is effective, accurate, and impartial.

a. The commission should assess all public broadcasting time available to local government agencies. A schedule of available media time should be maintained.

b. Through public hearings, city goal formulation, and other means, priority programing should be established. For example, drug education, youth employment, and crime prevention might be emphasized. Public service announcements on these topics should be provided regularly to radio and television stations. News releases and features on these subjects should be distributed to local media.

c. The commission should raise private funds and encourage use of public funds to increase the level of programing above that available from public service time.

I. Officially Known Endorsements and Objections

The NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS recommends that municipal governments permit the broadcast media to cover municipal government activities, such as city council meetings and agency hearings. The mayor of every city, as "leader and mediator," should encourage local radio and television stations in his community to broadcast city government functions and activities. This involvement by the local news media will do much to "bridge the chasm" separating poor neighborhoods and racial ghettos from the rest of the community. Public interest programs on local government happenings will allow the poor and the uneducated to become better informed on municipal affairs.¹

The Office of Communication of the United Church of Christ states that the presentation of news and public affairs programs is the most important public service rendered to local communities by their television and radio stations. Broadcasting local government hearings on issues of public interest makes people aware of these

issues and, therefore, makes possible a dialogue between citizens and their government. The role of the television and radio media in covering local governmental affairs is significant to the functioning of a healthy democracy in America. The Office of Communication notes that the Federal Communication Commission requires that radio and television broadcasters operate their stations in the public interest. Public affairs programs, political broadcasts, and news programs covering local as well as national news are major elements necessary for the local broadcast media to serve the public interest in their communities.²

The AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS (AFL-CIO) states that it has continuously supported congressional funding for public broadcasting stations. These radio and television stations should operate throughout the country, especially in metropolitan areas. The AFL-CIO believes that public broadcasting stations can contribute greatly to local community awareness through programs which are informative and educational in nature.³

¹National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (Washington, DC: Government Printing Office, 1968), p. 155.

²Office of Communication of the United Church of Christ, How to Protect Citizen Rights in Television and Radio (New York, NY: Office of Communication of the United Church of Christ, 1969), pp. 6-7.

³American Federation of Labor and Congress of Industrial Organizations, Labor Looks at the 92nd Congress (Washington, DC: American Federation of Labor and Congress of Industrial Organizations, 1972), p. 62.

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Recommendation 2.5 PUBLIC HEARINGS

The Commission recommends that public hearings be held on issues of citywide and neighborhood interest, so that government officials may receive citizen input on the real concerns of the community.

1. Subject Matter: Hearings should be scheduled to consider such issues as the city budget, setting of priorities for allocating city resources, public housing and urban renewal site selection, zoning changes, location of park and public works facilities, and neighborhood security.

2. Timing: Prior to official designation of projects and priorities, citizens should have the opportunity to determine the projects most suitable to them, and to make their views known through public hearings. Once a project has been designated, it is important that public hearings be held during various stages of project development. In some cases this may be in the preplanning stages, but in all cases it should occur during the planning

process.

3. Convenience: To ease transportation problems and encourage maximum participation, hearings should be convened in a facility as close as possible to the affected population, e.g., in neighborhood schools, community centers, churches, or other facilities. Hearings should be scheduled when most of the affected citizens are available (usually evenings and weekends).

4. Official Interest: The principal elected and administrative officials should conduct the hearings so that there is an exchange of first-hand, accurate information between the public and those who have authority to make decisions.

I. Officially Known Endorsements and Objections

The ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS recommends that municipal chief executives and legislative bodies schedule regular neighborhood meetings to provide a means for local residents to voice their ideas and influence the city government decision-making process. Specifically, the Commission suggests the utilization of neighborhood "meet your mayor" sessions, "town hall meetings" during which neighborhood residents can express opinions regarding municipal issues, and "question-and-answer" sessions between city officials and neighborhood residents. Such meetings are excellent methods for obtaining citizen views, resolving problems and misunderstandings, and explaining public policies and programs.¹

The OFFICE OF ECONOMIC OPPORTUNITY (OEO), recommends that municipal governmental bodies (such as city councils, planning commissions, and urban renewal agencies) hold public hearings at which citizens, especially the poor, will be able to be present and contribute their suggestions. In order that the uneducated poor will be able to understand the issues to be discussed at these public hearings and thus be able to participate effectively, the OEO recommends that they be prepared in advance to neighborhood information sessions.²

The PRESIDENT'S TASK FORCE ON MODEL CITIES encourages city governments to give residents of neighborhoods, which are the focus of urban renewal programs, regular opportunities to contribute their ideas to the planning and implementation of these programs.³ The U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT notes that effective use can be made of "town meetings" at which municipal citizens can freely voice their opinions on city issues.⁴ Finally, the NATIONAL COMMISSION ON URBAN PROBLEMS states that neighborhood citizens should be given a regular means, such as by public hearings, for expressing to city officials their reactions to governmental decisions and actions which affect them.⁵

¹Advisory Commission on Intergovernmental Relations, The New Grass Roots Government (Washington, DC: Government Printing Office, 1972), p.4.

²Office of Economic Opportunity, Community Action and Urban Housing (Washington, DC: Government Printing Office, 1967), p. 34.

³President's Task Force on Model Cities, Model Cities: A Step Towards the New Federalism (Washington, DC: Government Printing Office, 1970), pp. 12-13.

⁴Department of Housing and Urban Development, Citizen Involvement in Urban Affairs (Springfield, VA: Clearinghouse for Federal Scientific and Technical Information, 1969), pp. 17-18.

⁵National Commission on Urban Problems, Building the American City (Washington, DC: Government Printing Office, 1969), pp. 351-352.

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Recommendation 2.6 NEIGHBORHOOD GOVERNMENTS

The Commission recommends that local chief executives and legislature, should consider the establishment of two levels of local government—one extending throughout the metropolitan area and the other serving local communities in the form of neighborhood governments. Under such a system, some functions should be shared and others divided.

The following principles should apply in jurisdictions that establish neighborhood governments.

1. Jurisdiction:

a. Neighborhood governments should be initiated locally through petition by area citizens. State legislatures should establish broad authority for neighborhood governments to be created in large cities and counties. Thereupon, city and county councils should pass enabling legislation delineating authority and procedures. Neighborhood governments could be dissolved if they become nonviable.

b. Factors that should be considered in determining the jurisdictional size of neighborhoods should include geography, population, natural boundaries, service district lines, the extent to which an area constitutes a neighborhood with common concerns and a capacity for self-government, and social and cultural factors. The jurisdiction should be sufficiently large to encompass reasonable operational areas in order to develop logical planning boundaries, coterminous service districts, and areas that are substantially compatible in ethnic, social, and cultural mores.

c. Neighborhood governments should co-exist with elected governments of metropolitan areas through legally prescribed inter-relationships and specific division of powers.

2. Membership:

a. Neighborhood government officials

should be elected in a popular election by neighborhood residents.

b. Neighborhoods should elect a specified number of representatives to the metropolitan government in order to share in the decisionmaking of issues that concern the entire metropolitan area. Elected delegates should be representative of and accountable to their respective communities.

3. Functions and Powers:

a. The functional areas of power will vary according to the different needs of each neighborhood. Distribution of power should be strictly determined by mutual consent of both the metropolitan and the neighborhood governments.

b. Some neighborhood governments initially may be based upon a single function, such as education. If this function is handled successfully, the neighborhood government may undergo a gradual development into a multifunctional one by incrementally acquiring responsibility for additional functions.

c. Neighborhood governments should not duplicate services already being rendered effectively by metropolitan governments. Rather, they should provide supplemental services in response to the unique and special needs of individual communities.

d. Neighborhood governments should be sensitive to the needs of citizens and more flexible in terms of procedures in order to reduce friction between citizens and the bureaucracy. They should attempt to respond quickly to neighborhood requests and complaints.

e. Neighborhood governments should ultimately aim to achieve fiscal, program, and staffing autonomy. In order to finance their services, they should have specific limited authority to levy taxes, such as a fractional millage on the local property tax or a per capita tax.

f. Possible services that neighborhood governments could provide include: health; education; welfare services; zoning, land use and development; crime and juvenile delinquency prevention programs; and evaluation of productivity and efficiency of any department or agency that serves the neighborhood.

I. Officially Known Endorsements and Objections

The ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS (ACIR) recommends that city governments provide for the formation of resident-elected neighborhood councils. These councils would review municipal program plans and channel neighborhood complaints to the city government. The ACIR notes that unfortunately most municipal governments are unwilling to give neighborhood councils clearly defined political authority to formulate policies and implement programs for their neighborhoods.¹

The NATIONAL COMMISSION ON URBAN PROBLEMS (NCUP) states that municipal governments, concerned with city-wide policies and problems, are seldom able to give much attention to particular neighborhood problems. The NCUP suggests the utilization of "district governments" which would make available the individualized services needed by their particular neighborhoods.² The COMMITTEE FOR ECONOMIC DEVELOPMENT recommends a municipal governmental system of two levels as does Recommendation 2.6. Some functions would be the responsibility of the area-wide city government, other functions would be the responsibility of the local neighborhood government, but most duties would be shared by both levels. This Committee hopes that this two-level system of municipal government will provide an effective and responsive solution to urban problems.³

The PRESIDENT'S TASK FORCE ON MODEL CITIES encourages the creation of "elected neighborhood boards," which would be like the elected neighborhood governments suggested in this Recommendation. These boards should possess some degree of independence from their city governments. To make this partial autonomy possible, the Task Force recommends that these neighborhood boards be allocated separate financial resources for their operations. Rather than relying solely on their city governments for information and advice, the neighborhood boards should hire their own technical advisors.⁴

¹Advisory Commission on Intergovernmental Relations, The New Grass Roots Government (Washington, DC: Government Printing Office, 1972), pp. 8 and 14.

²National Commission on Urban Problems, Building the American City (Washington, DC: Government Printing Office, 1969), p. 334.

³Committee for Economic Development, Reshaping Government in Metropolitan Areas (New York, NY: Committee for Economic Development Publications, 1970), p. 19.

⁴President's Task Force on Model Cities, Model Cities: A Step Towards the New Federalism (Washington, DC: Government Printing Office, 1970), p. 14.

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Recommendation 2.7 CENTRAL OFFICE OF COMPLAINT AND INFORMATION

The Commission recommends that a central office of complaint and information be established wherever local governments and agencies provide many and diverse services to populations of 100,000 or more. In smaller communities, at least one full- or part-time employee should be appointed to provide complaint and information services.

1. The office should have a permanent staff, with volunteers used primarily to supplement regular staff.

2. The costs of an areawide office should be defrayed by other local government agencies in proportion to the workload of complaints they generate.

3. The central complaint office should assume the "responsible city concept," receiving and answering all types of complaints and tax-supported services, even though many such complaints may not be legally within the city's jurisdiction. For example, this central office should accept complaints lodged against agencies of the county or State government, if those agencies operate in and affect the city.

4. The central complaint office should be structured to handle the bulk of routine citizen complaints.

5. The central office should provide a single base for the systematic collection of information. The chief administrative officer should use collected information to evaluate and improve the performance of departments and agencies.

6. The office should receive a mandate from the chief executive officer and the legislative body so that it will be in the best possible position to perform its role and to receive cooperation from city departments and agencies. The city's department of public affairs, with the assistance of the mass media, should publicize the services available from the office and encourage citizens to use them.

7. The office should submit an annual public report detailing the number of complaints and requests received and the disposition thereof. It should make recommendations to the chief executive or chief administrative officer concerning the improvement of department and agency operations.

I. Officially Known Endorsements and Objections

The ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS suggests several methods for effectively handling citizen complaints. A centralized complaint bureau should be established in city hall, which would receive complaints from citizens and refer them to the appropriate city departments and agencies for action. Complaint Bureau telephone numbers could be published in order to increase citizen access to the complaint office. Also, special city officials could be hired to personally answer citizen complaints and investigate grievances regarding city services.¹

The NATIONAL COMMISSION ON URBAN PROBLEMS recommends that cities consider operating complaint offices on the neighborhood level. Use could be made of neighborhood ombudsmen and human relations councils. The Commission believes that neighborhood complaint bureaus would be more effective in dealing with citizen complaints than centralized municipal complaint offices.²

The DEPARTMENT OF HOUSING AND URBAN

DEVELOPMENT suggests that grievances by municipal residents be referred to a city ombudsman for resolution. More serious complaints about municipal services could be heard by city review boards.³ The OFFICE OF ECONOMIC OPPORTUNITY notes that complaints by city residents are more effectively handled by an office which is not understaffed and overworked; an office with sufficient personnel and financial resources is able to be much more responsive to citizens' complaints.⁴

¹Advisory Commission on Intergovernmental Relations, The New Grass Roots Government (Washington, DC: Government Printing Office, 1972), pp. 4-6.

²National Commission on Urban Problems, Building the American City (Washington, DC: Government Printing Office, 1969), p. 351.

³Department of Housing and Urban Development, Citizen Involvement in Urban Affairs (Springfield, VA: Clearinghouse for Federal Scientific and Technical Information, 1969), p. 17.

⁴Office of Economic Opportunity, Community Action and Urban Housing (Washington, DC: Government Printing Office, 1967), p. 34.

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Recommendation 2.8 ACTION LINE

The Commission recommends that the chief local executive or administrative officer encourage local news media to establish regularly scheduled and continuing Action Line programs. He should direct government officials to answer questions raised during the program by the public, and to provide information on current city issues.

The chief executive or chief administrator should permit and encourage competent and informal employees to appear on public information programs when they are requested to do so by the communications media, or when such appearances are deemed an effective way of informing the public on an issue of widespread concern.

I. Officially Known Endorsements and Objections

The Office of Communication of the United Church of Christ recommends that television and radio stations schedule program discussions by local government officials of issues important to the community. After municipal officials have had an opportunity to explain their position, individuals representing dissenting viewpoints should be given time during the program to present their opinions on the issues. Special effort should be made to insure that minority groups have an opportunity to participate in these television and radio discussion programs. The Office of Communication specifically suggests that black leaders be given regular access to broadcast stations to present their views. Stations should regularly feature "call-in" programs

which allow all citizens in the community to briefly contribute their opinions on municipal issues by means of their telephones. However, if a telephone participant in a "call-in" program attacks city officials or municipal organizations, representatives of the local government should have an immediate opportunity to reply to such an attack.¹

The NATIONAL MUNICIPAL LEAGUE (NML) states that city officials should continually keep the public informed of governmental actions by means of radio and television programs. Public officials should make regular broadcast appearances to explain their work, answer questions from reporters and representative community citizens, and respond to their criticisms. The NML also suggests that stations broadcast panel discussions by public officials of pertinent municipal issues. Television and radio stations are useful not only in informing the public of city government activities, but also in informing city officials of public opinion concerning municipal affairs.²

The FEDERAL COMMUNICATIONS COMMISSION states that radio and television stations have an affirmative duty to broadcast all sides of controversial public issues. If the station itself presents only one perspective on an issue of public concern, it has an obligation to contact persons who are appropriate spokesmen for contrasting viewpoints on this issue and offer them "a clear and unambiguous opportunity to respond." Citizens should be given an opportunity to hear a variety of opinions on issues of municipal interest and to come forth with their own opinions if such viewpoints are not aired by television and radio stations. Furthermore, individuals who are personally attacked on programs broadcast by a station should be given an opportunity to respond.³

¹Office of Communication of the United Church of Christ, How to Protect Citizen Rights in Television and Radio (New York, NY: Office of Communication of the United Church of Christ, 1969), pp. 9-10.

²National Municipal League, A Guide for Charter Commissions (New York, NY: National Municipal League, 1968), pp. 14-15.

³Federal Communications Commission, 36th Annual Report (Fiscal Year 1970) of the Federal Communications Commission (Washington, DC: Government Printing Office, 1970), pp. 32-33.

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CHAPTER 3 - YOUTH SERVICES BUREAUS

Standard 3.1 PURPOSE, GOALS, AND OBJECTIVES

Youth services bureaus should be established to focus on the social problems of youth in the community. The goals may include diversion of juveniles from the justice system; provision of a wide range of services to youth through advocacy and brokerage, offering crisis intervention as needed; modification of the system through program coordination and advocacy; and youth development.

1. Priorities among goals should be locally set.
2. Priorities among goals (as well as selection of functions) should be based on a careful analysis of the community, including an inventory of existing services and a systematic study of youth problems in the individual community.
3. Objectives should be measurable, and progress toward them should be scrutinized by evaluative research.

I. Officially Known Endorsements and Objections

In 1967, the PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE in its Task Force Report: Juvenile Delinquency and Youth Crime recommends:

Communities should establish neighborhood youth-serving agencies--Youth Services Bureaus--located if possible in comprehensive neighborhood community centers and receiving juveniles (delinquent and nondelinquent) referred by the police, the juvenile court, parents, schools, and other sources.

These agencies would act as central coordinators of all community services for young people and would also provide services lacking in the community or neighborhood, especially ones designed for less seriously delinquent juveniles.¹

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) in 1972 published The Youth Service Bureau--A Key to Delinquency Prevention. Much of the contents of the Standards in Chapter 3 of the National Advisory Commission Report on Community Crime Prevention parallels the recommendations of the NCCD.

The NCCD says:

The purpose of the Youth Service Bureau is to divert children and youth from the juvenile system.²

Stressing the local, individual character of the Youth Service Bureau, the Council says the Youth Service Bureau should be "creatively adapted to local needs."³

Because communities differ widely in population density, ethnic composition

and youth mores, appropriate means of reaching youth in one neighborhood or one part of the country may be quite inappropriate in another. Likewise, agency organization, citizen action, and government involvement will differ from city to city and from state to state, affecting the financial and administrative feasibility of any particular type of program.⁴

While each Youth Service Bureau should be a local community oriented service agency some qualities of the bureaus are alike and the basic goals should be the same.

The Youth Service Bureau is not a part of the justice system, although it may accept referrals from it. Its immediate goal is to keep children from becoming involved with the justice system. Its long-range goal is to reduce home, school, and community pressures to which children react with antisocial behavior.⁵

And, regarding Youth Service Bureau objectives and evaluation, the NCCD says:

Although experience and observation may offer clues to good preventive programs, research has yet to be developed to the point where certain types of organization, techniques, and programs can be positively identified as more effective than others. Therefore, maximum experimentation in the operation of Youth Service Bureaus and demonstration projects is to be encouraged, provided that evaluation by a reliable, well-qualified research organization is built into the operation from its inception.⁶

II. Special Considerations

In 1971, in a monograph funded by a grant from the National Institute of Mental Health, Edward Lemert said of Youth Service Bureaus and the President's Commission:

... it does seem clear that the recommendation for the establishment of the Youth Services Bureau was the Commission's more important contribution to implementing a policy of diversion.⁷

Youth Service Bureaus were, indeed, established following the Commission's recommendation. Lemert notes the following in his appraisal of the bureaus.

It is both premature and unfair to criticize Youth Service Bureaus too harshly before they have a chance to become fully organized and prove themselves in practice. However, probing questions already have been raised about their sources of authority, means

of support, professional tone, and their relationships to existing agencies working in the same field of endeavor. The ubiquitous risk is that such Bureaus will become just one more community agency following popular or fashionable trends in youth work, muddying the waters a little more and falling into obscurity. Much depends on the way in which States and localities see the possibilities of the enabling legislation.⁸

¹President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: 1967), p. 83.

²Sherwood Norman, The Youth Service Bureau--A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972), p. 2.

³Ibid., p. 5.

⁴Ibid., p. 4.

⁵Ibid., p. 9.

⁶Ibid., p. 6.

⁷Edward M. Lemert, Instead of Court, Diversion in Juvenile Justice (Chevy Chase, MD: National Institute of Mental Health, 1971), p. 92.

⁸Ibid., p. 93.

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Standard 3.2 DECISION STRUCTURE

Youth services bureaus should be organized as independent, locally operated agencies that involve the widest number of people of the community, particularly youth, in the solution of youth problems. The most appropriate local mix for decisionmaking should be determined by the priorities set among the goals, but in no case should youth services bureaus be under the control of the justice system or any of its components.

1. A bureau should be operated with the advice and consent of the community it serves, particularly the recipients of its services. This should include the development of youth responsibility for community delinquency prevention.

2. A coalition, including young people, indigenous adults, and representatives of agencies and organizations operating in the community, should comprise the decisionmaking structure. Agency representatives should include juvenile justice policymakers.

I. Officially Known Endorsements and Objections

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY

stresses the importance of the Youth Service Bureau being a locally oriented agency, independent of the justice system.

There is no prototype for a Youth Service Bureau. Each community must determine which particular type of organization and emphasis can best divert its children from the juvenile justice system and reduce the possibility of future court involvement.¹

The Youth Service Bureau should involve representatives from all sections of the community.

The Youth Service Bureau concept provides a foothold for public action. Its structure offers citizens, professionals, and youth an opportunity to join forces in solving problems underlying troublesome behavior before youngsters are labeled delinquent. This calls for an entirely different approach from that of authoritative intervention.³

. . . it challenges citizens and government to break through the inflexibility of officialdom and open up new lines of communication by means of Youth Service Bureau Boards, block associations, and other groups.⁴

As recommended in this Standard, the NCCD stresses the independence of the Youth Service Bureau and the interactive participation of representative community leaders and neighborhood residents.

The Youth Service Bureau is organized as an independent agency established by one or more official sponsoring bodies. Citizens representing political, social, and economic leadership in the community at large and citizen and youth leaders in high delinquency areas are appointed to the Youth Service Bureau Board. An important feature of the Youth Service Bureau Board is its many citizen committees responsible for implementing the community-wide program with the aid of staff. Because many of the committees are closely related, interaction between them will enrich each one's ability to carry out its responsibilities.

As need is determined and funds made available, Youth Service Bureau branch offices, also with citizen committees, are established in target neighborhoods. Each office has its own autonomous neighborhood citizen board initially appointed by the central Youth Service Bureau Board. Since a cardinal principle of the Youth Service Bureau is active participation by target area residents, branch board members are liberally represented on the central board.⁵

II. Special Considerations

In Youth Service Bureaus: A National Study, the following organizational principles for Youth Service Bureaus (YSB) were suggested which emphasize the importance of orienting the bureau toward the particular community served.

1. The organization and program must be viable and flexible in order to respond to the unique needs and unanticipated problems of the community it serves but without undue reliance on traditional bureaucratic responses.

2. The program must be prepared to deal objectively and effectively with the powerful in the community, including those who believe in a punitive and deterrent course of action.

3. Whatever the staff orientation, the program implemented must be a real substitute for other courses of action, particularly if the object is to reduce the likelihood of recurring delinquency, minimize stigmatization or maintain youth who are in jeopardy of the criminal justice system in or close to the mainstream of the law abiding community.

4. Program must be organized in such a manner that the favorable public bias for children and youth be used to full advantage.¹

¹Sherwood Norman, The Youth Service Bureau--A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972), p. 13.

²Ibid., p. 19.

³Ibid., p. 8.

⁴Ibid., p. 18.

⁵Ibid., p. 41.

⁶Department of the California Youth Authority, Youth Service Bureau: A National Study (Washington, DC: Department of Health, Education and Welfare and Youth Development and Delinquency Prevention Administration, 1972), pp. 14-15.

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Standard 3.3 TARGET GROUP

Youth services bureaus should make needed services available to all young people in the community. Bureaus should make a particular effort to attract diversionary referrals from the juvenile justice system.

1. Law enforcement and court intake personnel should be strongly encouraged, immediately through policy changes and ultimately through

legal changes, to make full use of the youth services bureau in lieu of court processing for every juvenile who is not an immediate threat to public safety and who voluntarily accepts the referral to the youth services bureau.

2. Specific criteria for diversionary referrals should be jointly developed and specified in writing by law enforcement, court, and youth services bureau personnel. Referral policies and procedures should be mutually agreed upon.

3. Diversionary referrals should be encouraged by continual communication between law enforcement, court, and youth services bureau personnel.

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

5. The juvenile court should not order youth to be referred to the youth services bureau.

6. Cases referred by law enforcement or court should be closed by the referring agency when the youth agrees to accept the youth services bureau's service. Other dispositions should be made only if the youth commits a subsequent offense that threatens the community's safety.

7. Referring agencies should be entitled to and should expect systematic feedback on initial services provided to a referred youth by the bureau. However, the youth services bureau should not provide justice system reports with reports on any youth's behavior.

8. Because of the voluntary nature of bureau services and the reluctance of young people who might benefit from them, the youth services bureau should provide its services to youth aggressively. This should include the use of hotlines and outreach or street workers wherever appropriate.

I. Officially Known Endorsements and Objections

According to the PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE Task Force Report: Juvenile Delinquency and Youth Crime:

While some of the cases would normally originate with parents, schools, and other sources, the bulk of the referrals could be expected to come from police and juvenile court intake staff, and police and court referrals should have special status in that the youth service bureau would be required to accept them all. If, after study, certain youths are deemed unlikely to benefit from its services, the bureau should be obliged to transmit notice of the decisive and supporting reason to the referral source.¹

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⁴Ibid., p. 18.

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Youth Services Bureaus should also accept juveniles on probation and parole, as well as "walk-ins" and those whose parents request voluntary service. The compelling priority of a bureau should be youth who have displayed behavioral problems either at home or in the community.²

The Task Force Report stipulates that referrals by police, school officials, and others to local community agencies should be on a voluntary basis. If the request to seek available help is ignored, the police or another organized group may refer to the court. However, to protect against abuse of such power, the option of court referral should terminate when the juvenile or his family and the community agency agree on a disposition.³

The U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE in The Challenge of Youth Service Bureau mentions that more than half of all referrals to the Youth Service Bureaus contacted (50.9%) were for unacceptable behavior, i.e., youth in jeopardy of processing in the juvenile justice system but whose behavior would not have been illegal if engaged in by an adult.⁴

II. Special Considerations

In The Youth Service Bureau, A Key to Delinquency Prevention, published by the NATIONAL COUNCIL ON CRIME AND DELINQUENCY, Norman recommends:

The YSB should make its services available to children seven to eighteen years old (a) who have been referred to the justice system but for whom the authoritative intervention of the courts is not needed of (b) who have problems that might eventually bring them within the jurisdiction of the court. Although this is the primary target group, neither older nor younger children need be excluded.⁵

The youth served by the YSB are most frequently having problems in their family relationships usually aggravated by school or community difficulties.⁶

¹President's Commission on Law Enforcement and Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 20.

²Ibid., p. 21.

³Ibid., p. 20.

⁴U.S. Department of Health, Education and Welfare, Youth Development and Delinquency Prevention Administration, The Challenge of Youth Service Bureau (Washington, DC: Government Printing Office, 1973), p. 14.

⁵Sherwood Norman, The Youth Service Bureau, A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972).

⁶Ibid., p. 8.

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Standard 3.4 FUNCTIONS

Youth services bureaus should, whenever possible, utilize existing services for youth through referral, systematic followup, and individual advocacy. Bureaus should develop and provide services on an ongoing basis only where these services are unavailable to the youth in the community or are inappropriately delivered. Services should be confidential and should be available immediately to respond skillfully to each youth in crisis.

1. A youth services bureau's programs should be specifically tailored to the needs of the community it serves. This should include consideration of techniques suitable for urban, suburban or rural areas.

2. The youth services bureau should provide service with a minimum of intake requirements and form filling by the youth served.

3. Services should be appealing and accessible by location, hours of service availability, and style of delivery.

4. The youth services bureau should provide services to young people at their request, without the requirement of parental permission.

5. Case records should be minimal, and those maintained should be confidential and should be revealed to agencies of the justice system and other community agencies only with the youth's permission.

6. The youth services bureau should make use of existing public and private services when they are available and appropriate.

7. The bureau should maintain an up-to-date listing of all community services to which youth can be referred by the bureau. This listing should be readily accessible by all bureau staff.

8. Referrals to other community services should be made only if voluntarily accepted by the youth.

9. The youth services bureau should not refer youth to court except in cases of child neglect or abuse.

10. In referring to other community agencies for service, the youth services bureau should expedite access to service through such techniques as arranging appointments, orienting the youth to the service, and providing transportation if needed.

11. The youth services bureau should rapidly and systematically follow up each referral to insure that the needed service was provided.

12. The youth services bureau should have funds to use for purchase of services that are not otherwise available.

I. Officially Known Endorsements and Objections

According to the PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE Task Force Report: Juvenile Delinquency and Youth Crime:

A primary function of the Youth Service Bureau (YSB) thus would be individually tailored work with trouble-making youths. The work might include group and individual counseling, placement in group and foster homes, work and recreational programs, employment counseling, and special education both remedial and vocational. The key to the bureau's services would be voluntary participation by the juvenile and the family in working out and following a plan of service or rehabilitation. In this respect the bureau would function as do the traditional public and voluntary child welfare agencies, rendering service on request of parents or with their consent. In the absence of appointment as guardians or custodians these agencies lack power of compulsion; their services are by administrative arrangements and depend upon parental consent. Thus, the significant feature of the bureau's function would be its mandatory responsibility to develop and monitor a plan of service for a group now handled, for the most part, either inappropriately or not at all except in time of crisis.

It may be necessary to vest the youth services bureau with authority to refer to court within a brief time--not more than 60 and preferably not more than 30 days--those with whom it cannot deal effectively.¹

According to the U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE in The Challenge of the Youth Service Bureau:

Individual counseling and referral were the most important services for at least 75% of the programs responding. Included were referral with general followup; family counseling; group counseling; drug treatment; job referral; tutoring and remedial education, recreation programs; medical aid; and legal aid.²

Staff in general tended to emphasize goals that were broad in focus, such as delinquency prevention and youth development. Program participants tended to see the objectives of the bureaus as practical help to people with problems; help with family problems; individual help; help to keep out of trouble. Overall, participants seemed to

view the programs as service agencies for young people.³

Youth Service Bureau (YSB) programs tend to focus on the special problems of the community. To the extent that the bureaus' objective is diversion, those most capable of diversion are the bureaus that have a linkage to the juvenile justice system, maintaining immediate communication but that are not co-opted by the justice system.⁴

In The Youth Service Bureau, A Key to Delinquency Prevention, published by the NATIONAL COUNCIL ON CRIME AND DELINQUENCY, Norman recommends:

The immediate goal of the Youth Service Bureau is to keep children from becoming involved with the justice system. Its long range goal is to reduce home, school, and community pressures to which children react with antisocial behavior.⁵

The Youth Service Bureau is designed to correct the following situations and so benefit not only the youth of the community but also the many agencies and individuals concerned with youth:

For the court, the YSB provides a relief from many "nuisance cases" and a source of follow up services for nonadjudicated children.

For probation officers, the YSB provides a reduction in time consuming "informal adjustment" cases, which are now effectively worked with outside an authoritative framework.

For police officers, the YSB provides an alternative to detention and court referral when, in the officer's judgment, release with warning is insufficient but filing a petition is not imperative.

For the public school, the YSB provides a link with the social work community so that truancy and other school behavior difficulties may be handled through cooperative problem-solving with other agencies.

For citizen volunteers, the YSB provides a chance to turn from frustration over juvenile delinquency to constructive efforts on behalf of youth and youth-serving agencies.⁶

For the private social agencies, the YSB provides an extension of youth services through citizen action.

For the welfare department, the YSB provides an advocate for troubled youth and support for protective services available to young children.

For youth, the YSB provides the listening ear of someone who can cut establishment "red tape" in an effort to solve their problem.

For the community as a whole, the YSB provides an opportunity to accept responsibility for assisting its troubled and troubling youth by coordinating services on their behalf rather than relying on court authority.⁷

Norman maintains that the three interrelated functions of a YSB are as follows:

1. Service Brokerage: The YSB bridges the gap between available services and youth in need of them by referral and follow-up.
2. Resources Development: The YSB works with citizens in developing new resources where they are lacking.
3. Systems Modification: There is little sense in helping a young person adjust to home, school, and community difficulties without also intervening to change the conditions that create them. Therefore, the YSB seeks to modify, in established institutions, those attitudes and practices that discriminate against troublesome children and youth and thereby contribute to their antisocial behavior.

There is no reason why a bureau may not begin with one type of operation and shift its emphasis as the need to do so becomes evident. In any case, the eventual goal is to perform all three closely interrelated functions. An agency that focused exclusively on only one of them would be too limited in effectiveness to fit the NATIONAL COUNCIL ON CRIME AND DELINQUENCY definition of a Youth Service Bureau.

The Youth Service Bureau is not itself a service agency so much as an agency for organizing the delivery of services to children and their families. Its uniqueness lies in its relationship to youth and to agencies serving youth. Although it may conduct demonstrations and projects and perform an information, counseling, and referral function, it is not in competition with other direct-service agencies. In fact, one long range aim of the Youth Service Bureau should be to achieve such a change in court intake practices and such coordination and development of youth resources in the community that whatever direct services it may have temporarily provided will no longer be needed.⁹

¹President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 21.

²Department of Health, Education and Welfare, The Challenge of Youth Service Bureau (Washington, DC: Youth Development and Delinquency Prevention Administration, 1973), p. 11.

³Ibid., p. 14.

⁴Ibid., p. 16.

⁵Sherwood Norman, The Youth Service Bureau, A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972).

⁶Ibid., p. 11.

⁷Ibid., p. 12.

⁸Ibid., p. 13.

⁹Ibid., p. 14.

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Standard 3.5 STAFFING

Sufficient full-time, experienced staff should be employed by the youth services bureau to insure the capacity to respond immediately to complex personal crises of youth, to interact with agencies and organizations in the community, and to provide leadership to actualize the skills of less experienced employees and volunteers.

1. Staff who will work directly with youth should be hired on the basis of their ability to relate to youth in a helping role, rather than on the basis of formal education or length of experience.

2. Staff should be sensitive to the needs of young people and the feelings and pressures in the community. They should be as sophisticated as possible about the workings of agencies, community groups, and government. Staff should be capable of maintaining numerous and varied personal relationships.

3. Indigenous workers, both paid and volunteer, adult and youth, should be an integral part of the youth services bureau's staff and should be utilized to the fullest extent.

4. Young people, particularly program participants, should be used as staff (paid or volunteer) whenever possible.

5. Volunteers should be actively encouraged to become involved in the bureau. Those working in one-to-one relationships should be screened and required to complete formalized training before working directly with youth. The extent of training should be determined by the anticipated depth of the volunteer-youth relationship.

6. Whenever possible, the youth services bureau should have available (perhaps on a volunteer basis) the specialized professional skills of doctors, psychiatrists, attorneys, and others to meet the needs of its clients.

I. Officially Known Endorsements and Objections

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) makes the recommendation that the director of the Youth Service Bureau (YSB) be appointed by the governing board and be held responsible for

the board for all staff activities.¹

The NCCD recommends that a variety of resource personnel be utilized to staff the Youth Service Bureau.²

a. Volunteers: Working under the supervision of staff, volunteer case aides, both young people and adults, keep in touch with the child as his advocate to see that the individualized program planned for him continues to be carried out after the initial planning is formulated.

b. Youth Workers: Should be able to work with youth both individually and in group approaches. Hopefully, they will be challenged by the YSB concept and committed to its goals.

c. The Staff Team: Educational qualifications and experience alone are not sufficient to qualify professional personnel to assist young people with their problems. Sincerity, a talent for community organization, and an understanding of casework and of group work are necessary qualities.

According to a survey reported in the U.S. DEPARTMENT OF HEALTH EDUCATION AND WELFARE, The Challenge of Youth Service Bureaus:

... typical programs had five to six full-time staff and either had or were developing programs utilizing the services of from one to fifty volunteers.³

II. Special Considerations

In Youth Service Bureaus--A National Study the importance of the Youth Service Bureau staff is stressed, and the variety of staff members recommended is in accord with the recommendations of this Standard.

Staff is the single most important ingredient--staff who are committed to the program. It is also important that they are concerned with and know the power structure of the community and seek to deal with it effectively. Staff indigenous to, or with special knowledge of, the target area are significant to a program's success. Part-time staff, partially paid staff, volunteer and clientele involvement in the implementation of the program are important considerations as this extends the opportunity for members of the community to be part of the youth service bureau.⁴

The Study goes on to discuss the special abilities that the administrators of the Youth Service Bureau must have to be able to deal effectively with diverse groups in the community.

By the very nature of the services they provide, youth service bureaus are not institutions with plush carpets,

elaborate furniture and leather backed chairs. Because of this, bureaus are at some disadvantage in dealing as equals with the hierarchy of business and government. A youth service bureau leader, or leaders, must have the tenacity, energy and charisma to deal effectively with the most powerful forces in the community and also relate to the least powerful and "socially primitive" individuals and groups in the community. The goal is to pull together the various resources and services of the community in the interest of children and youth.⁵

The Study, like the Standard, also points out the need for availability of specially skilled professionals.⁶

¹Sherwood Norman, The Youth Service Bureau: A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency), p. 25.

²Ibid., pp. 27-48.

³U.S. Department of Health, Education and Welfare, Youth Development and Delinquency Prevention Administration, The Challenge of Youth Service Bureau (Washington, DC: 1973), p. 11.

⁴Department of the California Youth Authority, Youth Development and Delinquency Prevention Administration, The Youth Service Bureau: A National Study (Washington, DC: U.S. Department of Health, Education and Welfare, Youth Development and Delinquency Prevention Administration, 1972), p. 149.

⁵Ibid., pp. 151-152.

⁶Ibid.

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Standard 3.6 EVALUATION OF EFFECTIVENESS

Each youth services bureau should be objectively evaluated in terms of its effectiveness. Personnel, clients, program content, and program results should be documented from the inception of the bureau.

1. Evaluation objectives and methods should be developed concurrently with the development of the proposed youth services bureau and should be directly related to the bureau's highest priority objectives.

2. Wherever possible, an evaluation to compare the effectiveness of several youth services bureaus should be implemented in order to increase knowledge of the impact of the bureaus.

3. Evaluation should focus more on changes in institutions' response to youth problems than on behavioral changes in individual youth.

4. Each youth services bureau should establish an information system, nevertheless, containing basic information on the youth served and the service provided, as well as changes in the manner in which the justice system responds to his behavior.

5. Trends in arrest, court referral, and adjudication rates should be analyzed for each youth services bureau placing a high priority on diversion.

I. Officially Known Endorsements and Objections

In the book, The Youth Service Bureau, a Key to Delinquency Prevention, the NATIONAL COUNCIL ON CRIME AND DELINQUENCY discusses the need for evaluation of the effectiveness of youth services bureaus and makes suggestions for conducting such evaluation. Evaluation should be performed by an independent agency which should consider:

- 1) how effectively the bureau has implemented its stated objectives;
- 2) whether there is an adequate budget allocated for research personnel and equipment;
- 3) whether planning is of sufficient breadth, balanced between short and long range goals, and whether citizens and youth in particular are included in the planning process.¹

In the introduction the NATIONAL COUNCIL ON CRIME AND DELINQUENCY includes commentary on the results of evaluation of Youth Service bureaus, saying

Where Youth Service Bureaus have been given an opportunity to function for several years and evaluation has been built into the design from the beginning, the returns look promising.²

Here, as in the study mentioned below, the importance of the evaluation is stressed as it is in this Standard.

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY discusses the need for interaction, from the inception of any youth services bureau and its programs, between the bureau and the research agency which would be assigned to conduct evaluation. He covers the need for building measurable goals into any program and the importance of careful, thorough data collection and processing.³ Chapter 8 of this work gives detailed coverage of the topic of assessment.

II. Special Considerations

In Youth Service Bureaus: A National Study, 1972, it was reported that less than 30% of the Youth Service Bureaus (YSB) visited had a thorough evaluation procedure.⁴ The Study made the following suggestions regarding evaluation in a discussion of funding, indicating that to secure continuing funding, evaluation of the YSB should be conducted.

Problems relating to establishing cost effectiveness are similar to determining diversion and coordination. The first question is: Cost and effectiveness in relation to what alternative? Again, the method would involve an experimental control model, base-line data, and a system of realistic evaluation to consider circumstances that occur during the time such a study is made.

Because there are unclear or untested issues relating to the concept of Youth Service Bureaus, it would be well to systematically examine and compare selected issues, i.e. coersiveness vs. voluntariness; utilizing the bureau as a substitute for adjudication; examining the different definitions of diversion on a planned basis; comparisons between a direct service model, non-direct and variations in between.⁵

The Study also stated as a general principle, based upon its findings:

Research and evaluation must be included as a part of all program developments if there is to be systematic organizational change based on fact rather than prejudice and hunch.⁶

¹Sherwood Norman, The Youth Service Bureau, a Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972), pp. 140-141.

²Ibid., p. vi

³Ibid., pp. 142-148.

⁴Department of the California Youth Authority, Youth Services Bureau: A National Study (Washington, DC: U.S. Department of Health, Education and Welfare, Youth Development and Delinquency Prevention Administration, 1972), p. 57.

⁵Ibid., pp. 8-9.

⁶Ibid., p. 15.

Standard 3.7 FUNDING

Public funds should be appropriated on an ongoing basis, to be available for continuing support for effective youth services bureaus. Private funding also should be encouraged.

I. Officially Known Endorsements and Objections

In 1967, the PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, Task Force Report: Juvenile Delinquency and Youth Crime

suggested:

All communities should explore the availability of Federal funds both for establishing the coordinating mechanisms basic to the Youth Services Bureau's operation and for instituting the programs that the community needs.¹

This seemed to place the burden for securing funding upon the communities. However, the Task Force went on to say that in order to meet the special needs of youths with special problems, the Youth Service Bureaus (YSB) should be encouraged "by means of specially earmarked funds to develop intensive programs."² This would seem to imply at least, the provision of funds for these organizations. The Task Force continued, speaking of the urgent need to deal with delinquent and potential delinquent youth:

... the problem must be attacked, for it is with these young people that most youth-serving agencies today are having the least success.

Presumably, the Commission recognized the need for continuing support since it placed emphasis on the on-going nature of the problem of providing services to delinquent youth as well as youth with special problems who are often excluded by other agencies and institutions.

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) stresses the need for funding of the Youth Service Bureau through state or local government or through an organization such as a Health and Welfare Planning Council.³ The NCCD feels that private funding, while possible, is less desirable than public sponsorship.⁴

II. Special Considerations

In Youth Service Bureaus: A National Study,⁵ prepared by the Department of the California Youth Authority in 1972, it was reported:

The most significant and critical problem of Youth Service Bureaus throughout the country today can be summed up in a single word, "funding".

The Study suggested:

The principal methods for strengthening Youth Service Bureaus would be to establish a more realistic and permanent base for funding. This would involve considerably more commitment on the part of the agencies launching into or supporting such a concept in the future than they have shown in the past.

Amplifying this recommendation, the Study made the following suggestion:

If Youth Service Bureaus are to be seriously considered as either

an alternative or substitute for processing in the Juvenile Justice System, they will need a more permanent and stable source of funding on a multiple year basis. Federal funding whether by revenue sharing, revenue source sharing, or some other unnamed method, needs to be seriously considered.

The argument used by Federal funding sources to date in regard to year-to-year financing has to do with providing "seed money." The claim is that local communities know that the money is given conditionally on the basis that financing will be assumed by local government. It is implied that any intent to do otherwise is not quite honest on the part of the local community. This amounts to year-to-year funding which has proved not only unrealistic but sometimes extremely destructive.

¹President's Council on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 83.

²Ibid., p. 88.

³Sherwood Norman, The Youth Service Bureau: A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972), p. 20.

⁴Ibid., p. 22.

⁵Department of the California Youth Authority, Youth Services Bureau: A National Study (Washington, DC: U.S. Department of HEW and Youth Development & Delinquency Prevention Administration, 1972), p. 57.

Standard 3.8 LEGISLATION

Each State should enact necessary legislation to fund partially and to encourage local establishment of youth services bureaus throughout the State. Legislation also should be enacted to permit the use of youth services bureaus as a voluntary diversion resource by agencies of the juvenile justice system.

I. Officially Known Endorsements and Objections

No national standard-setting organizations are known to have addressed the topic of this standard, enacting legislation to fund local services bureaus in the State.

II. Special Considerations

The only comprehensive statement on this issue is found in the book The Youth Service Bureau, a Key to Delinquency Prevention, published by the National Council on Crime and Delinquency,

by Sherwood Norman, in which the following is recommended:

Regardless of who actually administers it, a YSB needs sponsorship by state or local government or by an organization such as a Health and Welfare Planning Council if government sponsorship is not practical. In any case, the administrators of the bureau must be accountable to the sponsoring organization. Sponsorship and funding by the state legislature is appropriate when several small jurisdictions wish to maintain a YSB and cannot obtain funding or agree on joint local sponsorship or the state may sponsor and fund one or more YSBs experimentally in certain high delinquency areas to determine whether greater state involvement is warranted. Such a program might be conducted competitively, as it was in California, with funds granted to those communities where a high degree of initiative among both private individuals and social agencies promised greater success.

State sponsorship could be undertaken by a committee of the state legislature or by a Delinquency Prevention Commission or a state YSB staffed with technicians and consultants offering advisory services to all YSBs throughout the state.¹

Similarly, county governments may sponsor a Youth Service Bureau especially where village, town, township, or other local governing bodies either cannot obtain funding or cannot agree on joint sponsorship. Once established on a county level, the Youth Service Bureau can then encourage the development of local branches.

Private sponsorship, although not generally recommended, is not inappropriate when public sponsorship cannot be obtained.² Most innovations in education and social work have come about by privately sponsored programs later taken over as public services. Private sponsorship by a university or a foundation would not rule out local, state, and federal funding.

Sponsorship by a "joint powers agreement" might be seriously considered where there is no active and influential Health and Welfare Planning Council. This unusual method of establishing and supporting a YSB is based upon the common concern of the major public agencies with responsibility for the well-being of children.

The juvenile court and law-enforcing agencies are not appropriate sponsors or co-sponsors.³

Examples of legislation for Youth Service Bureaus found in Appendix G include:

a. Permitting Municipalities to Sponsor Youth Services, State of Wisconsin, Children's

Code 48.80 (1967).

"(1) Any municipality is hereby authorized and empowered to sponsor the establishment and operation of any committee, agency or council for the purpose of coordinating and supplementing the activities of public and private agencies devoted in whole or in part to the welfare of youth therein. Any municipality may appropriate, raise and expend funds for the purpose of establishing and of providing an executive staff to such committees, agencies or councils; may level taxes and appropriate money for recreation and welfare projects; and may also receive and expend moneys from the state or federal government or private persons for such purposes.

"(2) No provision of this section shall be construed as vesting in any youth committee, council or agency any power, duty or function enjoined by law upon any municipal officer, board or department or as vesting in such committee, council or agency any supervisory or other authority over such officer, board or department.

"(3) In this section municipality means a county, city, village or town."⁴

The remainder of Appendix G includes discussion of the following:

a. Stating the Powers of the Department of Community Services, and,

b. Initiating state-funded Youth Service Bureaus.⁵

¹Sherwood Norman, The Youth Service Bureau - A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972), p. 20.

²Ibid., p. 21.

³Ibid., p. 22.

⁴Ibid., p. 232.

⁵Ibid., p. 233.

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CHAPTER 4 - PROGRAMS FOR DRUG ABUSE TREATMENT AND PREVENTION

Recommendation 4.1 MULTIMODALITY TREATMENT SYSTEM

The Commission recommends that States and units of local government having a significant population of drug users establish comprehensive or multimodality drug treatment systems. These systems should have central intake and diagnostic units to receive patients referred by the criminal justice system and by other sources. The centralized programs would help meet each individual's physical and psychological needs by referring him to the particular treatment program best equipped to handle him while alleviating drug problems, to help him avoid criminal activities, and ultimately to remove him from drug use altogether, if possible. The units thus would play a valuable role in achieving successful diversion of addicts from the criminal justice system.

I. Officially Known Endorsements and Objections

The Task Force Report: Narcotics and Drug Abuse of the PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE considers as do most medical care authorities, that comprehensive programming and treatment of drug addiction best serves the individual as well as the community-at-large. "The style of services must fit the habits, language and cultural expectations of those receiving service."¹ As such, multimodality systems that offer recreational, vocational, rehabilitative, and psychiatric services should be pursued.

The SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION (SAODAP) stresses the development of treatment alternatives within a comprehensive program. "Not all drug users and addicts want or will accept treatment, and no single treatment approach is appropriate for every member of the drug using population."² Thus, SAODAP, the agency responsible for coordinating federal efforts in this area, encourages reliance upon multimodality systems. The Attorney General's First Annual Report serves to reinforce the federal position. The office (SAODAP) gave priority attention to the entire field of treatment, and "a multimodality concept was adopted, involving many therapeutic approaches."³

A Report of the WHITE HOUSE CONFERENCE ON YOUTH expresses unqualified support for multimodel treatment systems. It recommends that

Federal, State and local governments fund and otherwise encourage and development throughout the nation of the full range of treatment modalities and facilities in order that meaningful alternatives to the criminal law can become more widely available.³

II. Special Considerations

Finally, the NATIONAL COMMISSION ON

MARIJUANA AND DRUG ABUSE endorses the multimodel treatment system. It provides a variety of treatment methods at the start that encourage individualized treatment plans. Such initial flexibility is continued throughout the program as patients move from one treatment regimen to another wherever appropriate. Consequently, "the Commission strongly supports the community based multimodality approach to drug dependence."⁵

¹The President's Commission On Law Enforcement and Administration of Justice, Task Force Report: Narcotics and Drug Abuse (Washington, DC: Government Printing Office, 1967), p. 59.

²Annual Report, Special Action Office For Drug Abuse Prevention (Washington, DC: Government Printing Office, 1973), p. 11.

³Attorney General's First Annual Report, Federal Law Enforcement and Criminal Justice Assistance Activities (Washington, DC: Government Printing Office, 1972), p. 469.

⁴Report of the White House Conference On Youth (Washington, DC: Government Printing Office, 1971), p. 36.

⁵National Commission On Marijuana and Drug Abuse, Drug Use in America: Problem in Perspective (Washington, DC: Government Printing Office, March 1973), p. 325.

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Recommendation 4.2 CRISIS INTERVENTION AND EMERGENCY TREATMENT

The Commission recommends, as one element of a multimodality treatment program, the establishment of a variety of crisis intervention and drug emergency centers in States and units of local governments that have a significant population of narcotics addicts and other drug-dependent individuals. Although the specific nature of such centers can only be determined after careful study of local conditions, experience indicates that they should include at least some of the following characteristics:

1. Selected centers should be located either in or in close proximity to a hospital emergency room, detoxification facility, or clinic.

2. Inpatient facilities and beds should be available at selected centers for patients who require treatment on more than a one-time basis; e.g., those withdrawing from heroin, barbituates, and sedative hypnotics or from the effects of a long run on amphetamines or methedrine.

3. Selected centers should be separated from hospital or medical facilities, be staffed with peer-group individuals backed by the facilities of a nearby hospital, and should provide services to runaways and persons with emotional problems or

venereal disease as well as to those with drug involvement.

4. Telephone hotlines, operated in conjunction with walk-in information and referral centers, should be a part of the crisis intervention program in most cities.

5. Counseling centers offering individual and group guidance should be established, and should have effective liaison with other agencies that supply a wide range of services such as housing, family assistance, vocational training, and job referral.

I. Officially Known Endorsements and Objections

The NATIONAL COMMISSION ON MARIJUANA AND DRUG ABUSE calls for a comprehensive statewide drug dependence treatment and rehabilitation program. Although the commission report does not elaborate upon the nature of specific services, it does argue that emergency services are a vital component of such a total treatment program that has been overlooked. Facilities that offer emergency services should "always be associated with a general hospital, though they need not be physically located in one."² Such facilities should ensure that "hot line information program have qualified people running them and that the information they dispense is reliable."³ Finally, the Commission recommends that communities with significant problems "give high priority to the development of crisis-intervention services for particularized populations as part of its overall prevention services."⁴

The UNITED DRUG ABUSE COUNCILS regard as imperative the development of emergency treatment services. Specialized training for selected staff members as well as priority access to hospital emergency rooms are essential components of an emergency treatment service system.⁵

The Joint Information Service of THE AMERICAN PSYCHIATRIC ASSOCIATION and the NATIONAL ASSOCIATION FOR MENTAL HEALTH urge the establishment of drug hot lines for information dissemination. At the minimum, "one can say that all communities ought to provide readily available medical services for those who are in drug emergencies."⁶

Finally the Ohio CITIZENS' TASK FORCE ON MENTAL HEALTH AND MENTAL RETARDATION recommends the development of a link between inpatient units for detoxification purposes and emergency apparatus, centers, services, etc. Such a link should provide for greater medical management of addiction problems.⁷

¹The National Commission on Marijuana and Drug Abuse, Drug Use in America: Problem in Perspective (Washington, DC: U.S. Government Printing Office, March, 1973), p. 339.

²Ibid., p. 344.

³Ibid., p. 365.

⁴Ibid., p. 367.

⁵United Drug Abuse Councils, Guidelines a Comprehensive Community Program to Reduce Drug Abuse III (New York, NY: American Social Health Association, 1972), p. 10.

⁶Joint Information Service of the American Psychiatric Association and The National Association for Mental Health, The Treatment of Drug Abuse (Washington, DC: American Psychiatric Association, 1972), p. 52.

⁷Citizen's Task Force on Mental Health and Mental Retardation, Summary of Findings and Recommendations by the Work Group on Drug Abuse and Alcoholism (Ohio, 1973), p. 37.

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Recommendation 4.3 METHADONE MAINTENANCE TREATMENT PROGRAMS

The Commission recommends that States and units of local government having a significant population of heroin addicts establish methadone maintenance programs as one element of a multimodality drug treatment program. The programs should provide for the patient's transition from physical dependence on heroin (sometimes mixed with abuse of other drugs) to stabilization on methadone and should include:

1. Inpatient facilities to stabilize patients with severe emotional, physical, and at times, social problems. Such facilities are also essential for the detoxification of patients who have relapsed to heroin or who wish to withdraw from methadone. The inpatient facility should have the backup services of a hospital or other specialized facility with a medical capacity. Graduates of a methadone program might also serve as counselors to assist patients in understanding the goals of methadone treatment.

2. Facilities for the dispensing of methadone on an outpatient basis, which should be accessible to patients and in reasonable proximity to the backup hospital, centralized pharmacy, and laboratory where urine specimens are analyzed. The outpatient facility should be capable of serving 75 to 200 patients.

3. Continued urine surveillance through laboratory analysis to detect the presence of such drugs as heroin, barbituates, and amphetamines. Wherever possible, at least random sample techniques should be employed to test for cocaine and other drugs.

4. Adequate testing of all potential patients to insure that only confirmed and not experimental or social-recreational drug users are admitted to the program.

5. Increased emphasis on the use of auxiliary services such as counseling and vocational aid, with the ultimate aim of removing patients from methadone as well, wherever possible.

I. Officially Known Endorsements and Objections

The NATIONAL COMMISSION ON MARIJUANA AND DRUG ABUSE cites methadone maintenance as, "a promising means of neutralizing the opiate-dependent person's preoccupation with the drug."¹ Substantial evidence indicates that the growing attraction to such maintenance programs is primarily due to its ambulatory out-patient nature, its relative low expense compared to other treatment modes, and the possibility of large scale application. The Commission encourages the continued use of methadone treatment as a successful tool by which psychological drug dependence is removed and normal social functioning is restored.²

A report commissioned by the Canadian government supports the continuing expansion of a methadone maintenance program as "a method for the management of opiate dependence."³ The COMMISSION OF INQUIRY INTO THE NON-MEDICAL USE OF DRUGS indicates that such programs must 1) stress careful screening to eliminate non-opiate dependent users, 2) institute extensive evaluation to identify significant patient characteristics and 3) restrict its use to specialized clinics.⁴

The SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION (SAODAP), charged with mobilizing and coordinating Federal efforts related to drug abuse education, training, treatment, rehabilitation and research and with setting policies and priorities,⁵ has regarded methadone maintenance as a useful treatment for certain types of heroin addiction. However, cognizant of the limitations and disadvantages of such treatment (see Special Considerations), SAODAP regards cautious reliance upon methadone maintenance as beneficial while encouraging other forms of treatment and attempts at innovation.⁶

A REPORT ON THE WHITE HOUSE CONFERENCE ON YOUTH recognizes the inherent advantages of methadone treatment programs over heroin addiction. However, such programs emphasize "the drug and not the person"⁴ as such, which is contrary to the pervading opinion that treatment modalities should stress the individual and the environment. Thus, it is recommended that funds be diverted from methadone programs to other, more individually-oriented, treatment modalities.⁸

II. Special Considerations

National organizations and commissions have withheld unqualified support for methadone maintenance because of two predominant disadvantages in its use. Methadone programs do not provide a drug-free treatment modality; rather, they merely transfer dependence from one drug to another. Black, Chicano, minority and "radical" groups see this pattern as a deliberate attempt at pharmacological control over young minority populations. Such programs fail to make "sincere efforts to integrate

patients in the social and economic mainstream by offering rehabilitation and counselling."⁹

Use of methadone treatment also encourages "methadone diversion," where non-program participants can secure methadone for their own use, and risk possible addiction of the non-opiate dependent user.

¹Drug Use in America 2nd Report of the National Commission on Marijuana and Drug Abuse, (Washington, DC: Government Printing Office, March 1973), p. 323.

²Ibid., p. 319-322.

³Treatment, A Report of the Commission of Inquiry into the Non-Medical Use of Drugs (Ottawa, Canada, 1972), p. 31.

⁴Ibid., p. 31.

⁵Annual Report, Special Action Office for Drug Abuse Prevention (Washington, DC: Government Printing Office, 1973), p. 1.

⁶Attorney Generals First Annual Report, Federal Law Enforcement and Criminal Justice Assistance Activities (Washington, DC: Government Printing Office, 1972), p. 70.

⁷A Report of the White House Conference on Youth (Washington, DC: Government Printing Office, 1971), p. 33.

⁸Ibid., p. 33.

⁹Supra, Drug Use in America, p. 321.

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Recommendation 4.4 NARCOTIC ANTAGONIST TREATMENT PROGRAMS

The Commission recommends that States and units of local government having a significant population of narcotic addicts consider establishing narcotic antagonist treatment programs as one element in a multimodality approach to drug addiction. Narcotic antagonist treatment programs should include, in addition to chemotherapy:

1. Counseling for patient and family, vocational guidance, and housing assistance;
2. Pharmacy and urine testing facilities;
3. Inpatient facilities for those with emotional, physical, or social problems, and for cases of mixed drug abuse where withdrawal must be effected;

4. Outpatient facilities for dispensing the narcotic antagonist and offering other services. These facilities may be located either in a hospital clinic or other suitable area. When there is separation from a hospital or related facility, close coordination is essential; and

5. Services, such as counseling and vocational aid, with the ultimate aim of removing patients from all drug use.

I. Officially Known Endorsements and Objections

Narcotic antagonists, when given in adequate amounts, block the desired effects of heroin and other narcotic drugs. They can be used to reverse narcotic coma and are desirable for use by young or early heroin addicts for which methadone is inappropriate. This treatment mode was developed by the NATIONAL INSTITUTE OF MENTAL HEALTH ADDICTION RESEARCH CENTER.

Leo Hollister, Chairman for the study commission conducted by the NATIONAL RESEARCH COUNCIL in cooperation with the SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION, points to the advantages of narcotic antagonists. Predominant among these advantages is the fact that antagonists are non-addictive and produce no withdrawal symptoms at termination of treatment.¹

The NATIONAL COMMISSION ON MARIJUANA AND DRUG ABUSE endorses the concept of narcotic antagonists but recommends "against involuntary administration of antagonists. . . as a method of treatment or prevention."² Antagonists offer the blockade effect of methadone with none of the potential for dependence or euphoria. It does however require a high degree of motivation by the patient and regularity, lest the euphoric high of heroin is re-experienced.

The UNITED DRUG ABUSE COUNCIL pinpoints the effectiveness of narcotic antagonists when administered to the middle-class, well-motivated, well-integrated individual. Although most drug abuses cannot be classified according to this description, the Council sees antagonists as having "demonstrated their value as one treatment component in any armamentarium of services."³

¹Richard J. O'Connell, ed., Narcotics Control Digest (Virginia: Washington Crime News Service, October 3, 1973), p. 7.

²National Commission on Marijuana and Drug Abuse, Drug Use in America: Problem in Perspective (Washington, DC: Government Printing Office, March, 1973), pp. 323-324.

³United Drug Abuse Councils, Guidelines--A Comprehensive Community Program to Reduce Drug Abuse III (New York, NY: American Social Health Association, 1972), p. 14.

Recommendation 4.5 THERAPEUTIC COMMUNITY PROGRAMS

The Commission recommends that States and units of local government having a significant population of narcotics addicts and other drug-dependent individuals consider establishing a therapeutic drug-free community program as one element of a multimodality approach to treatment. The program should include:

1. Facilities for an average of 75 residents. Experience indicates that when such space is located in older buildings, the renovation necessary to accommodate the purposes of the community should be done by the residents themselves. This technique imparts a feeling of involvement in and responsibility for the program. The facility should include an outdoor area suitable for recreational activities.

2. Salaried staff should consist of a house director and assistants, some or all of whom may be graduates of such a facility. A house manager should be appointed and given broad responsibility under the house director for supervising a variety of household and related responsibilities.

3. If primary responsibility for operating the program rests with the ex-addict paraprofessional staff, the backup services of psychiatrists, teachers, and employment specialists should also be readily available.

4. Those responsible for the operation of therapeutic communities should insure that there is a consistent readiness to evaluate, revise, and reinforce their programs. The program should deal with such questions and concerns as the use of chemotherapy, the problems of addicts with children, and the possibility of providing permanent living arrangements for those who are unable to return to their preaddict lifestyles. In these and other critical areas, the directors of therapeutic communities should be flexible and open to the possibility of radical program alterations, if such changes are likely to result in more successful treatment efforts.

I. Officially Known Endorsements and Objections

The NATIONAL COMMISSION ON MARIJUANA AND DRUG ABUSE regards the use of the therapeutic community as a treatment modality in very conservative terms. To date there is no evidence that these communities are more successful in treating drug abuse than other drug-free treatment methods. Because it is residential, the community is expensive relative to ambulatory methods of treatment. Finally, the

. . . emphasis on self-discipline, vertical mobility and use of guilt concept, so much a part of the therapeutic community in encounter therapy, reflect dramatized versions of middle-class values. With ethnic groups and sub-cultures which do not share these norms, such methods have proven inappropriate.¹

As such the Commission recommends that therapeutic communities evolve new techniques of group psychodynamics and rigorously screen those potential residents for individuals who can benefit from such treatment.

A report of THE COMMISSION OF INQUIRY INTO THE NON-MEDICAL USE OF DRUGS echoes the feelings expressed by the National Commission on Marijuana

and Drug Abuse and considers built-in evaluative and research components a vital part in measuring effectiveness and maintaining appropriate services for the resident of a therapeutic community.² Although the Commission of Inquiry regards the high cost-benefit ratio as a program detriment, it still maintains that "therapeutic communities should be one option available in any national, multi-model drug dependence program."³

The UNITED DRUG ABUSE COUNCILS include the therapeutic community in the "range of services to be included in programming for abusers of opiates and other substances."⁴ The concept of a community in which daily experiences are shared by members is of vital importance in the rehabilitation of drug abusers.

Finally, the OHIO CITIZENS' TASK FORCE ON MENTAL HEALTH AND MENTAL RETARDATION regards the totalistic living experience as holding promise for the drug abuser. The therapeutic milieu answers the individual's need for people with whom he can identify.⁵

II. Special Considerations

The use of the therapeutic community as a treatment modality for drug abuse has slackened in recent years. The "success" rate of addicts is not overly impressive; few individuals once having adopted socially acceptable behavior are able to make a successful adjustment from the "therapeutic community" to the community-at-large. As a result, cured residents tend to remain in the confines of the therapeutic village.

The unimpressive percentage of cured addicts, coupled with the high cost of treatment, has prompted new research into strengthening the benefits of the therapeutic community.

¹The National Commission on Marijuana and Drug Abuse, Drug Use in America: Problem in Perspective (Washington, DC: U.S. Government Printing Office, March, 1973), p. 319.

²Treatment, A Report of the Commission of Inquiry into the Non-Medical Use of Drugs (Ottawa, Canada, 1972), p. 32.

³Ibid., p. 92.

⁴United Drug Abuse Councils, Guidelines: A Comprehensive Community Program to Reduce Drug Abuse III (New York, NY: American Social Health Association, 1972), p. 14.

⁵Citizens Task Force on Mental Health and Mental Retardation, Summary of Findings and Recommendations by the Work Group on Drug Abuse and Alcoholism (Ohio: 1973), p. 43.

Recommendation 4.6 RESIDENTIAL PROGRAMS

The Commission recommends that States and

units of local government having a significant population of narcotics addicts and other drug-dependent individuals establish residential treatment programs as one part of a multimodality approach to the problems of drug addiction. A comprehensive residential treatment program should generally involve a combination of closed, open, and halfway house facilities organized along the following lines:

1. Closed residential facilities should be established to provide a therapeutic environment for patients who are acting out in the community and need a period of compulsory institutionalization to be helped. This type of facility should be equipped and staffed to deal with minor illnesses and should be a secure, self-contained unit designed to meet a wide variety of residents' needs in a therapeutic setting.

2. Open residential facilities should be established to make available to residents the same basic residential and program services as provided at the closed center. This facility should have no physical or other restraints to keep the residents in the facility. The absence of restraints immediately allows for fewer staff members, more flexibility in choosing a site, and less need to provide multiple activities at a single facility.

3. Halfway houses should be established to provide lodging and supportive services for residents who are making the transition from a structured institutional setting to living in the open community. It should also be available to those in the community who temporarily require the additional supports provided by such a center.

I. Officially Known Endorsements and Objections

The NATIONAL COMMISSION ON MARIJUANA AND DRUG ABUSE supports a multimodality treatment approach. As part of the treatment program, outpatient community based facilities are advantageous because they avoid the expense required by hospitalization or segregation from the community¹ and are thus considered a valuable aspect of comprehensive drug programming.

The COMMISSION OF INQUIRY INTO THE NON-MEDICAL USE OF DRUGS says, "Residential facilities for the post-detoxification period are needed for at least the first few crucial months to provide isolation from the outside drug scene and to begin the rehabilitation process."²

The UNITED DRUG ABUSE COUNCIL views residential programming as a valid component of the treatment process. Not all abusers need to be treated in a separate hospital or other formal treatment center, yet those individuals who cannot make it in the community sometimes require a period of "socialized living" in a center. Residential facilities, "using only mildly abrasive encounter and group therapy techniques"³ fulfill the need of this type of individual.

Finally, the OHIO CITIZENS' TASK FORCE OF MENTAL HEALTH AND MENTAL RETARDATION endorses the half-way house concept as holding promise for the drug abuser. Such "partial hospitalization" supports those isolated from the mainstream of society who require a period of adjustment during which they receive on-going support.⁴

¹Drug Use in America, Problem in Perspective, 2nd Report of the National Commission on Marijuana and Drug Abuse (Washington, DC: Government Printing Office, March, 1973), p. 303.

²Treatment, A Report on the Commission of Inquiry into the Non-Medical Use of Drugs (Ottawa, Canada, 1972), p. 41.

³Guidelines, A Comprehensive Community Program to Reduce Drug Abuse III, United Drug Abuse Councils (New York, NY: American Social Health Association, 1972), p. 16.

⁴Summary of Findings and Recommendations by the Work Group in Drug Abuse and Alcoholism, Ohio Citizens' Task Force on Mental Health and Mental Retardation, 1973, p. 42.

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Recommendation 4.7 VARIATIONS IN TREATMENT APPROACH

The Commission recommends that States and local units of government with a substantial population of narcotics addicts and other drug-dependent individuals encourage broader experimentation in varying treatment approaches. The goal would be to maximize the potentialities of treatment programs and their ability to meet the needs of special populations. Among the variations proposed are:

1. Exploration of different methadone maintenance techniques such as use of low-dose stabilization and greater emphasis on helping patients achieve eventual abstinence wherever possible;

2. Modifying the therapeutic community "concept" by incorporating greater use of professionals and developing specialized facilities which can relate to the needs of particular groups such as females, addicted parents with infants, and minority populations;

3. Developing effective day centers where ambulatory, drug-free treatment can be provided for opiate users as well as the newer multiple drug users; and

4. Helping facilities relate more effectively to the surrounding community as a means of reinforcing treatment and enhancing residents' "reentry" to the community.

I. Officially Known Endorsements and Objections

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT and ADMINISTRATION OF JUSTICE's Task Force Report: Narcotics and Drug Abuse has endorsed the expansion of treatment efforts to match the needs of those individuals receiving service. It is imperative that "the style of services . . . fit the habits, language and cultural expectations"¹ of individuals dependent upon the drug treatment delivery system.

As part of their national platform in 1972, the NATIONAL CONFERENCE ON SOCIAL WELFARE (NCSW) emphasized the need for "a concerted national program of research and experimentation on the cause and control of drug abuse, addiction. . . and . . . treatment of those who are addicted not as criminals, but as people with health and social problems."² There is an implicit assumption in the statement by the NCSW that directly supports the Advisory Commission's recommendation on variation of treatment programs. Research and experimentation are the necessary precursors to better, more effective treatment approaches.

The Joint Information Service of the AMERICAN PSYCHIATRIC ASSOCIATION and the NATIONAL ASSOCIATION FOR MENTAL HEALTH are equally supportive of variation in treatment approaches.

Until and unless new treatment methods of greater efficacy come along, it appears that the best one can do is to provide as comprehensive a program as the apparent need and the available resources make possible (emphasis added).³

The UNITED DRUG ABUSE COUNCILS (UDAC) recommend comprehensive services that should include emergency care; out-patient, in-patient care; methadone and narcotic antagonist programs; therapeutic communities, and residential facilities. As well, the UDAC suggests integrative approaches utilizing these various treatment methods.⁴

Finally, the NATIONAL COMMISSION ON MARIJUANA AND DRUG ABUSE suggests drug programs should include "medical, psychiatric, psychological and social service care, vocational and rehabilitation services; job training and career counseling; corrective and preventive guidance and any other rehabilitative guidance and any other rehabilitative services. . ."⁵

¹Task Force Report: Narcotics and Drug Abuse, The President's Commission on Law Enforcement and Administration of Justice (Washington, DC: Government Printing Office, 1967), p. 59.

²Summer '72 Conference Bulletin, National Conference on Social Welfare (New York, NY: National Conference on Social Welfare, 1972), p. 7.

³The Treatment of Drug Abuse, Joint Information Service of American Psychiatric Association of the National Association for Mental Health (Washington, DC: American Psychiatric Association, 1972), p. 48.

⁴Guidelines, A Comprehensive Community Program to Reduce Drug Abuse III, United Drug Abuse Councils (New York, NY: American Social Health Association, 1972), p. 10.

⁵Drug Use in America, Problem in Perspective, 2nd Report of the National Commission on Marijuana and Drug Abuse (Washington, DC: Government Printing Office, March, 1973), p. 339.

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Recommendation 4.8 VOLUNTARY COURT REFERRAL OF ADDICTS

The Commission recommends that States and units of local government having a significant population of narcotics addicts and other drug-dependent persons establish procedures for voluntary referral of the addict-defendant to treatment before conviction. Such efforts might be modeled on the TASC program (Treatment Alternatives to Street Crime), and should meet at least the following criteria:

1. Liberal eligibility requirements should be developed to allow a large number of defendants to be screened for participation.

2. Minimal punitive connotations should be incorporated in the program. Undue delays in court procedures, as well as forced concessions from the addict, should be avoided. Supervision should be as nonpunitive as possible and addicts should be advised that the alternatives to diversion--plea, probation, and incarceration--may result in the lasting stigma of a criminal record, as well as delay in receiving treatment.

3. Treatment should be made available as early as possible in the criminal process even, where possible without prejudice to society's right to protection, before a decision to divert has been made. The device of pretrial release on bond could be used, as well as release on personal recognizance upon the addict's acceptance of treatment.

4. Treatment should be flexible enough to allow changes in the length of the predisposition period in diversion. This would minimize the period of time necessarily spent in treatment.

5. Inducements for the defendant who has been diverted to remain in treatment should be provided for effective control. Most, if not all, of the time spent in treatment should be community-based outpatient care, if possible. Dismissal of the charges should be arranged upon successful completion of treatment.

6. Diversion procedures should be developed without losing sight of society's right

to be protected or of constitutional safeguards designed to protect the defendant--for example, equal protection under the law, the right to speedy trial, and guaranteed against self-incrimination. (See the Commission's Report on Courts for a detailed discussion of this issue.)

I. Officially Known Endorsements and Objections

Treatment Alternatives to Street Crime (TASC) is a program designed to interrupt normal judicial proceedings at the prosecutorial level and to provide community-based treatment services to the addict-defendant in lieu of such prosecution. These programs considerably reduce the burden of courts and penal institutions, while enabling proper treatment services to be made available to the individual.

These diversion programs have garnered overwhelming support on the federal level. Specifically prevention, as a product of The Special Action Office for Drug Abuse, TASC, has found increasing support in the Law Enforcement Assistance Administration (LEAA) and the National Institute of Mental Health (NIMH). It is rapidly becoming a viable and accepted part of the criminal process because "it integrates health care delivery with the criminal justice system."¹

The Annual Report, Special Action Office for Drug Abuse Prevention cites several program benefits to TASC. There is a reduced likelihood of criminal behavior since the individual is in a treatment system; traditional judicial processing simply releases the accused to the street without such proper supervision.² In addition, the individual who is able to successfully complete the contract (program) may avoid all criminal prosecution or, to some degree, increase the likelihood of lighter sentence or probation. Essentially, TASC offers the drug user "an alternative to the revolving door of drug use."³

The NATIONAL COMMISSION ON MARIJUANA AND DRUG ABUSE recommends that treatment programs (modeled after TASC) be established that run parallel to the criminal process that may be substituted for the criminal process.⁴ Diversion to such programs in lieu of prosecution or after conviction but before entry of judgment, has received strong support.

UNITED DRUG ABUSE COUNCILS have likewise noted the effect of diversion programs on the judicial system. From the prosecutor's point of view, it diminishes the burden on the court and its personnel as well as lessening the number of individuals who come in contact with the penal system. Such recent changes in philosophy from punishment to treatment have led to the enactment of both federal and both federal and state legislation which authorizes civil commitment for treatment purposes.⁵

Finally, the AMERICAN CIVIL LIBERTIES UNION (ACLU) in a 1972 policy statement favors a voluntary commitment to treatment facilities in lieu of prosecution. In keeping with recent U.S. Supreme Court decisions, the ACLU regards drug addiction

as an illness to be treated, not a crime to be punished.⁶

II. Special Considerations

Strong, almost categorical, support of diversion programs is evident. The Ohio ACLU, however, has issued qualifications to this support regarding the safeguarding of individual rights. Questions to be investigated include (1) What will be the additional penalties if diversion is not successful, (2) Does the individual have a right to withdraw from the program, and (3) What will be the individual's "right to counsel" privileges while under the program's direction?

¹Richard O'Connell, editor, Narcotics Control Digest (Virginia, Washington Crime News Service, September 19, 1973), p. 8.

²Annual Report, Special Action Office for Drug Abuse Prevention (Washington, DC: U.S. Government Printing Office, 1973), p. 19.

³Ibid., p. 63.

⁴Drug Use in America: Problem in Perspective, National Commission on Marijuana and Drug Abuse (Washington, DC: U.S. Government Printing Office, 1973), p. 267.

⁵United Drug Abuse Council, Guidelines--A Comprehensive Community Program to Reduce Drug Abuse IV (New York, NY: American Social Health Association, 1972), p. 10.

⁶Policy Guide of ACLU (New York, NY: American Civil Liberties Union, 1972). (Per conversation with Benson Wolman, executive director, Ohio American Civil Liberties Union).

Recommendation 4.9 TRAINING OF TREATMENT PERSONNEL

The Commission recommends that the training of a staff to deal with narcotics addicts and other drug-dependent individuals in a treatment program should be a continuous process and one that adequately instructs the trainees about the enormous complexities of drug abuse. Such training should include at least the following elements:

1. The training should help the staff to develop a rational perspective on the drug abuse problem, especially such aspects as the crisis orientation of addicts, the chronic nature of addiction, and, therefore, the long-term efforts required for treatment. Training also should prepare the staff to settle frequently for limited goals and to use various kinds of authoritative but reasonable treatment.

2. Instructors should seek to develop in counselors a familiarity with the various treatment approaches. Counselors also should be trained

to make differential diagnoses in referring patients to treatment. Special training programs should be devised for those interested in refining particular skills or advancing their careers.

3. In training paraprofessionals, the group approach should be used for purposes of economy and for developing a unity of purpose and perspective in the staff. Visual aids and role-playing, such as simulating client interviews, also should be utilized.

4. Along with trainees, professional workers should be trained to be flexible, openminded, and amenable to new approaches, research, and evaluation. They should be able to relate well to paraprofessionals, some of whom will play a larger role than professionals in such programs as day centers and communities directed by ex-addicts. In view of the chronic, relapsing nature of drug addiction, the need for patience must be stressed.

5. Training of supervisors or instructors should be an important component of drug abuse treatment efforts, for the learning process permeates the top as well as the bottom in an effective organization.

I. Officially Known Endorsements and Objections

In the Task Force Report: Narcotics and Drug Abuse, the PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, emphasis is placed upon special training for treatment personnel that enhances the traditional medical/pharmacological approach to the training programs. It stresses that "the style of services must fit the habits, language, and cultural expectations of those receiving service."¹ As such, personnel must acquire the ability to provide individualized service and to select from possible treatment modalities that approach which is most likely to insure the successful rehabilitation of the patient.

Recognizing the need for superior training of treatment personnel, the SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION, in conjunction with the NATIONAL INSTITUTE OF MENTAL HEALTH and the OFFICE OF EDUCATION, has taken the federal initiative to establish 13 Regional Training Centers.

This is in response to a vast expansion of treatment and prevention activities and the concomitant need to "create additional capacities to train those who can perform these activities."² In addition to the presidential initiative evident in the establishment of these training centers, a NATIONAL DRUG EDUCATION TRAINING PROGRAM (NDETP) has been established, which is designed to train teachers, parents, school administrators, law enforcement officials and other community representatives.

The Report of the White House Conference on Youth, as the Task Force on Narcotics and Drug Abuse, stresses the need for additional training in dealing with the human elements of drug abuse.

According to the report, "[personnel] should be trained in human growth and self-awareness techniques,"⁴ to insure an increased understanding and sensitivity to individual and group differences.

The NATIONAL COMMISSION ON MARIJUANA AND DRUG ABUSE suggests training be conducted on a community-wide basis. It assails the unnecessary and undesirable burdening of the educational system with carrying out the responsibilities of drug education, enforcement and treatment. As such, the Commission recommends that training be understood and made available to everyone, from law enforcement official to mental health professional, to educator. As such, a coordinated effort can be achieved as resources from the entire community are brought to bear on this phase of drug abuse.⁵

¹President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Narcotics and Drug Abuse (Washington, DC: Government Printing Office, 1967), p. 59.

²Special Action Office for Drug Abuse, Annual Report (Washington, DC: Government Printing Office, 1973), p. 23.

³Federal Law Enforcement and Criminal Justice Assistance Activities, Attorney General's First Annual Report (Washington, DC: Government Printing Office, 1972), p. 67.

⁴Report of the White House Conference on Youth (Washington, DC: Government Printing Office, 1971), p. 32.

⁵National Commission on Marijuana and Drug Abuse, 2nd Report, Drug Use in America, Problem in Perspective (Washington, DC: Government Printing Office, March, 1973), p. 367.

Recommendation 4.10 DRUG ABUSE PREVENTION PROGRAMING

The Commission recommends for drug abuse prevention the following:

1. The roles of educating and informing youth about drugs should be assumed by parents and teachers in the early stages of a child's life. It is from these sources that a child should first learn about drugs. Information should be presented without scare techniques or undue emphasis on the authoritarian approach. Parental efforts at drug education should be encouraged before a child enters school and teachers should receive special training in drug prevention education techniques.

2. Peer group influence and leadership also should be part of drug prevention efforts. Such influence could come from youth who have tried drugs and stopped; these youth have the credibility that comes from first-hand experience. They first must be trained to insure that they do not distort

their educational efforts toward youth by issuing the kind of double messages described previously.

3. Professional organizations of pharmacists and physicians should educate patients and the general public on drug abuse prevention efforts and should encourage responsible use of drugs. The educational efforts of these organizations should be encouraged to include factual, timely information on current trends in the abuse of drugs and prescription substances.

4. Materials on preventing drug abuse should focus not only on drugs and their effects but also on the person involved in such abuse. That person, particularly a young one, should be helped to develop problem-solving skills.

5. Young people should be provided with alternatives to drugs. The more active and demanding an alternative, the more likely it is to interfere with the drug abuser's lifestyle. Among such activities are sports directed play activities, skill training, and hobbies, where there is the possibility of continued improvement in performance.

I. Officially Known Endorsements and Objections

Emerging prevention strategies address two commonly accepted generalizations about drug abuse efforts in this area: 1) past efforts to curb the use of drugs via the educational system have failed due in part to the prevailing inaccuracies of informational material, and 2) creative approaches to the prevention problem must be comprehensive in scope and must address themselves to the user and his environment rather than to the drug itself.

The SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION (SAODAP) recognizes the need to incorporate within drug prevention strategies the potential influences of all significant actions on the drug abuser. As such the effect of mass media, the role of the health care professional, and parental and peer group relationships are only some of the considerations which must be taken into account when designing strategies that prevent the initiation and perpetuation of drug use.¹ Overall, this represents a considerable shift in emphasis from talking about drugs and their problems, to dealing with people and things people can do in combating the problem.

NATIONAL SEARCH, a project under the DEPARTMENT OF HEALTH, EDUCATION AND WELFARE has further expanded the federal initiative in creating new prevention strategies. Its emphasis is upon encouraging active participation by youth to "set in motion community level projects which involve young people in constructive and fulfilling outlets for their energy and creativity."²

Misinformation within drug materials has prompted such organizations as the NATIONAL COMMISSION ON MARIJUANA AND DRUG ABUSE, the NATIONAL COORDINATING COUNCIL ON DRUG EDUCATION (NCCDE) and the NATIONAL EDUCATION ASSOCIATION (NEA) to call for a moratorium on the production of new materials

to allow for an evaluation of such existing materials.

Peter Hammond, Executive Director of the NCCDE emphasizes that more meaning should be placed on the functions of drug use rather than on its psychological or physiological effect. This new approach should encourage "rap sessions, role-playing and alternative behavior, and should focus on the family as a unit. . . [essentially] we must stop dealing with drug information and focus on human needs."³

A REPORT OF THE WHITE HOUSE CONFERENCE ON YOUTH most clearly addresses the need to engage in drug abuse prevention on a community wide basis, a method designed to supplement drug education techniques so often confined to school settings. Such methods should encourage socially-acceptable alternatives to drug use and, where possible, should involve persons who, because of their own drug experience, are particularly credible.⁴

The NATIONAL COMMISSION ON MARIJUANA AND DRUG ABUSE recommends that drug use prevention strategy, rather than concentrating resources and efforts in persuading or education people not to use drugs, emphasize alternative means of obtaining what users seek from drugs.⁵ As well, schools of medicine, pharmacy, and public health should include within their curricula such instruction as to enable them to encourage responsible use of drugs within their community.

II. Special Considerations

Both the National Coordinating Council on Drug Education and a report issued by the University of California School of Medicine assail the vast expenditures of money designated for drug education that seems not to have achieved its desired results. "It is possible that drug education in the experimental school taught the students to use drugs safely and prevent hospital admissions rather than to decrease illegal drug use."⁶

¹Annual Report, Special Action Office for Drug Abuse Prevention (Washington, DC: Government Printing Office, 1973), p. 23.

²Richard O'Connell, ed., Narcotics Control Digest (Virginia: Washington Crime News Service, November 7, 1973), p. 8.

³"Contemporary Problems in Drug Abuse," Villanova Law Review (New York, NY: Dennis and Company, Inc., Vol. 18, #5, May, 1973), pp. 928-929.

⁴Report of the White House Conference on Youth (Washington, DC: Government Printing Office, 1971), p. 10.

⁵Drug Use in America, Problems in Perspective, 2nd Report of the National Commission on Marijuana and Drug Abuse (Washington, DC: Government Printing Office, March, 1973), pp. 353,378.

⁶Richard O'Connell, ed., Narcotics Control Digest (Virginia: Washington Crime News Service, August 29, 1973), p. 4.

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Recommendation 4.11 STATE AND LOCAL DRUG ABUSE TREATMENT AND PREVENTION COORDINATING AGENCIES.

The Commission recommends that comprehensive drug abuse treatment and prevention functions be coordinated through a central agency at the State level and through local coordinating agencies. This authority is needed to assume primary responsibility for such areas as acting priorities for delivery of services, finding ways to avoid wasteful duplication, and determining the extent to which funded programs are effective.

Other key considerations are the manner in which basic standards of staffing, training, administration, and programing are met; and avenues for effecting continuing evaluation, research, and cost benefit studies.

I. Officially Known Endorsements and Objections

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, in 1967, states that "states with drug abuse problems but without specialized treatment programs must initiate such programs. . . This is the beginning of what needs to be done." The Commission notes the unperfected and uncertain state of narcotic abuse treatment and therefore recommends that local treatment programs be carefully and continually evaluated. The Commission also cites the need to develop standards to measure outcomes of treatment, urging that the term "cure" has little meaning in relation to a chronic disease such as addiction.¹

The NATIONAL COMMISSION ON MARIJUANA AND DRUG ABUSE, in 1973, recommended that

. . . each state establish a unified drug agency on the same model as that proposed for the Federal Government. A single state agency should be equipped to provide information about programs and drug use patterns, and to assume joint responsibility for evaluating federally funded programs.

The Commission, unlike this Standard, did not specifically recommend local coordinating agencies; however, it recommends that the state agency should have "sufficient powers" to coordinate treatment programs. The state agency should also be required to implement and monitor the state plan and to report annually to the designated authority.²

The WHITE HOUSE CONFERENCE ON YOUTH deemphasized state level planning and organization in favor of diverse local approaches:

We recommend that local communities be encouraged to form broadly representative organizations whose purpose is to assess the community needs regarding drug abuse problems. These local organizations should solicit funds from Federal, state and private sources in order to implement a variety of prevention and treatment programs appropriate to the particular needs of the drug abuser and his community. Innovative, imaginative multi-modality concepts are encouraged for the treatment of all abusers--non-narcotic as well as narcotic. Recognizing that different individuals, independent evaluative procedures should be designed and implemented to learn which modalities are effective for different types of individuals. Autonomous local community programs should have preference over centralized Federal programs.³

¹President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 228.

²National Commission on Marijuana and Drug Abuse, Drug Use in America, Problem in Perspective (Washington, DC: Government Printing Office, 1973), p. 292.

³White House Conference on Youth, Report of the White House Conference on Youth (Washington, DC: Government Printing Office, 1971), p. 33.

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Recommendation 4.12 STATE AND LOCAL RELATIONSHIPS TO AND COOPERATION WITH FEDERAL DRUG ABUSE PREVENTION AND TREATMENT ACTIVITIES

The Commission recommends that coordinating agencies dealing with drug abuse become familiar with the broad authority delegated to the Special Action Office for Drug Abuse Prevention (SAODAP). Special emphasis should be placed on understanding how this office relates administratively to agencies in the Department of Justice including the Bureau of Prisons, Law Enforcement Assistance Administration, and the Bureau of Narcotics and Dangerous Drugs. To secure maximum benefits from a relationship with SAODAP, an agency should first acquaint itself with the specific functions of existing drug abuse treatment and prevention agencies in the community. Each coordinating agency should then assign its members responsibility for the following functions:

1. To review all existing and new State and Federal legislation relevant to drug abuse and

crime prevention activities;

2. To relate to State and Federal agencies that are concerned with drug abuse and provide resources and services to community agencies and programs; and

3. To establish working liaison with other local agencies and programs fighting drug abuse and crime.

I. Officially Known Endorsements and Objections

NATIONAL SEARCH, a project under the Department of Health, Education, and Welfare is representative of the new emphasis on coordinating drug abuse prevention programs among levels of government. It represents a total effort, involving federal state and local community organizations, aimed at developing "innovative youth initiatives" in drug abuse prevention.¹

The NATIONAL COMMISSION ON MARIJUANA AND DRUG ABUSE proceeds one step beyond the efforts of SEARCH in recommending that each community with a significant drug problem establish a coordinating council to facilitate "communication and concert of action between various drug-related functions within the community."² More importantly, this council would serve as point of contact with state and federal agencies to ensure such cooperation as is necessary between levels of government.³

The NATIONAL INSTITUTE OF MENTAL HEALTH terms coordination among local community projects an invaluable component of drug abuse service delivery system. Such coordination will enhance the quality of the services as well as cost-effectiveness factor in service delivery. Far more important is the opportunity to turn community attention away from the drug abuse problem per se to those problems which underlie and foster drug abuse.⁴

The UNITED DRUG ABUSE COUNCIL urges the development of a central organizing agency to coordinate the activities within the realm of drug abuse programs. Such an effort "will foster consistent sharing of information, an coordination of research and evaluation."⁵

The CITIZENS TASK FORCE ON MENTAL HEALTH AND MENTAL RETARDATION urge the establishment of a program with a comprehensive spectrum that utilizes the resources already existing with the community.⁶

¹Richard J. O'Connell, ed., Narcotics Control Digest (Virginia: Washington Crime News Service, November 7, 1973), p. 8.

²Drug Use in America, Problem in Perspective, National Commission on Marijuana and Drug Abuse (Washington, DC: U.S. Government Printing Office, March, 1973), p. 300.

³Ibid., p. 300.

⁴Effective Coordination of Drug Abuse Programs, a Guide to Community Action, National Institute of Mental Health (Maryland: U.S. Government Printing Office, April, 1973), p. 5.

⁵Guidelines--A Comprehensive Community Program to Reduce Drug Abuse III, United Drug Abuse Councils (New York, NY: American Social Health Association, 1973), p. 19.

⁶Summary of Findings and Recommendations by the Work Group on Drug Abuse and Alcoholism, Citizens Task Force on Mental Health and Mental Retardation (Cleveland, 1973), p. 31.

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CHAPTER 5 - PROGRAMS FOR EMPLOYMENT

Recommendation 5.1 EXPANSION OF JOB OPPORTUNITIES FOR YOUTH

The Commission recommends that employers and unions institute or accelerate efforts to expand job or membership opportunities to economically and educationally disadvantaged youth, especially lower income minority group members. These efforts should include the elimination of arbitrary personnel selection criteria and exclusionary policies based on such factors as minimum age requirements and bonding procedures.

Employers and unions should also support actions to remove unnecessary or outdated State and Federal labor restrictions on employing young people. Finally, employers should institute or expand training programs to sensitize management and supervisors to the special problems young people may bring to their jobs.

I. Officially Known Endorsements and Objections

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE recommends that:

Efforts, both private and public. . . be intensified to: prepare youth for employment; provide youth with information about employment opportunities; reduce barriers to employment posed by. . . maintenance of rigid job qualifications; create new employment opportunities.¹

The Commission suggests that employers take the initiative in reconsidering job requirements and in hiring youths who lack some nonessential qualification.² As an adjunct to job creation, the Commission urges that programs for the counseling of youths be established or expanded.³

The NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS has proposed that high priority be placed on the creation of jobs in the private sector. In conjunction with the creation of greater employment opportunities, the Advisory Commission recommends that employers be prepared to provide special services to aid new youthful employees in areas such as hygiene, health, good work habits, and money management.⁴

The Commission advocates that artificial barriers to employment be eliminated by business⁵ and that union apprenticeship programs be made more accessible to minorities.⁶

The AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATION (AFL-CIO) has urged its affiliates to develop manpower programs aimed at creating greater opportunity for minority workers. It further recommends development of programs to aid minority workers in obtaining employment and gaining promotions.⁷ The AFL-CIO's Department of Civil Rights has endorsed recruitment and preparation of minority youths to enter into skilled

trades.⁸

The Task Force on Economic Growth and Opportunity of the CHAMBER OF COMMERCE OF THE UNITED STATES recommends that labor unions support equal employment opportunities by extending equal membership opportunities to minority groups and that management assure equal hiring opportunities through practices such as increased recruiting among minorities.⁹ The Task Force also recommends that local chambers of commerce and individual businessmen initiate full employment programs in their committees with emphasis on collateral activities such as providing guidance service to the youth of the community.¹⁰

The Task Force has called for study and analysis of the impact and degree of obsolescence of federal and state child labor laws and of the regulations implementing them.¹¹

The WHITE HOUSE CONFERENCE ON YOUTH makes the following proposals:

To expand the job opportunities available to disadvantaged youth. . . employers [should] re-examine their hiring requirements; . . . [S]tates [should] review existing laws. . . which bar young people for employment. . . . Outdated restrictions on youth employment in state and federal laws should be reviewed; . . . Business should accelerate its efforts to employ youth.¹²

¹The President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: U.S. Government Printing Office, 1967), p. 77.

²Ibid.

³Ibid., p. 76.

⁴The National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (Washington, DC: U.S. Government Printing Office, 1968), p. 232.

⁵Ibid.

⁶Ibid., p. 234.

⁷American Federation of Labor and Congress of Industrial Organization, Proceedings of the Ninth Constitutional Convention (Bal Harbour, FL: November 18-22, 1971), part II, p. 197.

⁸Ibid., p. 291.

⁹The Task Force on Economic Growth and Opportunity of the Chamber of Commerce of the United States, The Disadvantaged Poor: Education and Employment, 3 Volumes (Washington, DC, 1966), pp. 100-101.

¹⁰Ibid., p. 107.

¹¹Ibid., p. 114.

¹²The White House Conference on Youth, Report of the White House Conference on Youth (Estes Park, CO, April 18-22, 1971), pp. 56-67.

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Recommendation 5.2 AFTER-SCHOOL AND SUMMER EMPLOYMENT

The Commission recommends that each community broaden its after-school and summer employment programs for youth, including the 14- and 15-year olds who may have been excluded from such programs in the past. These programs may be sponsored by governmental or private groups, but should include such elements as recruitment from a variety of community resources, selection on the basis of economic need, and a sufficient reservoir of job possibilities. The youth involved should have the benefit of an adequate orientation period with pay, and an equitable wage.

Local child labor regulations must be changed wherever possible to broaden employment opportunities for youth. Nonhazardous jobs with real career potential should be the goal of any legislation in this area.

I. Objections and Endorsements

Endorsements

THE COUNCIL OF STATE GOVERNMENTS, THE PRESIDENT'S COMMITTEE ON JUVENILE DELINQUENCY AND YOUTH CRIME, and the NATIONAL COUNCIL ON CRIME AND DELINQUENCY recommend action by states, on their own or in cooperation with the federal government, to fill the increasing need for youth employment programs. The establishment of training programs to provide job orientation is suggested.¹

The NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS emphasizes the value of and need for expanded employment opportunities for young people. The Advisory Commission suggests action by the public and private sector with employee recruitment programs aimed at those on the lower level of the socio-economic scales. The Commission recommends that programs involving youths age 14-22 be encouraged and that meaningful work experiences with opportunities for advancement be provided to avoid the debilitating effects of "dead-end" jobs.²

The AMERICAN FEDERATION OF LABOR and CONGRESS OF INDUSTRIAL ORGANIZATION (AFL-CIO) suggests that programs to help young people remain in school be expanded, further work and training for drop-outs should be provided. The AFL-CIO recommends that these plans follow the structure of the Neighborhood Youth Corp program.³

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE recommends that

governments, schools, labor organizations, and businesses mount broad-based attacks on youth employment problems. The Commission suggests that placement activities be expanded to provide for part-time, "in school" jobs as well as permanent employment upon graduating or leaving school. The Commission also recommends that employment programs be created or adapted to combine academic education, vocational training, and on-the-job experience for purposes of immediate financial assistance and future employment.⁴

The TASK FORCE ON ECONOMIC GROWTH AND OPPORTUNITY of the Chamber of Commerce of the United States recommends that a youth employment experience minimum wage rate be established to assist in creating employment opportunities while maintaining a suitable minimum wage rate level for youths.⁵

The WHITE HOUSE CONFERENCE ON YOUTH recommends that high school students be given full opportunity for meaningful employment during non-classroom periods.⁶ The Conference urges that federal, state, and local governments establish or expand youth employment programs with enrollment limited to those youths who are truly disadvantaged. Counseling and guidance should be provided enrollees.⁷ The Conference also recommends that states establish agencies to assist in finding new jobs for youths and that outdated federal and state restrictions on youth employment be eliminated.⁸

Objections

The TASK FORCE ON ECONOMIC GROWTH AND OPPORTUNITY of the Chamber of Commerce of the United States recommends that massive federally funded employment programs, insofar as they create jobs in the public and non-profit sector, be avoided because such programs lead to the development of a "locked-in" class of workers.⁹

II. Special Considerations

The NATIONAL COMMITTEE ON THE EMPLOYMENT OF YOUTH has noted that although most communities face a youth employment problem, the economic needs and resources of each community differ. Before implementing the youth employment program the National Committee suggests that it may be advisable to create a study commission to ascertain the target group to be assisted, the economic needs and resources of the locality, and the expected benefits of any employment program.¹⁰

¹The Council of State Governments, The President's Committee on Juvenile Delinquency and Youth Crime, and The National Council on Crime and Delinquency, Juvenile Delinquency, A Report on State Action and Responsibilities: Prepared for the Governors' Conference Committee on Juvenile Delinquency (n.p., 1965).

²The National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (Washington, DC: Government Printing Office, 1968), pp. 232-236.

³The American Federation of Labor and Congress of Industrial Organization, The Urban Crisis: A Ten Point Program, The American Federationist, October, 1970, p. 10.

⁴The President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), pp. 76-77.

⁵The Task Force on Economic Growth and Opportunity of the Chamber of Commerce of the United States, The Disadvantaged Poor: Education and Employment, 3 volumes (Washington, DC: 1966), vol. 3, pp. 90-97.

⁶The White House Conference on Youth, Report of the White House Conference on Youth (Estes Park, CO: April 18-22, 1971), p. 53.

⁷Ibid., p. 59.

⁸Ibid., p. 67.

⁹The Task Force on Economic Growth and Opportunity of the Chamber of Commerce of the United States, The Disadvantaged Poor: Education and Employment, vol. 3, pp. 89-90.

¹⁰The National Committee on Employment of Youth, of the National Child Labor Committee, Youth Employment Programs in Perspective (Washington, DC: Government Printing Office, 1966), pp. 111-112.

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Recommendation 5.3 PRETRIAL INTERVENTION PROGRAMS

The Commission recommends that community-based, pretrial intervention programs offering manpower and related supportive services be established in all court jurisdictions. Such programs should be based on an arrangement between prosecutors or courts and offenders, and both should decide admission criteria and program goals. Intervention efforts should incorporate a flexible continuance period of at least 90 days, during which the individual would participate in a tailored job training program. Satisfactory performance in that training program would result in job placement and dismissal of charges, with arrest records maintained only for official purposes and not for dissemination.

Other program elements should include a wide range of community services to deal with any major needs of the participant. Legal, medical, housing, counseling, or emergency financial support should be readily available. In addition, ex-offenders should be trained to work with participants in this program, and court personnel should be well informed about the purpose and methods of pretrial intervention. (See the Commission's Report on Courts

for a detailed discussion of this issue.)

I. Officially Known Endorsements and Objections

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE recommends that efforts be made at state, county, and local levels to expedite pretrial release without financial condition of all but that small portion of defendants who present a high risk of flight or dangerous acts.¹

The AMERICAN CONGRESS OF CORRECTION, having regard for the full spectrum of correctional services recommends:

A variety of treatment methods corresponding to the varying needs of the offender. . . resulting in a system of specialized agencies, institutions, and programs. . . should be planned to meet the differential needs of the offender.²

In implementing a program of assistance to offenders, the Congress of Correction also notes that the special and complex problems involved in dealing with criminal behavior require personnel possessing suitable personality traits and specialized skills, and that the "potential contributions of ex-offenders as correctional workers should be recognized."³ The Congress of Corrections recommends programs designed to permit the offender to participate in normal community activities and to facilitate the offender's access to supportive community services.⁴

II. Special Considerations

Apart from the broad endorsements outlined above, there are no endorsements by national standard setting organizations of pretrial intervention programs as outlined in this recommendation. Programs of pretrial release or arrestees have been endorsed by organizations such as the AMERICAN BAR ASSOCIATION⁵ and the NATIONAL DISTRICT ATTORNEYS ASSOCIATION.⁶ In like manner, programs to develop employment opportunities have been endorsed as indicated in Recommendation 5.4 and 5.5 of this chapter. Recommendation 5.3 contemplates a merger of those programs designed to facilitate pretrial release with those programs providing employment and other supportive services to the arrestee or criminal offender.

While the concept of integrating employment and supportive service opportunities with a pretrial release program is not new,⁷ most of the literature containing material relating to such programs is descriptive. The descriptive material is valuable in evaluating program implementation and in determining the success of programs undertaken in other jurisdictions. The following descriptive materials are noted:

Vera Institute of Justice, Programs in Criminal Justice Reform: Ten-Year Report 1961-71 (n.p.: 1972).

Institute of Government, Pre-Trail Release - A Report Prepared for the Committee on Criminal Law of the North Carolina Bar Association (Chapel Hill, NC: 1966).

Paul Sutton and Gerhard E. Ehman, The Employment of Persons With Arrest Records and the Ex-Offender: A Report for the National Conference of Christians and Jews (New York, NY: 1973).

The NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE has designated the Des Moines Correctional Center as an exemplary project. Release on recognizance, pre-trial supervision and the Ft. Des Moines Residential Facility for men have been integrated into a community-based diversionary system as suggested by this Standard.⁸

¹The President's Commission On Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), pp. 132-133.

²American Congress of Correction, Declaration of Principles of the American Correctional Association as adopted by the American Congress of Correction (Cincinnati, Ohio, 1970), principle IX.

³Ibid., principle XI.

⁴Ibid., principle XXI-XXII.

⁵American Bar Association Project on Minimum Standards for Criminal Justice, Standards Relating to Pretrial Release, Approved Draft (New York, NY: American Bar Association, 1968).

⁶National District Attorney's Association, A Prosecutor's Manual on Screening and Diversionary Programs (Chicago, IL: National District Attorneys Association, 1973).

⁷Daniel J. Freed and Patricia M. Wald, Bail in the United States, 1964: A Working Paper for the National Conference on Bail and Criminal Justice (Washington, DC: May 27-29, 1964).

⁸Law Enforcement Assistance Administration. A Handbook On Community Corrections in Des Moines: A Coordinated Approach to the Handling of Adult Offenders (Washington, DC: National Institute of Law Enforcement and Criminal Justice, Purchase Order Number 3-2148-J-Law Enforcement Assistance Administration, n.d.).

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Recommendation 5.4 JOB OPPORTUNITIES FOR OFFENDERS AND EX-OFFENDERS

The Commission recommends that employers institute or accelerate efforts to expand job

opportunities to offenders and ex-offenders. These efforts should include the elimination of arbitrary personnel selection criteria and exclusionary policies based on such factors as bonding procedures or criminal records. Finally, employers should institute or expand training programs to sensitize management and supervisors to the special problems which offenders and ex-offenders may bring to their jobs.

I. Officially Known Endorsements and Objections

The PRESIDENT'S TASK FORCE ON PRISONER REHABILITATION has indicated that

satisfying work experiences for institutionalized offenders. . . and the assurance of decent jobs for released offenders, should be at the heart of the correctional process.¹

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE recommends that discrimination in employment decisions made on the basis of an applicant's arrest record should be eliminated. The Commission also notes that solutions must be found to employment problems caused by an individual's inability to obtain a bond because of a prior arrest record. Further, the Commission recommends that employers take the initiative in reconsidering their requirements for employment positions and that they be willing to take a chance on employing an individual with a minor record where the chance is not an unduly dangerous one.²

The JOINT COMMISSION ON CORRECTIONAL MANPOWER AND TRAINING recommends that correctional agencies re-examine their policies and practices regarding the employment of offenders and ex-offenders, noting that a criminal record should not be an automatic bar to the hiring of individuals in the field of corrections.³ On the issue of bonding requirements in the labor market generally, the Joint Commission advised that:

Arbitrary bonding restrictions now commonly imposed upon offenders and ex-offenders which prevent employers from hiring persons who are otherwise qualified should be lifted.⁴

Research disclosed no objections by national standard setting organizations to this recommendation.

¹President's Task Force on Prisoner Rehabilitation, The Report of the President's Task Force on Prisoners Rehabilitation (Washington, DC: Government Printing Office, 1970), pp. 9-10.

²The President's Commission on Law Enforcement and the Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 77.

³Joint Commission on Correctional Manpower and Training, Inc., A Time to Act (Lebanon, PA: Sowers Printing Co., 1969), pp. 78-79.

⁴Ibid., p. 79.

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Recommendation 5.5 REMOVING EMPLOYMENT BARRIERS

The Commission recommends that legislation be enacted to prohibit all potential employers from inquiring about an applicant's police or criminal records after they have been purged and that each state should enact effective statutes regarding the purging of criminal records under certain conditions. (The Commission's Report on the Criminal Justice System has a fuller treatment of this subject.) These statutes should require that those with arrest or conviction records be informed of their right to apply for purging of those records.

In addition, Civil Service requirements should state that no person may be automatically barred from taking a Civil Service test because of a criminal corrections record. Finally, each State should legislate requirements for the confidentiality of juvenile records.

I. Officially Known Endorsements and Objections

The AMERICAN BAR ASSOCIATION ADVISORY COMMITTEE ON SENTENCING AND REVIEW recommends that:

Every jurisdiction should have a method by which the collateral effects of a criminal record can be avoided or mitigated following the successful completion of a term on probation and during its service.¹

The Committee adds that the form which legislation takes is not important so long as flexibility is built into the system and effective means are adopted to avoid the "scarlet letter" effect of a conviction once the offender has satisfactorily adjusted.²

The PRESIDENT'S TASK FORCE ON PRISONER REHABILITATION recommends:

The federal government should adopt, and urge the states to adopt legislation that would, with appropriate exceptions, prohibit nonjudicial use of a misdemeanor's criminal record after a defined period of time; in the case of felons, legislation should provide that, after an appropriate period of law-abiding behavior, the supervising agency could recommend pardons for them.³

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE urges that enforcement of fair employment practices and laws be diligent and strict and that steps be taken to regulate the use of arrest information in employment

decisions. The Commission underscores the importance of restricting the use of juvenile arrest records.⁴

II. Special Considerations

The GEORGETOWN LAW INSTITUTE has recommended model legislation which would provide:

No person with a criminal conviction record shall be disqualified from taking open competitive examinations to test the relative fitness of applicants for the respective positions.⁵

The GEORGETOWN LAW INSTITUTE has proposed model legislation dealing with access to the prior arrest records of ex-offenders and with restrictive practices which hinder the ex-offender in seeking gainful employment. With respect to such legislation the Institute, while supporting and encouraging reform, has noted one caveat which, while not an objection to the goals of remedial legislation in this area, is nonetheless an important consideration in a legislative program designed to eliminate employment barriers for the ex-offender. The Institute notes:

. . . without some relationship, without some recognition of the nature of the crime, . . . blind prohibitions or discretionary statutes with no standards do not serve the interests of the public in making every effort to restore criminally convicted offenders to society as productive citizens.⁶

While many national organizations, both public and private, have researched the problems posed by artificial barriers which hinder the ex-offender in seeking employment, most of these studies present only a statistical analysis of the problem without offering concrete proposals for reform.

However, several organizations have drafted model legislation designed to enhance the employability of the ex-offender. One valuable compilation of these model statutes is the Compendium of Model Correctional Legislation and Standards published by the American Bar Association and the Council of State Governments. This publication offers ". . . a baseline compilation of the 'model and standards' work product of the past decade."⁷

¹American Bar Association Project on Standards for Criminal Justice, Standards Relating to Probation: The Advisory Committee on Sentencing and Review (New York, NY: American Bar Association 1970), Tentative Draft, p. 54; Standard 4.3.

²Ibid., p. 56.

³The President's Task Force on Prisoner Rehabilitation, The Report of the President's Task Force on Prisoner Rehabilitation (Washington, DC: Government Printing Office, 1970), p. 24.

⁴The President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 77.

⁵The National Clearinghouse on Offender Employment Restrictions; The American Bar Association, Removing Offender Employment Restrictions (Washington, DC: The American Bar Association, 1973), Appendix P.

⁶Ibid., Appendix Q, p. Q-14.

⁷American Bar Association Commission on Correctional Facilities and Services and Council of State Governments, Compendium of Model Correctional Legislation and Standards (n.p.: 1972), p. xi.

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Recommendation 5.6 PUBLIC EMPLOYMENT PROGRAMS

The Commission recommends that public employment programs be created to provide more rewarding and promising jobs for ex-offenders and others traditionally shut out of the job market. These jobs should be genuine efforts to develop or utilize skills that will lead to future advancement, rather than dead-end make-work assignments.

Affirmative administration of these programs would require preferential hiring for the target groups to be aided, along with regulations tying the availability of public employment funds to those efforts of local governments to place the target groups in a certain percentage of the jobs created.

Finally, public employment legislation should provide funds for close program monitoring and the necessary technical assistance to assure job opportunities for those most in need.

I. Officially Known Endorsements and Objections

In attempting to solve employment problems of ex-offenders and others traditionally excluded from the job market, the PRESIDENT'S TASK FORCE ON PRISONER REHABILITATION has recommended that efforts be made on federal, state, and local levels to institute governmental programs with specific guidelines designed to increase the employment of ex-offenders in rewarding jobs. The Task Force encourages the expansion or development of job-training programs with government agencies working in collaboration with industry and labor.¹

The JOINT COMMISSION ON CORRECTIONAL MANPOWER AND TRAINING recommends:

State and local agencies providing such basic services as education, employment assistance, job training, vocational rehabilitation, vocational education. . . should expand their programs to insure that a greatly increased level of service is made

available to offenders in the community Where required, legislative amendments should be sought to ensure that federally sponsored programs earmark funds for explicit use in increasing the scope and depth of such services to offenders.²

The Commission further urges that governmental units accept the responsibility they have to set a pattern for less discriminatory employment practices in regard to offenders and ex-offenders.³

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE urges that public employment opportunities be expanded and that jobs made more readily available to "those who would otherwise have great difficulty in finding work because of a criminal record or lack of education," the Commission also suggests areas of employment to be expanded.⁴

The NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS has endorsed the concept of increased action by the public sector to expand employment opportunities for hard-core unemployed. The Commission suggests that steps be taken to insure that meaningful job opportunities are created and that adequate training is provided to assist individuals in procuring satisfactory employment. The Commission also urges government agencies to reconsider employment qualification criteria with a view toward eliminating standards which make a criminal record an automatic bar to employment.⁵

The AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATION (AFL-CIO) has recommended that government programs to provide employment, job training, and job placement be expanded and directed at the chronically unemployed. The AFL-CIO indicates that government created jobs should provide meaningful work opportunities for those employed.⁶

The WHITE HOUSE CONFERENCE ON YOUTH has endorsed a comprehensive system of public employment for the traditionally unemployed. The Conference urges that the jobs be "career-development oriented" and that emphasis be placed on insuring that dead-end, make-work employment is avoided.⁷

¹President's Task Force on Prisoner Rehabilitation, The Criminal Offender--What Should be Done? (Washington, DC: Government Printing Office, 1970), pp. 9-11.

²Joint Commission on Correctional Manpower and Training, A Time to Act (Lebanon, PA: Sowers Printing Co., 1969), p. 59.

³Ibid., p. 44.

⁴President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 77.

⁵National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (Washington, DC: Government Printing Office, 1968), pp. 232-235.

⁶American Federation of Labor and Congress of Industrial Organization, The American Federationist (October, 1967), pp. 7-10.

⁷The White House Conference on Youth, Report of the White House Conference on Youth (Estes Park, CO: April 18-22, 1971), pp. 62-63.

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Recommendation 5.7 EMPLOYMENT OPPORTUNITIES FOR FORMER DRUG USERS

The Commission recommends that employers and unions institute or accelerate efforts to expand employment or membership to past drug abusers and those undergoing treatment for addiction. These efforts should include the elimination of arbitrary personnel criteria and exclusionary policies based solely on a drug history or criminal record.

In addition, employers should initiate or strengthen training programs to acquaint all levels of supervisors and management with the special problems which former drug abusers may bring to a job.

Finally, in addition to private efforts, public employment programs should also be expanded to provide more meaningful job opportunities for those with a history of drug abuse.

I. Officially Known Endorsements and Objections

The NATIONAL COMMISSION ON MARIJUANA AND DRUG ABUSE has recommended:

(T)he business community not reject an applicant solely on the basis of prior drug use or dependence, unless the nature of the business compels doing so. . . .

(M)anagement and unions undertake a comprehensive study of employee drug use and related behavior. . . (and) industry consider alternatives to termination of employment for employees involved with drugs. . . employees should be referred to company run or other public and private rehabilitation or counseling programs.¹

(T)he business community (should) consider adopting employee programs. . . to determine and treat the underlying causes of poor performance. . . (and) treatment and rehabilitation (should) be kept confidential to encourage employees to accept counseling and other assistance. No record of the employee's drug problem should be carried in any file which is open to routine inspection. If treatment requires a temporary absence, the company should attempt to keep the employee's job open for that person.¹

The Commission also notes that supervisors should be trained to detect troubled employees. All companies should be sensitive to the problems of the drug-user and should realize that refusal to hire an applicant solely because of past drug use or dependence generally serves no real business purpose and serves only to frustrate attempts to rehabilitate and socially integrate problem drug users.²

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE has recommended that governmental units and private employers reconsider job qualification criteria and eliminate those restrictions which bear no rational relationship to a legitimate employment purpose. The Commission also urges that employers be willing to "take a chance" and hire individuals who might not meet normal employment standards.³

The NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS has suggested that government and business eliminate arbitrary barriers to employment and consider for each job category whether factors such as a prior criminal record should bar an individual from employment. The Advisory Commission has also recommended that public and private employers become aware of and provide for the special needs of those individuals who have traditionally been disqualified from most employment but who now should be generally accepted into the labor market.⁴

The AMERICAN LAW INSTITUTE has recommended that legislation be adopted which would prevent an individual from being deprived of any right or privilege, including employment, solely because of a past criminal offense unless the prior offense bears some reasonable relationship to the competency of the individual to exercise the right or privilege.⁵

¹National Commission on Marijuana and Drug Abuse, Drug Use in America: Problem in Perspective (Second Report of the Commission), (Washington, DC: Government Printing Office, 1973), pp. 386-387.

²Ibid.

³President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), pp. 76-77.

⁴National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (Washington, DC: Government Printing Office, 1968), pp. 232-234.

⁵American Law Institute, Model Penal Code, Article 306 (1962 Draft) in the American Bar Association, Removing Offender Employment Restrictions (Washington, DC: American Bar Association, 1973), p. 15; Appendix O.

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Recommendation 5.8 EMPLOYMENT POLICY

The Commission recommends that economic policy concentrate on maintaining aggregate employment at a high level. Further, State and local governments should structure their expenditures and taxes to have the greatest impact on employment, income and credit availability in high poverty areas.

The following objectives should guide employment policy. First, the unemployment rate in poverty areas should be no greater than the current national rate. Second, monetary restraint should be applied so as to have the least impact on low income areas. Third, public agencies should be required to consider the impact of their relocation decisions on local economic conditions. Finally, programs to benefit poverty areas should be staffed as much as possible by residents of those areas.

I. Officially Known Endorsements and Objections

The TASK FORCE ON ECONOMIC GROWTH AND OPPORTUNITY of the CHAMBER OF COMMERCE of the United States evidences concern for maintaining aggregate employment at a high level. It views government economic policy as vital in maintaining high employment levels and in creating new employment opportunities in poverty areas. The Task Force notes:

High general levels of employment and economic activity have to be maintained if the poor are to secure maximum benefits (from other economic recommendations made by the Task Force).

Effective use of both monetary and fiscal policies is required to assure the high and rising level of economic activity necessary to reducing unemployment and poverty.

The Task Force also indicates that proper use of long-range tax programs by the government can encourage economic growth in poverty areas.

The NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS has recommended:

Continued emphasis (be placed) on national economic growth and job creation so that there will be jobs available for those who are newly trained, without displacing those already employed. Stimulation of public and private investment in depressed areas (be encouraged). Increased small business and other entrepreneurial opportunities in poverty areas (be made available).

The AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATION (AFL-CIO) recognizes the importance of governmental economic policy in relation to employment opportunities. The AFL-CIO has recommended that measures be taken to create jobs, boost sales, and increase production in order to provide greater employment opportunities for the

unemployed. One avenue of implementation of this recommendation, suggested by the AFL-CIO, is the use of government tax, expenditure, and monetary policies to stimulate "job-creating economic expansion."

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE urges that the job market be expanded and new jobs created as a means of reducing unemployment and under-employment and "to enable every adult to make a decent living, with all its accompanying bulwarks against criminality."

1Task Force on Economic Growth and Opportunity of the Chamber of Commerce of the United States, The Disadvantaged Poor: Education and Employment (Washington, DC: Chamber of Commerce of the United States, 1966), p. 83.

2Ibid., pp. 84-85.

3National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (Washington, DC: Government Printing Office, 1968), p. 232.

4American Federation of Labor and Congress of Industrial Organization, Proceedings of the Ninth Constitutional Convention (Bal Harbour, FL, November 18-22, 1971), part II, p. 84.

5Ibid., pp. 84-85.

6President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1969), pp. 76-77.

Recommendation 5.9 ANTIDISCRIMINATION BUSINESS POLICY

The Commission recommends that government procurement officers, contractors, and unions be required to comply fully with the antidiscrimination and affirmative action requirements of equal job opportunity mandates, so that minority workers can be equitably represented in all job categories of a particular industry.

I. Officially Known Endorsements and Objections

The Task Force on Economic Growth and Opportunity of the CHAMBER OF COMMERCE OF THE UNITED STATES has noted that very often businesses establish "needless procedural and racial barriers to job entry" and that union membership restrictions impose similar barriers. To correct this situation the task force has recommended:

Management can work for equality of employment opportunities without preference or discrimination on the basis of minority group status. In many instances extra

effort may have to be devoted to recruitment activities among minority groups in order to assure equal hiring opportunities. Labor unions can support equal employment opportunities by extending equal membership opportunities to minority Americans.

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE has urged that arbitrary barriers to employment be eliminated and that fair employment practice standards be strictly adhered to. The Commission has suggested that implementation of non-discrimination programs be adopted in both the public and private sectors of the economic structure.

The AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS (AFL-CIO) has endorsed the use of affirmative action programs and non-discrimination employment practices in all sectors of the economic structure. With respect to its affiliates the AFL-CIO has recommended that:

... affiliates... develop sound affirmative action and manpower programs for expanding the opportunities and upward mobility prospects for minority workers in addition to insuring nondiscrimination procedures and policies.

The NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS has urged that racial discrimination in employment be eliminated by both public agencies and private employers as well as by labor unions. The Advisory Commission has recommended that programs of affirmative action to hire and promote on a nondiscriminatory basis be encouraged.

The beneficial effects of government pressure in eliminating discrimination by government contract employers has been documented by the United States Commission on Civil Rights.

II. Special Considerations

Various aspects of the problem of discrimination in employment are outlined in the report of a symposium conducted by the Machinery and Allied Products Institute. Suggested programs are outlined by various government, business, and labor leaders.

1The Task Force on Economic Growth and Opportunity of the Chamber of Commerce of the United States, The Disadvantaged Poor: Education and Employment, 3 volumes (Washington, DC: 1966), vol. 3, p. 97.

2Ibid., pp. 99-101.

3The President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: U.S. Government Printing Office, 1967), p. 77.

4American Federation of Labor and Congress of Industrial Organizations, Proceedings of the Ninth Constitutional Convention (Bal Harbour, FL: November 18-22, 1971), part II, p. 197.

5Ibid.

6The National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (Washington, DC: U.S. Government Printing Office, 1968), pp. 232-234.

7Ibid., p. 234.

8United States Commission on Civil Rights, The 'System' Can Work: A Case Study in Contract Compliance (Washington, DC: U.S. Government Printing Office, 1971).

9Machinery and Allied Products Institute and Council for Technological Advancement, Equal Employment Opportunity... a MAPI Symposium (Washington, DC: 1969).

Recommendation 5.10 ASSISTING MINORITY BUSINESSES

The Commission recommends that public agencies and private firms increase their purchases from minority businesses, especially those in manufacturing, construction, and business services. In addition, banks and other financial institutions should increase availability of loans and working capital to these firms on the same basis as they now lend to white businesses.

Among the ways public agencies can help minority enterprise are the publication of directories listing local and State minority firms and efforts to act as brokers for minority businesses seeking loans or performance bonds. Private firms, particularly those operating in the inner city, can foster minority business by entering into long term contracts with minority suppliers.

I. Officially Known Endorsements and Objections

The Task Force on Economic Growth and Opportunity of the CHAMBER OF COMMERCE OF THE UNITED STATES has endorsed the goal of assisting in the creation and expansion of minority business enterprise. The Task Force has stated:

Self-employment--entrepreneurship--must be encouraged among minority Americans. Special programs for small business loans are needed. Private and government programs to extend credit at reasonable rates to Negro businessmen should be established.

The NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS has recommended that measures be undertaken to "increase small business and other entrepreneurial opportunities in poverty areas." The Advisory Commission further notes:

. . . it is important to give special encouragement to Negro ownership of business in ghetto areas. . . Existing Small Business Administration equity and operating loan programs. . . should be substantially expanded in amount extended to higher risk ventures, and promoted widely through offices in the ghetto. . . Loans under Small Business Administration guarantee. . . should be actively encouraged among local lending institutions.³

The PRESIDENT'S COUNCIL ON URBAN HOUSING has urged that housing programs make special efforts to utilize the entrepreneurial resources of minority business, especially minority contractors and subcontractors.⁴ The Committee also has encouraged the development of:

. . . minority group entrepreneurs whose emergence would promote neighborhood stability and provide jobs for area residents . . . [and] minority group businesses related to housing--lending institutions, real estate agencies, architecture and engineering firms, and the like.⁵

The URBAN COALITION has recommended that assistance to small business development among minorities be expanded and that increased efforts be made to obtain private and public investment funds for development of minority business.⁶

¹The Task Force on Economic Growth and Opportunity of the Chamber of Commerce of the United States, The Disadvantaged Poor: Education and Employment, 3 volumes (Washington, DC: Chamber of Commerce of the United States, 1966), vol. 3, pp. 101-103.

²The National Advisory Commission on Civil Disorders. Report of the National Advisory Commission on Civil Disorders (Washington, DC: Government Printing Office, 1968), p. 232.

³Ibid., p. 236.

⁴The President's Committee on Urban Housing, A Decent Home (Washington, DC: Government Printing Office, 1969), pp. 14, 73.

⁵Ibid., p. 73.

⁶The Urban Coalition, "Statement of Principles, Goals, and Commitments" (partial text), Nation's Cities, October 1967, pp. 16-18, reprinted in National League of Cities, Urban Affairs Portfolio (Washington, DC: National League of Cities, 1968).

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Recommendation 5.11 HOUSING AND TRANSPORTATION SERVICES

The Commission recommends that State and

local governments break down patterns of racial and economic segregation in housing through such measures as planning scatter site construction of public housing, providing rent supplements to eligible individuals, and enacting and aggressively enforcing fair housing laws, which should provide for legal penalties as a deterrent to future discrimination.

Local or metropolitan area governments should also bend their efforts to creating efficient, subsidized transportation systems, and employers should cooperate in establishing informal transportation mechanisms such as carpools.

Finally, bus services to isolated employers should be financed by special property taxes on those firms; this device could help discourage plant location in areas remote to public transportation.

I. Officially Known Endorsements and Objections

The AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATION (AFL-CIO) has urged governmental action in construction of adequate housing for all Americans and has insisted that government action be taken to overcome segregation in housing.¹ The AFL-CIO has recommended that:

. . . [plans] include architectural designs and first-class construction for attractive homes and neighborhoods. [Plans] should also include an emphasis on people and services--with provision for nearby shopping, schools, transportation, playgrounds, and the availability of social services. As part of an overall effort to rebuild our urban areas, new and rehabilitated low rent public housing should be located in both the city and the suburbs and interspersed with other types of rental and private housing for the creation of balanced neighborhoods.²

The AFL-CIO has also encouraged the creation of an adequate rent supplement program and has called for the elimination of housing restrictions against minority groups.³ The AFL-CIO has also recommended the improvement and expansion of mass transit systems, especially in low-income areas.⁴

The NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS has proposed a broad-based attack on the problem of inadequate housing and on the collateral problems of inadequate public transportation and discrimination in housing. The Advisory Commission has recommended:

The supply of housing suitable for low-income families should be expanded on a massive basis. Areas outside of ghetto neighborhoods should be opened up to occupancy by racial priorities.

An expanded and modified rent supplement program [should be undertaken.]⁵

The Advisory Commission has also recommended that efforts be made to insure that all housing is offered on a completely non-discriminatory basis,⁶ and that efforts be made to improve and expand public transportation systems.⁷

The PRESIDENT'S COMMISSION ON URBAN HOUSING has recommended that government assistance be provided to all persons who need help to afford the cost of decent housing and that such supplements be based on a flexible formula based on need.⁸ The Committee has also urged that public housing not be confined to specific areas within a city, but that residents be permitted to determine location to the extent such a choice is possible. To facilitate dispersal of public housing throughout an urban area, the Committee has recommended that restrictive local codes and ordinances be removed or overcome.⁹ In addition, to insure adequate housing for all, the Committee endorses vigorous enforcement of Federal, State, and local laws against discrimination in housing.¹⁰

The NATIONAL LEAGUE OF CITIES has recommended the expansion and improvement of mass transportation systems in urban areas. The League has encouraged the use of commuter and rail rapid transit and bus systems and has suggested that expansion and improvement be facilitated by increased governmental spending at all levels, and the development of equitable tax policies for mass transportation systems.¹¹

II. Special Considerations

Two publications, while not endorsements by national standard setting organizations, provide a detailed view of the problems of urban housing and suggest steps which should be taken to provide adequate housing and collateral services to those in need. One of the publications, a research report prepared for the National Commission on Urban Problems, endorses the principles outlined in Recommendation 5.11 and provides a series of recommendations designed to implement these principles.¹² The other publication, the work of Urban America, Inc., presents a compendium of writings and reports on national housing policy.¹³

¹American Federation of Labor and Congress of Industrial Organizations, Proceedings of the Ninth Constitutional Convention (Bal Harbour, FL, November 18-22, 1971), part II, pp. 168-170.

²American Federation of Labor and Congress of Industrial Organizations, The American Federationist, October, 1967, p. 4.

³Ibid., pp. 4-5.

⁴Ibid., p. 5.

⁵The National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (Washington, DC: Government Printing Office, 1968), pp. 260-261.

⁶Ibid., p. 263.

⁷Ibid., p. 233.

⁸The President's Committee on Urban Housing, A Decent Home (Washington, DC: Government Printing Office, 1969), pp. 12-13, 68-69.

⁹Ibid., pp. 13, 71.

¹⁰Ibid., pp. 20, 96.

¹¹The National League of Cities, "Policy on Urban Transportation," (excerpts) Nation's Cities, 1966, p. 29; reprinted in: National League of Cities, Urban Affairs Portfolio (Washington, DC: National League of Cities, 1968).

¹²George Schermer Associates, More Than Shelter, Prepared for the Consideration of the National Commission on Urban Problems (Washington, DC: Government Printing Office, 1968).

¹³Urban America, Inc., The Ill-Housed, Prepared for the League of Women Voters of the United States (Washington, DC: League of Women Voters of the United States, 1960).

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CHAPTER 6 - PROGRAMS FOR EDUCATION

Recommendation 6.1 THE HOME AS A LEARNING ENVIRONMENT

The Commission recommends that educational authorities propose and adopt experimental and pilot projects to encourage selected neighborhood parents to become trained, qualified, and employed as teachers in the home.

A variety of methods and procedures could be adopted to attain this goal. Among these are the following:

1. Legislation to enable the establishment and continuation of home environment education as a permanent accessory to existing educational systems.
2. Programs designed to determine the most effective utilization of parents in educational projects in the home setting. A logical departure point for such projects would be to increase the level of active involvement of selected neighborhood parents in formal school operations. A carefully designed program of this sort would also benefit preschool children in the home.
3. The development of short-term and follow-through programs by teacher-training institutions to prepare parents for instructing their children.
4. The joint development by parents and school staffs of techniques and methods for using the home as a learning environment.
5. School district and State educational programs to train parents to use situations and materials in the home as a means of reinforcing the efforts of formal schooling.
6. Provision of instructional materials by school districts for use in home-teaching programs.
7. The expansion of programs to train and use parents as aides, assistants, and tutors in regular school classrooms.

I. Officially Known Endorsements and Objections

The NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS has endorsed the concept of involving parents and the home in the educational process. The Advisory Commission has suggested that this involvement can be accomplished through the use of community aides and mothers as assistants in the classroom.¹ The Advisory Commission has also recommended that instruction be individualized through the extensive use of non-professional personnel.²

The TASK FORCE ON URBAN EDUCATION has noted the need for schools to increase their involvement with the community in which they are located. The Task Force has recommended that efforts be made to attract residents of communities served by the

schools into careers in the education profession.³ The Task Force has suggested that training programs be established to enable the community residents to function effectively in the educational system.⁴

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, Task Force Report: Juvenile Delinquency, has recommended that efforts be made to increase cooperation between schools and the communities they serve. As one means of achieving this goal the Task Force has offered the concept of parents and other community members serving as teachers aides.⁵

II. Special Considerations

In a work produced for Professional Educators Publications it is suggested that:

Parents . . . will need to play an important part in activating the educative community. . . Parents and other citizens can help plan educational curricula. Parents can be taught how to use the community and its services for supplementing their children's education.⁶

¹The National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (Washington, DC: Government Printing Office, 1968), pp. 246-247.

²Ibid., p. 248.

³The Task Force on Urban Education, The Urban Education Task Force Report (New York, NY: Praeger Publishers, 1970), p. 241.

⁴Ibid., p. 242.

⁵President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency, Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), pp. 53-54.

⁶Roger Hiemstra, The Educative Community (Lincoln, NE: Professional Educators Publications, Inc., 1972), p. 27.

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Recommendation 6.2: The School as a Model of Justice

The Commission recommends that school authorities adopt policies and practices to insure that schools and classrooms reflect the best examples of justice and democracy in their organization and operation, and in the rules and regulations governing student conduct.

I. Officially Known Endorsements and Objections

Present day school policies have been heavily

criticized for failing to provide students with a functioning model of democracy in action. In criticizing the New York City school system, the New York Civil Liberties Union said:

The failure of the Board to take action against principals who violate the law contrasts sharply with the school system's record of swift action against student misconduct. The effect on students of this double standard has been disastrous. Cynicism, disbelief in the rule of law and a sense that the schools are a massive spectacle of hypocrisy are widespread among the students.

We believe that the single largest crisis facing the schools today is the disaffection and distrust of its students. We believe that this disaffection and distrust is directly traceable to the refusal of school officials to respect the rights of students and establish the rule of the law.¹

The school system needs to avoid the creation of such attitudes in students. The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE notes that:

The greater the involvement of students in the planning and operation of the school, the more active and intense their interests in learning, achieving, and conforming.²

The Commission presented three conditions which should be changed in the present school system: first, the exclusion of students from participation in planning and decision-making; second, the exclusion of students from the exercise of authority in the school; and third, the minimal active involvement of students in the teaching-learning structure.³

The Commission further recommends the provision of a full range of supportive services to those students who cannot be adjusted into the school structure.

II. Special Considerations

Student involvement has been advocated in such areas as discipline and teacher evaluation. Carol Ziegler has recommended that school administrators take the lead in allowing student self-regulation of areas such as dress codes, student publications, and student discipline.⁴

Dr. Edmund Reutter has said, "The prime function of the school is to develop effective citizens for our democracy."⁵ The development of such effective citizens for a democracy necessitates both instruction and experience in the democratic process.

¹New York Civil Liberties Union Student Rights

Project, New York Civil Liberties Union Student Rights Project Report on the First Two Years 1970-1972 (New York, NY: New York Civil Liberties Union, 1972), pp. 7-8.

²President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 248.

³Ibid., p. 248.

⁴Carol L. Ziegler, Struggle in the Schools: Constitutional Protection for Public High School Students (Princeton, NJ: Princeton University Press, 1970), pp. 46-48.

⁵E. Edmund Reutter, Jr., Legal Aspects of Control of Student Activities by Public School Officials (Topeka, KS: National Organization on Legal Problems of Education, 1970), p. 52.

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Recommendation 6.3: LITERACY

The Commission recommends that by 1982, all elementary schools institute programs guaranteeing that every student who does not have a severe mental, emotional, or physical handicap will have acquired functional literacy in English before leaving elementary school (usually grade 6), and that special literacy programs will be provided for those handicapped individuals who cannot succeed in the regular program.

A variety of methods and procedures could be established to meet this goal. Such methods and procedures could include the following:

1. Training of teachers in methods and techniques demonstrated as successful in elementary programs involving students with low literacy prognosis;

2. Training and employment of parents and other community persons as aides, assistants, and tutors in elementary school classrooms.

3. Replacement of subjective grading systems by objective systems of self-evaluation for teachers and objective measures of methods and strategies used;

4. Provision of privately contracted tutorial assistance for handicapped or otherwise disadvantaged students;

5. Redistribution of resources to support greater input in the earlier years of young people's education; and

6. Decentralized control of district finances to provide certain discretionary funds to site principals and neighborhood parent advisory committees for programs directed to the special needs of the students.

I. Officially Known Endorsements and Objections

The COMMITTEE FOR ECONOMIC DEVELOPMENT suggests that an all-out national effort to secure equality of minimal achievement in the basic literacy skills of reading, writing and computation is an absolute necessity. "These skills are essential to every person and their successful cultivation in every person must be demanded by the schools."¹

In December, 1961, the General Assembly of the United Nations established UNESCO to make a "general review of the question of the eradication of mass illiteracy throughout the world with the object of working out concrete and effective measures at the international and national level for such eradication."² Since that time, UNESCO has centered its attention upon the illiterate, and not upon the sources of this illiteracy. It has, however, recognized the situation.

The most obvious long-term remedy for mass illiteracy is to cut off illiteracy at its source by ensuring universal and adequate primary education. Yet, the expansion of primary schools is not enough in itself, nor is it always fully effective, for it is well known that children returning from the primary school to largely illiterate adult communities rapidly fall back into illiteracy.³

The AGENCY FOR INTERNATIONAL DEVELOPMENT, U.S. Department of State, calls for a literacy program that is an integral part of a total development program. Such a program must set standards of achievement in reading and writing that are clearly related to the community and national goals of that program. This national program to eliminate illiteracy must, therefore, incorporate careful long-range planning.⁴

¹Education For the Urban Disadvantaged: From Preschool to Employment, Committee for Economic Development (New York, NY: Committee for Economic Development, March, 1971), p. 38.

²Practical Guide to Functional Literacy, A Method of Training For Development (Paris: UNESCO, 1973), p. 25.

³Recommendations of the Work Conference On Literacy, Agency for International Development, United States Department of State (Washington, DC: Center for Applied Linguistics, 1965), p. 30.

⁴Ibid., p. 26.

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Recommendation 6.4 IMPROVING LANGUAGE SKILLS

The Commission recommends that schools provide special services to students who come from

environments in which English is not the dominant language, or who use a language in which marked dialectal differences from the prevailing version of the English language represent an impediment to effective learning.

A variety of methods and procedures could be established to meet this goal. Among these are the following:

1. Bilingual instructors, aides, assistants, and other school employees;
2. Instruction in both English and the second language;
3. Active recognition of the customs and traditions of all cultures represented at the school;
4. Hiring school staff from all racial, ethnic, and cultural backgrounds; and
5. Special efforts to involve parents of students with bicultural backgrounds.

I. Officially Known Endorsements and Objections

The NATIONAL EDUCATION ASSOCIATION'S Tuscon Survey on the Teaching of Spanish to the Spanish Speaking establishes several criteria basic to education for native Spanish speakers. Five such criteria are:

1. instruction in pre-school and early grades in both Spanish and English;
2. teaching of English as second language;
3. emphasis on reading, writing and speaking of Spanish;
4. recruitment of Spanish-speaking teachers and aides;
5. training of bilingual teachers at colleges and universities.¹

The DEPARTMENT OF HEALTH, EDUCATION AND WELFARE URBAN EDUCATION TASK FORCE calls for the recruitment of minority group teachers, as a contribution to the reduction of the teacher shortage in the urban area as well as a valuable resource within the educational community.²

Finally, the NATIONAL CONFERENCE ON SOCIAL WELFARE stated in its 1972 platform statements that: "bilingual education on all levels should be assured by law in those communities where there is significant use of a second language."³

II. Special Considerations

SOUTHWESTERN EDUCATIONAL DEVELOPMENT LABORATORIES (SEDL) is the primary organization studying the effects of traditional educational efforts on migrant students. Specifically, SEDL has conducted extensive research into bilingualism, and as a result of this research has recommended that the "opportunity to profit from bilingual education be extended to children of all non-English speaking groups."⁴

¹National Education Association--Tucson Survey on the Teaching of Spanish to the Spanish-Speaking, The Invisible Minority, Pero No Vencibles (Washington, DC: Department of Rural Education, National Education Association, 1966), p. 17.

²Task Force on Urban Education, The Urban Education Task Force Report (New York, NY: Praeger Publishers, 1970),

³National Conference on Social Welfare, Summer '72 Conference Bulletin (New York, NY: National Conference on Social Welfare, 1972), p. 8.

⁴Southwestern Educational Development Lab, Bilingual Schooling in the U.S. (Texas: Southwestern Educational Development Lab, 1970), p. 54.

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Recommendation 6.5 REALITY-BASED CURRICULA

The Commission recommends that schools develop programs that give meaning and relevance to otherwise abstract subject matter, through a teaching/learning process that would simultaneously insure career preparation for every student in either an entry level job or an advanced program of studies, regardless of the time he leaves the formal school setting.

A variety of methods and procedures could be established to meet this goal. Among these are the following:

1. Adoption of the basic concepts, philosophy, and components of career education, as proposed by the Office of Education;
2. Use of the microsociety model in the middle grades. Where this model is adopted, it will be important to realize that its central purpose is to create a climate in which learning is enhanced by underlining its relevance to the larger society outside the school;
3. Awareness, through experiences, observations, and study in grades kindergarten through 6, of the total range of occupations and careers;
4. Exploration of selected occupational clusters in the junior high school;
5. Specialization in a single career cluster or a single occupation during the 10th and 11th grades;
6. Guarantee of preparation for placement in entry-level occupation or continued preparation for a higher level of career placement, at any time the student chooses to leave the regular school setting after age 16;
7. Use of community business, industrial, and professional facilities as well as the regular school for career education purposes;
8. Provision of work-study programs, internships, and on-the-job training;
9. Enrichment of related academic instruction--communication, the arts, math, and science--through its relevance to career exploration; and
10. Acceptance of responsibility by the school for students after they leave, to assist them in the next move upward, or to reenroll them for

more preparation.

I. Officially Known Endorsements and Objections

The COMMITTEE FOR ECONOMIC DEVELOPMENT sees the need to develop a total instructional system that brings together "competent teachers, effective technology, and relevant curriculum materials."¹ Specifically the committee urges the establishment of jointly planned educational programs by prospective employers and the schools. This should be achieved through the "introduction of children to the world of work in the primary grades and a continuous infusion of job information and counseling throughout the school years."² This program would be designed to open doors to career opportunities or to additional schooling leading to the professions.

³The Task Force Report: Juvenile Delinquency and Youth Crime suggests that schools can better prepare students for the future by raising the aspirations and expectations of students capable of higher education and by reviewing/revising present programs for students not going to college.³ The Commission further recommends the further development of job placement services with a concomitant increase in training and employment of youth as subprofessional aides. The OFFICE OF EDUCATION of the Department of Health, Education and Welfare encourages the growth of vocational education programs as one method of enhancing youthful skills in preparation for participation in the world outside school. "The responsibility of the schools for its students cannot be overemphasized, the responsibility is not just for instruction. It applies to those who leave as well as to those who remain--to the dropouts as well as the stay in."⁴

In its 1968 report, the ADVISORY COUNCIL ON VOCATIONAL EDUCATION also called for early job preparation within the schools. Elementary schools should begin by providing a realistic picture of the world of work to familiarize the student with the world and his role in it. In junior high schools, economic orientation, and occupational preparation should reach a more sophisticated stage to expose a full range of occupational choices. This preparation should become more specific in high school.⁵

¹Committee for Economic Development, Education for the Urban Disadvantaged: From Preschool to Employment (New York, NY: Committee for Economic Development, March, 1971), p. 15.

²Ibid., p. 17.

³The President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 53.

⁴Office of Education, The Challenge of Vocational Education for Schools, State and the Nation

(Washington, DC: Department of Health, Education and Welfare, 1967).

⁵National Committee for the Support of the Public Schools, Education and the Real World of Jobs (Washington, DC: Department of Health, Education and Welfare, 1968), pp. 16-17.

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Recommendation 6.6 SUPPORTIVE SERVICES

The Commission recommends that the schools provide programs for more effective supportive services--health, legal placement, counseling, and guidance--to facilitate the positive growth and development of students.

A variety of methods and procedures could be established to meet this goal. Among these are the following:

1. Greater emphasis on counseling and human development services in the primary and middle grades;
2. Personnel who understand the needs and problems of students, including minority and disadvantaged students;
3. An advocate for students in all situations where legitimate rights are threatened and genuine needs are not being met;
4. The legal means whereby personnel who are otherwise qualified but lack official credentials or licenses may be employed as human development specialists, counselors, and advocates with school children of all ages; and
5. Coordination of delivery of all child services in a locality through a school facilitator.

I. Officially Known Endorsements and Objections

The URBAN EDUCATION TASK FORCE calls for a considerable expansion and enrichment of what constitutes education. Not only should appropriate curricular designs and staff development programs be included, but a comprehensive program of supportive services should be available. This program should include all those services that make effective learning possible--medical/dental assistance, counseling and guidance, nutritional services, social and psychological assistance, educational placement, and dropout prevention services.¹

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE in Task Force Report: Juvenile Delinquency and Youth Crime suggests the establishment of a twofold service within the schools. First, an ombudsman, to be the advocate in relating to teachers, counselors, and administrators, is a valuable component in helping the student become re-engaged in education. Secondly, the Task Force recommends a consolidation of services into a student advice center, where teachers, counselors, administrators, and other students could participate.²

The NATIONAL EDUCATION ASSOCIATION recommends teacher education institutions should provide a comprehensive program of student personnel services including personal counseling, psychological testing, academic advising, health services, financial assistance, and job information and placement.³

¹Proposed by the Health, Education and Welfare Urban Education Task Force, Urban School Crises: The Problems and Solutions (Washington, DC: Washington Monitoring Service, 1970), p. 48.

²The President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 376.

³National Council on Teaching Education and Professional Standards, A Position Paper on Teacher Education and Professional Standards (Washington, DC: National Education Association, 1963), p. 8.

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Recommendation 6.7 ALTERNATIVE EDUCATIONAL EXPERIENCES

The Commission recommends that schools provide alternative programs of education. These programs should be based on:

1. An acknowledgment that a considerable number of students do not learn in ways or through experiences that are suitable for the majority of individuals.
2. A recognition that services previously provided through the criminal justice system for students considered errant or uneducable should be returned to the schools as an educational responsibility.

A variety of methods and procedures could be established to meet this goal. Among these are the following:

- a. Early identification of those students for whom all or parts of the regular school program are inappropriate; and
- b. Design of alternative experiences that are compatible with the individual learning objectives of each student identified as a potential client for these services, including:

- (1) Shortening the program through high school to 11 years;
- (2) Recasting the administrative format, organization, rules of operation, and governance of the 10th and 11th grades to approximate the operation of junior colleges;
- (3) Crisis intervention centers to head off potential involvement of

- students with the law;
- (4) Juvenile delinquency prevention and dropout prevention programs;
 - (5) Private performance contracts to educational firms; and
 - (6) Use of State-owned facilities and resources to substitute for regular school settings.

I. Officially Known Endorsements and Objections

The DEPARTMENT OF HEALTH, EDUCATION AND WELFARE URBAN EDUCATION TASK FORCE recognizes the need to design appropriate curricula to meet individual needs. This should be part of a community master plan that tailors the educational experience to the specific needs of urban areas.¹ Although alternatives to existing educational systems (street academies or community operated centers) should receive community encouragement and financial support,

. . . fundamental changes must be made within the system rather than occurring outside of it if education is to be served. . . . Alternative educational approaches can also contribute to accelerating the rate of institutional change.²

The COMMITTEE FOR ECONOMIC DEVELOPMENT also joins the Task Force in calling for alternatives to traditional educational methods.

Competent business, voluntary agencies and non-profit enterprises should be encouraged to join with the schools in developing alternative educational patterns. The schools should be given contracting powers that will enable them to contract with private agencies for accomplishing specialized tasks.³

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE Task Force Report: Juvenile Delinquency and Youth Crime recommends the establishment of youth service bureaus to provide and coordinate programs for young people. Crime prevention programs, as part of bureau services, should "take advantage of adherence of youth to the norms and values of legitimate society."⁴

Within the school itself

. . . means have to be developed for re-involving, committing and re-integrating students who fall behind or deviate from school or community standards of behavior.⁵

There should be an increased emphasis on eliminating exclusion-oriented responses to students' deviant behavior.

¹Health, Education and Welfare Urban Education Task Force, Urban School Crises, The

Problems and Solutions (Washington, DC: Washington Monitoring Service, 1970), p. 6.

²Ibid., p. 7.

³Committee for Economic Development, Education for the Urban Disadvantaged from Preschool to Employment (New York, NY: Committee for Economic Development, 1971), p. 66.

⁴President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 48.

⁵Ibid., p. 376.

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Recommendation 6.8 USE OF SCHOOL FACILITIES FOR COMMUNITY PROGRAMS

The Commission recommends that school facilities be made available to the entire community as centers for human resource and adult education programs.

A variety of methods and procedures could be established to meet this goal. Among these are the following:

1. Scheduling of facilities on a 12-month, 7-day-a-week basis;
2. Elimination or amendment of archaic statutory or other legal prohibitions regarding use of school facilities; and
3. Extended use of cafeteria, libraries, vehicles, equipment, and buildings by parents, community groups, and agencies.

I. Officially Known Endorsements and Objections

The NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS has recommended:

School facilities. . . be available during and after normal school hours for a variety of community service functions, delivery of social services by local agencies, (including health and welfare), adult and community training and education programs, community meetings, recreational and cultural activities.¹

The Advisory Commission has further noted that interaction between the school system and the community it serves must be increased in order to avoid the isolation in which schools often find themselves. Such isolation prevents the school from playing an effective role in the total life of those it seeks to serve.²

The TASK FORCE ON URBAN EDUCATION has recommended:

Where possible, facilities should be designed for recreational, vocational, research and demonstration, and administrative uses. Facilities should be

geared to meeting the needs of the entire community: infants, youth out of school, adults, the elderly as well as those of the children in school. . . .³ To truly serve its community, the school should be placed where all members of the community, old and young, would have the opportunity to learn. It may also function as a community center where health and legal services, counseling and employment are offered.⁴

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, Task Force Report: Juvenile Delinquency, has recommended that schools become more responsive to community needs and has offered the suggestion that schools remain open morning and night during the entire year to accommodate a variety of community activities.⁵

II. Special Considerations

In a work prepared for Professional Educators Publications, Roger Hiemstra has noted that educational facilities are very important in developing a comprehensive community school program. Hiemstra suggests that the school can function as a gathering place for residents to discuss and plan for educational problems, and as a place for various community activities.⁶

¹The National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (Washington, DC: Government Printing Office, 1968), p. 249.

²Ibid., p. 244.

³The Task Force on Urban Education, The Urban Education Task Force Report (New York, NY: Praeger Publishers, 1970), p. 255.

⁴Ibid., p. 252.

⁵President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency, Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), pp. 53-377.

⁶Roger Hiemstra, The Educative Community (Lincoln NE: Professional Educator Publications, Inc., 1972), p. 43.

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Recommendation 6.9 TEACHER TRAINING, CERTIFICATION, AND ACCOUNTABILITY

The Commission recommends that school authorities take affirmative action to achieve more realistic training and retention policies for the professionals and paraprofessionals they employ.

A variety of methods and procedures could be established to meet this goal. Among these are

the following:

1. Teacher training based on building competency through experience;
2. Latitude for districts to base certified employment on the basis of performance criteria alone;
3. Inservice training of professional staff to include specific understanding of district, program, and community goals and objectives; and
4. Latitude for districts to hire other professionals and paraprofessionals on bases of competency to perform specialized tasks, including the teaching of subject matters.

I. Officially Known Endorsements and Objections

The DEPARTMENT OF HEALTH, EDUCATION AND WELFARE URBAN EDUCATION TASK FORCE calls for pre-service and in-service training programs for administrators, teachers, paraprofessionals and community volunteers involved in the educational system. Such training programs should enable school personnel to acquire appropriate attitudes enabling them to approach students as individuals rather than as stereotypes. Essentially, this preparation will result in less textbook centered learning with more emphasis given process learning.¹

The NATIONAL EDUCATION ASSOCIATION (NEA) regards high standards of preparation and practice as essential elements for better education. Such standards directly contribute to the quality of education as well as leading to increased public respect and support for teachers. The NEA also suggests that college faculties develop policies for admission and retention of the professional educator. School teachers, administrators and respective state departments of education should be consultants in this process.²

Finally, the Committee has called for 5 years of preparation (study, student teaching and other field experiences) between high school and assumption of teaching responsibilities. This time should allow for acquiring general education, taking electives, and developing substantive specialization in teaching fields, all of which are conducive to sound professional preparation.³

II. Special Considerations

The SOUTHWESTERN EDUCATIONAL DEVELOPMENT LABORATORY (SEDL) is concerned with upgrading educational opportunities for migrant children. To cater to the special needs of these students, the SEDL believes we must educate teachers capable of dealing with these needs.⁴

The NEA--Tucson Survey of the Teaching of Spanish to the Spanish-speaking has also called for special training and recruitment of Spanish-speaking teachers and aides.⁵

¹Health Education and Welfare Urban Education Task Force, Urban School Crisis, The Problems and Solutions (Washington, DC: Washington Monitoring Service, 1970), p. 47.

²National Education Association, A Position Paper on Teacher Education and Professional Standards (Washington, DC: National Education Association, 1963), p. 7.

³Ibid., p. 11.

⁴Southwest Educational Development Laboratory, Office of Education, Bilingual Schooling in the U.S. (Texas: Southwest Educational Development Laboratory, 1970), p. 54.

⁵National Education Association--Tuscon Survey on the Teaching of Spanish to the Spanish Speaking, The Invisible Minority, Pero No Vencibles (Washington, DC: Department of Rural Education, National Education Association, 1966), p. 17.

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CHAPTER 7 - PROGRAMS FOR RECREATION

Recommendation 7.1: USE OF RECREATION TO PREVENT DELINQUENCY

This Commission recommends that recreation be recognized as an integral part of an intervention strategy aimed at preventing delinquency; it should not be relegated to a peripheral role.

1. Recreation programs should be created or expanded to serve the total youth community, with particular attention devoted to special needs arising from poor family relationships, school failure, limited opportunities, and strong social pressures to participate in gang behavior.

2. Activities that involve risk-taking and excitement and have particular appeal to youth should be a recognized part of any program that attempts to reach and involve young people.

3. Municipal recreation programs should assume responsibility for all youth in the community, emphasizing outreach services involving roving recreation workers in order to recruit youths who might otherwise not be reached and for whom recreation opportunities may provide a deterrent to delinquency.

4. New mechanisms for tolerance of disruptive behavior should be added to existing recreation programs and activities so as not to exclude and label youths who exhibit disruptive behavior.

5. Counseling services should be made available, either as part of the recreation program or on a referral basis to allied agencies in the community, for youths who require additional attention.

6. Recreation programs should allow participants to decide what type of recreation they desire.

7. Recreation as a prevention strategy should involve more than giving youth something to do; it should provide job training and placement, education, and other services.

8. Individual needs rather than mass group programs should be considered in recreation planning.

9. Communities should be encouraged, through special funding, to develop their own recreation programs with appropriate guidance from recreational advisers.

10. Personnel selected as recreation leaders should have intelligent and realistic points of view concerning the goals of recreation and its potential to help socialize youth and prevent delinquency.

11. Recreation leaders should be required to learn preventive and constructive methods of dealing with disruptive behavior, and they should recognize

that an individual can satisfy his recreational needs in many environments. Leaders should assume responsibility for mobilizing resources and helping people find personally satisfying experiences suited to their individual needs.

12. Decisionmaking, planning, and organization for recreation services should be shared with those for whom the programs are intended.

13. Continual evaluation to determine whether youth are being diverted from delinquent acts should be a part of all recreation programs.

14. Parents should be encouraged to participate in leisure activities with their children.

15. Maximum use should be made of existing recreational facilities--in the afternoons and evenings, on weekends, and throughout the summer. Where existing recreational facilities are inadequate, other community agencies should be encouraged to provide facilities at minimal cost, or at no cost where feasible.

I. Officially Known Endorsements and Objections

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE Task Force Report: Juvenile Delinquency and Youth Crime endorses the use of recreation to prevent delinquency:

"The recreation system must be altered in order to combat crime and delinquency...."

"In the development of recreation and related programs, emphasis should be placed on those that substitute constructive social action for what might otherwise be anti-social behavior; those that offer avenues to a variety of opportunities, providing not only recreation in the traditional sense but also such means of self-development as job training and placement, education, and health services; and those programs that supplement the adolescent 'play' frame of reference... with a broader and more educational... experience aimed at increasing mastery of oneself and one's environment."¹

A companion volume, The Challenge of Crime in a Free Society, reflects that:

"...there should be provision of a real opportunity for everyone to participate in the legitimate activities that in our society lead to or constitute a good life; education, recreation, employment, family life."²

In 1971, The Report of The White House Conference on Youth commented:

"There is a continuing need for better recreational programs serving poor youth in both urban and rural areas. One of the most immediate needs of poor youth is in recreational facilities in their own

neighborhood to give them 'something to do'. Adequately funded recreation programs, proposed by poor youth themselves, could yield numerous benefits in areas such as crime, drug abuse, education and environment.¹³

II. Special Considerations

In the Youth Service Bureau by Norman Sherwood it is recommended that recreational opportunities should:

1. Take an inventory of recreational resources.
2. Enlist local leadership in forming and strengthening recreational programs and in coordinating existing recreational services into a cooperatively planned unit with maximum involvement of youth at the decision making level.
3. Develop cooperative relationships with city recreation departments, physical education departments of the public schools, and universities or college recreation departments.¹⁴

Professor Marvin E. Wolfgang has noted:

"Recreational facilities, child guidance clinics, boy and girl scout clubs, hobby clubs, Police Athletic League Centers, Little League baseball, and neighborhood associations could function as demonstrably effective vehicles for conversion to non-violent activities. There is no solid empirical evidence that the catalogue of clubs and playgrounds in American cities has been effective in preventing delinquency or reducing violent crime. A common criticism is that they do not reach the delinquent or highly potential delinquent population. Even when they are located in congested neighborhoods with high crime rates, they are often viewed as unwanted invaders of the territory and are consequently unattended except by the bad area's 'good boys'.¹⁵

¹President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 342.

²President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 88.

³Report of the White House Conference on Youth (Washington, DC: Government Printing Office, 1971), p. 201.

⁴Norman Sherwood, The Youth Service Bureau, A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972), p. 36.

⁵Marvin E. Wolfgang, Youth and Violence, U.S. Department of Health, Education and Welfare, Youth Development and Delinquency Prevention Administration (Washington, DC: Government Printing Office, 1970), p. 75.

CHAPTER 8 - PROGRAMS FOR RELIGION

Recommendation 8.1 SUPPORTING AND PROMOTING COMMUNITY INVOLVEMENT

The Commission recommends that the religious community support and promote private and public efforts to recruit citizens who are concerned about crime for volunteer work in criminal justice programs.

I. Officially Known Endorsements and Objections

In The Challenge of Crime in a Free Society, the PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE points out that there is much religious organization can do to encourage community involvement in criminal justice programs. Often churches themselves have initiated programs to aid in crime prevention, to deal with particular crime problems, and to assist in rehabilitation efforts. The Commission notes that the first halfway houses were sponsored by churches.¹ In addition religious organizations have initiated such programs as the following:

Inner-city churches have done valuable work with youth gangs and released offenders. A particularly noteworthy contribution has been made by the Faith Opportunities Project of the Chicago Conference on Religion and Race. This project, partially financed by the Office of Economic Opportunity, makes a point of finding deserting fathers, particularly those who have deserted because they are unemployed, finding them jobs, and returning them to their families.²

The Board of Church and Society of the UNITED METHODIST CHURCH from Ohio takes the following position regarding citizen involvement in the criminal justice system:

A greater involvement of citizens is required. The problems in the criminal justice system itself are great and they contribute greatly to the increase of crime in the society. Citizens have been largely uninformed about the policies and operations of the police, the courts, and the correctional institutions. Being uninformed and uninvolved, the average citizen has added to the abnormally serious crime problem.³

Reflecting the concern of religious organizations with community involvement in the criminal justice system, the United States Catholic Conference, The Reform of Correctional Institutions of the 1970's, discusses various correctional programs which could involve community volunteers.

Smaller-community based facilities are beginning to prove that they are more appropriate and effective. Half-way houses, work contracts and other alternatives need

to be more fully explored. A sympathetic consideration of such approaches should precede any extensive remodeling of existing buildings or construction of contemplated new structures.⁴

Sherwood Norman, in his book The Youth Service Bureau, A Key to Delinquency Prevention, published by the National Council on Crime and Delinquency, recommends the creation of Organized Faiths Committee:

One of the greatest contributions this committee can make is to help religious leaders become more aware of social problems and group techniques in working with young people. Many religious and ethical groups wish to involve themselves in antidelinquency programs, but they are often unaware of specific program activities in which they could assist. The ORGANIZED FAITHS COMMITTEE can help these people participate in establishing such resources as group homes, day centers, "rap rooms," etc.⁵

II. Special Considerations

In an article "Juvenile Delinquency, Crime and Religion," in the Review of Religious Research, the following recommendation is made:

Volunteer and religious agency services should be incorporated within juvenile court procedures so that they may give advice as to what sources are available and should be brought to bear on an appropriate problem.⁶

¹The President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 289.

²Ibid., p. 290.

³Board of Church and Society, The United Methodist Church, Crime Prevention, Police and Penal Reform (Cincinnati, OH: 1972), p. 5.

⁴United States Catholic Conference, The Reform of Correctional Institutions in the 1970's (Washington, DC: 1973), p. 7.

⁵Sherwood Norman, The Youth Service Bureau, A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972), p. 27.

⁶"Juvenile Delinquency, Crime and Religion," Review of Religious Research, Kansas, Religious Research Association at the Menonite Press, Vol. 12, #3, Spring 1971, p. 144.

Recommendation 8.2 INFORMED CONSTITUENCIES

The Commission recommends that religious and lay leaders in all congregations educate their constituencies about the crime problem, so that citizens can respond more effectively.

I. Officially Known Endorsements and Objections

The UNITED STATES CATHOLIC CONFERENCE by publishing "The Reform of Conventional Institutions in the 1970's," is addressing this recommendation. It is through pamphlets like this that people from all sorts of congregations and their leaders can be educated about crime and its different aspects.¹

The Board of Church and Society, of THE UNITED METHODIST CHURCH makes the following suggestion regarding education about the criminal justice system in their pamphlet "Crime Prevention, Police, and Penal Reform":

We call upon United Methodists, as they share the concern for the increase in crime, to become fully informed about the functional problems in the criminal justice system and to join others in creating a more modern and effective system for the prevention and the control of crime. We also call upon United Methodists to study more carefully those social conditions in their communities and in the nation which breed those crimes that are victimizing ever-increasing numbers of people and which tax the criminal justice system.²

The COUNCIL FOR CHRISTIAN SOCIAL ACTION and the editors of Engage/Social Action in the Actions of the Ninth General Synod United Church of Christ, 1973, calls for cooperation and education in its congregations; particularly in three areas:

The Ninth General Synod of the United Church of Christ:

1. Denounces the practice of setting excessive bail, especially in the case of political activists.

2. Calls upon the Criminal Justice Priority Team of the United Church of Christ to develop viable revisions and alternatives to cash bail and transmit those revisions to our membership, members of Congress, and legislators.

3. Make available consultative and financial support for local programs which share this goal, as well as for Conferences which in cooperation with other agents are working toward this goal; said support may come in the form of a pilot project in one or more Conferences.

REINSTITUTION OF CAPITAL PUNISHMENT
The Ninth General Synod urges the United Church of Christ:

1. through the Office of the President and in conjunction with the forty

Conferences of the United Church of Christ to communicate our continuing opposition to capital punishment and its reinstatement in the American judicial system, and

2. to continue to make staff, consultative and financial support available for the United Church of Christ as well as community-based programs to prevent the reinstatement of capital punishment in any state, and work for repeal of capital punishment in states where the death penalty has been reinstated;

3. to make available information and study resources for Conferences, Associations, and local churches concerning capital punishment.

POST INCARCERATION

WHEREAS employment discrimination against ex-offenders is a major reason that ex-offenders revert to a life of crime in an attempt to survive.

WHEREAS the opportunity to obtain employment or to pursue, practice or engage in a meaningful and profitable trade, occupation, vocation, profession or business is an essential ingredient in the assumption of the responsibilities of citizenship,

WHEREAS it is not only consistent with Christian principles but also good public policy to encourage and contribute to the rehabilitation of felons and to assist them in the assumption of the responsibilities of citizenship, therefore

BE IT RESOLVED THAT the Ninth General Synod of the United Church of Christ:

1. Urge the United States Congress and the legislative bodies of the fifty states and their subdivisions to enact legislation which will guarantee that no person shall be disqualified from employment by public or private employers simply because of a felony conviction.

2. Call on its Conferences, Associations and Congregations to urge that public and private employment and licensing policies relative to ex-offenders in their areas be consistent with this resolution.

3. Direct the United Church of Christ Criminal Justice Priority Team to make available to the United Church of Christ membership informational and consultative services on the statutory regulations and procedures that discriminate against ex-offenders.

4. Direct the Criminal Justice Priority Team to give education and direction to the churches in order that they may be effective, not simply in seeing to it that released prisoners may not be discriminated against within

the community, but that the church may truly seek and receive them in the warmth of Christian love and do its best to assure their wholeness as persons.³ (emphasis added)

II. Special Considerations

The article "Juvenile Delinquency, Crime and Prevention" published in the Review of Religious Research, points out the following:

Police thinking and organization must be influenced by the special insights into social life which the Christian faith provides.⁴

Unfortunate religious influence and family environmental attitudes can be overcome only by the constructive work of sensitive chaplains. Such persons should work with the families and school staff in order to assist the rehabilitation of the youth.⁵

¹United States Catholic Conference, The Reform of Correctional Institutions in the 1970's (Washington, DC: 1973).

²Board of Church and Society, The United Methodist Church, Crime Prevention, Police and Penal Reform (Cincinnati, OH: n.p., 1972), p. 5.

³"Engage/Social Action," Actions of the Ninth General Synod United Church of Christ, 1973, United Church of Christ, St. Louis, p. A 30-31.

⁴"Juvenile Delinquency, Crime and Religion," Review of Religious Research. Kansas, Religious Research Association at the Mennonite Press, Vol. 12, #3, Spring 1971, p. 131.

⁵Ibid., p. 143.

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Recommendation 8.3 CREATING A CLIMATE OF TRUST

The Commission recommends that religious institutions use their influence and credibility in the larger community to create a climate of trust and furnish a neutral setting for expanded communication on crime and criminal justice.

I. Officially Known Endorsements and Objections

The Board of Church and Society, THE UNITED METHODIST CHURCH, in Crime Prevention, Police and Penal Reform indicates that organization's concern with need for communication about and involvement in the criminal justice system.

... The problems in the criminal justice system itself are great and they contribute greatly to the increase of crime in the society. Citizens have

been largely uninformed about the policies and operations of the police, the courts, and the correctional institutions. Being uninformed and uninvolved, the average citizen has added to the abnormally serious crime problem.

We call upon United Methodists, as they share the concern for the increase in crime, to become fully informed about the functional problems in the criminal justice system and to join others in creating a more modern and effective system for the prevention and the control of crime. We also call upon United Methodists to study more carefully those social conditions in their communities and in the nation which breed those crimes that are victimizing ever increasing numbers of people and which tax the criminal justice system.¹

The Board also focuses specifically on community understanding of the police.

We encourage United Methodists, therefore to inquire specifically, in their own cities, towns and other jurisdictions, about the organization and administration of the law enforcement agencies, the procedures for recruitment, the process of training, and the basis for the assignment of police. In the inquiry, concern should be shown for the police themselves and the heavy responsibility they bear, but also for the communities that are protected by them or in some cases, subjected to them.²

The Organized Faiths Committee, recommended by Norman in his book published by the National Council on Crime and Delinquency, would serve as a trust-creating vehicle.

The aim of this committee is to help both the YSB staff and individual religious organizations involve children and their families in religious life, but only where such involvement has significance for them. The committee should assess the potential contributions of the community's religious and ethical organizations for serving youth in need of assistance. It should, where appropriate, bring together the youngster and the religious or ethical body with which he is affiliated

One of the greatest contributions the committee can make is to help religious leaders become more aware of social problems and group techniques in working with young people. Many religious and ethical groups wish to involve themselves in antidelinquency programs, but they are often unaware of specific program activities in which they could assist. The Organized Faiths Committee can help these people participate in

establishing such resources as group homes, day centers, "rap rooms," etc.³

The UNITED STATES CATHOLIC CONFERENCE would presumably endorse communications on the correctional system. Their publication, The Reform of Correctional Institutions for the 1970's, indicates their concern over understanding of and participation in corrections programs.

Religious orders, because of their dedication and knowledge in various disciplines, can bring special assistance to administrative and custodial officials, as well as to the residents in our correctional system. They can offer the People of God a greater understanding of the problems of our correctional system and of all of the people concerned with it. In addition, religious communities can literally "visit" those "in prison." Perhaps some will make their special apostolate as counselors and educators.⁴

¹Board of Church and Society, The United Methodist Church, Crime Prevention, Police and Penal Reform (Cincinnati, OH: 1972), p. 5.

²Ibid., pp. 6-7.

³Sherwood Norman, The Youth Service Bureau, a Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972), p. 37.

⁴United States Catholic Conference, The Reform of Correctional Institutions in the 1970's (Washington, DC: 1973), p. 20.

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Recommendation 8.4 USE OF CHURCH FACILITIES FOR COMMUNITY ACTIVITIES

The Commission recommends that congregations use their building, facilities, and equipment for community programs, especially those for children and youth.

I. Officially Known Endorsements and Objections

While it is a truism that most church facilities are made available for community activities, and churches openly sponsor community activities, there is not yet any material available from national standard setting organizations and agencies endorsing this idea.

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Recommendation 8.5 SUPPORTING CRIMINAL JUSTICE REFORM

The Commission recommends that the religious

community actively participate in and support the operations of the local criminal justice system. Assisting probation services, voluntary participation in programs designed to promote better police and community relations, and periodic visits to correctional facilities are practical examples of the type of community involvement that results in more accountability and better performance by the system.

I. Officially Known Endorsements and Objections

Norman recommends in his book The Youth Service Bureau, A Key to Delinquency Prevention, published by the NATIONAL COUNCIL ON CRIME AND DELINQUENCY the creation of an Organized Faiths Committee.

The aim of this committee is to help both the YSB staff and individual religious organizations involve children and their families in religious life, but only where such involvement has significance for them. The committee should assess the potential contributions of the community's religious and ethical organizations for serving youth in need of assistance. It should, where appropriate, bring together the youngster and the religious or ethical body with which he is affiliated.

One of the greatest contributions this committee can make is to help religious leaders become more aware of social problems and group techniques in working with young people. Many religious and ethical groups wish to involve themselves in antidelinquency programs, but they are often unaware of specific program activities in which they could assist. The Organized Faiths Committee can help these people participate in establishing such resources as group homes, day centers, "rap rooms," etc.¹

The U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE in Volunteers in Court: A Manual recommends participation by volunteers from various organizations, including churches, in a court volunteer program.

Local clubs and church groups frequently find volunteer programs worthy causes. The Junior League is a major financial contributor in several localities as are local chapters of the National Council of Negro Women and the National Council of Jewish Women. The major financial backer of one volunteer program is the local newspaper.

To give some idea of the breadth of community involvement which is possible, a recent Royal Oak listing of financial contributors includes churches, small businesses, service clubs, individual professionals and professional associations and organizations, the parent-teacher associations, banks, funeral

homes, real estate agencies, manufacturing concerns, newspapers and radio stations.²

The U.S. CATHOLIC CONFERENCE in The Reform of Correctional Institutions in the 1970's, strongly urges volunteer participation in the criminal justice system, particularly in the correctional system.

In our response to the urging of Jesus, recorded in St. Matthew's gospel, to "visit" those in prisons, it is necessary that we not only visit individuals confined in prison but "visit" the correctional system itself.³

Dioceses will, we trust, continue or undertake a major role in fostering the concern of the clergy, religious, and laity for the human rights of offenders. Diocesan newspapers and other programs of communication can highlight the moral consideration involved in correctional reform and urge action. As bishops we will make every effort to provide qualified chaplains to serve the offenders.

Parishes have a singular opportunity to serve by helping to improve local institutions within their boundaries. This will include support of the chaplains or providing such periodic services where there are no chaplains. In addition, parishes can maintain continuing contact with correctional institutions by committees or groups of concerned parishioners and can work to overcome neighborhood resistance to community-based institutions.⁴

II. Special Considerations

Program CAP (Caring About People) is a good example of a program that involves local community participation in a joint effort of the Church and the community. CAP is an Ohio program.

CAP's statement of "Concern and Purposes" gives a broad outlook on their activities:

Statement of Concern and Purpose

1.1 "CAP" is a volunteer group within the community, organized to share and be supportive with people returning from penal institutions, especially those who are experiencing re-entry problems. At this time, due to the relatively few socialization programs designed for female returnees, one of the major group emphasis is focused in this specific area of concern.

1.2 "CAP's" membership represents a broad cross section of community life. Male, female, professional, semi-professional, non-professional along with

the returnees and representatives of the religious community, make up the group structure.

1.3 The "CAP" group is mutually committed to building trust and confidence as a basic premise for establishing healthier relationships. The group believes that all members should search together to discover the expectations and hopes of both returnees as well as volunteers. The group will continually be alerted to the emergence of member expectations and will make every possible attempt to respond favorably whenever feasible.⁵

Another example of community involvement in the religious programs of a correctional institution is the Yokefellow Prison Ministry which was begun in 1955 in the U.S. Penitentiary at McNeil Island, Washington. The Yokefellow groups are Christian and non-sectarian laymen. They meet in small groups to promote worship, show common concerns and spiritual growth with those prisoners who feel alienated. The groups try to show concern by helping a prisoner reintegrate into society, by finding him employment and aiding him to adjust economically, socially, religiously, etc. The groups have even supported efforts in establishing half-way houses, as well as seeking to educate both the prisoner and the community in problems of reintegration.⁶

¹Sherwood Norman, The Youth Service Bureau, A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972), p. 37.

²U.S. Department of Health, Education and Welfare, Volunteers in Court: A Model (Washington, DC: Social and Rehabilitative Service, Youth Development and Delinquency Prevention Administration, 1971), p. 202.

³United States Catholic Conference, The Reform of Correctional Institutions in the 1970's (Washington, DC: n.p., 1973), p. 5.

⁴Ibid., pp. 19-20.

⁵Ohio Leadership Conference, Caring About People: CAP, (Columbus, OH: Ohio Leadership Conference, 1973), p. 4.

⁶L. M. McConel, "Yokefellow Prison Ministry," Volunteers and the Rehabilitation of Criminal and Juvenile Offenders (Royal Oak, MI: Volunteers In Probation, Inc., 1972), p. 49.

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CHAPTER 9 - PROGRAMS FOR REDUCTION OF CRIMINAL OPPORTUNITY

Recommendation 9.1 USE OF BUILDING DESIGN TO REDUCE CRIME

The Commission recommends that agencies and professions involved in building design actively consult with and seek the advice of law enforcement agencies in physical design to reduce the opportunity for the commission of crime. These agencies and firms should make security a primary consideration in the design and construction of new buildings and the reconstruction or renovation of older structures. Interaction with law enforcement agencies and security experts should be sought during preliminary planning and actual construction to determine the effects of architectural features and spatial arrangements on building security and security costs. Careful consideration should be given to the design and placement of doors, windows, elevators and stairs, lighting, building height and size, arrangement of units, and exterior site design, since these factors can have an effect on crime.

I. Officially Known Endorsements and Objections

Oscar Newman in Architectural Design for Crime Prevention, recommends the following physical mechanisms for achieving defensible space:

"...four categories of physical design ingredients which, independently and in concert, we see as significantly contributing to the creation of secure environments:

- Those which serve to define spheres of territorial influence by dividing the residential environment into sub-zones within which occupants can easily adopt proprietary attitudes;
- Those which improve the natural capability of residents and their agents to visually survey the exterior and interior public areas of their residential environment;
- Those which enhance the safety of adjoining areas through the strategic geographic location of intensively used communal facilities;
- And finally, those which through judicious use of building materials, the tools of architectural composition and site planning are able to reduce the perception of peculiarity—the vulnerability, isolation and stigma of housing projects and their residents."¹

The NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE offers the following recommendations:

"Three possible relationships between the design and form of the urban environ-

ment and violent behavior can be defined:

(1) Design and form of the urban environment may control violence directly. Residential areas, for example, may be selected by a criterion of distance from populations with real or assumed propensities to commit violence. Buildings may be designed to include crime control features, perhaps with other social or aesthetic values subordinated or eliminated entirely.

(2) Design and form of the urban environment may encourage positive forms of behavior. To the extent positive behavior is promoted, negative behavior—including violence—is prevented.

(3) Design and form of the urban environment may invite violence. Buildings or open spaces may be negative symbols or may be attributed to other sufficiently neutral or negative values to such an extent that people are willing to destroy or deface them, or to use them as places to commit violent acts.²

The Commission mentions six factors which relate to the above mentioned environmental relationships: space and location; distance and access to space visibility; scale; mastery, control, and ownership of property; and high residential densities, poor physical condition, and low general quality of the urban environment.³

II. Special Considerations

The National Institute of Law Enforcement and Criminal Justice anticipates awarding a two-year contract for the design of four crime free environments and the implementation of two of the four. Environments will include private housing, mass transportation, schools, and business.

¹Oscar Newman, Architectural Design for Crime Prevention, National Institute of Law Enforcement and Criminal Justice, U.S. Department of Justice, Law Enforcement Assistance Administration (Washington, DC: Government Printing Office, 1971), p. 2.

²National Commission on the Causes and Prevention of Violence, Crime and Violence, Vol. 12 (Washington, DC: Government Printing Office, 1969), pp. 697-698.

³Ibid., pp. 710-711.

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Recommendation 9.2 SECURITY REQUIREMENTS FOR BUILDING CODES

The Commission recommends that States and units of local government include security requirements within existing building codes. The formulation of these requirements should be primarily the task of building, fire, and public

safety departments, but there also should be consultation with community criminal justice planners, transportation and sanitation departments, architectural firms, and proprietors. Government and private construction and renovation loan sources should make adequate security and compliance with security requirements of the building code a condition for obtaining funds.

I. Special Considerations

The NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE (NILECJ) in Urban Design Security and Crime presents several papers dealing with the concerns of this Standard.

One paper written by Hollis DeVines, reports that Oakland, California and in Los Angeles, California have adopted building codes with security provisions and these security measures appear to be having a positive effect in reducing crime.¹

The State of California enacted a bill in 1971 which allows the State Attorney General to establish regulations for business security in all buildings in the state. The bill states:

"The Department of Justice shall encourage the use of technology in the prevention of crime, and to this end it shall develop for recommendation to the legislature and thereafter continually review building security standards. In carrying out these duties, the department shall consult with the Office of Architecture and Construction of the Department of General Services and shall, but is not limited to:

"(1) Develop standards for a state-wide building security code designed to prevent or reduce the likelihood of burglary or robbery in any building, including new single family residences, apartments, public-owned buildings, and commercial industrial buildings.

"(2) Develop means for testing and certifying the equipment and the materials designed to prevent or reduce the likelihood of burglary or robbery in such buildings.

"In carrying out his duties pursuant to subdivision (A), the Department shall seek the advice of state fire marshals to insure that fire and life safety standards are not impaired, and shall consult with the Office of Architecture and Construction regarding state building standards."²

The Project for Security Design, Institute of Planning and Housing of New York University included the following statement in its report in the NILECJ work.

"In considering a new subject matter area which is still largely untouched by building codes, a goal should be to en-

courage building security provisions on a uniform basis and thus avoid the diversity problem which already plagues building codes. A well-written model code is a way in which to promote the fastest possible acceptance of building security provisions and at the same time to achieve maximum uniformity. Such a code should not only be made available to adoption by local jurisdictions but should also be presented to the four established model code groups in the hope of gaining their acceptance. The magnitude of the current crime problem in residential buildings calls for fast action."³

In Dade County, Florida a new building code of the type suggested by this Recommendation was enacted recently. As the Recommendation suggests, this resulted from a joint effort of the community and various criminal justice agencies.

"A building security ordinance enacted by the Dade County Metropolitan Commission, effective Nov. 4, 1973, was enacted. The move to enact such an ordinance began a year ago when the county Sheriff's Department met with civic organizations, representatives of building material manufacturers and with the building industry represented by the county's Board of Rules and Appeals, which have jurisdiction over the building code."⁴

The NILECJ has prepared an initial draft of "Minimum Building Security Guidelines and Cost Estimates for the Security Features" for the FEDERAL INSURANCE ADMINISTRATION. It is included in Urban Design, Security and Crime.⁵

1 National Institute of Law Enforcement and Criminal Justice, Urban Design Security and Crime (Washington, DC: Government Printing Office, 1973), p. 48.

2 Ibid., p. 50.

3 Ibid., p. 56.

4 "Miami's Big Lockup: Builders Must Provide Wide Range of Security Devices," House & Home, August, 1973, p. 16.

5 U.S. Department of Justice, Urban Design, Security and Crime, pp. 85-106.

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Recommendation 9.3 STREET LIGHTING PROGRAMS FOR HIGH CRIME AREAS

The Commission recommends that units of local government consider the establishment of improved street lighting programs in high crime areas. The needs and wishes of the community should be a determining factor from the outset and public officials should carefully evaluate the experience of

other jurisdictions before initiating their own programs.

I. Officially Known Endorsements and Objections

The CHAMBER OF COMMERCE OF THE UNITED STATES in their publication, Marshaling Citizen Power Against Crime reports that street lighting programs have had significant impact on the reported crime rate in high crime areas.

Lighting Programs. Using crime and traffic reports to pinpoint those streets most in need of better lighting, citizen groups in several communities have provided the impetus resulting in better illumination for streets. Claims of 60-90 percent reduction in certain categories of crime are reported. Perhaps the most extensive effort has occurred in Indianapolis, where the women's Anti-Crime Crusade, the Chamber of Commerce, and others formed a joint committee to assist in selecting locations for new lighting and to support sufficient financing for it. Installed over a six-year period, 9,000 new street lights and 6,000 dusk-to-dawn lamps have contributed toward increased safety of alleys, streets, neighborhoods.¹

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE in The Challenge of Crime in a Free Society, said that:

There is no conclusive evidence that improved lighting would have a lasting or significant impact on crime rates, although there are strong suggestions that it might.²

Nevertheless the Commission went on to endorse lighting programs, saying:

Improved street lighting will reduce some types of crimes in some areas, i.e., given a light and dark street to commit a crime, a criminal will normally choose the dark street. Improved street lighting accompanied by increased police patrol can reduce crime rates in an area.³

These views were echoed by the Task Force Report: Science and Technology.⁴

II. Special Considerations

Various articles have been published in The American City which report the effects of street lighting on crime.^{5,6,7} A general conclusion which can be drawn from the statistics presented is that installation of lighting has a definite positive correlation with reduction of reported crimes by the lighted areas.

1 Chamber of Commerce of the United States, Marshaling Citizen Power Against Crime (Washington, DC: Chamber of Commerce of the United States, 1970), p. 103.

2 President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 261.

3 Ibid.

4 President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Science and Technology (Washington, DC: Government Printing Office, 1967), p. 51.

5 "Light Fights Crime, Prevents Accidents," The American City, September 1971, p. 120.

6 "A Bright Spot Downtown for Christmas," The American City, December 1971, p. 94.

7 "How to Conduct a Campaign for Better Street Lighting," The American City, December 1973, p. 70.

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Recommendation 9.4 SHOPLIFTING PREVENTION PROGRAMS

The Commission recommends that all retail establishments take immediate and effective measures to prevent shoplifting. Management personnel and merchants should evaluate techniques being used elsewhere and select those most appropriate.

I. Officially Known Endorsements and Objections

The UNITED STATES CHAMBER OF COMMERCE reports on several anti-shoplifting programs in Marshaling Citizen Power Against Crime, indicating that these have often been cooperative efforts involving merchants, local chambers of commerce, police and banks.¹ While the Chamber endorses such community sponsored programs directed at crime prevention,² they also make the following observations related to anti-shoplifting efforts.

Campaigns against shoplifting... may be attacking only a manifestation of a more deep-seated problem: the financial needs stemming from drug abuse and addiction. When this is so, without countermeasures on the drug front, shoplifting crackdowns may be just temporarily effective or, if the crackdown is a permanent one, succeed only in shifting the crime problem from the stores (shoplifting) to the streets (muggings and robberies). Saturation patrols to curb resultant street crime in the city are likely to improve the situation but at the expense of pushing crime into nearby suburbs.³

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE in both The Challenge of Crime in a Free Society¹ and the Task Force Report: Science and Technology² touched briefly upon the issue of crime prevention in commercial establishments, but did not focus specifically on shoplifting.

In The Challenge of Crime emphasis was placed upon "hardening the targets of crime."⁴ And in Science and Technology the discussion naturally was directed towards the use of technology in crime prevention.

Clearly there are many means by which technology can be applied to reduce criminal opportunities... Criminals can be inhibited by increasing the probability that their illegal activity will be detected. ... Closed-circuit TV could be used to maintain continuous surveillance of trafficked areas.⁵

Both these volumes also mentioned the same point as the Chamber of Commerce, that crime prevention is a very complex matter which involves looking at the basic reasons for criminal activity.^{6,7}

The NATIONAL RETAIL MERCHANTS ASSOCIATION reports that anti-shoplifting techniques are having a deterrent effect on shoplifting, and the Association presumably endorses the use of such techniques.⁸

¹Chamber of Commerce of the United States, Marshaling Citizen Power Against Crime (Washington, DC: Chamber of Commerce of the United States, 1970), p. 103.

²Ibid., p. 101.

³Ibid., p. 35.

⁴President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 260.

⁵President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Science and Technology (Washington, DC: Government Printing Office, 1967), p. 48.

⁶Ibid.

⁷President's Commission, The Challenge, p. 260.

⁸"New Weapons Against Shoplifters," U.S. News and World Report, Vol. LXXII, #7, Feb. 1972, pp. 70-71.

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Recommendation 9.5 AUTO THEFT PREVENTION PROGRAMS AND LEGISLATION

The Commission recommends that States enact legislation to require:

- Assigning of permanent State motor vehicle registration numbers to all motor vehicles;
- Issuing of permanent license plates for all vehicles that will remain in service for a number of years; and

• Affixing of more identifying numbers on automobiles to curb the automobile stripping racket.

I. Officially Known Endorsements and Objections

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE in the Task Force Report: Science and Technology recommended several automobile theft prevention devices, many of which have since been adopted by American manufacturers, but the Task Force did not specifically suggest auto theft prevention legislation.¹

Both the Task Force Report and The Challenge of Crime in a Free Society, recommended that a federal agency work with manufacturers to develop minimum standards and plans for implementation.^{2,3}

II. Special Considerations

Published in "The National Underwriter" is a suggestion made by Inspector L. W. Sprey of the Toronto Provincial Police regarding legislation against auto theft.

"[O]ne way to improve law enforcement procedures and cut down auto thefts would be for legislators in all countries to standardize automobile documentation."⁴

¹President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Science and Technology (Washington, DC: Government Printing Office, 1967), p. 49.

²Ibid.

³President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 261.

⁴"Amateur Auto Thefts Dipping, But Car Stealing by Pros Rising," The National Underwriter, September 1973, pp. 30-31.

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Recommendation 9.6 CRIME PREVENTION AND LAW ENFORCEMENT AGENCIES

The Commission recommends that every law enforcement agency actively work with and inform interested citizens of measures that can be taken to protect themselves, their families, and their property.

I. Officially Known Endorsements and Objections

The NATIONAL GOVERNORS' CONFERENCE gives the following recommendation which coincides with this National Advisory Commission (NAC) Recommendation.

Informing the Public

"Police programs designed to inform

the public about crime and about the operations and activities of law enforcement agencies serve two purposes. The public becomes aware of crime patterns and, therefore, is better able to guard against becoming victims of offenses; and the police image is enhanced through their efforts to help the community avoid injury or loss. The increase in resources over the past few years have helped to expand this effort.¹

The NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE, makes the following recommendations:

"Extending human-relations training of recruits and officers;

Creating or enlarging police-community relations units within police departments; Starting precinct and city-wide citizen advisory committees, including minority leaders, to meet with the police;

Developing programs to educate the public about the police, such as visits of school children to precinct stations, lectures by police officers to adults or youth groups, and school courses concerning police work;

Running recruitment campaigns aimed at members of minority groups;

Ending discrimination within police departments, such as that relating to promotions, and integration of patrols;

Issuing orders banning use of abusive words or excessive force by police officers; and

Developing procedures to handle citizen complaints within the police department which are fair and designed to impose real discipline.

"Although some of these ideas have been adopted by some police departments in whole, or in part, in even the most progressive police departments the problem of police-community relations remains a sore spot. The reason is that most of the efforts at improving police-community relations have been undertaken merely as "programs," minor changes in the police department's organizational structure, or as public relations efforts."²

The Commission also makes the following recommendation which ties in with the emphasis of this NAC Recommendation.

"A strategy to reduce and control crime and violence can only be as effective as the personnel and organization implementing it and the citizens supporting it. Planning and resources must be directed at upgrading professional personnel and developing the appropriate understanding and mutual support in the common problem among the diverse public officials and the general public."³

The NATIONAL ADVISORY COMMISSION ON CIVIL DIS-

ORDERS recommends the following:

"The Commission recommends that city government and police authorities:

• Review police operations in the ghetto to ensure proper conduct by police officers, and eliminate abrasive practices.

• Provide more adequate police protection to ghetto residents to eliminate their high sense of insecurity and the belief in the existence of a dual standard of law enforcement.

• Establish fair and effective mechanisms for the redress of grievances against the police and other municipal employees.

• Develop and adopt policy guidelines to assist officers in making critical decisions in areas where police conduct can create tension.

• Develop and use innovative programs to insure widespread community support for law enforcement.

• Recruit more Negroes into the regular police force, and review promotion policies to insure fair promotion for Negro officers.

• Establish a "Community Service Officer" program to attract ghetto youths between the ages of 17 and 21 to police work. These junior officers would perform duties in ghetto neighborhoods, but would not have full police authority. The Federal Government should provide support equal to 90 percent of the costs of employing CSO's on the basis of one for every 10 regular officers."⁴

II. Special Considerations

In The Police Chief, Lee P. Brown offers examples of police programs that deal with community relations. As an ideal, he suggests:

"Some police departments, in developing their community relations programs, have emphasized the alleviation of social problems as their basic objective. In such cases, the defining characteristic of the departments' community relations objective becomes the orientation of their specialized program. This type is called service oriented, using a term which describes what really should be the mission of the American Police System."⁵

¹National Governors' Conference, Where We Stand in the Fight Against Crime, Governor's Mutual Assistance program for Criminal Justice (Washington, DC: n.p., 1973), p. 68.

²National Commission on the Causes & Prevention of Violence, Law and Order Reconsidered, Volume 10 (Washington, DC: Government Printing Office, 1969), p. 299.

³Ibid., Crimes of Violence, Vol. II, pp. XLII-XLIII.

⁴National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (Washington, DC: Government Printing Office, 1968), p. 8.

⁵Lee P. Brown, "Typology," The Police Chief, Vol. XXXVIII, #3 (Washington, DC: Inter Association Chiefs of Police, March 1971), pp. 19-20.

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CHAPTER 10 - CONFLICTS OF INTEREST

Standard 10.1 ETHICS CODE

States should adopt provisions for an Ethics Code that embodies the substantive rules of ethical guidance for public officials and employees in State and local governments. The code should contain but not be limited to the following:

1. Public officials shall, at all times, conduct themselves in a manner that reflects creditably upon the office they serve. Public officials shall not use their office to gain special privileges and benefits.
2. Public officials shall refrain from acting in their official capacities when their independence of judgment would be adversely affected by personal interests or duties. An official shall disqualify himself from official action when his independence of judgment is impaired by the existence of conflicting interests or duties.
3. Public officials shall refrain from accepting gifts, favors, services, or promises of future employment that could possibly relate to or influence the performance of their official duties.
4. Public officials shall refrain from serving in representative capacities or offering any overt or covert assistance to any persons or businesses for any matter such persons or businesses have before a government agency or commission. This precludes representation by an official of any business or partnership with which the official is closely associated. This provision does not include the rendering of routine assistance to constituents. The provision shall continue to apply for 1 year after public officials leave office.
5. Public officials shall refrain from accepting other positions of employment that might, because they consume an undue amount of time or because they involve possibly conflicting duties, interfere with the performance of public duties.

I. Officially Known Endorsements and Objections

The INTERNATIONAL CITY MANAGERS' ASSOCIATION (ICMA) has endorsed the establishment of codes of ethics for governmental officials and employees, noting that such codes are desirable because they clearly state standards, help anticipate problems, and aid in developing solutions in problem areas. Further, codes of ethics inform the public of the level of ethics in government and establish a basis for discipline.¹ The Association believes a code of ethics is also desirable because city officials and employees have a right to know the standard of conduct it can expect of its officials.²

The ICMA recommends that a code of ethics include the following provisions:

Public officials and employees... are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations...

No...official or employee... shall engage in any business (which)...would tend to impair his independence of judgment or action in the performance of his official duties...

No...official or employee shall accept any gift, favor, or thing of value that may tend to influence him in the performance of his duties...

No... official or employee...shall appear in behalf of private interests before any agency of the city...

No...official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties.³

The INVESTIGATIVE STAFF OF THE ANTITRUST SUBCOMMITTEE OF THE HOUSE COMMITTEE ON THE JUDICIARY OF THE 85th CONGRESS has recommended that a code of ethics be adopted to establish clear and unambiguous minimum standards of honesty and fair dealing in the conduct of government business.⁴ The Subcommittee staff suggests that such a code include: A prohibition on the acceptance of gifts of any type by a government official or employee from anyone with whom he may transact business; a prohibition on the acquisition or retention of financial interests or employment which conflict with the impartial performance of an official or employee's duties; and a prohibition on an official or employee participating in governmental action with respect to a person by whom the official or employee has been employed within the preceding two years.⁵

COMMON CAUSE has endorsed the creation of broad based ethics codes at all levels of government. Among the provisions contained in such a code Common Cause recommends the following:

No public official shall use his official position or office to obtain financial gain for himself, any member of his household, or any business with which he or a member of his household is associated...

[N]o public official shall solicit or receive anything of value, including a gift, favor, service, or promise of future employment...where it could reasonably be inferred that the thing of value would influence the public official in the discharge of his duties...

No public official and no business with which a public official is associated shall represent a client before any state regulatory department or agency for a fee.⁶

Common Cause further recommends that officials refrain from acting in matters in which they have a financial interest and that when such a conflict appears a full disclosure be made of it.⁷

II. Special Considerations

The ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK and its Special Committee on Congressional Ethics has endorsed the concept of ethics codes and has recommended that such codes include the following provisions: A requirement that a public position never be used for personal gain and that the appearance of using a public position for personal gain be avoided; a requirement that economic interests which might conflict with the performance of official duty be avoided; a requirement that in the event an economic interest interferes with the performance of official duty the economic interest be eliminated and if that is not feasible the official abstain from the official action; and a requirement that all substantial personal gifts be refused except those from relatives.⁸

The GENERAL ASSEMBLY OF THE STATE OF OHIO, in enacting into law amended substitute House Bill No. 55, provided a Code of Ethics for state officials and employees. This Code of Ethics includes a prohibition on the use of an official position for improper personal gain and forbids state officials or employees from representing clients before public agencies by which the official or employee is employed or was employed during the preceding twelve months.⁹ The Code of Ethics also prohibits the improper use of confidential information obtained during the course of government employment. The Code also forbids officials or employees from taking part in certain official actions in which the official or employee has a personal or family interest unless disclosure of such interest is made public.¹⁰

¹International City Managers Association, A Suggested Code of Ethics for Municipal Officials and Employees (Chicago, IL: International City Managers Association, 1962), p. 3.

²Ibid.

³Ibid., pp. 16-24.

⁴U.S. Congress and Antitrust Subcommittee Staff of the House Committee on the Judiciary, 85th Congress, 2nd Session, Report of the Staff of the Antitrust Subcommittee, Part V, in Virginia Law Weekly, A Compilation of the Virginia Law Weekly: The Ethical Lawyer and Government Influence (Charlottesville, VA: Jarman Printing Co., 1960), p. 41.

⁵Ibid., pp. 42-44.

⁶Common Cause, Money and Secrecy (New York, NY: Praeger Publications, 1972), pp. 266-268.

⁷Ibid.

⁸Association of the Bar of the City of New York, Special Committee on Congressional Ethics, Congress and the Public Trust (New York, NY: Atheneum Press, 1970), pp. 239-240.

⁹Ohio Revised Code, Section 102.03.

¹⁰Ibid.

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Standard 10.2 ETHICS BOARD

States should create, by legislative enactment, an Ethics Board to enforce the provisions of the Ethics Code, and should advise public officials and State and local employees covered by the Ethics Code on all ethical matters.

1. The members of the Ethics Board should be chosen from the public at large and should not include any individuals who hold public office. The Governor (the mayor or head of local government for a local government unit) should select the members from a list of individuals submitted by the State bar association, civic and professional associations, civil rights groups, minority organizations, and other citizen groups. Appointment of the members should be subject to approval by the State senate or other independent body already empowered to pass upon the fitness of persons nominated for high public office. No more than a simple majority of the members should be of the same political party.

Members should serve in staggered terms, with no individual tenure longer than 5 years. Board members and their staffs should be subject to all laws regulating political activity by State and local employees. Upon the death or dismissal of any board member, the procedure outlined above should be used to select an interim member to serve the remainder of the term.

2. The duties of the Ethics Board should be:

- a. To initiate complaints against officials over whom it has jurisdiction when the board has information establishing the possibility of an official's ethical misconduct for purposes of personal gain;
- b. To investigate all complaints against officials over whom the board has jurisdiction. Action on such complaints must be initiated within 30 days, and completed within reasonable time;
- c. To issue advisory opinions pursuant to personal requests for advice on ethical problems by public officials;
- d. To conduct public hearings when the preliminary investigation reveals evidence of an official's misconduct. The hearing will be conducted in a manner that respects all the constitutional rights of an individual accused in a criminal trial; and
- e. To publish a written statement of the board's findings pursuant to a hearing.

If the board concludes that it appears that a public official has violated a criminal law, a copy of the statement should be sent to the government official charged with enforcing criminal laws. If a violation of the Ethics Code is found, a copy of the report of the findings, along with specific recommendations for disciplinary action, should be sent to the legislature. (If this is a nonlegislative Ethics Board, it should be delegated the power to discipline violators of the Ethics Code.) Any findings of the Ethics Board should be issued to the original complainant.

3. The Ethics Board should have the power to subpoena witnesses and documents.

I. Officially Known Endorsements and Objections

The INTERNATIONAL CITY MANAGERS' ASSOCIATION has endorsed the concept of administering codes of ethics by the establishment of an ethics board. The Association suggests that the ethics board's principal functions include:

- to receive and initiate complaints of violations of the code of ethics;
- to hear and investigate complaints and transmit the findings to the appropriate authorities;
- to render advisory opinions or interpretations with respect to application of the code, either on request or its own initiative;
- to propose revisions to the code to assure its continuing pertinence and effectiveness.

The Association also recommends that the board of ethics be advisory and consist of an odd number of members, with emphasis on the personal or professional contributions a member can make.²

COMMON CAUSE has recommended that an ethics commission be established to administer a code of ethics. This commission, it is suggested, should be comprised of five persons, no more than three of whom are members of the same political party, appointed by the governor with the consent of the state senate. It is recommended that no public official be appointed to the commission and that the terms of service of members be staggered with a maximum term of service of nine years.³ COMMON CAUSE has recommended that the commission's duties include:

- "...make all reports and statements filed with it available for public inspection....;
- prepare and publish...summaries of the statements received;
- provide for wide public dissemination of summaries and reports;
- make investigations with respect to statements filed...and with respect to alleged failures to file any statement... and upon complaint by any individual, with

respect to alleged violations of any part of [the code of ethics];

issue, upon request, and publish advisory opinions on, the requirements of [the code], based on a real or hypothetical set of circumstances;

prescribe and publish rules and regulations to carry out provisions of this act."⁴

II. Special Considerations

The General Assembly of the State of Ohio, in enacting into law amended substitute House Bill No. 55, established an ethics commission consisting of six members, three of whom shall be members of each of the two major political parties, and each of whom shall be appointed by the governor with the advice and consent of the senate. Ultimately each commissioner will serve a six-year term.⁵

Among the functions of this commission will be receiving and initiating complaints against all persons within the ambit of Section 102.01, et. seq., of the Ohio Revised Code. (This group includes candidates for elective office, officeholders, directors and deputy directors of state agencies, members of specified commissions and boards and all other public officials and employees designated by the ethics commission to be subject to Section 102.01, et. seq., under the commission's rule-making powers provided in Section 102.02(B).)⁶ The commission will also investigate complaints,⁷ recommend legislation relating to ethics, conflict of interest and financial disclosure, and render advisory opinions.⁸

Amended substitute House Bill No. 55 also established a House Legislative Ethics Committee and a Senate Legislative Ethics Committee to recommend and administer codes of ethics for the legislative branches of government.⁹

¹The International City Managers' Association, A Suggested Code of Ethics For Municipal Officials and Employees (Chicago, IL: International City Managers' Association, 1962), p. 12.

²Ibid., pp. 12-13.

³Common Cause, Money and Secrecy (New York, NY: Praeger Publishers, 1972), p. 271.

⁴Ibid., pp. 273-277.

⁵Ohio Revised Code, Section 102.05.

⁶Ibid., Section 102.06.

⁷Ibid.

⁸Ibid., Section 102.08.

⁹Ibid., Section 101.34.

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Standard 10.3 DISCLOSURE OF FINANCIAL INTERESTS BY PUBLIC OFFICIALS

States should adopt provisions requiring public officials to disclose their financial and professional interests, and should establish a procedure to determine which public officials on the State, county, and local levels will be included under its provisions. Such disclosure should provide the general public and the Ethics Board with reliable information upon which to judge the propriety of official conduct.

1. Each public official shall, within 10 days from assuming office, and annually on January 31, file a financial disclosure statement with the Ethics Board, and the statement shall be open to the public for inspection. All candidates for public office shall, in addition, file a disclosure statement at least 2 weeks prior to the date of the election in which they wish to participate. The statements should include at least the following information:

- a. The identity and amount of all assets legally and constructively owned;
b. The original sources and amounts of all income, including but not limited to outside employment, consultant fees, or other services performed during the preceding reporting period;
c. The nature and amounts of all debts owed in excess of \$1,000 and the names of the persons or institutions to whom such debts are owed;
d. The identity of all businesses, agencies, or corporations with which one is associated as a partner, director, or officer;
e. If a partner in a law firm, a list of all clients whose annual fees exceed \$2,000 or comprise 5 percent or more of the firm's remuneration per annum and the amounts of such fees;
f. The original source of all gifts received and the type of gift;
g. The nature of all interests in any business, either legally or constructively owned; and
h. The original source and amount of all honoraria.

2. Each public official shall disclose to the Ethics Board any conflict of interest that exists in respect to specific action of an official nature prior to acting on such official matters.

I. Officially Known Endorsements and Objections

The INTERNATIONAL CITY MANAGERS' ASSOCIATION has recommended that governmental units adopt, when needed, a statutory provision compelling disclosure of financial interests of governmental officials and employees. The Association suggests that all sources of income and the nature and extent of any personal interest in a particular

government transaction be disclosed and that such disclosures be made periodically.¹

The NATIONAL MUNICIPAL LEAGUE has endorsed the concept of governmental units compelling, by law, the disclosure of all financial interests of a governmental officer or employee, particularly governmental actions. The League recommends that when such an interest is present the official or employee refrain from participating in his governmental capacity.²

COMMON CAUSE has endorsed the requirement of disclosure of financial interests by public officials. It is recommended by Common Cause that such disclosure include the following information concerning the financial interests of a public official or employee:

- the identity, by name, of all offices, directorships, and fiduciary relationships held by him or a member of his household;
the legal description of all real estate in the state in which he or a member of his household has any interest...;
the name of each creditor to whom he or a member of his household owes monies in excess of \$1,000...;
the source, by name and category of the amounts of any income, whether or not taxable, received by him or a member of his household during the preceding year;
a list of business with which he is associated that do business with or are regulated by the state...;
if the individual who is filing is an attorney, a list of all clients of the individual or any law firm with which he is associated whose fees were \$1,000 or more during the preceding year...⁵

Common Cause also suggests that provision be made for disclosure of financial interests by candidates for public office, such disclosure being required within ten days after an individual becomes a candidate.⁶

II. Special Considerations

The SPECIAL COMMITTEE ON CONGRESSIONAL ETHICS of the Association of the Bar of the City of New York has recommended the adoption of financial disclosure requirements. The Special Committee recommends that such requirements include the disclosure of:

- Each source of any income, including capital gains, aggregating \$1,000 or more during the preceding calendar year.
The identity of any creditor to whom (debts are owed) aggregating \$5,000 or more during the year, except a debt secured by a mortgage upon (the) principal place of residence.
The source and value of all non-family gifts in the aggregate amount of \$25 or more received from any single source

during the preceding calendar year. The amount or value and source of each honorarium of \$300 or more received during the preceding calendar year.³

The Special Committee also recommends that legal fees aggregating more than \$1,000, and received from a single client during the year by a law firm with which the government official or employee has a professional relationship be reported along with the name of the client from whom the fee was received. The Special Committee further suggests that disclosure of amounts and sources of all contributions received for official or semi-official expenses related to an office be required.⁴

The General Assembly of the State of Ohio, in enacting into law amended substitute House Bill No. 55, established a financial disclosure requirement for specified public officials and employees. Under this Act those public officials and employees subject to the Act are required to disclose, among other things, the source of all income over \$500, certain interests held in corporations or partnerships, certain interests held in real estate apart from the individual's residence, the names of creditors to whom \$1,000 or more is owed apart from business debts and mortgages on the individuals' residence, and the source of gifts exceeding \$500, received by the official or employee.⁷ Candidates for elective office are also required to file disclosure statements within twenty days after filing of a petition of candidacy.⁸

Statements filed under provisions of this act are subject to public inspection.⁹

¹International City Managers' Association, A Suggested Code of Ethics for Municipal Officials and Employees (Chicago, IL: International City Managers' Association, 1962), p. 28.

²National Municipal League, Model City Charter (New York, NY: National Municipal League, 1964), p. 64.

³The Association of the Bar of the City of New York: Special Committee on Congressional Ethics, Congress and the Public Trust (New York, NY: Atheneum Press, 1970), p. 241.

⁴Ibid., p. 242.

⁵Common Cause, Money and Secrecy (New York, NY: Praeger Publishers, 1972), pp. 269-271.

⁶Ibid., p. 269.

⁷Ohio Revised Code, Section 102.02.

⁸Ibid.

⁹Ibid.

Standard 10.4 CRIMINAL PENALTIES

States should define as violations of their criminal codes certain situations involving conflicts of interest, and should assign meaningful penalties when such violations constitute a serious and substantial abuse of public office. State criminal codes should include the following minimum provisions:

1. No public official shall use confidential information for the purpose of financial gain to himself or to any other person. This provision shall continue to be applicable for 2 years after an official leaves office.

2. No public official shall accept compensation, gifts, loans, privileges, advice and assistance, or other favors from private sources for the performance of tasks within the scope of his public office.

3. No public official shall represent another person before a court, or before a government agency or commission, when such client is claiming rights against the government.

4. No public official, and no business in which a public official has a substantial interest (including but not limited to substantial financial investments, directorates, and partnerships) shall enter into a contract with the government or with a business regulated by the government, unless the contract has been awarded through a competitive bidding process with adequate public notice. This provision shall continue to be applicable for 1 year after the official leaves office.

5. No public official or candidate for public office shall fail to file a disclosure statement by the date established by the Ethics Board, and no public official or candidate for public office shall knowingly file a false financial statement.

6. Any official or candidate for public office alleged to be in violation of the above criminal provisions shall be granted a prompt preliminary hearing. If tried and convicted, he shall be guilty of a felony.

7. Any elected official convicted of any felony or misdemeanor involving moral turpitude shall be removed from office. Any appointed official likewise convicted shall be suspended from his duties.

I. Officially Known Endorsements and Objections

COMMON CAUSE has recommended that criminal penalties be provided to enforce the provisions of a code of ethics, noting that violation of public trust is a very serious matter. They recommend that such violations should be treated as felonies with a maximum fine of \$10,000 or imprisonment for not more than five years or both a fine and imprisonment.¹

The INTERNATIONAL CITY MANAGERS' ASSOCIATION has recommended that criminal penalties not be used to enforce a code of ethics. The Association suggests that remedies be of an administrative nature because criminal penalties are "too severe, especially if they involve jail sentences."² The Association feels that sanctions which include suspension or removal from office or employment are more effective in controlling conduct and are more effective in practice since they are more likely to be invoked than are criminal penalties.³

The Staff of the ANTITRUST SUBCOMMITTEE OF THE HOUSE COMMITTEE ON THE JUDICIARY OF THE 85th CONGRESS has advised that codes of ethics should not be enforced by use of criminal penalties.⁴

II. Special Considerations

Few national standard setting organizations have commented on the concept of making violations of an ethics code or financial disclosure law a felony. However, some states including New York⁵ and Arizona,⁶ treat specified violations of their ethics code or disclosure laws as felonies. Other states, including Illinois,⁷ California,⁸ and Louisiana⁹ treat specified violations.

The General Assembly of the State of Ohio, in enacting into law amended substitute House Bill No. 55, provided criminal penalties for violations of the State's ethics code and financial disclosure law.

¹Common Cause, Money and Secrecy (New York, NY: Praeger Publishers, 1972), pp. 273-277.

²The International City Managers' Association, A Suggested Code of Ethics For Municipal Officials and Employees (Chicago, IL: International City Managers' Association, 1962), p. 24.

³Ibid.

⁴Antitrust Subcommittee Staff of the House Committee on the Judiciary, 85th Congress, Second Session, Report of the Staff of the Antitrust Subcommittee, Part V in Virginia Law Weekly A Compilation of the Virginia Law Weekly: The Ethical Lawyer and Government Influence (Charlottesville, VA: Jarman Printing Co., 1960), p. 41.

⁵New York Public Officers Law, Sections 76 and 77.

⁶Arizona Revised Statutes, Section 41-1297.

⁷Illinois Public Act 77-1806, Section 4A-107.

⁸California Government Code, Section 8920(4).

⁹Louisiana Revised Statutes, Section 42:1143.

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CHAPTER 11 - REGULATION OF POLITICAL FINANCES

Standard 11.1 DISCLOSING THE ROLE OF MONEY IN POLITICS

All significant receipt and expenditures by every candidate and organization seeking to influence any election should be disclosed periodically before and after elections and between elections in a manner that insures transmission of these disclosures to the public. A registration system for qualifying political committees is necessary. All disclosures should be made to a bipartisan Registry of Election Finance that is isolated from political pressures.

Disclosure should be considered as the cornerstone of a larger regulatory scheme. Disclosure should be as accurate and complete as possible, should occur at times when voters can use the information most effectively to judge candidates and parties, should be readily available to those interested, and should be given as wide coverage as possible.

1. To insure uniformity, State disclosure regulations should be at least as stringent as those of the Federal Election Campaign Act of 1971, which requires: (1) candidates for nomination of election to Federal office; and (2) committees raising or spending in excess of \$1,000 for candidates, to register and disclose their finances periodically.

2. Disclosure should be required of all candidates and of any substantial party committees, interest groups, and others who participate in elections either directly or by raising and spending money in support of those who participate directly. The Federal Election Campaign Act also provides for a system of registering political committees, much as lobbyists must register. Thus any committee raising or spending in excess of a specified amount (\$1,000 in the Federal system) and supporting candidates or undertaking parallel campaigning must register information about the composition of the committee and its support activities. This system informs the public about which committees support which candidates. Once a committee is registered, it must report periodically until it goes out of existence.

3. Disclosure should be frequent enough to keep the public informed about the sources and expenditures of money at every stage of a political campaign, its aftermath, and between elections. Ordinarily this means disclosure should occur before and after each nominating convention or caucus, each general or special election. Continuing disclosure should be required at regular intervals between campaigns.

4. Reports should be readily available. Thus they should be filed in the State capitol where they are fully accessible to the media and the public. Duplicates should be filed with an appropriate public official in the county or locality in which any contest below the statewide level is being held, so that

local media, the opposition, and the electorate have ready access to the reports. Further, reports should be available upon request, during regular office hours, in a manner convenient to the public. Provision should be made for photocopying reports at the expense of persons requesting copies.

5. Reports should meet a test of substantial completeness. They should provide all reasonably pertinent information, while at the same time avoiding such bulk and volume as to be difficult to use. Under the Federal Election Campaign Act of 1971 (Title III, § 203 and 304), only receipts and expenditures in excess of \$100 must be itemized; others must be reported in totals and retained on candidate and committee account books, which are subject to inspection and audit.

Reports should be cumulative, so that the latest report provides all necessary information for a calendar year or electoral phase such as pre- or post-nomination. This reduces the volume of reports an examiner must scrutinize, and summarizes data as much as feasible. Summaries of major categories of receipts and expenditures should be included in the reports.

6. To insure full disclosure, there should be established a bipartisan agency, isolated from political pressures to the greatest extent possible, and having responsibility to (1) receive, examine, tabulate, summarize, publish, and preserve registrations and campaign fund reports; (2) prescribe the forms in which reports are to be made; (3) determine how the data in the report can best be disseminated both before and after elections.

7. The agency should be vested with authority to audit any books kept separately by candidates and committees; it should perform sample audits and should have subpoena powers and all other means necessary to conduct compliance investigations.

8. Enforcement of the regulations should be vested first in the agency. Criminal prosecution should be undertaken by the agency itself and civil redress should be permitted. Citizens also should be provided an opportunity to seek enforcement of the regulations. If the agency, candidates, and citizens can go directly to court, it should be possible to bypass partisan enforcement agents and achieve strict enforcement.

9. With such administrative and enforcement powers, the agency also can be given statutory responsibility to insure compliance with any limitations or prohibitions on contributing or spending that are part of the larger regulatory scheme.

I. Officially Known Endorsements and Objections

The AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS strongly support legislation which requires the disclosure of

campaign financial records. Federal, state, and local politicians should have a legal duty to publicly report the sources and amounts of contributions made to their campaigns, as well as the nature and amounts of their campaign expenses. These disclosures should include publication of financial records concerning final elections, primaries, and conventions. Political party committees should be forced to meet similar disclosure requirements.¹

The TWENTIETH CENTURY FUND Task Force on Financing Congressional Campaigns states that full disclosure and publication of all campaign contributions and expenditures is the best method for insuring that political campaigns are honestly and fairly conducted. To make sure that such disclosures are accurate and punctual, attempts to conceal contributions or expenditures should be thoroughly investigated, promptly exposed, and severely punished. The Task Force stresses the importance of making campaign financial information available to the public before election day. Such information should be assembled in an easily understood format. Finally, political committees should be required to register with a governmental elections commission and maintain open financial records.²

The NATIONAL COMMITTEE FOR AN EFFECTIVE CONGRESS supports legislation which requires disclosure of all contributions in excess of \$100 to any candidate or political committee, together with the name of the contributor and the date of the contribution. Campaign expenditures over \$100 should also be reported, as should the amounts and names of those making or endorsing loans to be used for political purposes. The reports by the candidates and political committees should be made at least five days before the date of the election.³

¹American Federation of Labor and Congress of Industrial Organizations, Labor Looks at the 90th Congress (Washington, DC: AFL-CIO, 1968), p. 109.

²Twentieth Century Fund Task Force on Financing Congressional Campaigns, Electing Congress - The Financial Dilemma (New York, NY: Twentieth Century Fund, 1970), pp. 15-17.

³Congressional Quarterly, Dollar Politics (Washington, DC: Congressional Quarterly, Inc., 1970), pp. 44-47.

Standard 11.2 LIMITING POLITICAL SPENDING

With due regard for constitutional rights, selective limitations should be imposed on the sums that can be spent to advance the candidacy of any aspirant for office and to conduct the affairs of any political party or other organization that aids candidates or otherwise participates in election campaigns. Such limits should be reasonable and enforceable, so that they will not go unobserved or breed disrespect for the law.

1. Limits should be enacted that reflect a generous estimate of the real costs of waging creditable campaigns in competitive electoral districts and of performing essential political committee activities (e.g., registration, recruitment, getting out the vote, research, and information distribution) at a high level of effectiveness.

2. All expenditures on behalf of a candidate, except those of his political party, should be channeled through a single committee he designates. To protect the constitutional rights of those wishing to express political views, but whose expenditures the candidate does not wish to accept as his own, the requirement that all expenditures be channeled through the candidate's authorized committee should exempt individuals or committees spending less than a certain designated amount, provided that their intended activity has been offered to and rejected by the candidate. Such expenditures should not be regarded as part of the sum that the candidate is permitted to spend. Negative advertising should be permitted without charge to any candidate's limit if it is not authorized by opposing candidates.

3. Expenditure limits should be adjusted automatically to the size of the electorate and the price index change. The media spending limits under the Federal Election Campaign Act of 1971 provide such a model; they apply only to specified forms of advertising, which would vary if applied to local levels of candidacy where broadcasting or newspaper advertising may not be economically feasible. In addition, periodic review of legitimate campaign spending needs, such as costs of new communications technology, should be mandatory, and this review should recommend adjustments in permissible expenditure levels.

4. Political committees should be required to disclose their accounts to the Registry of Election Finance or other public agency responsible for supervising political finance, and such agency should be empowered to enforce expenditure limitations. There also should be a means for citizen enforcement; upon receiving a complaint a designated judicial body should be authorized to make a finding of probable cause and then to order institution of further proceedings.

I. Officially Known Endorsements and Objections

The AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS (AFL-CIO) supports legislation which would impose limitations on expenditures for political broadcasting by a candidate during a single campaign. The AFL-CIO warns that the domination of American politics by wealthy individuals who are able to spend large sums to advance their campaigns for office is a danger to the democratic process in the United States. Spending ceilings should be placed on the campaigns of those seeking federal, state, and local offices, in primary elections, as well as in final elections.¹

The TWENTIETH CENTURY FUND Task Force on

Financing Congressional Campaigns states that neither wealthy candidates for political office spending their own money, nor wealthy contributors supporting a candidate, should be permitted to have an undue influence on elections. However, the Task Force believes that limitations on the amounts which can be contributed by an individual to a candidate's campaign are impossible to enforce and, therefore, will do nothing to restore the credibility of the electoral system to the American people. The Task Force recommends that candidates be legally required to fully disclose the names of contributors, as well as the amounts donated, so that the public can be warned of attempts by wealthy individuals to "buy" elections.²

The NATIONAL COMMITTEE FOR AN EFFECTIVE CONGRESS recommends that limitations be placed on the amounts which can be contributed by a candidate or his immediate family to his campaign. Furthermore, candidates should be given an overall spending ceiling for a single campaign, as well as a limitation on the amounts which can be spent on radio and television campaign advertising.³

¹American Federation of Labor and Congress of Industrial Organizations, Labor Looks at the 91st Congress (Washington, DC: American Federation of Labor and Congress of Industrial Organizations, 1971), pp. 104-105.

²The Twentieth Century Fund Task Force on Financing Congressional Campaigns, Electing Congress - The Financial Dilemma (New York, NY: Twentieth Century Fund, 1970), pp. 18-19.

³Congressional Quarterly, Dollar Politics (Washington, DC: Congressional Quarterly, Inc., 1971), pp. 44-46.

Standard 11.3 CURTAILING CONFLICTS OF INTEREST IN CAMPAIGN FINANCE

State laws should prohibit campaign contributions, and other spending relating to politics or campaigns for State and local offices, by persons who transact an annual business of more than \$5,000 with those units of government, or who are directors or shareholders owning or controlling 10 percent or more of a corporation, business, or association engaged in such transactions. Further, those who own or operate any corporation, business, or association regulated by the State, or who are directors or shareholders of 10 percent or more of stock in it, should similarly be prohibited from making political contributions. Labor unions and their officers having contracts with the unit of government should be similarly prohibited from making campaign contributions. Such laws should carry criminal penalties and should provide procedures for initiation of citizen complaints.

I. Officially Known Endorsements and Objections

The TWENTIETH CENTURY FUND Task Force on Financing Campaigns recommends that there be a complete ban on campaign contributions from government contractors. Individuals who transact business with federal, state, and local governments are unacceptable sources of money to finance the campaigns for political office. Many ethical problems are created for both the government contractor and the candidate for office by such campaign contributions. The Task Force warns that candidates aspiring to political office should actively guard against contributions from government contractors. The Task Force recommends that all campaign contributions from government contractors be made illegal. Those government contractors who make contributions to political candidates should be vigorously prosecuted and severely punished. Furthermore, the names of those candidates who have accepted such contributions should be disclosed to the public before election day.¹

The AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS (AFL-CIO) states that legislation which forbids businessmen, corporations, and unions having government contracts from soliciting and contributing funds to political campaigns is unjust. The AFL-CIO believes that businessmen, corporations, and unions should have the right to collect and disburse political campaign funds, and that no distinction should be made between those that are government contractors and those that are not. Prohibition forbidding contributions from those having government contracts is discriminatory.²

The NATIONAL COMMITTEE FOR AN EFFECTIVE CONGRESS (NCEC) supports legislation which would prohibit a candidate for office from making promises of government employment and government contracts to businessmen and contractors in exchange for campaign contributions and other political support. The NCEC believes that such legislation would effectively stop contributions from those businessmen who seek to control and obligate elected candidates concerning the awarding of government contracts. Candidates also should not be permitted to promise future government contracts to present government contractors. Promises of government contracts by political candidates in return for campaign contributions should be a criminal offense.³

¹The Twentieth Century Fund Task Force on Financing Congressional Campaigns, Electing Congress - The Financial Dilemma (New York, NY: The Twentieth Century Fund, 1970), p. 20.

²American Federation of Labor and Congress of Industrial Organizations, Labor Looks at the 92nd Congress (Washington, DC: American Federation of Labor and Congress of Industrial Organizations, 1972), p. 121.

³Congressional Quarterly, Dollar Politics (Washington, DC: Congressional Quarterly, Inc., 1971), pp. 44-46.

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Standard 11.4 PROHIBITING CORPORATE AND LABOR CONTRIBUTIONS

In addition to prohibiting government contractors from contributing, State law should prohibit other corporations, labor unions, and trade associations from contributing or making expenditures for political purposes. Corporations, unions, and associations should be treated alike. Statutes should require disclosure of all corporate or union or association resources used directly or indirectly for or against political parties, candidates or ballot issues, including educational, registration, and fund raising activities conducted in the name of education or citizenship.

I. Officially Known Endorsements and Objections

The TWENTIETH CENTURY FUND Task Force on Financing Congressional Campaigns recommends that contributions to political campaigns by labor unions and corporations be prohibited. The Task Force believes that these sources of funds are unacceptable for campaigns because of the ethical problems created for both the contributors and the candidate recipients. Corporations and unions which make illegal campaign contributions should be prosecuted. Furthermore, the candidates for office who accept these illegal contributions should be brought to the attention of the public.¹

In contrast, the AMERICAN CIVIL LIBERTIES UNION (ACLU) is strongly against the prohibition of campaign contributions by labor unions and corporations. The ACLU believes that contributions to political parties and candidates by unions and corporations are a proper exercise of the right of free expression, protected by the First Amendment of the Constitution of the United States. The use of union members' general dues for campaign contributions should be permitted, as long as the members of the union are permitted to participate in the decision-making process within the union. However, union members should not be required to pay special assessments for political campaigns which they do not support.²

The AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS opposes any legislation which prohibits a labor union from collecting voluntary contributions from its members for political candidates supported by the union. Such prohibitions wrongfully limit the political activities of labor unions.³

¹The Twentieth Century Fund Task Force on Financing Congressional Elections, Electing Congress - The Financial Dilemma (New York, NY: The Twentieth Century Fund, 1970), p. 20.

²American Civil Liberties Union, The Policy Guide of the American Civil Liberties Union (New York, NY: American Civil Liberties Union, 1970), Policy #53.

³American Federation of Labor and Congress of Industrial Organizations, Labor Looks at the 91st Congress (Washington, DC: American Federation of Labor and Congress of Industrial Organizations, 1971), p. 106.

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CHAPTER 12 - GOVERNMENT PROCUREMENT OF GOODS AND SERVICES

Standard 12.1 ESTABLISHING A STATE PROCUREMENT OFFICE

Each State should establish a centralized State procurement function responsible for obtaining necessary commodities and services at the maximum value to the State, while providing safeguards against corruption and abuse of the purchasing function.

1. It should be the responsibility of the State procurement agency to:

- a. Develop, in concert with the using agencies and a representative cross section of appropriate vendors, reasonable specifications defining the commodities to be utilized, with the end use of the commodity being the prime controlling factor;
- b. Endeavor to achieve universal use of the adopted specifications, where feasible, in order to obtain the best volume price for each commodity. A commodity catalog listing standard specifications for standard commodities should be provided to all using agencies for their reference;
- c. Develop analytical criteria to ascertain the maximum value obtainable for each commodity;
- d. Purchase the necessary commodities for all using agencies, and purchase them at maximum value consistent with good purchasing practices. Commodities to be purchased should include all those prescribed by statute or regulation, for all agencies, State stores, and warehouses. The procurement agency also should be responsible for the disposal of surplus property.
- e. Insure that commodities delivered under contract with the State meet specifications;
- f. Handle in a fair and equitable manner complaints relating to performance of both vendors and using agencies;
- g. Maintain, through the use of vendor prequalification forms, current lists of responsible suppliers for all commodity classifications;
- h. Encourage and insure competition among qualified vendors on all bids; and
- i. Promulgate specific rules and regulations for the operation of the department within the statutory limitations of that agency.

2. Criteria for organization and utilization of personnel should be established along the following lines:

- a. Organization. The purchasing department should include the following sections and personnel, with the exact division and number of personnel employed to be based on the size and complexity of the volume of purchasing being done by the individual State agency:

- (1) An advisory board composed of the legislative heads of the upper and lower

house finance committees of the legislature; the purchasing director; and the heads of the sections of the Purchasing Department;

- (2) The purchasing director - a cabinet-level position to be filled by a person appointed by the Governor and confirmed by the State Senate; and

- (3) Sectional divisions as follows, all staffed by personnel on either civil service or an established merit system; Standardization and Specifications Sections, Institutional Purchasing Section, Agency Purchasing Section, Warehousing and Distribution Section, Printing and Paper Section, Surplus Property Section.

- b. Qualifications. Clear and precise job descriptions should be established and adhered to for all personnel of the Purchasing Department. For personnel other than the purchasing director and clerical help, the following requirements should be included, as appropriate, for each section of the department:

- (1) College education or comparable experience in business administration, accounting, economics, institution management, and engineering; and
- (2) Experience in the field of employment, public or private, for a minimum of 1 year.

- c. Advancement and Job Security. The following provisions should be considered in establishing a personnel policy:

- (1) Provide on-the-job training, specialized training, and professional development programs for qualified employees in order to facilitate advancement, versatility, and competence;
- (2) Provide salary scales adequate to attract and retain competent employees;
- (3) Provide departmental seminars and staff sessions;
- (4) Provide for internship with using agencies; and
- (5) Provide protection from the fluctuations of politics and insist on satisfactory performance for continuation of employment.

3. Ethical guidelines and provisions for their enforcement should be established by each State procurement office, possibly in addition to other State ethics codes but certainly requiring adherence to specific regulations critical to an honest and efficient procurement office.

Adequate penalties for the violation or abuse of the position of any employee of the Purchasing Department should be established. The Advisory Board should put forth rules relating to any violation not statutorily sanctioned.

4. Provisions for regular audits, accurate record-keeping, and availability of purchasing information to the public should be established.

a. Accurate records of all transactions and the justifications should be kept.

(1) Whenever feasible, prior approval should be obtained for any but routine matters.

(2) All routine purchases and transactions should be sent through channels for review, and any action taken on a special or emergency basis should be submitted to the purchasing director and the advisory board for immediate review.

(3) A multiple central filing system, with cross references, should be maintained. These files and their contents should include:

Bid file: Tabulation sheets showing all bids received. This should show the accepted bid, other pertinent information relating to reason for award, rejected bids with reason for rejection, and buyer's signature. Also included should be a copy of the purchase requisition with purchase order number, worksheet used in making up bid, worksheet used in writing purchase order; correspondence that relates only to a specific bid; all bids received, complete with supporting data; correspondence from firms indicating they are not bidding, with bid envelopes stapled to the bid; and a copy of the form letter advising bidders of rejection.

Agency file: All general correspondence from or to each agency, cross-reference or copies of all complaints against items, products, or procedure originating from any agency. When pertinent, other correspondence relating to products should have a cross-reference to agency file and in some cases to the bid file. Also included should be copies of each purchase request and purchase order.

Vendor file: Correspondence of a general nature with the vendor, bidder data sheets, complaints against vendor, service records, brochures and pamphlets, original prequalification application, applicable cross references, and copies of form letters of bid rejections.

Product file: Maintained in Specification Section, filed by commodity classification. Should contain all material relating to quality or acceptability or testing of products, and complaints against products.

Purchase order file: All purchase orders and field purchase orders.

Price agreement file: Complete copy of each price agreement issued for the year.

General file: Correspondence with other governmental agencies; correspondence regarding policy and procedure; complaints against general purchasing procedure; memoranda; notices of removal from bid list; bonds; prequalification of bidders; authorized signatures; delegation of authority; personnel matters.

b. The records of the Purchasing Department should be public information. All records should be kept for a minimum of 5 years. Records should be sufficiently cross-referenced to increase their usefulness to the public.

5. The following additional proposals also are made:

a. While bidding shall be competitive wherever possible, advertising for bids is deemed of little value except in special circumstances. Bids should be solicited from the current list of prequalified vendors of a specific commodity should be solicited. Grounds for dropping a vendor from the list of prequalified suppliers should be: (1) no response to two consecutive bid invitations, or to three bid invitations over a period of 1 year; (2) five no-bid responses within 1 year; or (3) a total of five no responses or no-bid responses within a period of 1 year. When deemed necessary or advisable by the purchasing director, with approval of the advisory board, advertisements soliciting applications for prequalification may be placed in newspapers of general circulation.

b. In any case in which all formal bids are determined to be unsatisfactory, with the prior approval of the advisory board, the commodity may be purchased on the open market at a price lower than the lowest bid price.

c. Whenever possible, term contracts should be employed.

d. All using agencies shall supply the Purchasing Department with periodic reports, at predetermined intervals, of supplies on hand.

e. The rules established by the advisory board should allow sufficient flexibility for items that can be handled adequately through central purchasing.

f. A general inspection should be conducted at the point and time of delivery by the receiving agency.

g. The Purchasing Department should conduct random spot checks of commodities delivered.

h. The Purchasing Department should test delivered goods if requested to do so by a receiving agency that questions their conformity to specifications.

i. When goods are to be delivered to several locations throughout the State, particularly a large State, provision should be made for the possibility of allowing bids to be taken for delivery to specific districts of the State, should this provide a savings to the State.

j. The prior approval of the advisory board should be obtained before a bid other than the lowest can be accepted.

k. If a low bid does not meet the stated specifications, it should not be accepted even though the using agency

determines that it is adequate. In this case, a new invitation to bid should be let, based on the new specifications.

l. If a vendor to whom a bid has been awarded fails to perform in accordance with the contract, the commodity may be purchased on the open market and the difference in cost charged back to the vendor, with prior approval of the advisory board.

m. In developing standard specifications, assistance may be obtained from Federal agencies (General Services Administration), U.S. Commercial Standards, American Society of Mechanical Engineers, or National Bureau of Standards.

n. Procurements shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" descriptions may be used as a means to define the performance or other salient requirements of a procurement, and, when so used, the specific features of the name brand which must be met by offerors should be clearly specified.

I. Officially Known Endorsements and Objections

The purpose of this Standard is to safeguard against corruption and abuse of the purchasing function. The basic concern of the Commission is with corruption in governmental activities and the ensuing public distrust in and alienation from its public officials.

Many organizations are concerned with this basic problem. COMMON CAUSE has published a book, Money and Secrecy which discusses the general topic¹ and the INTERNATIONAL CITY MANAGERS ASSOCIATION has dealt with the subject at the municipal level in A Suggested Code of Ethics for Municipal Officials and Employees.² These organizations and others such as the NATIONAL MUNICIPAL LEAGUE³ and the ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS,⁴ have also addressed at length the question of public access to information on the operation of governmental agencies. There is consensus among all these organizations that having governmental operations open to public scrutiny is one of the best ways to assure their ethical, efficient functioning.

II. Special considerations

Ohio has a State Purchasing Office and also has recently enacted a Code of Ethics for state officials and employees.⁵

¹Common Cause, Money and Secrecy (New York, NY: Praeger Publications, 1972).

²International City Managers Association, A Suggested Code of Ethics for Municipal Officials and Employees (Chicago, IL: International City Managers Association, 1962).

³National Municipal League, A Guide for Charter Commissions (New York, NY: National Municipal League, 1968).

⁴Advisory Commission on Intergovernmental Relations, The New Grass Roots Government? (Washington, DC: Government Printing Office, 1972).

⁵Ohio Revised Code, Section 103.03.

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1 OF 2

I. Officially Known Endorsements and Objections

The INTERNATIONAL CITY MANAGERS ASSOCIATION (ICMA) says that the public should decide what government officials and agencies should do and also decide how its requests should be implemented. Thus the ICMA says that the public must be given information on the decision-making criteria currently used in government operations so it may assess them.¹

The NATIONAL COMMISSION ON URBAN PROBLEMS (NCUP) calls for making assessment ratios known to the public and for providing an appeal procedure for taxpayers.² The NCUP includes the following provisions in its Recommendation No. 6 - Improvement of Property Tax.³

Providing appropriate machinery for assessment work, with responsibility assigned to well-staffed and professionally directed jurisdictions which are large enough to employ modern equipment and techniques; Conducting and publicizing the results of careful studies of assessment ratios, and publishing related data about property taxation on a regular basis; and Providing effective appeals machinery for taxpayers.

The NCUP notes that its recommendation which incorporates the same ideas found in this Standard is also in line with the views of the ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.⁴

¹International City Manager's Association, Planning and Budgeting in Municipal Management (Chicago, IL: International City Manager's Association, 1965), pp. 1-27.

²National Commission on Urban Problems, Building the American City (Washington, DC: Government Printing Office, 1968), p. 362.

³Ibid., p. 368.

⁴Ibid., p. 368.

Standard 13.3 PROVIDING FOR PUBLIC REVIEW OF GOVERNMENT DECISIONS

All jurisdictions should take positive steps to publicized pending actions taken in the zoning, licensing, and tax assessment areas.

1. Pending and taken decisions should be summarized, compiled, and distributed to public interest groups, the media, and any citizen requesting regular receipt of such summary.

2. Jurisdictions should compile mailing lists of parties interested in categories of decisions and should actively solicit citizens and

agencies to submit their names to it.

3. The summary presentation should be prepared in layman's language; it should identify all public officials and private parties involved, contain a description of the results of the pending or approved action, and describe where further information can be obtained.

4. The publicized report of government decisions also should contain layman's language summaries of all audits, performance reviews, and other analyses of agencies' operations.

I. Officially Known Endorsements and Objections

The NATIONAL COMMISSION ON URBAN PROBLEMS (NCUP) strongly endorses publication of the findings of assessment ratios studies. It believes the public is entitled to this data. The NCUP believes that many problems with the property tax as it is now used result from lack of knowledge and understanding by citizens. The NCUP strongly supports a "full disclosure" policy.¹

The INTERNATIONAL CITY MANAGER'S ASSOCIATION in Municipal Reporting to the Public emphasized the basic points which underlie this Standard. It says:

Public officials are accountable to the people for policies, programs, and performance. This idea is deeply rooted in civic traditions, a corollary to the principal, "a public office is a public trust." It is an old concept, as old as the country. Equally old is the concept of an informed citizenry. But it is now widely recognized that government has an important responsibility to initiate information, to explain its policies and programs, and to provide data the public must have to evaluate performance. A free flow of information must begin at the source.²

¹National Commission on Urban Problems, Building the American City (Washington, DC: Government Printing Office, 1968), p. 374.

²International City Manager's Association, Municipal Reporting to the Public (Chicago, IL: International City Manager's Association, 1963), p. 1.

CHAPTER 14 - COMBATING OFFICIAL CORRUPTION AND ORGANIZED CRIME

Standard 14.1 MAINTAINING INTEGRITY IN THE LOCAL PROSECUTOR'S OFFICE

1. States should redefine their law enforcement districts so as to combine smaller jurisdictions into districts having sufficient workload to support at least one full-time district attorney.

2. States should devise training standards for prosecution service, and should provide prosecutors' salaries that will attract the best-qualified personnel.

3. All local prosecutors and their staff attorneys should be prohibited from engaging in partisan political activity. Local prosecutors who are elected should be elected in nonpartisan elections.

4. All local prosecutors should be required to publish and make available annual reports detailing the deployment of personnel and resources during the preceding reporting period. Such reports should disclose the number of cases pending, hours spent in court and before the grand jury, and other details cataloging the number and kinds of cases handled by the prosecutor and their status at the time of reporting. Reports should be available for public inspection.

I. Officially Known Endorsements and Objections

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE recommends that localities raise salary structures for district attorneys and their assistants so that they will be able to devote full-time to their office duties.¹ The Commission suggests that jurisdictions too small to require a full-time prosecutor utilize a full-time prosecutor representing a larger district. Furthermore, it is suggested that prosecutors be required to participate in preservice and in-service training programs developed by the federal, state, and local attorneys' offices, law schools, and professional organizations. Prosecutors having a general legal education and courtroom experience are not necessarily prepared for their administrative and law enforcement functions.²

The President's Commission suggests that "standards on the selection, tenure, compensation, and outside practice of assistants ... be the subject of statewide policies." The politically oriented selection and noncareer tenure of prosecutors interfere with the full development of the prosecutor. Therefore, the Commission recommends that at least assistant prosecutors be hired on a nonpartisan basis.³

The CHAMBER OF COMMERCE OF THE UNITED STATES states that:

"... many, if not most, prosecutors work part-time, are understaffed, receive

low pay, are not trained for their jobs, are selected and elected on a partisan political basis, and serve short terms. Under such conditions, talented attorneys are not induced to serve as prosecutors for long periods... The prosecutorial function in a state is fragmented among a number of independent agencies... Fragmentation hinders application of uniform minimum standards or rules."⁴

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY recommends that immediate steps be taken to insure that prosecutors "serving our criminal courts are adequate in number, sufficiently trained and properly compensated."⁵ The NATIONAL GOVERNORS' CONFERENCE states that "reform of the office of the prosecutor is of import to the entire criminal justice system" and that the employment of full-time prosecutors is necessary to accomplish this.⁶

Finally, the AMERICAN BAR ASSOCIATION states that a prosecutor, in performing his duties, should give no weight to the possible "political advantages and disadvantages" of his actions.⁷

¹President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 148.

²Ibid.

³Ibid.

⁴Chamber of Commerce of the United States, Marshaling Citizen Power Against Crime (Washington, DC: Chamber of Commerce of the United States, 1970), p. 47.

⁵National Council on Crime and Delinquency, Goals and Recommendations (New York, NY: National Council on Crime and Delinquency, 1967), p. 15.

⁶National Governors' Conference, Where We Stand in the Fight Against Crime (Washington, DC: National Governors' Conference, 1973), p. 109.

⁷American Bar Association, Standards Relating to the Prosecution and the Defense Function (New York, NY: American Bar Association, 1971).

Standard 14.2 STATEWIDE CAPABILITY TO PROSECUTE CORRUPTION

States having a history of concern regarding the existence of public corruption and organized crime, both within and outside the criminal justice system, should establish an ongoing statewide capability for investigation and prosecution of corruption.

1. The office charged with this responsibility should have clear authority to perform the following functions:

a. Initiate investigations concerning: the proper conduct and performance of duties by all public officials and employees in the State, and the faithful execution and effective enforcement of the laws of the State with particular reference but not limited to organized crime and racketeering;

b. Prosecute those cases that are within the statutory purview and that the State unit determines it could most effectively prosecute by itself, referring all other evidence and cases to the appropriate State or local law enforcement authority;

c. Provide management assistance to State and local government units, commissions, and authorities, with special emphasis on suggesting means by which to eliminate corruption and conditions that invite corruption;

d. Participate in and coordinate the development of a statewide intelligence network on the incidence, growth, sources, and patterns of corruption within the State; and

e. Make recommendations to the Governor or State legislature concerning: removal of public officials, government reorganization that would eliminate or reduce corruption and encourage more efficient and effective performance of duties and changes in or additions to provisions of the State statutes needed for more effective law enforcement.

2. The office should have the following minimum characteristics and powers:

a. Statewide jurisdiction;

b. Constant capability to obtain and preserve evidence prior to the filing of formal complaints;

c. Power to compel testimony for purposes of investigation and prosecution; authority to subpoena witnesses, administer oaths, obtain grants of immunity, and have access to the sanction of contempt; ability to hold private and public hearings; and power to prosecute cases in court;

d. Adequate budget, protected from retaliative reduction;

e. Specialized staff: investigators, accountants, and trial attorneys, with access to others as needed;

f. Consulting services available to all units of State and local government, commissions, and public corporations for counsel on means of maximizing the utilization of available staff and resources to meet workload demands, with special priority for service to licensing, regulatory, and law enforcement agencies; and

g. Annual disclosure of financial interests to the State Ethics Board by all persons performing regular duties in fulfillment of the above. Legislation should be enacted to authorize these and other powers as needed.

I. Officially Known Endorsements and Objections

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE recommends that every jurisdiction with major organized crime

activity annually impanel an investigative grand jury.¹ This grand jury should have a "statutory right of appeal" to the state attorney general or governor regarding the replacement of local prosecutors and investigators by personnel who specialize in organized crime investigations.² Likewise, judicial dismissal of grand juries with unfinished business should be appealable, and a terminated grand jury should be permitted by law to file public reports regarding organized crime conditions in the community.³ Since arbitrary rejection of evidence uncovered in a search is one way that corrupt judges perform their services for organized crime, the legal right to appeals would help overcome corrupt judicial actions.⁴ The Commission also recommends that state attorney generals establish offices of attorneys and investigators to gather information and assist prosecution regarding organized crime. Police departments should form special intelligence units to uncover organized criminal activity, and the prosecutor's office in every major city should have adequate full-time manpower assigned to organized crime cases.⁵ Finally, the Commission suggests that:

"States that have organized crime groups in operation should create and finance organized crime investigation commissions with independent, permanent status, with an adequate staff of investigators, and with subpoena power. Such commissions should hold hearings and furnish periodic reports to the legislature, governor, and law enforcement officials."⁶

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY recommends that sufficiently staffed investigative and prosecution units be established on the federal, state, and local levels in the states and in metropolitan areas where organized crime operates.⁷ Also, states plagued by organized crime should establish official commissions to investigate the activities of organized crime, hold hearings, issue subpoenas, compel testimony of witnesses and grant immunity from prosecution.⁸

The DEPARTMENT OF JUSTICE strongly recommends that state and local governments establish programs to combat organized crime. These programs should utilize specially trained investigators and intelligence personnel capable of evaluating the nature and scope of organized crime in their particular localities. The Department encourages the implementation of programs tailored to the needs of individual states, the development of public awareness on the effects of organized crime on society, and the utilization of effective prosecutorial methods to reduce organized crime. In addition, the federal government should make available to state and local governments expert consultants capable of dealing with special organized crime problems.⁹

II. Special Considerations

U.S. Senator John L. McClellan has emphasized the necessity of having independent grand juries which can make indictments and issue reports on organized crime and official corruption. McClellan states that it is wise to insulate grand juries from the political influence of judges and prosecutors, who are often reluctant to take action against organized crime.¹⁰

¹President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 200.

²Ibid., p. 200.

³Ibid., p. 200.

⁴Ibid., p. 203.

⁵Ibid., p. 204.

⁶Ibid., p. 207.

⁷National Council on Crime and Delinquency, Goals and Recommendations (New York, NY: National Council on Crime and Delinquency, 1967), p. 26.

⁸Ibid., p. 27.

⁹Federal Law Enforcement and Criminal Justice Assistance Activities, Attorney Generals First Annual Report (Washington, DC: Government Printing Office, 1972), pp. 87-88.

¹⁰Senator John McClellan, "The Organized Crime Act or Its Critics: Which Threatens Civil Liberties?" 40 Notre Dame Lawyer 55 at 63 (1970).

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COMMUNITY CRIME PREVENTION

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