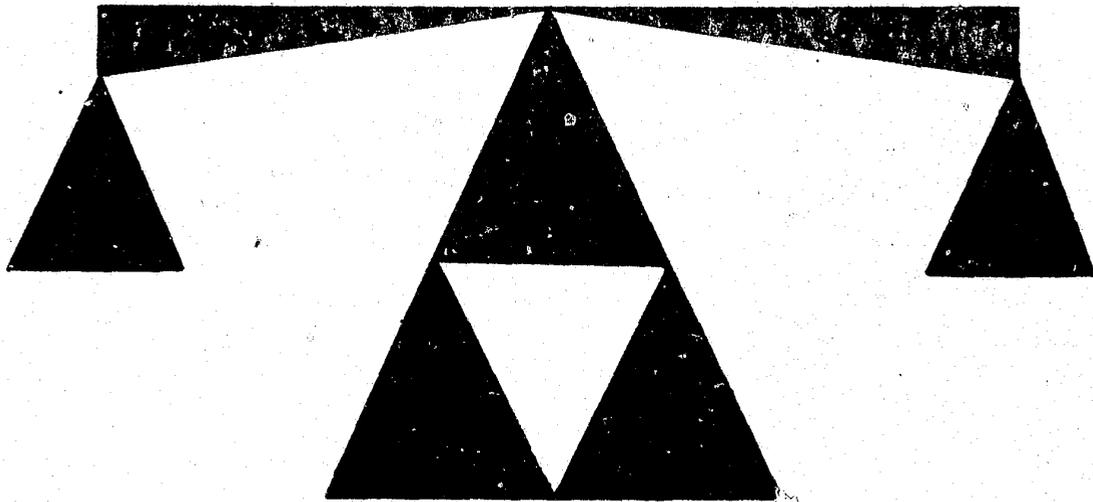


# POLICE

DELAWARE

CRIMINAL JUSTICE



STANDARDS  
&  
GOALS

54522

## Introduction

The purposes of this publication are to:

1. Establish a technique for the evaluation of standards affecting the processes of criminal justice in the State of Delaware;
2. Initiate a "forced choice" approach to evaluation and analysis of the standards;
3. Introduce related standards by general topic or area of interest;
4. Assign related standards to the proper steering committee and its appropriate sub-committees for timely evaluation, analysis and adoption;
5. Set a uniform method for the adoption of standards applicable within this State;
6. Allow the resolution of impasses or disputes, if they arise;
7. Formulate, within the time limits of the project applicable, reasonable and cost effective criminal justice standards for Delaware; and
8. Institute rational methods of implementation and implementation monitoring of the set of criminal justice standards ultimately adopted.

To accomplish these purposes, the Governor's Crime Reduction Task Force (CRTF) will appoint a chairperson and two co-chairpersons for each of the five major topical component areas suggested in the several reports of the National Advisory Council on Criminal Justice Standards and Goals (NAC). In addition, the chairpersons of the five steering committees will also serve as the Standards and Goals Committee of the Crime Reduction Task Force. Those chairpersons of the steering committee serving also as the Standards and Goals Committee will nominate and elect two additional members of the Crime Reduction Task Force to serve as members of the parent Standards and Goals Committee. The total membership of the Standards and Goals Committee will nominate and elect a permanent chairperson for their committee from among their membership.

## Responsibilities of the Standard and Goals Committee

The Standards and Goals Committee is the parent organization of all component steering and topic sub-committees. Its responsibilities include:

1. Task assignments for the steering committees;
2. Monitoring the work of the Delaware Agency to Reduce Crime Standards and Goals staff;
3. Assuring timely completion of Standards and Goals staff and committee assignments;
4. Resolving disputes or challenges of material interpretation, if not resolved at a lower level;
5. Appraising all reports of finished steering committee tasks upon submission for accuracy, completeness and relevancy of data, if any;
6. Reviewing all completed projects before submission to the Standards and Goals staff for compilation and before the Standards and Goals staff submits its product to the Crime Reduction Task Force for review and approval; and
7. Fulfilling such other tasks as may be assigned from time to time by the Crime Reduction Task Force.

#### Responsibilities of the Steering Committees

The several steering committees are vital to the product success of the Standards and Goals effort in Delaware. Their responsibilities include:

1. Naming topical sub-committees;
2. Assessing the work of their various sub-committees and assuring the timely submission of reports;
3. Checking the reports of the various sub-committees for applicability, accuracy and relevancy of data;
4. Resolving, if possible, disputes as they arise concerning tasks and the interpretation of data and material;
5. Providing for data or other resources or for making such data or material available through the Standards and Goals staff; and
6. Assuring that cross component inter-relationships occur and that interrelated standards receive appropriate attention by interweaving the efforts and knowledge of the several topic sub-committees in the various component steering committees.

## Responsibilities of the Topical Sub-Committees

The topical sub-committees are the primary working units in the effort to establish attainable criminal justice standards and goals for the State of Delaware. These several sub-committees will:

1. Review the recommended National Advisory Committee (NAC) Standards and Goals for relevancy;
2. Compare existing systems and processes of criminal justice in Delaware with NAC suggested standards and other related standards;
3. Collapse, expand, modify or reject suggested NAC standards, individually or by general topic interests;
4. Initiate the process of standards acceptance, rejection or modification by indicating on the report sheets the sub-committee option; offering reasons for the decision, if any; indicating other criminal justice components possibly affected by the decisions of the sub-committee; noting, as closely as possible, component and total systems costs, if any, occasioned by the sub-committee decision; and addressing whether the standard, if any, as finally adopted might be implemented by legislation or component and agency administrators;
5. Suggest standard priorities and timetables for implementation.

Offered below are examples of potential task sub-committee members. In addition, interest groups of specific persons who may be willing sub-committee members should be selected and represent a cross section of the population makeup of the State of Delaware. Finally, sub-committee membership should include a substantially significant number of persons from those areas most affected by the problems of crime and delinquency.

## Examples of Potential Task Force Members

### A. Police Subsystem

Municipal Police  
 County Police  
 State Police  
 Narcotics Officers  
 Records and Statistics Officers  
 Medical Examiner's Office  
 General Criminal Investigators

### B. Courts Subsystems

Judiciary  
     Supreme Court and  
     Lower Courts  
         Superior Court  
         Court of Common Pleas  
         Magistrate Courts  
 Attorney General  
 Court Administrators  
 Prosecuting Attorneys  
 Public Defenders

### C. Corrections Subsystems

Adult Corrections  
 Juvenile Corrections  
 Probation  
 Parole  
 Social Services

### D. Other Governmental Officials

Governor's Office  
 County Councilmen or Levy Court Commissioners  
 State, City and County Planners  
 Regional L.E.A.A.  
 D.A.R.C.  
 Members of the General Assembly  
 Social Services

### E. Public-At-Large

Consumers of the products of the Criminal Justice System  
 Business and Professional Leaders  
 Labor Organizations  
 College and University Members

Voluntary Social Service Agencies  
 Civic Associations, Fraternal and Religious Groups  
 Whenever possible, specialists with backgrounds and  
 experience in information systems, statistics,  
 and research and development

Task force representation should also include racial, ethnic and other minorities. It is also recommended that sub-committee selection membership criteria include:

Experience and knowledge of the Criminal Justice System  
 (except for lay participation)  
 Leadership qualities  
 Willingness to work and devote time  
 Ability to articulate

Reputation and presence alone will not move the project toward acceptable conclusions. All members must make meaningful contributions toward the success of the undertaking.

#### Objectives of Several Committees and Future Conferences

Inform the criminal justice leadership and the community about standards and goals  
 Assist in the development of a methodology for the formulation of standards for the State of Delaware  
 From the standards suggested by the National Advisory Council (N.A.C.), adopt or tailor standards appropriate to Delaware; estimate costs of adoption; indicate system change expected within a component of the system and among affected components; distinguish whether the standard must be enacted legislatively or administratively; assign priorities indicating relative importance and implementation timing for the standards; and designate organizations for full implementation or continuing effort toward implementation.  
 Develop an overall commitment to and support for standards and goals as a constant and evolutionary process as a part of the general criminal justice planning strategy for the State of Delaware

#### Data Development and Analysis

Data development and analysis will proceed in two ways through:

1. Development and analysis by the Standards and Goals staff, and
2. Development and analysis by steering and sub-committee members

It is recommended that because of the wide range of expertise evidenced in the makeup of the several Standards and Goals major committees and sub-committees that statistical data and available relevant personal knowledge offer the best and most convenient source. However, it is essential that major and sub-committee data, analysis and personal knowledge be carefully checked for accuracy, timeliness and relevancy. It is suggested that all data, analysis and records of personal knowledge on the substantive issues relating to a standard or group of standards for definitive judgements if questions of accuracy, relevancy or timeliness arise be referred in writing to the component steering committee for resolution if a satisfactory resolution can not be arrived at in the sub-committee. On questions relating to legal issues affecting a standard or group of standards, it is suggested that two Crime Reduction Task Force members from the professionals with legal training and experience be designated to either resolve or offer courses of action toward resolution of particular issues.

The Standards and Goals staff is limited in size of staff and in the amount of time that can be devoted solely to data collection and analysis. The Law Enforcement Assistance Administration recommends three staff people to serve each major committee. The local Standards and Goals staff is composed of a total of three. We are obligated and will furnish, if at all possible, whatever staff services that we can provide for data collection and analysis, recording of proceedings, stenographic skills, convening of meetings and the like. However, we must be afforded ample lead time to accomplish these purposes.

#### Process Flow for Recommendations

Each sub-committee chairperson will be provided with:

- Copies of the NAC standards to be considered by his or her sub-committee
- Interrelated standards of other criminal justice components that affect or might affect judgements made by a specific sub-committee
- Listing of key people to be contacted for staff services, arrangements for facilities, recording or procedures, if needed, mailings and notifications, conflict resolution, or request for additional resources
- Sub-Committee report forms
- Listing of all sub-committee and steering committee members

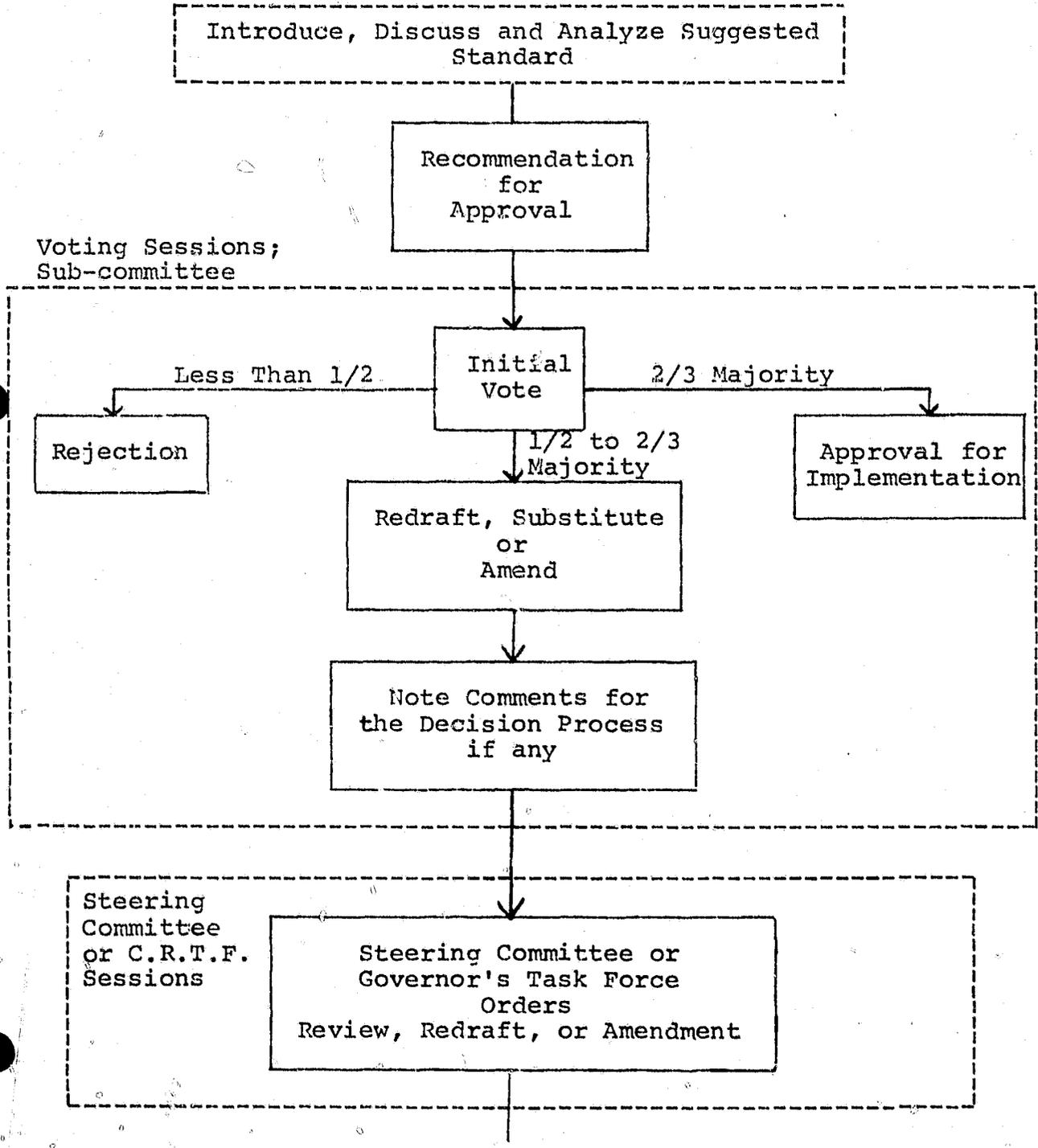
NAC standards serve as models only and may or may not apply to the present criminal justice component or system in Delaware. It may well be the judgement of the sub-committee that a suggested standard is neither needed nor desirable in its suggested form, or following amendment, rewrite or substitute. If this is the conclusion of the sub-committee, it should enter its rejection on the Sub-Committee Report form\* and offer the salient reasons for rejection

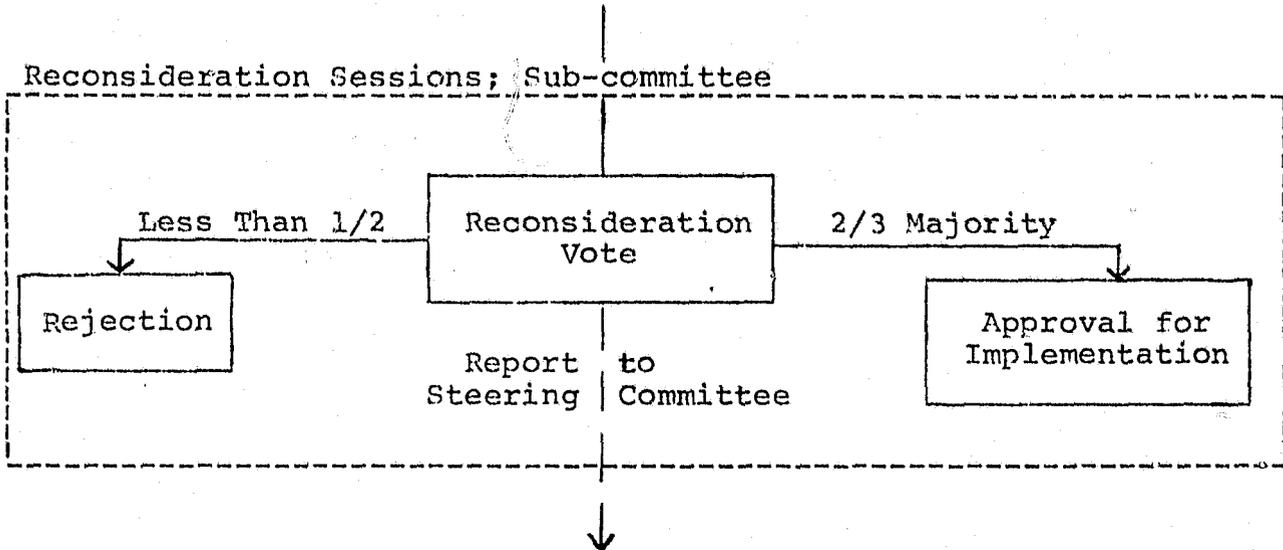
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\*Sub-Committee Report form appended

on page 2, item 4, of the form. If amendments, rewrites or substitutes are decided upon, these should receive full coverage as item 3 on page 1 of the report.

Voting to accept or reject the N.A.C. standard, the rewrite, amended or substitute standard should take place by a vote or a series of votes with majority rule. The following diagram illustrates this process.





A similar process flow will be followed by the steering committee members submitting their total product to the Standards and Goals Committee. A vote of rejection of a standard or group of standards by a sub-committee upon return of a sub-committee recommendation by the affected steering committee for amendment, review or redraft (the second vote of the sub-committee on a standard) will be binding upon the affected steering committee unless subsequently overridden by the Standards and Goals Committee of the Governor's Crime Reduction Task Force. In case of disputes arising between a sub-committee and its parent steering committee, and if no compromise dispute resolution can be found at this level, the issue will be submitted to the Standards and Goals Committee for resolution and its decision shall be binding on all parties.

#### Time Schedule for Appointment, Review and Product Return

- Steering Committees: Appointment no later than mid-August, 1974
- Sub-Committees: Appointment, notification and return of acceptance no later than September 6, 1974
- Committee Training Sessions: Weeks of September 8, 1974, and September 16, 1974. Session duration, approximately three hours each
- Materials to be distributed to steering and sub-committee chairpersons at training sessions
- Substantive review of standards and recommendations to steering committees: September to December 9, 1974
- Steering committee reports and recommendations to Standards and Goals Committee no later than December 15, 1974
- Standards and Goals reports and recommendations to Standards and Goals staff no later than December 20, 1974

Tentative report draft to Governor's Crime Reduction Task Force no later than February 28, 1975

Crime Reduction Task Force review and recommendations on Standards and Goals report no later than March 14, 1975

Dates to be determined:

Standards and Goals final report to Crime Reduction Task Force

Final report amendments, if any, according to Crime Reduction Task Force recommendations

Review of amended final draft to Crime Reduction Task Force

Final draft to Delaware Agency to Reduce Crime Supervisory Board

If approved by Supervisory Board, final draft to the Governor

If accepted by the Governor, draft report publicized in a series of public/professional conferences or meetings

Preparation of plates for printing, printing and distribution

Publication of suggested strategies for implementation

Affix responsibilities for implementation and the monitoring of standards implementation

Close out the offices and work of the Standards and Goals staff

Do During Review

The adoption of attainable standards and goals for the processes of criminal justice in the State of Delaware is only a first step in the evaluation of the system. Unless accompanied by well planned efforts to indicate the efficacy of reasonable standards and goals for the system, adoption of standards as benchmarks for progress may be an exercise in futility. Consequently, it is suggested that the various committees created in this Standards and Goals undertaking also examine the possibility of establishing tests of the suggested standard or group of standards. To this end, it is suggested that issues of merit be raised by committees from which demonstration projects relating to the affected component of the criminal justice system and the suggested relevant standard or standards thereto can be used to measure the effect of the standard.

Obviously, while goals are or may be multiple, related objectives, standards and techniques and strategies for implementation can be treated as discrete entities. The goal of the Standards and Goals undertaking and the entire system of criminal justice is the reduction in the rate of crime. The standard or objective of the undertaking is the creation of demonstrably achievable and cost effective standards to attain partially or fully this goal. Inherent in the adoption of standards and goals is the suggestion for and implementation of projects of demonstrable value. Thus, it is suggested that suggestions for demonstration projects continue

apace with the review and adoption of criminal justice standards and goals.

Some students of goal setting and achievement as they relate to crime control have suggested a two divisioned approach to goal attainment. They suggest that the two major goals of the processes of criminal justice should be:

1. Crime reduction, and
2. Systems maintenance

All standards adopted by a governmental entity should and must afford the maximum possibility of attaining these goals. Crime reduction is defined as a significant decrease in the amount of crime generally, or in a specific body or type of crime, through planning, adopting, implementing and evaluating programs aimed toward such a decrease.

Thus, achievable standards offer a firm base for attainment of the basic goal through:

- a. Describing the present status of a system or a component within the system;
- b. Providing basic measurement of past performance and probabilities for future success;
- c. Creating discrete and manageable divisions of data input and work expectations; and
- d. Making the task of goal attainment understandable and manageable.

The definition of systems maintenance goals is those goals of criminal justice agencies or systems which appear to be worthwhile and constructive and yet bear little demonstrable relationship to the reduction of crime. For example, crime reduction goals relate to detection, deterrence and apprehension accomplished through the efforts of law enforcement agencies. They can be separated from the general mass of processes called a criminal justice system, may be quantified, affective change of status and quantity may be recorded and the success or failure of a process or standard evaluated. On the other hand, the definition of system maintenance goals implies the intermediate steps or standards instead of final goals that

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1. David T. Stanley, Public Administration Review, Vol. 34, No. 4, "How Safe the Streets, How Good the Grant", The American Society for Public Administration, Washington, D.C., July - August, 1974, pp. 380-389.

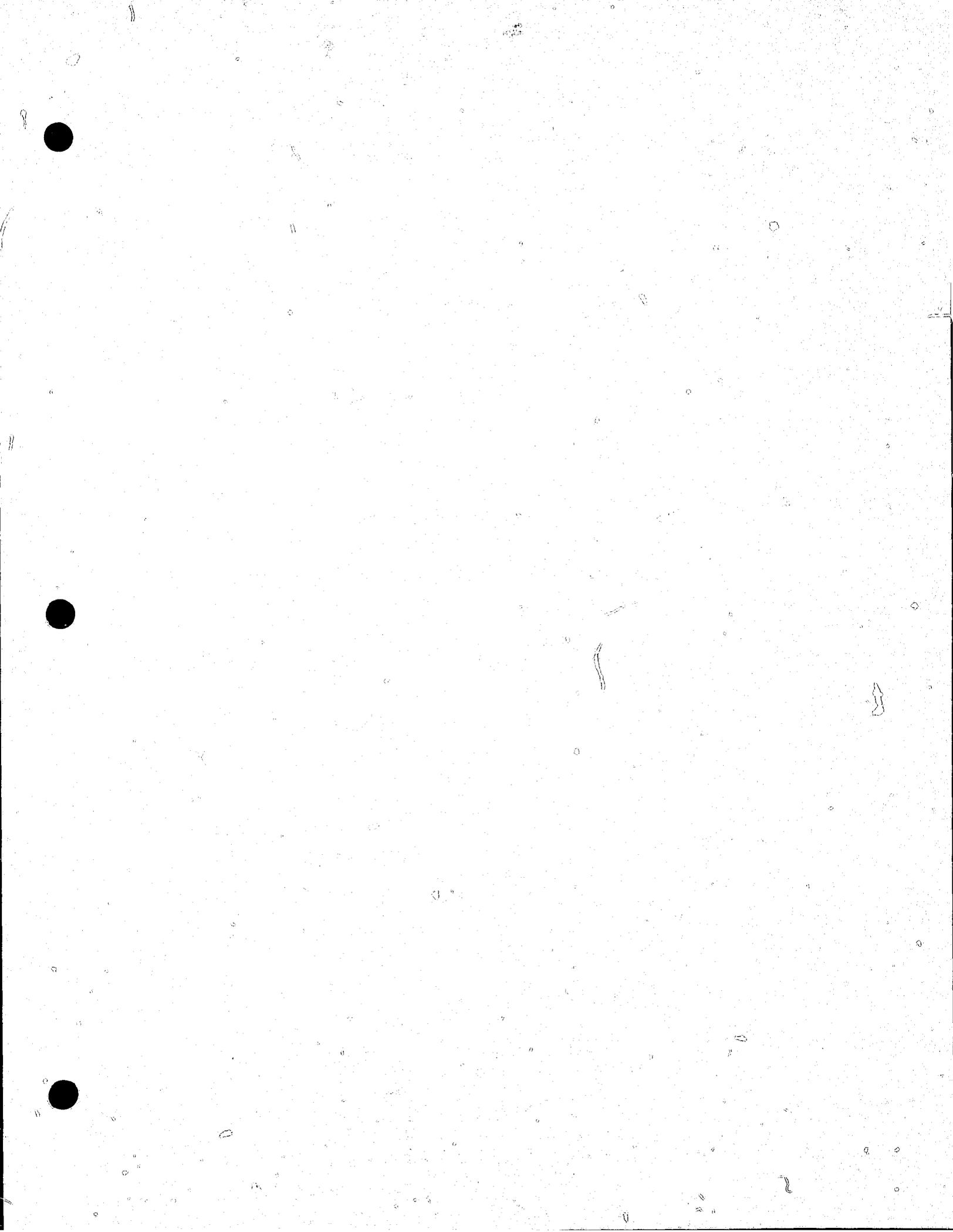
2. Ibid, p. 382.

demonstrable contribution to the reduction of crime cannot be proven. Examples of systems maintenance goals might include reduction in police response times, speedier and more orderly operation of trial courts, establishment of more effective vocational counseling and placement, better training programs, alcohol and drug detoxification and treatment centers and a host of other tasks and projects that may be popularly believed to reduce crime, but cannot be proven to attain this end.

While the Law Enforcement Assistance Administration does not accept this separation of crime reduction and system maintenance goals for evaluation and indeed states that all LEAA goals relate to crime reduction, it is arguable whether such a broad statement can be proven or simply hypothesized.

Implicit in the standards and goals process is that the ultimate standards suggested for adoption must build a foundation for the future criminal justice planning and funding efforts. Consequently, suggestions for demonstration projects to prove the feasibility of a standard or group of standards is implied with substantially equal strength. However, any project suggested for funding from the Law Enforcement Assistance Administration sources, whether a demonstration project or a traditionally conceived project, must commit itself to a rational process of development, analysis, implementation and evaluation. Based upon the separation of crime reduction goals from systems maintenance goals, a schema for related crime reduction and systems maintenance programming is suggested below. The questions that require relatively precise definition are offered in this model and include:

1. What do you want to achieve? (GOALS)
2. What do you do? (CLASS OF PROGRAM ACTIVITIES)
3. How do you judge success or progress? (CRITERIA)
4. Where can you find out? (SOURCE OF DATA)
5. How to find out? (METHOD OF OBTAINING DATA)
6. What difficulties do you run into? (PROBLEMS)



3 SCHEMA FOR PLANNING AND REVIEW

GOALS	CLASS OF PROGRAM ACTIVITIES	CRITERIA	SOURCE OF DATA	METHOD OF OBTAINING DATA	PROBLEMS
(What do you want to achieve?)	(What do you do?)	(How do you judge success or progress?)	(Where can you find out?)	(How to find out?)	(What difficulties do you run into?)
<p>CR</p> <p>Significant percentage reduction in selected crimes, e.g., street robberies resulting from new techniques or increased resources in patrol, communications, investigation, and pursuit.</p>	<p>Deterrence, Detection, and Apprehension: Intensification and reorganization of patrol systems.</p>	<p>Number of crimes reported. Percentage of reported crime cleared.</p>	<p>Police records. Victim surveys.</p>	<p>Analysis of police records. Interviewing of samples of citizens.</p>	<p>Criminal activities may be displaced into another area. Variables cannot be completely controlled: crime may drop for many different reasons in the community. The validity of reported clearance is often open to question.</p>
<p>SM</p> <p>Development of satisfactory methods of evaluating work performance of patrolmen.</p>	<p>Deterrence, Detection, and Apprehension: Command and management of police departments.</p>	<p>Completion and installation of a performance evaluation system generally satisfactory to supervisory officers accepted by patrolmen, and validated as far as possible against indicators.</p>	<p>Patrolmen, sergeants, lieutenants, captains. Citizen and community leaders on police beats. Police records.</p>	<p>Comparison with peer ratings by other patrolmen. Interviewing of supervisory officers. Surveys of citizens' judgments. Analysis of patrolmen's reports and of complaint records.</p>	<p>Intrinsic difficulty of maintaining any performance evaluation system for personnel who must operate with a large degree of independence. Lack of comparison criteria.</p>
<p>SM</p> <p>Significant percentage increase in retrieval and analysis of criminal evidence</p>	<p>Deterrence, Detection, and Apprehension: Criminalistics laboratories.</p>	<p>Proportion of crimes of selected types in which evidence suitable for laboratory</p>	<p>Records of the laboratory and of the police department. Published standards</p>	<p>Analysis of records before and after intensification of laboratory program.</p>	<p>Resources and work priorities of the laboratory may prevent optimum</p>

GOALS	CLASS OF PROGRAM ACTIVITIES	CRITERIA	SOURCE OF DATA	METHOD OF OBTAINING DATA	PROBLEMS
(What do you want to achieve?)	(What do you do?)	(How do you judge success or progress?)	(Where can you find out?)	(How to find out?)	(What difficulties do you run into?)
<p><u>Cont.</u> suitable for scientific laboratory analysis and leading to apprehension.</p>		<p><u>Cont.</u> analysis is gathered and processed. Conformance to professional laboratory standards of equipment and methodology.</p>	<p><u>Cont.</u> on laboratories.</p>	<p><u>Cont.</u> Evaluation by outside consultants.</p>	<p><u>Cont.</u> supporting service. Laboratory may be used inappropriately for trivial or inconclusive evidence.</p>
<p>CR Significant percentage reduction in robberies and burglaries committed by drug addicts.</p>	<p>Diversion: Also post-adjudication rehabilitation.</p>	<p>Statistics showing crimes of these type attributable to drug addiction among the target population of the program. Evidence of employment, education, and other non-criminal way of life of addict.</p>	<p>Arrest records. Crime reports indicating that perpetrator (even if not apprehended) was probably an addict from the population to which the program is directed. Probation and parole records.</p>	<p>Analysis of all such records and reports.</p>	<p>Difficulty in identifying crimes attributable to addiction from those with other motives. Danger of recidivism after the period of the program evaluation.</p>

CR=Crime Reduction Goal  
SM=System Maintenance Goal

The schema suggested offers a rational base for demonstration and traditional suggestions for grant applications as they relate to standards and goals. Further, the questions indicated in the format are those that will eventually impact upon criminal justice standards and goals adopted in the State of Delaware and should be etched on the minds of the various committee members as they make standards and goals decisions.

### Conclusion

It should be the expressed desire of the Governor's Crime Reduction Task Force, the several committees and sub-committees, that a working, accessible and responsive criminal justice system can be obtained by accepting and implementing attainable system standards and goals in the State of Delaware. Delaware is deservedly proud of its present high standards of delivery processes for criminal justice. However, equipped with attainable and reasonable standards to be used as benchmarks for progress, a system of equity can be established that can lead Delaware to the forefront in the evolution of criminal justice in the United States.

Reasonable, reasoning and equitable progress in our system of criminal justice is our objective. Attainable systems standards of criminal justice offer the benchmarks to measure progress and change. Implementation of reasonable standards affords a clear path to winnow that of worth from the cloying worthlessness in our system. A better, safer, more productively rewarding life for all people of Delaware must be our goal. Attaining this goal can be accomplished in proximate terms by combining the best of the past with reasonable and rational expectations for the future. The alternatives are few; to continue as we are or to follow a process of rational evolution of our criminal justice system. The adoption of attainable standards for the criminal justice system and the subsequent implementation of these standards brings the professional member of the criminal justice system and the community affected by the processes of the system into a close, working relationship from which all of Delaware will benefit. The Standards and Goals staff recommends the latter option as the only acceptable alternative.

SUB-COMMITTEE REPORT

B. Standard Number \_\_\_\_\_ Short Title \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Options

- a. Accept \_\_\_\_\_
- b. Reject \_\_\_\_\_
- c. Accept as amended \_\_\_\_\_
- d. Rewrite \_\_\_\_\_
- e. Substitute \_\_\_\_\_

D. Check one: Amendment \_\_\_\_\_ Rewrite \_\_\_\_\_ Substitute \_\_\_\_\_

Draft of option below:

E. Rejections: reasons, if no substitute, rewrite or amendments

F. Other components of criminal justice system affected and why

G. Component and criminal justice system costs estimates:

1. Primary Component  
in \$'s Annually

2. Criminal Justice  
System in \$'s Annually

H. If implemented, will this be accomplished?

a. Through legislation \_\_\_\_\_

b. Administratively in component or agencies \_\_\_\_\_

I. Major elements or factors needed in legislation



## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 1.1

### The Police Function

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

1. Every police chief executive should acknowledge that the basic purpose of the police is the maintenance of public order and the control of conduct legislatively defined as crime. The basic purpose may not limit the police role, but should be central to its full definition.

2. Every police chief executive should identify those crimes on which police resources will be concentrated. In the allocation of resources, those crimes that are most serious, stimulate the greatest fear, and cause the greatest economic losses should be afforded the highest priority.

3. Every police chief executive should recognize that some government services that are not essentially a police function are, under some circumstances, appropriately performed by the police. Such services include those provided in the interest of

effective government or in response to established community needs. A chief executive:

a. Should determine if the service to be provided has a relationship to the objectives established by the police agency. If not, the chief executive should resist that service becoming a duty of the agency;

b. Should determine the budgetary cost of the service; and

c. Should inform the public and its representatives of the projected effect that provision of the service by the police will have on the ability of the agency to continue the present level of enforcement services.

d. If the service must be provided by the police agency, it should be placed in perspective with all other agency services and it should be considered when establishing priorities for the delivery of all police services.

e. The service should be made a part of the agency's police role until such time as it is no longer necessary for the police agency to perform the service.

4. In connection with the preparation of their budgets, all police agencies should study and revise annually the objectives and priorities which have been established for the enforcement of laws and the delivery of services.

5. Every police agency should determine the scope and availability of other government services and public and private social services, and develop its ability to make effective referrals to those services.

SUB-COMMITTEE REPORT

A. Text of Standard

**Standard 1.2**

**Limits of Authority**

Every police chief executive immediately should establish and disseminate to the public and to every agency employee written policy acknowledging that police effectiveness depends upon public approval and acceptance of police authority. This policy at least:

1. Should acknowledge that the limits of police authority are strictly prescribed by law and that there can be no situation which justifies extralegal police practices;

2. Should acknowledge that there are times when force must be used in the performance of police tasks, but that there can be no situation which justifies the use of unreasonable force;

3. Should acknowledge that in their exercise of authority the police must be accountable to the community by providing formal procedures for receiving both commendations and complaints from the public regarding individual officer performance. These procedures at least should stipulate that:

a. There will be appropriate publicity to inform the public that complaints and commendations will be received and acted upon by the police agency;

b. Every person who commends the performance of an individual officer in writing will receive a personal letter of acknowledgment; and

c. Every allegation of misconduct will be investigated fully and impartially by the police agency, and the results made known to the complainant or the alleged victim of police misconduct.

4. Should provide for immediate adoption of formal procedures to respond to complaints, suggestions, and requests regarding police services and formulation of policies. These procedures at least should stipulate that:

a. There will be appropriate notice to the public acknowledging that the police agency desires community involvement;

b. The public will be involved in the development of formal procedures as well as in the policies that result from their establishment; and

c. Periodic public surveys will be made to elicit evaluations of police service and to determine the law enforcement needs and expectations of the community.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 1.3

### Police Discretion

Every police agency should acknowledge the existence of the broad range of administrative and operational discretion that is exercised by all police agencies and individual officers. That acknowledgment should take the form of comprehensive policy statements that publicly establish the limits of discretion, that provide guidelines for its exercise within those limits, and that eliminate discriminatory enforcement of the law.

1. Every police chief executive should have the authority to establish his agency's fundamental objectives and priorities and to implement them through discretionary allocation and control of agency resources. In the exercise of his authority, every chief executive:

a. Should seek legislation that grants him the authority to exercise his discretion in allocating police resources and in establishing his agency's fundamental objectives and priorities;

b. Should review all existing criminal statutes, determine the ability of the agency to enforce these statutes effectively, and advise the legislature of the statutes' practicality from an enforcement standpoint; and

c. Should advise the legislature of the practicality of each proposed criminal statute from an enforcement standpoint, and the impact of such proposed statutes on the ability of the agency to maintain the existing level of police services.

2. Every police chief executive should establish policy that guides the exercise of discretion by police personnel in using arrest alternatives. This policy:

a. Should establish the limits of discretion by specifically identifying, insofar as possible, situations calling for the use of alternatives to continued physical custody;

b. Should establish criteria for the selection of appropriate enforcement alternatives;

c. Should require enforcement action to be taken in all situations where all elements of a crime are present and all policy criteria are satisfied;

d. Should be jurisdictionwide in both scope and application; and

e. Specifically should exclude offender lack of cooperation, or disrespect toward police personnel, as a factor in arrest determination unless such conduct constitutes a separate crime.

3. Every police chief executive should establish policy that limits the exercise of discretion by police personnel in conducting investigations, and that provides guidelines for the exercise of discretion within those limits. This policy:

a. Should be based on codified laws, judicial decisions, public policy, and police experience in investigating criminal conduct;

b. Should identify situations where there can be no investigative discretion; and

c. Should establish guidelines for situations requiring the exercise of investigative discretion.

4. Every police chief executive should establish policy that governs the exercise of discretion by police personnel in providing routine peacekeeping and other police services that, because of their frequent recurrence, lend themselves to the development of a uniform agency response.

5. Every police chief executive should formalize procedures for developing and implementing the foregoing written agency policy.

6. Every police chief executive immediately should adopt inspection and control procedures to insure that officers exercise their discretion in a manner consistent with agency policy.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 1.4

### Communicating with the Public

Every police agency should recognize the importance of bilateral communication with the public and should constantly seek to improve its ability to determine the needs and expectations of the public, to act upon those needs and expectations, and to inform the public of the resulting policies developed to improve delivery of police services.

1. Every police agency should immediately adopt policies and procedures that provide for effective communication with the public through agency employees. Those policies and procedures should insure:

a. That every employee with duties involving public contact has sufficient information with which to respond to questions regarding agency policies; and

b. That information he receives is transmitted through the chain of command and acted upon at the appropriate level.

2. Every police agency that has racial and ethnic minority groups of significant size within its jurisdiction should recognize their police needs and should, where appropriate, develop means to insure effective communication with such groups.

3. Every police agency with a substantial non-English-speaking population in its jurisdiction should provide readily available bilingual employees to

answer requests for police services. In addition, existing agency programs should be adapted to insure adequate communication between non-English-speaking groups and the police agency.

4. Every police agency with more than 400 employees should establish a specialized unit responsible for maintaining communication with the community. In smaller agencies, this responsibility should be the chief executive's, using whatever agency resources are necessary and appropriate to accomplish the task.

a. The unit should establish lines of communication between the agency and recognized community leaders and should elicit information from the citizen on the street who may feel that he has little voice in government or in the provision of its services.

b. The unit should be no more than one step removed from the chief executive in the chain of command.

c. The unit should identify impediments to communication with the community, research and devise methods to overcome those impediments, and develop programs which facilitate communication between the agency and the community.

d. The unit should conduct constant evaluations of all programs intended to improve communication and should recommend discontinuance of programs when their objectives have been achieved or when another program might more beneficially achieve the identified functional objective.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 1.5

### Police Understanding of Their Role

Every police agency immediately should take steps to insure that every officer has an understanding of his role, and an awareness of the culture of the community where he works.

1. The procedure for developing policy regarding the police role should involve officers of the basic rank, first line supervisors, and middle managers. Every police employee should receive written policy defining the police role.

2. Explicit instruction in the police role and community culture should be provided in all recruit and in-service training.

3. The philosophy behind the defined police role should be a part of all instruction and direction given to officers.

4. Middle managers and first line supervisors should receive training in the police role and thereafter continually reinforce those principles by example and by direction of those they supervise.

5. Methods of routinely evaluating individual officer performance should take into account all activities performed within the context of the defined role. Promotion and other incentives should be based on total performance within the defined role, rather than on any isolated aspect of that role.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 1.6

# Public Understanding of the Police Role

Every police agency immediately should establish programs to inform the public of the agency's defined police role. These programs should include, but not be limited to, the following:

1. Every police agency should arrange for at least an annual classroom presentation by a uniformed officer at every public and private elementary school within its jurisdiction.

a. The content of the presentation should be tailored to the learning needs of the students; however, each presentation should include a basic description of the police role.

b. Every agency should work through the school to develop a basic study unit to be presented by the teacher prior to the officer's arrival, and every officer assigned to a school visit should be provided with prepared subject matter to be reviewed prior to making his visit.

2. Every police agency with more than 400 employees should, dependent upon securing the cooperation of local school authorities, assign a full-time officer to each junior and senior high school in its jurisdiction.

a. The officer's assignment should include teaching classes in the role of the police, and serving as a counselor. His assignment should not include law enforcement duties except as related to counseling.

8. Every police agency should hold an annual open house and should provide other tours of police facilities and demonstrations of police equipment and tactics when appropriate to create greater public awareness of the police role.

b. Course content should be developed in cooperation with the schools and should include discussion of the police role, juvenile laws, and enforcement policies and practices relating to juveniles.

3. Every police agency, where permitted by local conditions, should participate in government and civic classes offered in local evening adult schools and community colleges.

4. With agency resources, where available, or in cooperation with employee organizations or local civic groups, every police agency should develop or participate in youth programs including scouting and other athletic or camping activities.

a. All such programs should be designed to provide officers and young people with the opportunity to become personally acquainted with each other.

b. Every officer participating in youth programs should be provided with written material describing the objective of the program and its relationship to the police role.

5. Every police agency should accept invitations for officers to speak to business and civic organizations. Efforts should be made to provide speakers in response to every reasonable request and to coordinate the speaker's ability and background with the intended audience. Every opportunity should be taken to describe the police role and the agency's objectives and priorities.

6. Every police agency with more than 150 employees should publish a statement of the police role, the agency's objectives and priorities in filling that role, and the agency's activities to implement its role. An annual report should be used for this purpose. In addition, periodic statistical reports on crime, arrests, and property loss due to crime should be disseminated to the public. These reports should include an evaluation of significant trends and other interpretations.

7. Every police agency should inquire into the availability of public service resources from advertising and communication organizations to assist in developing support for the agency and its programs.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 1.7

### News Media Relations

Every police chief executive immediately should acknowledge in written policy statements the important role of the news media and the need for the police agency to be open in its relations with the media. The agency should promote an aggressive policy of presenting public information rather than merely responding to occasional inquiries.

1. The news media relations policy should be included in the agency training curricula, and copies of it provided to all agency personnel, media representatives, and the public. This policy should acknowledge:

a. The right of the press to obtain information for dissemination to the public;

b. The agency's responsibility to respond to inquiries from the media, subject to legal restraints and the necessity to preserve evidence, to prevent interference with police investigations and other operations, and to protect the constitutional rights of persons accused of crimes;

c. The agency's responsibility to seek the cooperation of the media to delay publication—rather than imposing censorship or unilateral news moratoriums—when immediate reporting of certain information may be detrimental to the community, to victims of crime, or to an investigation; and

d. The mutual benefits to the police agency and the media when relations between

the two are characterized by candor, cooperation, and mutual respect.

2. The news media relations program should provide regular liaison between the agency and the media through an officer or unit, depending upon the size of the agency and the nature and frequency of local news media demands.

3. Every police chief executive should establish a means of local, regional, or State accreditation of legitimate news media representatives or of recognizing accreditation by other agencies to assist media representatives in receiving police cooperation.

4. Every police chief executive, in cooperation with the media, should prepare a written policy establishing the relationship between his agency and the news media during unusual occurrences.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 2.1

### Development of Goals and Objectives

Every police agency immediately should develop short- and long-range goals and objectives to guide agency functions. To assist in this development, every unit commander should review and put into writing the principal goals and objectives of his unit.

1. Every police agency and every unit within the agency should insure that its goals and objectives are:

- a. Consistent with the role of the police as defined by the agency's chief executive;
- b. Responsive to community needs;
- c. Reasonably attainable;
- d. Sufficiently flexible to permit change as needed; and
- e. Quantifiable and measurable where possible.

2. Every police agency should provide for maximum input both within and outside the agency in the development of its goals and objectives. It should:

- a. Create an atmosphere that encourages unrestricted submission of ideas by all employees regardless of rank; and
- b. Establish methods to obtain ideas from a variety of organizations and individuals outside the agency.

3. Every police agency and every unit within each agency should publish and disseminate its

goals and objectives to provide uniform direction of employee efforts.

4. Every police chief executive should require every unit commander to make a periodic review of unit goals and objectives and submit a written evaluation of the progress made toward the attainment of these goals. Annually, in conjunction with the budget preparation, every police chief executive should provide for review and evaluation of all agency goals and objectives and for revisions where appropriate.

SUB-COMMITTEE REPORT

A. Text of Standard

**Standard 2.2**

**Establishment of Policy**

Every police chief executive immediately should establish written policies in those areas of operations in which guidance is needed to direct agency employees toward the attainment of agency goals and objectives.

1. Every police chief executive should promulgate policy that provides clear direction without necessarily limiting employees' exercise of discretion.

2. Every police chief executive should provide or maximum participation in the policy formulation process. This participation should include at least:

a. Input from all levels within the agency—from the level of execution to that of management—through informal meetings between the police chief executive and members of the basic rank, idea incentive programs, and any other methods that will promote the upward flow of communication; and

b. Input from outside the agency as appropriate—from other government agencies, community organizations, and the specific community affected.

3. Every police chief executive should provide written policies in those areas in which direction is needed, including:

a. General goals and objectives of the agency;

- b. Administrative matters;
- c. Community relations;
- d. Public and press relations;
- e. Personnel procedures and relations;
- f. Personal conduct of employees;
- g. Specific law enforcement operations with emphasis on such sensitive areas as the use of force, the use of lethal and nonlethal weapons, and arrest and custody; and
- h. Use of support services.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 2.3

### Inspections

Every police agency should immediately establish a formal inspection system to provide the police chief executive with the information he needs to evaluate the efficiency and effectiveness of agency operations.

1. Every police agency should require ongoing line inspections. Every police chief executive should give every manager and supervisor the responsibility and the authority to hold inspections and:

a. To conduct continual inspections of all personnel subordinate and directly responsible to him through any level of the chain of command and to inspect the equipment used and the operations performed by such subordinate personnel;

b. To take immediate action indicated by the results of such inspections: commendation for exemplary performance and correction of deficiencies.

2. Every police chief executive should implement routine scheduled and unscheduled inspections of all personnel, materiel, and operations. When the police chief executive personally cannot conduct these inspections often enough, he should provide for staff inspections to meet these needs.

a. Every police agency with 400 or more personnel should establish a unit staffed with at least one employee whose full-time responsibility is staff inspection. The size and organization of

the inspection unit should correspond to the size of the agency and the complexity of the inspections task;

b. Every police agency with at least 75 but fewer than 400 personnel should, where necessary, establish an inspection unit or assign an employee whose full-time responsibility is staff inspection. If a full-time assignment is not justified, staff inspections should be assigned to an employee who performs related duties but is neither responsible to supervisors of the units being inspected nor responsible for the operations of such units;

c. Every police agency with fewer than 75 personnel, and in which the chief executive cannot conduct his own inspections, should assign responsibility for staff inspections to an employee who performs related duties but is neither responsible to supervisors of the units being inspected nor responsible for the operations of such units;

d. Staff inspections should include inspection of materials, facilities, personnel, procedures and operations. A written report of the findings of the inspection should be forwarded to the chief executive; and

e. Where possible, the rank of the employee responsible for staff inspections or that of the employee in charge of the inspections unit should be no lower than the rank of the employee in charge of the unit being inspected. There should be no more than one person between the inspecting employee and the chief executive in the chain of command. The person conducting a staff inspection should be a direct representative of the police chief executive.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 3.1

### Crime Problem Identification and Resource Development

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

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

2. Every patrol officer assigned to a geographic policing program should be responsible for the control of crime in his area and, consistent with agency priorities and policies and subject to normal approval, should be granted authority to determine the immediate means he will use in fulfilling that responsibility.

3. Every police agency should arrange for officers assigned to geographic policing programs to meet regularly with persons who live or work in their area to discuss the identification of crime problems and the cooperative development of solutions to these problems.

4. Every agency having more than 75 personnel should establish a specialized unit which provides support services, functional supervision, and administrative review and evaluation of the geographic policing program.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 3.2

### Crime Prevention

Every police agency should immediately establish programs that encourage members of the public to take an active role in preventing crime, that provide information leading to the arrest and conviction of criminal offenders, that facilitate the identification and recovery of stolen property, and that increase liaison with private industry in security efforts.

1. Every police agency should assist actively in the establishment of volunteer neighborhood security programs that involve the public in neighborhood crime prevention and reduction.

a. The police agency should provide the community with information and assistance regarding means to avoid being victimized by crime and should make every effort to inform neighborhoods of developing crime trends that may affect their area.

b. The police agency should instruct neighborhood volunteers to telephone the police concerning suspicious situations and to identify themselves as volunteers and provide necessary information.

c. Participating volunteers should not take enforcement action themselves.

d. Police units should respond directly to the incident rather than to the reporting volunteer.

e. If further information is required from the volunteer, the police agency should contact him by telephone.

f. If an arrest results from the volunteer's information, the police agency should immediately notify him by telephone.

g. The police agency should acknowledge through personal contact, telephone call, or letter, every person who provides information.

2. Every police agency should establish or assist programs that involve trade, business, industry, and community participation in preventing and reducing commercial crimes.

3. Every police agency should seek the enactment of local ordinances that establish minimum security standards for all new construction and for existing commercial structures. Once regulated buildings are constructed, ordinances should be enforced through inspection by operational police personnel.

4. Every police agency should conduct, upon request, security inspections of businesses and residences and recommend measures to avoid being victimized by crime.

5. Every police agency having more than 75 personnel should establish a specialized unit to provide support services to and jurisdictionwide coordination of the agency's crime prevention programs; however such programs should be operationally decentralized whenever possible.



SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 4.1

### Cooperation and Coordination

Every police agency immediately should act to insure understanding and cooperation between the agency and all other elements of the criminal justice system, and should immediately plan and implement appropriate coordination of its efforts with those of other elements of the criminal justice system.

1. Every police agency should cooperate with other elements of the criminal justice system in processing criminal cases from arrest to trial within 60 days.

2. Every police agency should consider and where appropriate seek the formation of a criminal justice coordinating council with members representative of law enforcement, other criminal justice agencies, and local government.

The council:

a. Should have as its overall objective the fair and effective disposition of all criminal cases and other more specific goals and activities related to crime prevention and reduction; and

b. Should develop policy and institute planning and coordination programs that serve to achieve its objective.

3. Every police agency should support training programs that promote understanding and cooperation through the development of unified interdisciplinary training for all elements of the criminal justice system.

Those programs:

a. Should provide for the instruction of police personnel in the functions of all criminal justice agencies in order to place the police role in proper perspective;

b. Should encourage, where appropriate, the participation of other criminal justice agencies in police training; and

c. Should encourage, where appropriate, police participation in training given to members of other criminal justice agencies.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 4.2

### Police Operational Effectiveness Within the Criminal Justice System

Every police agency immediately should insure its operational effectiveness in dealing with other elements of the criminal justice system.

1. Every police agency should develop procedures in cooperation with local courts and prosecutors to allow on-duty officers to be on call when subpoenaed to testify in criminal matters.

2. Every police agency should develop and maintain liaison with:

a. Local courts and prosecutors to facilitate the timely issuance of arrest and search warrants, issuance of criminal complaints, and arraignment of prisoners;

b. Juvenile courts to divert, in appropriate circumstances, juveniles from the juvenile justice system and to preserve confidentiality of proceedings to the greatest extent possible;

c. Corrections agencies, including probation and parole, in order to exchange information on the status and activities of released persons who are still under sentence; and

d. Other Federal, State, and local law enforcement agencies in order to arrange for the arrest and return of fugitives, to exchange information in criminal investigations, to establish joint plans for dealing with criminal conduct, and to share statistical and support services.

3. Every police agency should cooperate in the establishment of task force efforts with other

criminal justice agencies and Federal, State, and local law enforcement agencies, where appropriate, to deal with major crime problems.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 4.3

### Diversion

Every police agency, where permitted by law, immediately should divert from the criminal and juvenile justice systems any individual who comes to the attention of the police, and for whom the purpose of the criminal or juvenile process would be inappropriate, or in whose case other resources would be more effective. All diversion dispositions should be made pursuant to written agency policy that insures fairness and uniformity of treatment.

1. Police chief executives may develop written policies and procedures which allow, in appropriate cases, for juveniles who come to the attention of the agency to be diverted from the juvenile justice process. Such policies and procedures should be prepared in cooperation with other elements of the juvenile justice system.

2. These policies and procedures should allow for processing mentally ill persons who come to the attention of the agency, should be prepared in cooperation with mental health authorities and courts, and should provide for mental health agency referral of those persons who are in need of professional assistance but are not taken into custody.

3. These policies should allow for effective alternatives when arrest for some misdemeanor offenses would be inappropriate.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 4.4

### Citation and Release on Own Recognizance

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

1. Every police agency should adopt policies and procedures that provide guidelines for the exercise of individual officer's discretion in the implementation of State statutes that permit issuance of citations and summonses, in lieu of physical arrest or prearrest confinement.

2. Every police agency should take all available steps to insure that at the time arraigned defendants are considered for pretrial release, their previous criminal history or present conditional release status, if any, is documented and evaluated by the court in determining whether the defendants are released or confined pending trial.

3. Every police agency should place special emphasis on expeditiously serving all outstanding arrest warrants obtained by the agency, particularly those issued due to a defendant's failure to appear at court proceedings.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 4.5

### Criminal Case Followup

Every police agency immediately should develop policies and procedures to follow up on the disposition of criminal cases initiated by the agency. This should be done in cooperation with local courts and prosecuting agencies.

1. Every police agency, in cooperation with local courts and prosecuting agencies, should provide for the administrative followup of selected criminal cases. Policies and procedure should be developed:

a. To identify criminal cases which, because of extenuating circumstances or the defendants' criminal histories, require special attention by the prosecuting agency; and

b. To require a police representative to attend personally all open judicial proceedings related to these cases, and to maintain close personal liaison with assigned prosecutors.

2. Every police agency should review administratively all major criminal cases in which prosecuting agencies decline to prosecute or later cause to be dismissed. That review:

a. Should result in a referral of each such case to the concerned officer's commanding officer for administrative action to correct any police deficiencies which may have weakened the case; or

b. Should result in a referral of each case to the prosecuting agency for that agency's action to correct any deficiencies for which it may have been responsible.

3. Every police agency should encourage courts and prosecuting agencies routinely to evaluate investigations, case preparation, and the courtroom demeanor and testimony of police officers and to inform the police agency of those evaluations.

4. Every police agency formally should make information from its files available to other criminal justice agencies and to the courts for reference in making diversion, sentencing, probation, and parole determinations. In addition to records of past contacts with the defendant, useful information might include the effect the crime had on the victim, and the likelihood of future crime resulting from defendant's presence in the community.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 5.1

### Responsibility for Police Service

Every State and local government immediately should provide complete and competent police service through an organizational structure that most effectively and efficiently meets its responsibility. The government responsible for this service should provide for a police organization that performs the duties described as the police role.

1. Every police agency should provide for access to police service and response to police emergency situations 24 hours a day.

2. Every local government unable to support a police agency and provide 24-hour-a-day services should arrange immediately for the necessary services by mutual agreement with an agency that can provide them.

3. Every police chief executive should establish an organizational structure that will best insure effective and efficient performance of the police functions necessary to fulfill the agency's role within the community. Every police chief executive:

a. Should, in conjunction with the annual budget preparation, review the agency's organizational structure in view of modern management practices and provide for necessary changes.

b. Should insure that the organizational structure facilitates the rendering of direct assistance and service to the people by line elements. Command of line elements should be as close as practical to the people.

c. Should organize the agency's staff elements to insure that the organizational structure provides for direct assistance and service to line elements.

d. Should limit functional units, recognizing that they increase the need for coordination, create impediments to horizontal communications, and increase the danger of functional objectives superseding agency goals.

e. Should establish only those levels of management necessary to provide adequate direction and control.

f. Should define the lines of authority and insure that responsibility is placed at every level with commensurate authority to carry out assigned responsibility.

g. Should not be encumbered by traditional principles of organization if the agency goals can best be achieved by less formal means.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 5.2

### Combined Police Services

Every State and local government and every police agency should provide police services by the most effective and efficient organizational means available to it. In determining this means, each should acknowledge that the police organization (and any functional unit within it) should be large enough to be effective but small enough to be responsive to the people. If the most effective and efficient police service can be provided through mutual agreement or joint participation with other criminal justice agencies, the governmental entity or the police agency immediately should enter into the appropriate agreement or joint operation. At a minimum, police agencies that employ fewer than 10 sworn employees should consolidate for improved efficiency and effectiveness.

1. Every State should enact legislation enabling local governments and police and criminal justice agencies, with the concurrence of their governing bodies, to enter into interagency agreements to permit total or partial police services. This legislation:

a. Should permit police service agreements and joint participation between agencies at all levels of government;

b. Should encourage interagency agreements for and joint participation in police services where beneficial to agencies involved;

c. Should permit reasonable local control or responsiveness to local needs.

2. Every local government should take whatever other actions are necessary to provide police services through mutual agreement or joint participation where such services can be provided most effectively.

3. No State or local government or police agency should enter into any agreement for or participate in any police service that would not be responsive to the needs of its jurisdiction and that does not at least:

a. Maintain the current level of a service at a reduced cost;

b. Improve the current level of a service either at the same cost or at an increased cost if justified; or

c. Provide an additional service at least as effectively and economically as it could be provided by the agency alone.

4. Every State, in cooperation with all police agencies within it, should develop a comprehensive, statewide mutual aid plan to provide for mutual aid in civil disorders, natural disasters, and other contingencies where manpower or materiel requirements might exceed the response capability of single agencies.

5. Every State should provide, at no cost to all police agencies within the State, those staff services such as laboratory services, information systems, and intelligence and communications systems, which fill a need common to all these agencies and which would not be economical or effective for a single agency to provide for itself.

6. Every local government and every local police agency should study possibilities for combined and contract police services, and where appropriate, implement such services. Combined and contract service programs may include:

a. Total consolidation of local government services: the merging of two city governments, or city-county governments;

b. Total consolidation of police services: the merging of two or more police agencies or of all police agencies (i.e., regional consolidation) in a given geographic area;

c. Partial consolidation of police services: the merging of specific functional units of two or more agencies;

d. Regionalization of specific police service: the combination of personnel and materiel resources to provide specific police services on a geographic rather than jurisdictional basis;

e. Metropolitanization: the provision of public services (including police) through a single government to the communities within a metropolitan area;

f. Contracting for total police services: the provision of all police services by contract with another government (city with city, city with county, county with city, or city or county with State);

**g. Contracting for specific police services: the provision of limited or special police services by contract with another police or criminal justice agency; and**

**h. Service sharing: the sharing of support services by two or more agencies.**

**7. Every police agency should immediately, and annually thereafter, evaluate its staff services to determine if they are adequate and cost effective, whether these services would meet operational needs more effectively or efficiently if they were combined with those of other police or criminal justice agencies, or if agency staff services were secured from another agency by mutual agreement.**

**8. Every police agency that maintains cost-effective staff service should offer the services to other agencies if by so doing it can increase the cost-effectiveness of the staff service.**

**9. Every police chief executive should identify those line operations of his agency that might be more effective and efficient in preventing, deterring, or investigating multijurisdictional criminal activity if combined with like operations of other agencies. Having identified these operations, he should:**

**a. Confer regularly with all other chief executives within his area, exchange information about regional criminal activity, and jointly develop and maintain the best organizational means for regional control of this activity; and**

**b. Cooperate in planning, organizing, and implementing regional law enforcement efforts where such efforts will directly or indirectly benefit the jurisdiction he serves.**

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 5.3

### Commitment to Planning

Every police agency should develop planning processes which will anticipate short- and long-term problems and suggest alternative solutions to them. Policy should be written to guide all employees toward effective administrative and operational planning decisions. Every police agency should adopt procedures immediately to assure the planning competency of its personnel through the establishment of qualifications for selection and training.

1. Every police agency should establish written policy setting out specific goals and objectives of the planning effort, quantified and measurable where possible, which at least include the following:

a. To develop and suggest plans that will improve police service in furthering the goals of the agency;

b. To review existing agency plans to ascertain their suitability, to determine any weaknesses, to update or devise improvement when needed, and to assure they are suitably recorded;

c. To gather and organize into usable format information needed for agency planning.

2. Every police agency should stress the necessity for continual planning in all areas throughout the agency, to include at least:

a. Within administrative planning: long range, fiscal and management plans;

b. Within operational planning: specific operational, procedural, and tactical plans;

c. Extradepartmental plans; and

d. Research and development.

3. Every police agency should establish written

qualifications for employees assigned specifically to planning activities.

4. Every police agency should provide training necessary for all personnel to carry out their planning responsibilities.

5. If there are planning needs that cannot be satisfied by agency personnel, the police agency should satisfy these needs through an appropriate arrangement with another police agency, another governmental agency, or a private consultant.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 5.4

# Agency and Jurisdictional Planning

Every police agency should immediately identify the types of planning necessary for effective operation, and should assign specific responsibility for research and development, and police agency and jurisdictional planning.

1. Every police agency with 75 or more personnel should establish a unit staffed with at least one employee whose full-time responsibility will be intra-agency administrative planning and coordination of all planning activities for the agency.

a. The size and composition of this planning unit should be proportionate to the size of the agency and the magnitude of the present and anticipated planning task.

b. The employee in charge of the planning unit should have no more than one person in the chain of command between him and the police chief executive.

2. Every police agency organized into subdivisions should delineate divisional planning responsibilities and should provide personnel accordingly.

a. To the extent feasible, divisional planning should be a staff activity performed by the agency's central planning unit. If centralized planning for a division is not feasible, the agency should assign planning personnel to the division.

b. The agency should assign a specialized section of the central planning unit or a separate specialized planning unit to specialized divisions or to divisions with specialized planning requirements.

c. The agency should insure coordination of all agency planning efforts.

3. Every police agency with fewer than 75 personnel should assign responsibility for administrative planning and coordination of all planning activities of the agency.

a. If the magnitude of the agency's planning task justifies a full-time employee, one should be assigned; and

b. If it does not, this task should be assigned to an employee with related duties.

4. Every police agency should assign responsibility for maintaining close interagency planning.

a. Interagency planning should be engaged in by police agencies that are geographically close, that regularly operate concurrently within the same jurisdictional boundaries, that participate in a plan for mutual aid, or that logically should participate in any combined or regional police effort.

b. Where regional police planning agencies exist, every police agency should assign responsibility for planning with those regional police planning agencies whose decisions might affect the assigning agency. This responsibility should include liaison with the established regional planning agency or other representative of the State Planning Agency.

5. Every police agency should participate in cooperative planning with all other governmental subdivisions of the jurisdiction when such planning can have an effect on crime, public safety, or efficient police operations.

a. Every local governmental entity, in all matters of mutual interest, immediately should provide for police planning with that of other governmental subdivisions of the jurisdiction.

b. Every police agency should assign responsibility for such planning immediately. This assignment should include at least the responsibility for joint planning, when applicable, with the local government administrative office, local government attorney's office, finance department, purchasing department, personnel department, civil service commission, fire department, department of public works, utilities department, building inspection unit, street or highway department, parks department, recreation department, planning unit, and health department.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 5.5

### Police-Community Physical Planning

Every police agency should participate with local planning agencies and organizations, public and private, in community physical planning that affects the rate or nature of crime or the fear of crime.

1. Every government entity should seek police participation with public and private agencies and organizations involved in community physical planning within the jurisdiction.

2. Every police agency should assist in planning with public and private organizations involved in police-related community physical planning. This assistance should at least include planning involving:

- a. Industrial area development;
- b. Business and commercial area development;
- c. Residential area development, both low rise and high rise;
- d. Governmental or health facility complex development;
- e. Open area development, both park and other recreation;

f. Redevelopment projects such as urban renewal; and

g. Building requirements (target hardening), both residential and commercial.

SUB-COMMITTEE REPORT

A. Text of Standard

**Standard 5.6**

**Responsibility for  
Fiscal Management**

Every State or local government maintaining a police agency should immediately assign responsibility for fiscal management to the police chief executive. Where he does not personally perform the fiscal management function, this responsibility should be delegated to a fiscal affairs officer with staff as needed.

1. The police chief executive's primary areas of fiscal management responsibility should include fiscal planning, budget preparation and presentation, and fiscal control.

2. Every police chief executive should immediately delegate the fiscal management responsibilities that he does not personally perform.

a. Every chief executive of a police agency with more than 150 personnel should delegate fiscal management to a fiscal affairs officer with staff as needed.

b. Every chief executive of a police agency with 150 or fewer personnel should appoint a fiscal affairs officer and staff when this can be justified.

c. Every police chief executive should provide that the responsibilities of the fiscal affairs officer include annual budget development, maintenance of liaison with the jurisdictional fiscal affairs officer, supervision of internal expenditures and related controls, and familiarization with recent developments in fiscal affairs management.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 5.7

# Fiscal Management Procedures

Every police chief executive should use the most effective and appropriate fiscal management techniques available. He should establish policy and procedures so budgeting is a fundamental part of the management planning process.

1. Every police chief executive should initiate annual budget planning with a detailed statement on budget preparation. This statement should reflect fiscal direction received from the fiscal affairs officer of the jurisdiction.

2. Every organizational element of the police agency should be involved in budget planning and should prepare a draft budget appropriate to its needs; adequate justification should be provided as part of the budget document for all major continuing expenditures, significant changes in minor continuing expenditures, and all new budget items.

3. Every police chief executive should develop the fiscal controls necessary for the agency to stay within funding restrictions, to insure that funds are being spent for authorized purposes, to account properly for monies received from the public, and to alert management to possible fiscal problems requiring remedial action. This function also should include:

a. Developing policy and procedures for

highly flexible interaccount transfers as changing needs arise during budget years; and

b. Preparing, on a quarterly basis in large agencies and on a monthly basis in small ones, summaries of expenditures, balances, and interaccount transfers.

4. Every police agency should study and experiment with various forms of systems budgeting: budgeting based on the consolidation of functionally unrelated tasks and corresponding resources to form a system that will achieve an identified objective. If the value of systems budgeting will offset the simplicity and convenience of line item or other modified budgeting methods already in use, the agency should adopt such a system.

a. If systems budgeting is adopted, it should be under the control of the police agency fiscal affairs officer.

b. The police agency fiscal affairs officer should be thoroughly competent in whatever systems budgeting might be adopted, and the chief executive and the major organizational element commanders should be thoroughly oriented in it.

c. Preferably, systems budgeting should be adopted by the police agency when it is adopted by all other governmental agencies of the jurisdiction.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 5.8

### Funding

Every police chief executive and every police fiscal affairs officer should be thoroughly familiar with all means by which the agency can derive all the benefits possible from local funding, city-State-Federal revenue sharing, grants and grantsmanship, and the use of bonds. They should understand the implications of each and use these means to provide funding for agency programs.

1. No police agency should enforce local ordinances for the sole or primary purpose of raising revenue, and no income arising from enforcement action should be earmarked specifically for any single enforcement agency.

2. No police chief executive should seek referenda that would govern the size of the personnel complement, the allocation of resources to specific agency programs, or the setting of police salaries except as specifically provided by the laws or legislative body of the jurisdiction.

3. Every police agency should use grants under explicit conditions to fund planning and experimentation in all phases of police service.

a. Functional responsibility for the procurement of grants from Federal and State agencies and foundations should be made the specific responsibility of a police agency employee designated by the chief executive.

b. Grants should not be sought to initiate long-range programs unless the jurisdiction will

commit itself to continued funding on successful completion of the funded portion of the project.

c. Any employee assigned to grant procurement should be given appropriate training.

4. Every police agency should use bonds only for capital purchases such as land acquisition, building construction, and major equipment installations. Bonds should not be used to augment budgets for personnel and operating expenses.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 6.1

### Selecting a Team Policing Plan

Every police agency should examine the team policing concept to determine its value in increasing coordination of patrol and specialized functions within the agency. A team policing system should be adopted when research and testing indicate that such a system would enable the agency to use its resources more efficiently.

1. Every police agency should conduct research into the team policing concept to determine its value to the agency. This research should include:

a. Evaluation of the structure and effectiveness of various forms of team policing applied by other agencies of comparable size and resources; and

b. Assessment of the resources necessary to implement various team policing systems.

2. Every police agency should test and evaluate applicable forms of team policing prior to formal implementation. Testing should be conducted:

a. To minimize disruption of ongoing agency operations; and

b. To measure effectiveness in achieving predetermined objectives and goals.

A. Text of Standard

## Standard 6.2

### Implementation of Team Policing

Every police agency implementing team policing should insure that the system effectively facilitates the agency's efforts to reduce crime, detect and apprehend criminal offenders, improve the quality of police services, and enhance police-community cooperation.

1. Every police agency should include agency personnel in the team policing planning and implementation process. Personnel participation should be consistent with the degree of ultimate involvement in the team policing system.

2. Every police agency should provide preparatory and inservice training for all personnel involved in the team policing system. The objectives of the training program should be to acquaint all agency personnel with team policing policy, procedures, objectives, and goals, and to provide specific training according to the extent and nature of personnel involvement in the team policing effort.

3. Every police agency should develop programs to encourage community involvement in the agency's team policing system.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 7.1

### Command and Control Planning

The chief executive of every municipality should have ultimate responsibility for developing plans for coordination of all government and private agencies involved in unusual occurrence control activities. Every police chief executive should develop plans immediately for the effective command and control of police resources during mass disorders and natural disasters. These plans should be developed and applied in cooperation with allied local, State, and Federal agencies and should be directed toward restoring normal conditions as rapidly as possible.

1. Every police agency should develop intra-agency command and control plans to activate the resources of the agency rapidly to control any unusual occurrence that may occur within its jurisdiction. These plans should provide for:

a. Liaison with other organizations to include the participation of those organizations in quickly restoring normal order;

b. Mutual assistance agreements with other local law enforcement agencies and with State and Federal authorities, where effective control resources may be limited by agency size; and

c. The participation of other government and private agencies.

2. Every police agency should furnish current copies of command and control plans to every

organization likely to participate directly in the control effort.

3. Every police agency should insure that every employee is familiar with command and control plans that relate to any function the employee might be called upon to perform, or any function that might relate to his performance.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 7.2

### Executive Responsibility

Every police chief executive should be given responsibility immediately to command all police resources involved in controlling unusual occurrences within his jurisdiction. This authority should be preempted only when a state of emergency is declared by the Governor, local authority breaks down, or command authority is transferred by prior agreement. In carrying out this responsibility, the police chief executive should direct all police activities within the affected area, and he should insure that at least minimum services are provided to the remainder of the jurisdiction.

1. Every local government should provide by law that the police chief executive be responsible for all law enforcement resources used to control unusual occurrences within the jurisdiction. The police chief executive immediately should establish a system designating executive command in his absence.

a. A system of succession of command should be established; and

b. A senior officer should be designated the acting chief executive in the absence of the chief executive.

2. The chief executive or his delegate should be available to assume command without delay at all times. This individual should:

a. Assess the agency's needs in the involved area and in the remainder of the jurisdiction;

b. Make decisions based on available information, and issue appropriate instructions to the agency to insure coordinated and effective deployment of personnel and equipment for control of the occurrence and for effective minimum policing of the remainder of the agency's jurisdiction;

c. Insure that all actions taken by law enforcement personnel deployed in the affected area are supervised and directed; and

d. Apply control measures according to established command and control plans and predetermined strategies.

A. Text of Standard

## Standard 7.3

### Organizing for Control

Every police agency should develop an interim unusual occurrence control organization. This organization should be capable of rapid and orderly activation, assembly, and deployment of all needed agency resources and should be flexible enough to permit incremental activation. It should provide the following services under the command of the police chief executive:

1. A control center should be established to act as the agency command post responsible for:

- a. Coordinating all agency unusual occurrence control activities;
- b. Obtaining all resources and assistance required for the field forces from agency and outside sources;
- c. Maintaining chronological logs and preparing periodic reports concerning the unusual occurrence situations; and
- d. Collecting and disseminating information from field forces, agency sources, and outside agencies.

2. An intelligence organization should be responsible for collecting, evaluating, and disseminating information. The intelligence function should be performed by:

- a. Field units;
- b. A coordinating unit located at the agency control center; and
- c. Outside agencies contributing intelligence through the coordinating unit.

3. A personnel unit should be established to:

- a. Activate a predetermined personnel call-up system;
- b. Maintain current personnel availability information and a continuous accounting of all agency personnel;
- c. Anticipate the personnel needs of the field forces and provide for them;
- d. Advise the agency commanding officer of the availability of personnel when the number of officers committed to the unusual occurrence indicates the need for partial or total mobilization, or a request for mutual aid or military assistance; and

e. Make proper and timely notifications of deaths and injuries of agency personnel.

4. A logistics unit should be established to:

- a. Procure the needed vehicles, maintenance, supplies, and equipment;
- b. Account for the disruption of all vehicles, supplies, and equipment deployed in the unusual occurrence;
- c. Determine appropriate staging areas and maintain a current list of them;
- d. Receive and safeguard evidence and property for the field forces; and
- e. Provide for feeding of field forces, when necessary.

5. A field command post should be established and staffed with personnel to support the field commander. The field command post should be staffed and organized to enable the field commander to:

- a. Direct the operations necessary to control the unusual occurrence;
- b. Assemble and assign agency resources;
- c. Collect, evaluate, and disseminate intelligence concerning the incident;
- d. Communicate with concerned task force officers and units;
- e. Apply the strategy and tactics necessary to accomplish the police mission;
- f. Gather, record, and preserve evidence; and
- g. Maintain appropriate records of field operations.

6. A casualty information center should be established and staffed with qualified personnel to:

- a. Gather, record, and disseminate all information concerning dead, injured, missing, and lost persons;
- b. Establish liaison with relief agencies to obtain information on evacuees and evacuation centers;
- c. Establish liaison with the medical examiner or coroner;
- d. Deploy personnel, as needed, to hospitals, first aid stations, and morgues; and
- e. Prepare casualty statistical reports periodically for the agency commanding officer.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 7.4

### Mass Processing of Arrestees

Every police agency should immediately develop a system for the arrest, processing, transportation, and detention of large numbers of persons. The agency should seek alternatives to mass arrests, but if it is determined that mass arrests are necessary, a system should be available to provide adequate security for prisoners and officers and to insure that the arresting officer is returned to his field assignment as quickly as possible. The system should facilitate the restoration of order by means of lawful arrest, and preservation of all available evidence.

1. The mass arrest system should insure that arrestees are processed as rapidly as possible. The system should provide:

a. A procedure for gathering and preserving available evidence to connect the arrestee to the crime he is to be charged with. The evidence may include photographs, recordings, videotapes, statements of witnesses, or other evidence;

b. A procedure for receiving each prisoner from the arresting officer and facilitating the officer's return to his field assignment as soon as possible;

c. Positive identification of the arrestee and the arresting officer;

d. A procedure for receiving and maintaining continuity of evidence;

e. Rapid removal of arrestees from the affected area. Security should be provided en route to prevent attempts to free prisoners;

f. A secure detention area to prevent escape or attempts to free prisoners. The facility should be adequate to maintain custody of a number of prisoners in safety;

g. Prearranged interagency agreements to facilitate the assimilation of the arrestees into the jail system when the arresting agency is not the custodial agency;

h. Defense counsel visitations after processing. These visitations should not be permitted under field conditions or at temporary detention facilities unless adequate security is provided. Prisoners should be transported to a secure detention facility without delay; and

i. Liaison with local courts and prosecutors to determine procedures and temporary court sites for speedy arraignment of arrestees.

2. The mass arrest system should make the name and charge of persons arrested available to public inquiry as soon as possible after the arrestee has been processed. A current list of arrestees should be communicated to the agency command center as the information becomes available. Inquiries should be directed to one central location.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 7.5

### Legal Considerations

Every State and local government should immediately review existing law and consider new legislation to permit necessary action by all control agencies and afford each individual all his constitutional guarantees during an unusual occurrence.

1. Full-time protection should be afforded every community by permanent legislation to provide for:

a. Federal and State reimbursement of local law enforcement agencies required to react to Federal and State events, such as conventions, campaigns, or VIP visits, and extraordinary costs incurred in responding to mutual aid requests;

b. Mutual aid agreements between local, county, and State police, and the National Guard;

c. The prohibition of unnecessary force or violence in making arrests;

d. The prohibition of any sanctuary by providing police access to any area, public or private, within the jurisdiction or close enough to constitute an immediate threat to public order within the jurisdiction;

e. The prohibition of interference with or attacks upon firemen or other emergency personnel;

f. The prohibition against failure to disperse any unlawful assemblies;

g. Prohibition of impeding pedestrian or vehicular traffic;

h. Strict controls on the manufacture, possession, transportation, or distribution of incendiary or explosive devices; and

i. Permits for parades, assemblies, and public events and regulation of the size and material used in picket signs and sign handles or any other device used in a public demonstration.

2. Emergency statutes specifically designed to cope with unusual occurrences should be enacted to provide for:

a. The arrest powers of county and State police and National Guard forces when engaged with or without the local police agency's assistance in control operations within a local jurisdiction;

b. Emergency police authority enabling local police to maintain public order by suspending due process where a clear and present danger exists that mob action will render ineffective any local police agency's ability to maintain order;

c. Restrictions upon sales of gasoline, liquor, and weapons;

d. The restriction of public access to certain geographic areas under specifically defined circumstances;

e. Curfew, loitering, and other crowd control measures;

f. The restriction of public use of schools, places of amusement, water, and private aircraft; and

g. Control of the storage of firearms, firearms parts, and ammunition.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 7.6

### Training for Unusual Occurrences

Every police chief executive should immediately establish formal training programs in unusual occurrence control administration, strategy, tactics, resources, and standard operating procedures. This training should be given to selected personnel at all levels within the agency, personnel from other agencies in the criminal justice system, and from other related public and private agencies. It should be given frequently enough to maintain proficiency between training sessions, and should be routinely scheduled during periods of peak personnel strength. Otherwise, it should be scheduled in advance of anticipated events.

An unusual occurrence control training program should include both formal instruction and practical exercise.

1. Formal instruction should be implemented through:

a. Frequent inservice training, such as roll-call training, to serve as a refresher course, to practice techniques, or to introduce new procedures;

b. Periodic agency-conducted schools to familiarize personnel with agency unusual occurrence control procedures and organizational structure;

c. Regional or Federal courses, particularly when agency size does not permit development of local schools; and

d. A regional training institute to train instructors for local agencies.

2. Practical exercises should be conducted periodically to develop proficiency and teamwork among personnel through:

a. Field exercises for operational personnel to practice tactics and procedures;

b. Command post exercises for formulating strategy and evaluating existing and new procedures;

c. Regional exercises for familiarizing command personnel with mutual aid procedures and developing coordination between other local control agencies and nonlaw enforcement agencies; and

d. Criminal justice system exercises to develop coordinated participation of all interrelated criminal justice and noncriminal justice agencies.

3. The training curriculum and the subjects for practice should be directed to:

a. Administrative level personnel to familiarize them with agency and criminal justice system emergency organizational structure and procedures for requesting additional personnel and equipment from the military or through mutual aid; and

b. Operational personnel to familiarize them with strategy, tactics, and standard operating procedures. The emphasis should be placed on a coordinated effort rather than individual action; use of chemical agents, communications equipment, and other specialized equipment; applicable laws; human relations training; and procedures for procuring logistical support.



A. Text of Standard

## Standard 8.1

### Establishing the Role of the Patrol Officer

Every police chief executive immediately should develop written policy that defines the role of the patrol officer, and should establish operational objectives and priorities that reflect the most effective use of the patrol officer in reducing crime.

1. Every police chief executive should acknowledge that the patrol officer is the agency's primary element for the deliverance of police services and prevention of criminal activity.

2. Every police chief executive should insure maximum efficiency in the deliverance of patrol services by setting out in written policy the objectives and priorities governing these services. This policy:

a. Should insure that resources are concentrated on fundamental police duties;

b. Should insure that patrol officers are engaged in tasks that are related to the police function;

c. Should require immediate response to incidents where there is an immediate threat to the safety of an individual, a crime in progress, or a crime committed and the apprehension of the suspected offender is likely. Urban area response time—from the time a call is dispatched to the arrival at the scene—under normal conditions should not exceed 3 minutes for emergency calls, and 20 minutes for nonemergency calls;

d. Should emphasize the need for preven-

tive patrol to reduce the opportunity for criminal activity; and

e. Should provide a procedure for accepting reports of criminal incidents not requiring a field investigation.

3. Every police chief executive should insure that all elements of the agency, especially the patrol and communications elements, know the priority placed upon each request for police service.

4. Every police chief executive should implement a public information program to inform the community of the agency's policies regarding the deliverance of police service. This program should include provisions to involve citizens in crime prevention activities.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 8.2

### Enhancing the Role of the Patrol Officer

Every local government and police chief executive, recognizing that the patrol function is the most important element of the police agency, immediately should adopt policies that attract and retain highly qualified personnel in the patrol force.

1. Every local government should expand its classification and pay system to provide greater advancement opportunities within the patrol ranks.

The system should provide:

a. Multiple pay grades within the basic rank;

b. Opportunity for advancement within the basic rank to permit equality between patrol officers and investigators;

c. Parity in top salary step between patrol officers and nonsupervisory officers assigned to other operational functions;

d. Proficiency pay for personnel who have demonstrated expertise in specific field activities that contribute to more efficient police service.

2. Every police chief executive should seek continually to enhance the role of the patrol officer by providing status and recognition from the agency

and encouraging similar status and recognition from the community. The police chief executive should:

a. Provide distinctive insignia indicating demonstrated expertise in specific field activities;

b. Insure that all elements within the agency provide maximum assistance and cooperation to the patrol officer;

c. Implement a community information program emphasizing the importance of the patrol officer in the life of the community and encouraging community cooperation in providing police service;

d. Provide comprehensive initial and in-service training thoroughly to equip the patrol officer for his role;

e. Insure that field supervisory personnel possess the knowledge and skills necessary to guide the patrol officer;

f. Implement procedures to provide agencywide recognition of patrol officers who have consistently performed in an efficient and commendable manner;

g. Encourage suggestions on changes in policies, procedures, and other matters that affect the delivery of police services and reduction of crime;

h. Provide deployment flexibility to facilitate various approaches to individual community crime problems;

i. Adopt policies and procedures that allow the patrol officer to conduct the complete investigation of crimes which do not require extensive followup investigation, and allow them to close the investigation of those crimes; and

j. Insure that promotional oral examination boards recognize that patrol work provides valuable experience for men seeking promotion to supervisory positions.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 8.3

### Deployment of Patrol Officers

Every police agency immediately should develop a patrol deployment system that is responsive to the demands for police services and consistent with the effective use of the agency's patrol personnel. The deployment system should include collecting and analyzing required data, conducting a workload study, and allocating personnel to patrol assignments within the agency.

1. Every police agency should establish a system for the collection and analysis of patrol deployment data according to area and time.

a. A census tract, reporting area, or permanent grid system should be developed to determine geographical distribution of data; and

b. Seasonal, daily, and hourly variations should be considered in determining chronological distribution of data.

2. Every police agency should conduct a comprehensive workload study to determine the nature and volume of the demands for police service and the time expended on all activities performed by patrol personnel. The workload study should be the first step in developing a deployment data base and should be conducted at least annually thereafter. Information obtained from the workload study should be used:

a. To develop operational objectives for patrol personnel;

b. To establish priorities on the types of activities to be performed by patrol personnel; and

c. To measure the efficiency and effectiveness of the patrol operation in achieving agency goals.

3. Every police agency should implement an allocation system for the geographical and chronological proportionate need distribution of patrol personnel. The allocation system should emphasize agency efforts to reduce crime, increase criminal apprehensions, minimize response time to calls for services, and equalize patrol personnel workload. This system should provide for the allocation of personnel to:

a. Divisions or precincts in those agencies which are geographically decentralized;

b. Shifts;

c. Days of the week;

d. Beats; and

e. Fixed-post and relief assignments.

4. Every police agency should establish procedures for the implementation, operation, and periodic evaluation and revision of the agency's deployment system. These procedures should include provisions to insure the active participation and willing cooperation of all agency personnel.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 9.1

### Specialized Assignment

Every police agency should use generalists (patrol officers) wherever possible and, before establishing any specialization necessary to improve the delivery of police service, specifically define the problem that may require specialization, determine precisely what forms of specialization are required to cope with this problem, and implement only those forms in a manner consistent with available resources and agency priorities.

1. Every police chief executive should define the specific problem in concise written terms and in doing so should consider at least:

- a. Whether the problem requires the action of another public or private organization;
- b. The severity of the problem;
- c. The period of time the problem is expected to exist; and
- d. The community's geographic, physical, and population conditions that contribute to the problem or which may affect or be affected by the specialization.

2. Every police chief executive should consider community perception of the problem: community awareness, and the attitudes based on that awareness.

3. Every police chief executive should—based on his definition of the problem, community perception of it, and the pertinent legal requirements—assess all resources and tactical alternatives avail-

able to the agency, and in doing so determine at least:

- a. Whether the problem requires specialization;
- b. The degree of specialization required;
- c. The manpower and equipment resources required by specialization;
- d. Which of the needed resources are available within the agency and which are available outside it;
- e. The availability of necessary specialized training;
- f. The expected duration of the need for specialization; and
- g. The organizational changes needed as a result of specialization.

4. Every police chief executive should give special consideration to the impact of specialization on:

- a. The identified problem;
- b. Personnel and fiscal resources;
- c. Community attitudes toward the agency; and
- d. The agency's delivery of general police services.

5. Every police agency should develop an operations effectiveness review for each new specialization. This review process should be carried out:

- a. As a goal-oriented activity analysis; and
- b. On a specific schedule for the expected duration of the need.

6. Every police agency should terminate a specialized activity whenever the problem for which it was needed no longer exists, or can be controlled as well or better through other agency operations.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 9.2

### Selection for Specialized Assignment

Every police agency immediately should establish written policy defining specific criteria for the selection and placement of specialist personnel so that they are effectively matched to the requirements of each specialty.

1. Every police agency should maintain a comprehensive personnel records system from which information is readily retrievable. This system should:

- a. Include all pertinent data on every agency employee;
- b. Employ a consistent format on all personnel records; and
- c. Include procedures for continual updating.

2. Every police agency should disseminate agencywide written announcements describing anticipated specialist position openings. These announcements should include:

- a. The minimum personnel requirements for each position; and
- b. The specialized skills or other attributes required by the position.

3. Every police agency should establish written minimum requirements for every specialist position. These requirements should stipulate the required:

- a. Length and diversity of experience;
- b. Formal education; and

- c. Specialized skills, knowledge, and experience.

4. Command personnel within the specialty should interview every candidate for a specialist position. Interviewers should:

- a. Review the pertinent personnel records of every candidate;
- b. Consider the candidate's attitude toward the position as well as his objective qualifications for it; and
- c. Conduct a special personnel investigation where the specific position or candidate requires it.

5. Every police agency should establish written training requirements for each specialty. These requirements may include:

- a. Formal preassignment training; and
- b. Formal on-the-job training.

6. Every police agency should require satisfactory completion of an internally administered internship in any specialist position before regular assignment to that position.

7. Every police agency should establish a rotation system that requires specialists to be regularly rotated from positions where potential for officer compromise is high to positions where this potential is low or the criminal "clientele" is different. This rotation system should include:

- a. Identification of all positions—including vice, narcotics, and all types of undercover assignments—where potential for officer compromise is high;

- b. Written policies that specifically limit the duration of assignment to any identified position. Because limitations may differ, these policies and procedures should stipulate those for personnel at the supervisory and administrative level and those for personnel at the level of execution;

- c. Provisions for limited extensions with the specific approval of the chief executive; and

- d. Provisions that insure the maintenance of a high level of operational competence within the specialty and throughout the agency.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 9.3

### Annual Review of Agency Specialization

Every police agency which has established specialties should immediately, and thereafter, annually conduct a formal review of each specialty to determine its effectiveness in helping to achieve agency goals and objectives. In conducting this formal review:

1. Every police chief executive should examine the problem for which the specialty was created and identify any modifications that problem may have undergone in the past year;

2. Every police chief executive should assess the cost-effectiveness of the specialty over the past year and from that assessment, determine whether the current level of resource commitment to the specialty is adequate or warranted.

3. Every police chief executive should take the action indicated by the results of the formal annual review of each specialty. This action may include:

a. Continuation of the specialization in its present form;

b. Adjustment of manpower and equipment allocations based on modifications in the problem or the cost-effectiveness of the specialization.

SUB-COMMITTEE REPORT

A. Text of Standard

**Standard 9.4**

**State Specialists**

Every State, by 1975, should provide, upon the request of any local police agency in the State, specialists to assist in the investigation of crimes and other incidents that may require extensive or highly specialized investigative resources not otherwise available to the local agency. The State may also fund regional operational specialist activities. The State or regional specialists should not provide everyday needs to local law enforcement.

1. Every State should provide trained specialists who are properly equipped to assist local police agencies. Where appropriate, the State should provide funds to combine or consolidate local special investigative resources.

2. Every State should publish and distribute to every local police agency in the State the request procedure for obtaining specialists.

3. Every State should insure that its specialists pursue the investigation in complete cooperation with and support of the local agency.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 9.5

### Juvenile Operations

The chief executive of every police agency immediately should develop written policy governing his agency's involvement in the detection, deterrence, and prevention of delinquent behavior and juvenile crime.

1. Every police agency should provide all its police officers with specific training in preventing delinquent behavior and juvenile crime.

2. Every police agency should cooperate actively with other agencies and organizations, public and private, in order to employ all available resources to detect and deter delinquent behavior and combat juvenile crime.

3. Every police agency should establish in cooperation with courts written policies and procedures governing agency action in juvenile matters. These policies and procedures should stipulate at least:

a. The specific form of agency cooperation with other governmental agencies concerned with delinquent behavior, abandonment, neglect, and juvenile crime;

b. The specific form of agency cooperation with nongovernmental agencies and organizations where assistance in juvenile matters may be obtained;

c. The procedures for release of juveniles into parental custody; and

d. The procedures for the detention of juveniles.

4. Every police agency having more than 15 employees should establish juvenile investigation capabilities.

a. The specific duties and responsibilities of these positions should be based upon the particular juvenile problems within the community.

b. The juvenile specialists, besides concentrating on law enforcement as related to juveniles, should provide support and coordination of all community efforts for the benefit of juveniles.

5. Every police agency having more than 75 employees should establish a juvenile investigation unit, and every smaller police agency should establish a juvenile investigation unit if community conditions warrant. This unit:

a. Should be assigned responsibility for conducting as many juvenile investigations as practicable, assisting field officers in juvenile matters, and maintaining liaison with other agencies and organizations interested in juvenile matters; and

b. Should be functionally decentralized to the most effective command level.

A. Text of Standard

## Standard 9.6

### Traffic Operations

Every police agency and every local government responsible for highway traffic safety should perform the basic functions of traffic law enforcement, traffic accident management and traffic direction and control.

1. Every police agency should perform the basic function of traffic law enforcement—the police activity specifically directed toward controlling traffic violations through preventive patrol and enforcement, case preparation, and court testimony. This function:

a. Should include line patrol, area patrol, selective location patrol, and records and logistics; and

b. Should be a fundamental responsibility of all uniformed officers.

2. Every police agency should perform the basic function of traffic accident management. This function relates to police activities connected with traffic collisions, and includes providing assistance to the injured, protecting the scene, preparing reports, taking necessary enforcement action, and conducting followup investigations. The function should include:

a. Initial traffic accident investigation, followup investigation, traffic control at the scene, injury control, enforcement action, records, reports, and notifications; and

b. On-scene investigations of all accidents involving a fatality, personal injury, or one or more vehicles that must be towed from the scene.

3. Every local government with responsibility for traffic direction and control should perform the basic function of traffic control and direction which has a direct and immediate effect on traffic flow. Such activities are those which have an immediate and direct effect. These activities:

a. May include intersection control, parking control, pedestrian control, police escort, special event control, and hazard control;

b. Should be transferred, wherever possible, from the police agency to another local government agency, or be undertaken by the police agency but assigned to nonsworn employees;

c. Should not be performed by employees if the need can be anticipated in advance, and electronic traffic control devices can be installed, unless employees are cost-effective.

4. Every police agency should develop and implement written policies governing the investigation of traffic accidents, enforcement of State and local traffic laws and regulations, and traffic direction. Police chief executives should insure that these policies are regularly communicated to all supervisors and line personnel. These policies should include guidelines on:

a. Physical arrests, issuance of warnings and citations, and transportation of arrestees;

b. Investigation of traffic accidents;

c. Interjurisdictional responsibility and authority for traffic supervision; and

d. Ancillary services that have an indirect effect on traffic flow.

5. Every State should assume complete responsibility for licensing all drivers of motor vehicles, vehicle registration, vehicle inspection, vehicle weight control, carrier and commercial regulation.

a. Activities that do not require peace officer status should be assigned to nonsworn personnel.

b. Observed failure to comply with driver licensing, vehicle registration, and equipment and safety regulations, should be subject to citation or reported to the appropriate agency through clearly established channels of communication.

6. Every police agency should employ, where necessary, specialized equipment operated by specially trained personnel to implement effective traffic programs.

7. Municipal police agencies employing more than 400 personnel should, consistent with an analysis of need, establish specialized accident investigation and traffic enforcement units. These units:

a. Should be staffed with as few personnel as the local traffic problem will permit; and

b. Should be functionally decentralized to the most effective command level.

8. Every police agency should make assignments for all traffic functions on the basis of traffic volume, accident experience, violation frequency, and congestion.

a. Selective enforcement techniques should be implemented through assignment of men and equipment by time and location on the basis of demonstrated need.

b. The establishment of a selective enforcement task force should be considered when the State or community accident death rate exceeds the national average or exceeds the average for the State or community for the last 3 years.

c. Every police agency should have at least one employee specially trained in highway safety management and able to plan and evaluate effective traffic safety programs.

d. Specialization should be limited according to need, and the major street traffic duties should be performed by patrol officers.

9. Every police agency should be capable of performing, or arrange for the performance of, activities necessary to support traffic line functions.

These activities:

a. May include administration, planning, budgeting, personnel management, research and analysis, public information, training, communications, transportation, records and identification, property control, equipment supply, and laboratory services; and

b. Should enable the police agency to gather and analyze traffic information and to maintain records to guide the agency in the safe movement of traffic.

10. Every police agency should periodically release traffic safety information and traffic safety educational material to the general public, and should cooperate with appropriate educational institutions in the preparation and presentation of traffic safety educational programs.

A. Text of Standard

## Standard 9.7

### Criminal Investigation

Every police agency immediately should direct patrol officers to conduct thorough preliminary investigations and should establish in writing priorities to insure that investigative efforts are spent in a manner that will best achieve organizational goals.

1. Every police agency should recognize that patrol officers are preliminary investigators and that they should conduct thorough preliminary investigations. However, investigative specialists should be assigned to very serious or complex preliminary investigations when delay will not hamper the investigation.

2. Every police agency should establish only as many specialized criminal investigative units as needed, staffed only with the number of personnel necessary to conduct timely investigations that lead to organizational objectives. The thoroughness of preliminary investigations by patrol officers should be insured, to reduce followup investigative efforts.

3. Every police agency should establish investigative priorities according to the seriousness of the crime, how recently it was reported, the amount of readily available information about suspects, the availability of agency resources, and community attitudes.

4. Every police agency employing 75 or more personnel should assign full-time criminal investigators. Every agency with fewer than 75 personnel should assign criminal investigation specialists only where specific needs are present.

a. Specialization within the criminal investigation unit should take place only when necessary to improve overall efficiency within the agency.

b. Criminal investigation operations should be decentralized to the most effective command level. However, unusual cases or types of cases may be investigated by a centralized unit.

5. Every police agency should establish quality control procedures to insure that every reported crime receives the investigation it warrants. These procedures should include:

a. A followup report of each open investigation every 10 days and command approval of every continuance of an investigation past 30 days;

b. Constant inspection and review of individual, team, and unit criminal investigation reports and investigator activity summaries; and

c. Individual, team, and unit performance measures based at least on arrests and dispositions, crimes cleared, property recovered, and caseload.

6. Every police agency with 75 or more personnel should consider the use of a case preparation operation to insure that all evidence that may lead to the conviction or acquittal of defendants is systematically prepared and presented to review by the prosecuting authority. A technician should be employed to handle any or all of the functions listed, whenever an agency can improve the quality of case preparation at the same or reduced cost.

a. Policies and procedures should be developed in cooperation with representatives of the local prosecutorial and judicial systems, and should contain the information required by all three systems.

b. All police information on each case prepared for prosecution should be in a systematically prepared, written report that contains the following documentation: copies of the incident report, followup reports, identification and laboratory reports, and any other reports necessitated by the investigation.

c. Every case also should contain written documentation relating to all case disposition information and notification records.

d. The case preparation technician may: establish case files and insure their completeness; present case files to prosecutors; present subjects in custody for arraignment, or obtain a warrant and disseminate warrant information; represent the agency at all pretrial hearings; notify witnesses; document final dispositions of cases; and return the case report file to the originating unit for retention.

**7. Every police agency should coordinate criminal investigations with all other agency operations. This coordination should be supported by:**

**a. Clearly defined procedures for the exchange of information between investigative specialists and between those specialists and uniformed patrol officers;**

**b. Systematic rotation of generalists into investigative specialties; and**

**c. Equitable publicity of the efforts of all agency elements.**

A. Text of Standard

## Standard 9.8

### Special Crime Tactical Forces

Every police agency employing more than 75 personnel should have immediately available, consistent with an analysis of its need, a flexible and highly mobile tactical force for rapid deployment against special crime problems.

1. Every chief executive should establish written policies and procedures that govern deployment of the tactical force against any problem. These policies and procedures should stipulate at least:

a. That the tactical force will be deployed on the basis of current crime pattern analyses or validated current information on expected crime activity;

b. That the tactical force will be deployed against a problem only when the regularly assigned patrol force is not adequate to be effective against that problem; and

c. That tactical force deployment strategy will be based on an objective analysis of the problem: overt saturation as a highly visible preventive strategy, and covert saturation as a low visibility detection and apprehension operation.

2. Every police agency employing more than 400 personnel should consider maintaining a full-time tactical force, and every agency employing more than 75 but fewer than 400 should consider maintaining a full- or part-time tactical force, depending on local problems.

a. The numerical strength of the tactical

force should depend on agency needs and local problems.

b. A full-time tactical force should include an analytical staff element.

c. A part-time tactical force should use qualified personnel from anywhere within the agency.

d. Every tactical force should have a central headquarters and should operate from that headquarters when deployed against a problem.

e. Field commanders should be informed of tactical force activities within their area of responsibility. Tactical force activities should be consistent with the policies of the field commander of the area in which they are working.

f. Every tactical force should be equipped with necessary specialized equipment, vehicles, radios, vision devices, and weapons.

A. Text of Standard

## Standard 9.9

### Vice Operations

Every police agency should immediately insure its capability to conduct effective vice operations against illegal gambling, traffic in liquor, prostitution, pandering, pornography, and obscene conduct. These operations should be capable of reducing the incidence of vice crimes and related criminal activity.

1. Every chief executive should establish written policies governing vice operations. These policies, consistent with existing statutes:

a. Should reflect community attitudes toward vice crimes, the severity of the local vice problem, and the effect of the vice problem on other local crime problems.

b. Should acknowledge that the patrol force is responsible for taking enforcement action against all vice violations they see.

2. Every police agency employing more than 75 personnel should have a full-time vice investigation capability. Every agency employing fewer than 75 personnel may assign vice operations specialists on a full- or part-time basis, depending on the local problem.

3. Every chief executive should insure close coordination and continual exchange of information between vice, narcotic and drug, patrol, and intelligence operations, and close liaison with other agencies conducting similar operations.

4. Every police agency should provide vice opera-

tions with special funds, specialized equipment, vehicles, vision devices, and any other physical support necessary to conduct effective vice operations.

5. Every chief executive should insure that every field commander reports in writing every 30 days to the chief executive, or his designee, the form and extent of the current vice problem in his area and the effort of vice operations on that problem. This report should contain:

a. The number of vice arrests by type of offense and location;

b. Information received on vice problems; and

c. Current vice operations directed against area vice problems.

6. Every police chief executive should insure, through written policies and procedures, that every vice complaint received by his agency will be reduced to writing and investigated as thoroughly as possible. Vice complaint policies and procedures should provide that:

a. All vice complaints be distributed to the chief executive or his designee, and to the vice unit;

b. Every 10 days a written followup report on each vice complaint be made to indicate the progress of the investigation; and

c. Every vice complaint investigation not completed within 30 days of its receipt be reviewed, and that all necessary steps be taken to expedite the investigation.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 9.10

### Narcotic and Drug Investigations

Every police agency should acknowledge the direct relationship between narcotic and drug offenses and other criminal activity, and should have available a narcotic and drug investigation capability based on that acknowledgment.

1. Every police agency should provide fundamental narcotic and drug investigation training to every officer during basic training.

2. Every police agency should cooperate in and, where necessary, establish narcotic and drug abuse public awareness programs such as school system educational programs, civic group programs, multi-agency community programs, and Analysis Anonymous programs.

3. Every police agency employing more than 75 personnel should have a full-time narcotic and drug investigation capability. Personnel in smaller agencies may be assigned where justified by the local problem.

a. The number of personnel assigned to the narcotic and drug operation should be determined by the local problem.

b. Where appropriate in agencies with 75 or less personnel, drug and narcotic operations may be consolidated with vice operations.

c. Drug and narcotic operations should be decentralized to the extent that the agency is;

however, a central drug and narcotic unit should be maintained to coordinate the decentralized operations.

4. Every police agency should insure coordination and the continual exchange of information between officers assigned to narcotic and drug enforcement, vice enforcement, intelligence, and uniformed patrol.

5. Every chief executive should establish written policies and procedures requiring that every narcotic and drug complaint will be reported in writing and thoroughly investigated. These policies and procedures should provide that:

a. All narcotic and drug complaints be distributed to the chief executive or his delegate, and to the central narcotic and drug unit;

b. A written followup report of every open drug or narcotic investigation be prepared every 30 days to indicate the progress of the investigation;

c. Individual, team, and unit narcotic and drug investigation reports and activity summaries be inspected and reviewed continually;

d. Individual, team, and unit performance measures continually be applied to drug and narcotic operations. These measures should include arrests and dispositions; number of purchases by type of drug or narcotic, quantity and quality of seized narcotics and drugs, other crimes cleared, and working caseload.

6. Every police agency should provide narcotic operations with special funds and specialized equipment such as vehicles, electronic equipment, and vision devices necessary to conduct effective narcotic and drug operations.

Text of Standard

## Standard 9.11

### Intelligence Operations

Every police agency and every State immediately should establish and maintain the capability to gather and evaluate information and to disseminate intelligence in a manner which protects every individual's right to privacy while it curtails organized crime and public disorder.

1. Every State should establish a central gathering, analysis, and storage capability, and intelligence dissemination system.

a. Every police agency should actively participate in providing information and receiving intelligence from this system.

b. Every police agency should designate at least one person to be responsible for liaison with the State intelligence system.

c. Every State intelligence system should disseminate specific intelligence to local agencies according to local needs and should disseminate general information throughout the State.

2. Every local agency should participate, where appropriate, in the establishment of regional intelligence systems. Every regional intelligence system should participate actively in the State system.

3. Every police agency with more than 75 personnel should have a full-time intelligence capability.

a. The number of personnel assigned to

this operation should be based on local conditions.

b. The intelligence operation should be centralized; however, intelligence specialists may be assigned, where appropriate, to major transportation centers.

c. When the size of the intelligence operation permits, organized crime intelligence should be separate from civil disorder intelligence.

d. In smaller agencies the intelligence specialist should be required to take direct enforcement action only where limited agency resources make it absolutely necessary. In larger agencies the intelligence specialist should be required to take direct enforcement action only where a serious threat to life or property makes it absolutely necessary.

e. The intelligence operation should include an independent and well-secured reporting and record system.

4. Every police agency should insure exchange of information and coordination between the intelligence operation and all other operational entities of the agency and with other government agencies.

5. Every police agency should supply its intelligence operation with the funds, vehicles, vision devices, and other specialized equipment necessary to implement an effective intelligence operation.

Text of Standard

## Standard 10.1

### Assignment of Civilian Police Personnel

Every police agency should assign civilian personnel to positions that do not require the exercise of police authority or the application of the special knowledge, skills, and aptitudes of the professional peace officer. To determine the proper deployment of civilian and sworn personnel, every agency immediately:

1. Should identify those sworn positions which:
  - a. Do not require that the incumbent have peace officer status under local, State, or Federal statute;
  - b. Do not require that the incumbent exercise the full police power and authority normally exercised by a peace officer;
  - c. Do not require that the incumbent possess expertise which can be acquired only through actual field experience as a sworn police officer; and
  - d. Do not contribute significantly to the professional development of sworn personnel.
2. Should designate as civilian those positions that can be filled by a civilian employee according to the foregoing criteria;
3. Should staff with qualified civilian personnel all positions designated for civilians;
4. Should provide a continuing audit of all existing and future positions to determine the feasibility of staffing with civilian personnel;
5. Should develop a salary and benefit structure for civilian personnel commensurate with their position classifications;
6. Should insure that an opportunity for career development exists within each civilian position classification where the nature of the position does not limit or bar such opportunity;
7. Should conduct indepth personal background investigations of civilian applicants for confidential or sensitive positions. These background investigations should be as thorough as those of sworn applicants;
8. Should provide civilian training programs that insure the level of proficiency necessary to perform the duties of each assignment;
9. Should inform all civilian employees of the requirements for sworn police status and interview them to determine their interest or desire to seek such status subsequently, and should record all information obtained during such interviews;
10. Should assign those civilian employees who express a desire to seek sworn status later to positions that will contribute to their professional development as police officers.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 10.2

### Selection and Assignment of Reserve Police Officers

Every State and every police agency should consider employment of police reserve officers immediately to supplement the regular force of sworn personnel and increase community involvement in local police service.

1. Every State immediately should establish minimum standards for reserve police officer selection and training according to the following criteria:

a. Reserve officer selection standards should be equivalent to those for regular sworn personnel except that the reserve specialist should be selected on the basis of those limited duties which he will perform. Reserve officer medical and age requirements may differ from those for regular sworn personnel since a retirement liability does not exist.

b. Reserve officer training standards should be equivalent to those for regular sworn personnel, but reserve specialists should be trained according to the requirements of the specialty which they will perform.

2. Every police agency that has identified a specific need to augment its regular force of sworn personnel to alleviate manpower shortages or to cope with unique deployment problems, should immediately establish a police reserve program. To realize the maximum benefit from such a program, every agency:

a. Should establish recruitment and selection criteria equivalent to those for regular sworn personnel, with the exception of medical and age requirements;

b. Should provide reserve generalist training equivalent to that provided regular sworn personnel, and should provide reserve specialist training required by the specialty to which the reservist will be assigned;

c. Should insure that the reserve training program meets or exceeds State standards that regulate the training of regular, part-time, or reserve officers;

d. Should assign the reserve generalist to supplement regular police personnel in the day-to-day delivery of police services and assign the reserve specialist to perform services within a particular field of expertise;

e. Should establish a reserve inservice training program equivalent to that for regular sworn personnel; and

f. Should furnish the reserve officer with the same uniform and equipment as a regular sworn officer only upon his completion of all training requirements. Until he has completed all training requirements, his uniform should readily identify him as a reserve officer, and he should perform his duties only under the direct supervision of a regular sworn officer.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 11.1

### Use of Professional Expertise

Every police agency should immediately establish liaison with professionals outside the police service who have expertise that can contribute to effective and efficient performance beyond the capabilities of agency employees. At a minimum, this liaison should implement working relationships, as necessary, with:

1. Medical professionals, particularly those with specific expertise in:

- a. Pathology;
- b. Gynecology;
- c. Psychiatry;
- d. Dentistry and orthodontics;
- e. Traumatic injuries;
- f. Medical laboratory technology; and
- g. Pharmacology.

2. Business, trade, and industrial professionals, particularly those knowledgeable in:

- a. Banking;
- b. Bookkeeping and accounting;
- c. Labor relations;
- d. The local economy; and
- e. Local industry, business, and trades.

3. Educational professionals, particularly those with expertise in:

- a. Elementary, secondary, and vocational education;
- b. The physical, natural, and behavioral sciences; and
- c. Research.

4. Behavioral science resources with expertise in:

- a. Personnel selection, vocational assessment, and career counseling;
- b. Teaching, training, and educational programing;
- c. Research;
- d. Management consultation;
- e. Personal problem counseling; and
- f. Specialist consultation.

5. Members of the clergy.

## SUB-COMMITTEE REPORT

### A. Text of Standard

# Standard 11.2

## Legal Assistance

Every police agency should immediately acquire the legal assistance necessary to insure maximum effectiveness and efficiency in all its operations.

1. Every police agency should make maximum use of the offices of its city attorney or county attorney, the county prosecutor, and the State attorney general, to acquire the legal assistance it needs. If it is necessary to provide legal assistance supplementary to these sources, a police legal adviser should be employed.

2. Every agency should obtain legal assistance in all agency operations where needed. This assistance may include:

a. Provision of legal counsel to the police chief executive in all phases of administration and operations;

b. Liaison with the city or county attorney, the county prosecutor, the State attorney general, the United States attorney, the courts, and the local bar association;

c. Review of general orders, training bulletins, and other directives to insure legal sufficiency;

d. Case consultation with arresting officers and review of affidavits in support of arrest and search warrants in cooperation with the prosecutor's office;

e. Advisory participation in operations where difficult legal problems can be anticipated;

f. Attendance at major disturbances—and an oncall status for minor ones—to permit rapid consultation regarding legal aspects of the incident;

g. Participation in training to insure continuing legal training at all levels within the agency;

h. Drafting of procedural guides for the implementation of recent court decisions and newly enacted legislation; and

i. Provision of legal counsel for ad hoc projects, grant proposal development, and special enforcement problems.

3. Every police agency with 200 or more personnel should establish a police legal unit with at least one attorney as a full-time legal adviser.

a. The size and composition of the legal unit should be proportionate to the size of the agency and the complexity of the legal assistance task.

b. One attorney should be designated as the director or administrative head when two or more attorneys are employed.

c. Adequate secretarial and clerical help should be provided, as well as police officers or law student interns for paralegal work.

d. Organizationally, the legal unit should be a separate entity, similar to the house counsel of a corporation, reporting directly to the chief executive and readily available to him.

e. Legal advisers should be civilian attorneys who serve at the request of the police chief executive.

4. Every police agency with fewer than 200 personnel may justify the establishment of a police legal unit with at least one full-time attorney legal adviser. When a full-time attorney legal adviser cannot be justified, and adequate legal advice cannot be obtained regularly by enlargement of the prosecutor's or the city or county attorney's role, the agency should obtain needed legal assistance through:

a. Employment of part-time and contracted legal advisers; or

b. Use of the services of a multiagency or a State police legal unit.

5. Every police agency, in determining the need for a legal unit and the size of its staff, should consider at least the following:

a. Whether the city or county attorney and the county prosecutor are located near police headquarters;

b. Whether the staffs of the city or county attorney and the county prosecutor are full-time or part-time, and whether they are permitted to engage in private practice;

c. Whether the city or county attorney and the county prosecutor have effective legislative programs;

d. Whether the county prosecutor's office can be consulted routinely on planned enforcement actions prior to arrests;

e. Whether assistant prosecutors discuss pending cases adequately with arresting officers prior to trial;

f. Whether the county prosecutor's office will draft affidavits for arrest and search warrants and give other legal assistance whenever needed;

g. Whether the city or county attorney's staff is willing to answer routine questions; how promptly they respond to requests for written opinions; and how detailed and complete such opinions are;

h. How willingly the city or county attorney files suits on behalf of the agency; how vigorously he defends suits against the agency and its members; and how experienced his staff is in matters of criminal law and police liability;

i. The educational level of police agency employees, comprehensiveness of preservice training given officers, and the quantity and quality of agency inservice training.

6. Every police agency should set firm minimum qualifications for the position of police legal adviser. These qualifications should require that each candidate for this position:

a. Be a qualified attorney eligible, except for residence requirement, for admission to the State bar in the State in which he is employed, and either licensed in that State or licensed in a State where licensing requires examination. He should become licensed in the State in which he is employed as soon as possible;

b. Have a wide breadth of professional and practical experience in criminal justice, preferably in criminal trial work; and

c. Have attitudes and personality conducive to the development of trust and acceptance by police personnel.

7. Every police agency employing a legal adviser should provide in the assignment of his duties that he not:

a. Prosecute criminal cases;

b. Decide what cases are to be prosecuted or what charges are to be brought except by agreement with the prosecutor;

c. Be assigned tasks unrelated to the legal assistance function that would interfere with performance of that function; nor

d. Either prosecute infractions or discipline before internal trial boards, or serve as a member of any trial or arbitration board.

8. Every police agency employing a legal adviser who also engages in private practice should insure that he does not represent criminal defendants, bring a claim against a governmental agency he represents, lend his name to or have a financial interest in any law firm that represents criminal defendants, accept private employment that necessitates procuring police officers as witnesses or using police information, conduct private business in an office located in a police station, or represent any police union or agency employee organization.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 11.3

### Management Consultation and Technical Assistance

Every State should immediately establish a police management consultation service to make technical assistance available at no cost to every police agency within the State.

1. Every State should provide technical assistance teams capable of conducting an evaluation of an entire police agency or of a specific division or operation thereof, analyzing its effectiveness, and making recommendations for improvement.

2. Every State should make this service available only upon the request of the chief executive of the police agency to receive the service.

3. The technical assistance team should submit a written report of its findings, together with its recommendations for improvements, to the police chief executive of the agency.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 12.1

### The Evidence Technician

Every State and every police agency should acknowledge the importance of efficient identification, collection, and preservation of physical evidence; its accurate and speedy analysis; and its proper presentation in criminal court proceedings. These are essential to professional criminal investigation, increased clearance of criminal cases, and ultimately, the reduction of crime. Every agency should insure the deployment of specially trained personnel to gather physical evidence 24 hours a day.

1. Every police agency immediately should consider the use of specially trained regular patrol officers to devote a maximum of 25 percent of their regular duty time to the location, collection, and preservation of physical evidence.

2. Every police agency with 75 or more personnel should consider immediately the use of specially trained evidence technicians to locate, collect, and preserve physical evidence at crime scenes and to deliver such evidence to the appropriate laboratory facility. These technicians may partially or entirely eliminate the need for deployment of specially trained regular patrol officers in gathering physical evidence.

3. Every police agency should immediately provide for all incoming sworn personnel a formalized basic training course in evidence-gathering techniques to develop the agency's capacity to retrieve

and use any physical evidence present at the scene of a criminal investigation. Every sworn officer should then be held responsible for evidence collection in cases where an evidence technician or a specially trained patrol officer is not available.

4. Every police agency with 1,000 or more personnel should immediately maintain a mobile evidence-collection van containing equipment for securing and illuminating large crime scene areas and for storing and preserving physical evidence. The van should be staffed by qualified evidence technicians and should be used for major occurrences.

5. Every police agency should be responsible for its own crime scene searches and should immediately insure that all crime scenes are thoroughly examined for physical evidence, and that all evidence collected is submitted to the appropriate laboratory facility for analysis.

6. Every State should, by 1975, provide specialized training for local evidence technicians on a centralized or regional basis in order to achieve a statewide level of proficiency in the collection of physical evidence.

A. Text of Standard

## Standard 12.2

### The Crime Laboratory

Every State by 1982 should establish a consolidated criminal laboratory system composed of local, regional, or State facilities capable of providing the most advanced forensic science services to police agencies.

1. Every police agency should immediately insure that it has access to at least one laboratory facility capable of timely and efficient processing of physical evidence and should consider use of each of the following:

a. A local laboratory that provides analysis for high volume, routine cases involving substances such as narcotics, alcohol, and urine; routine analysis and processing of most evidence within 24 hours of its delivery; immediate analysis of certain types of evidence, such as narcotics, where the detention or release of a subject depends upon the analysis; and qualitative field tests and quantitative followup tests of narcotics or dangerous drugs.

b. A regional laboratory (serving an area in excess of 500,000 population where at least 5,000 Part I offenses are reported annually) that provides more sophisticated services than the local laboratory, is situated within 50 miles of any agency it routinely serves, can process or analyze evidence within 24 hours of its delivery, and is staffed with trained teams of evidence technicians to assist in complex investigations beyond the scope of local agencies.

c. A centralized State laboratory that provides highly technical analyses that are beyond the capabilities of local or regional facilities.

2. Every crime laboratory within a police agency should be a part of the organizational entity that includes other support services, and should be directed by an individual who reports only to the agency's chief executive or to a staff authority who reports directly to the chief executive.

3. In maintaining a staff of formally qualified personnel who can provide efficient and reliable assistance in criminal investigations, every crime laboratory should provide that:

a. Every employee responsible for the completion of scientific analyses or testing hold at least an earned baccalaureate degree in chemistry, criminalistics, or closely related field from an accredited institution, and have a thorough working knowledge of laboratory procedures;

b. Every employee performing supervised basic scientific tests or duties of a nonscientific nature meet the agency's requirements for the employment of regular sworn or civilian personnel;

c. The laboratory director be familiar with management techniques necessary to perform his administrative functions satisfactorily;

d. All laboratory personnel be adequately trained and experienced;

e. Civilian personnel be used regularly so sworn personnel may be more appropriately deployed in other assignments, but provide that qualified sworn personnel be used when their abilities or expertise cannot be found elsewhere;

f. The working staff be sufficient to meet the demands of the laboratory caseload;

g. Salaries be commensurate with the specialized duties and qualifications of each position so that well-qualified personnel are attracted to and retained in these positions;

h. Promotional and career paths for laboratory personnel result in salaries at least equal to those employed in other equivalent laboratories; and

i. A clerical pool capable of handling all of the clerical needs of the laboratory be maintained.

4. Every laboratory that employs more than 10 nonclerical personnel also should establish at least one research position for solving specific laboratory problems and developing new laboratory techniques.

5. Every police chief executive should insure that the police laboratory function receives appropriate fiscal support and that the adequacy of its facilities is considered in structuring the agency's annual budget; every laboratory director should be able to access and control the amount, type, and quality of evidence received by the laboratory.

6. Every police agency laboratory and every regional laboratory should receive from all agencies using its services partial annual support based on the number of sworn personnel employed by each agency, rather than on case costs.

7. Every crime laboratory director should, by 1974, design and implement a reporting system that provides data relative to its involvement in:

- a. Reported crimes;
- b. Investigated crimes;
- c. Suspects identified or located;
- d. Suspects cleared;
- e. Suspects charged;
- f. Prosecutions;
- g. Acquittals; and
- h. Convictions.

8. Every crime laboratory should establish close liaison immediately with:

a. All other elements of the criminal justice system to insure that laboratory findings are consistent with law enforcement needs and are being effectively used as investigative tools;

b. The scientific and academic establishments, to insure use of the latest techniques and devices available to the criminalist and the investigator.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 12.3

### The Property System

Every police agency immediately should establish a system for the secure and efficient storage, classification, retrieval, and disposition of items of evidentiary or other value that come into the custody of the agency.

1. Every police agency should establish a filing system that includes, but is not limited to:

- a. A chronological record of each occasion when property is taken into police custody;
- b. A separate itemized list of all items of property that are taken into custody;
- c. A record that indicates the continuity of the property from its entry into the system to its final disposition. This record should include the name of each person accountable for each item of property at any given time.

2. Every police agency should conduct regular property inventories and property record audits to insure the integrity of the system. Such measures should be performed by personnel who are not charged with the care and custody of the property, and the results should be reported to the police chief executive.

3. Every police agency should publish written procedures governing the function of the property system. All components of a multicomponent property system should be governed by the same procedures.

4. Every police agency that uses full-time employees in its property function should assign civilian personnel to all elements of the property system in order to release sworn officers for assignment to those police functions requiring them.

5. Every police agency should assign to the property function only those employees who are trained in the operation of the system.

6. Every police agency should insure that personnel assigned to the property function are not involved in authorizing the booking, release, or disposition of property. Such authorization should be provided by the booking officer, the investigating officer, or another designated sworn employee.

erty records and all firearms should be compared with gun records to make certain that no "wants" or "holds" exist for such items.

b. Personnel assigned to locate the owners of identifiable property should not be involved in the arrest or prosecution of the persons accused of crimes involving that property.

c. When property is no longer needed for presentation in court, and the owner cannot be determined, it should be disposed of promptly.

10. Every police agency should insure that the property room includes:

a. A sufficient amount of space and facilities for efficient storage of property and records;

b. Easy access by agency personnel and by the public without lessening security or subjecting property to contamination;

c. A temporary storage area for perishable property; and

d. An area that provides an extra measure of security for the storage of narcotics and firearms.

7. Every police agency should clearly designate the employees responsible for around-the-clock security of the property area and restrict entry of all other personnel into this area.

8. Every police agency should institute close security and control measures to safeguard all money that comes into agency custody.

9. Every police agency should institute procedures to facilitate the removal of property from the system as soon as possible.

a. All identifiable property should be returned as soon as practicable after the rightful owner is located. Prior to disposition, all such property should be checked against stolen prop-

erty records and all firearms should be compared with gun records to make certain that no "wants" or "holds" exist for such items.

b. Personnel assigned to locate the owners of identifiable property should not be involved in the arrest or prosecution of the persons accused of crimes involving that property.

c. When property is no longer needed for presentation in court, and the owner cannot be determined, it should be disposed of promptly.

10. Every police agency should insure that the property room includes:

a. A sufficient amount of space and facilities for efficient storage of property and records;

b. Easy access by agency personnel and by the public without lessening security or subjecting property to contamination;

c. A temporary storage area for perishable property; and

d. An area that provides an extra measure of security for the storage of narcotics and firearms.

SUB-COMMITTEE REPORT

A. Text of Standard

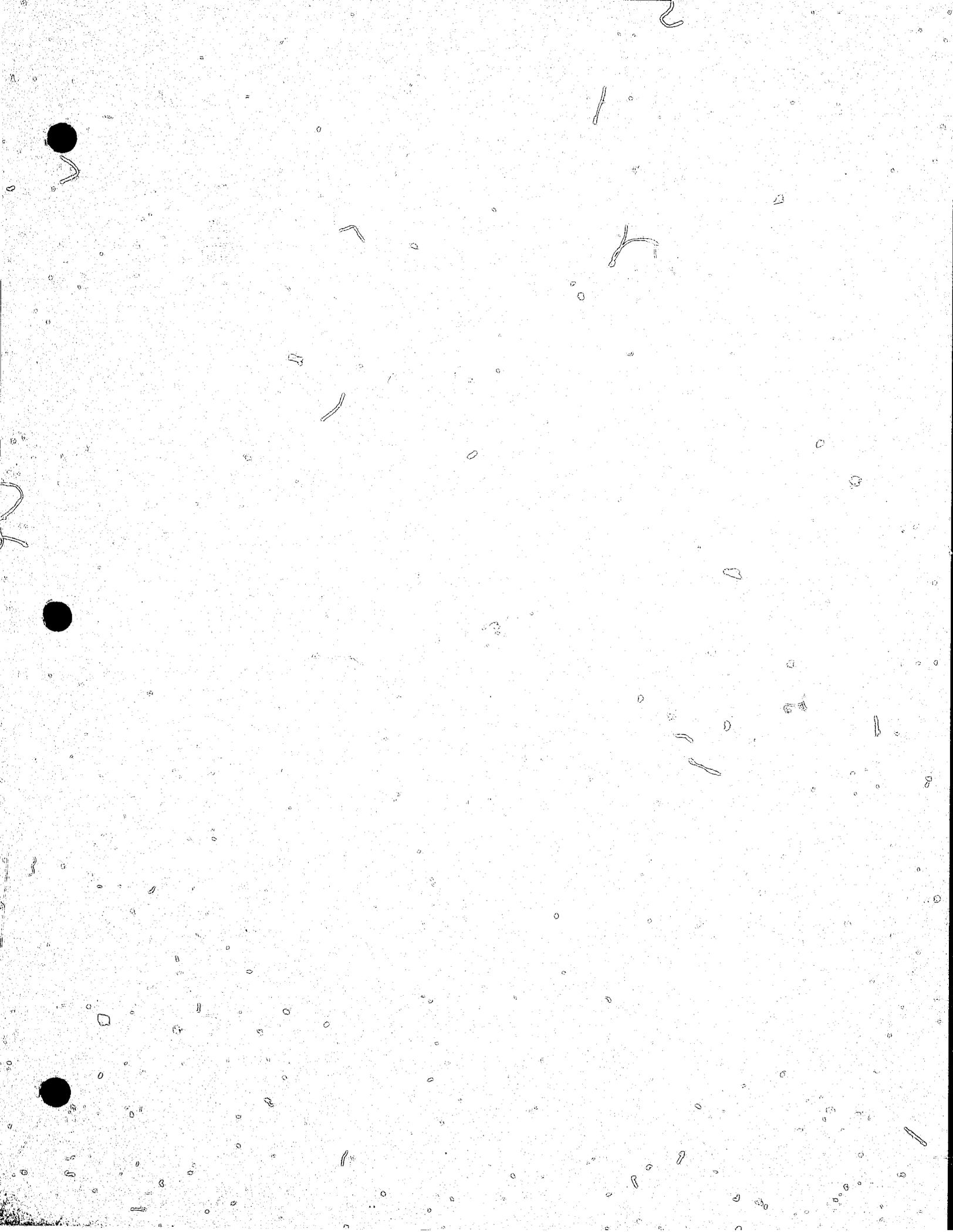
## Standard 12.4

### The Detention System

Every police agency currently operating a detention facility should immediately insure professionalism in its jail management and provide adequate detention services. Every municipal police agency should, by 1982, turn over all its detention and correctional facilities to an appropriate county, regional, or State agency, and should continue to maintain only those facilities necessary for short term processing of prisoners immediately following arrest.

1. Every police agency that anticipates the need for full-time detention employees after 1975 should immediately hire and train civilian personnel to perform its jail functions.

2. Every municipal police agency currently operating its own detention facility should immediately consider using an easily accessible State or county facility for all detention except that required for initial processing of arrestees. Every agency should also consider using State or county facilities for the transfer of arrestees from initial processing detention to arraignment detention.



SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 13.1

### General Police Recruiting

Every police agency should insure the availability of qualified applicants to fill police officer vacancies by aggressively recruiting applicants when qualified candidates are not readily available.

1. The police agency should administer its own recruitment program.

a. The agency should assign to specialized recruitment activities employees who are thoroughly familiar with the policies and procedures of the agency and with the ideals and practices of professional law enforcement;

b. Agencies without the expertise to recruit police applicants successfully should seek expertise from the central personnel agency at the appropriate level of State or local government, or from cooperative personnel systems with other police agencies that are likely to benefit from such an association; every police agency, however, should retain administrative control of its recruitment activities.

2. The police agency should direct recruitment exclusively toward attracting the best qualified candidates. In so doing it:

a. Should make college-educated applicants the primary targets of all recruitment efforts.

b. Should concentrate recruitment resources according to the agency's need for personnel from varied ethnic backgrounds.

3. Residency should be eliminated as a pre-employment requirement.

4. The police agency should provide application and testing procedures at decentralized locations in order to facilitate the applicant's access to the selection process.

a. The initial application form should be a short, simple record of the minimum information necessary to initiate the selection process.

5. The police agency should allow for the completion of minor routine requirements, such as obtaining a valid driver's license, after the initial application but before employment.

6. The police agency, through various incentives, should involve all agency personnel in the recruitment and selection process.

7. The police agency should seek professional assistance—such as that available in advertising, media, and public relations firms—to research and develop increasingly effective recruitment methods.

8. The police agency should evaluate the effectiveness of all recruitment methods continually so that successful methods may be emphasized and unsuccessful ones discarded.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 13.2

### College Recruiting

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

1. The police agency should establish permanent liaison with:

a. Placement officers and career counselors in colleges and universities within a 50-mile radius of the police agency.

b. Faculty members and heads of departments that provide a curriculum specifically designed to prepare students for the police service.

2. The police agency should implement a police student worker program that provides part-time employment for college students between the ages of 17 and 25 who have shown a sincere interest in a law enforcement career. Police student workers:

a. Should be full-time students carrying a study load of at least 12 units per semester and should work for the police agency no more than 20 hours per week; during school vacations, full-time employment may be appropriate.

b. Should meet the same physical, mental, and character standards required of police officers; appropriate and reasonable exceptions may be made for height and weight in relation to age.

c. Should be assigned duties that prepare them for their future responsibilities as regular police officers; student workers, however, should not have the authority of a regular police officer or be authorized to carry firearms.

d. Should, after earning a baccalaureate degree, continue in the cadet program until a vacancy occurs on the regular police force.

e. Should continue in the cadet program for the period of time required to earn the baccalaureate degree, if by age 25 they are 1 academic year away from earning the degree.

3. The police agency should compete actively with other governmental and private sector employers in recruitment efforts at nearby colleges and universities. The opportunity for a police officer to perform a valuable social service, and the opportunity for a progressive career, should be emphasized in college recruiting.

## SUB-COMMITTEE REPORT

### A. Text of Standard

# Standard 13.3

## Minority Recruiting

Every police agency immediately should insure that it presents no artificial or arbitrary barriers—cultural or institutional—to discourage qualified individuals from seeking employment or from being employed as police officers.

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

2. Every police agency seeking to employ members of an ethnic minority group should direct recruitment efforts toward attracting large numbers of minority applicants. In establishing selection standards for recruitment, special abilities such as the ability to speak a foreign language, strength and agility, or any other compensating factor should be taken into consideration in addition to height and weight requirements.

3. Every police agency seeking to employ qualified ethnic minority members should research, develop and implement specialized minority recruitment methods. These methods should include:

- a. Assignment of minority police officers to the specialized recruitment efforts;
- b. Liaison with local minority community

leaders to emphasize police sincerity and encourage referral of minority applicants to the police agency;

c. Recruitment advertising and other material that depict minority group police personnel performing the police function;

d. Active cooperation of the minority media as well as the general media in minority recruitment efforts;

e. Emphasis on the community service aspect of police work; and

f. Regular personal contact with the minority applicant from initial application to final determination of employability.

4. Every police chief executive should insure that hiring, assignment, and promotion policies and practices do not discriminate against minority group members.

5. Every police agency should evaluate continually the effectiveness of specialized minority recruitment methods so that successful methods are emphasized and unsuccessful ones discarded.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 13.4

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

Every State, by 1975, should enact legislation establishing a State commission empowered to develop and enforce State minimum mandatory standards for the selection of police officers. This legislation should provide that the commission represent local government.

1. The majority of this commission should be composed of representatives of local law enforcement agencies to insure responsiveness to local needs. Police practitioners, other members of the criminal justice system, and local government officials should be selected as commission members for a fixed term.

2. This commission should insure that standards are met by inspecting for local compliance, and certifying as competent to exercise police authority, only those police officers who have met the mandated standards. The commission should establish minimum standards for:

a. Age, with consideration given to lowering the present minimum age of 21 and to establishing a maximum recruitment age that reflects the physical demands placed upon a police officer and the retirement liability of police agencies;

b. Physical health, strength, stature, and ability, with consideration given to the physical demands of police work;

c. Character, with consideration given to the responsibilities of police officers and the need

for public trust and confidence in police personnel;

d. Personality profile, with consideration given to the need for personnel who are psychologically healthy and capable of enduring emotional stress; and

e. Education, with consideration given to the mental skills and knowledge necessary to perform the police function properly.

3. The commission should establish minimum standards that incorporate compensating factors such as education, language skills, or experience in excess of that required if such factors can overcome minor deficiencies in physical requirements such as age, height, or weight.

4. Every State should provide sufficient funds to enable this commission:

a. To employ a full-time executive director and a staff large enough to carry out the basic duties of the commission; and

b. To meet periodically.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 13.5

### The Selection Process

Every police agency immediately should employ a formal process for the selection of qualified police applicants. This process should include a written test of mental ability or aptitude, an oral interview, a physical examination, a psychological examination, and an in-depth background investigation.

1. Every police agency should measure applicants' mental ability through the use of job-related ability or aptitude tests rather than general aptitude tests. These job-related ability tests should meet the requirements of Federal Equal Employment Opportunities Commission guidelines.

2. Every police agency, by 1975, should retain the services of a qualified psychiatrist or psychologist to conduct psychological testing of police applicants in order to screen out those who have mental disorders or are emotionally unfit for police work.

3. Every police agency should use the results of psychological testing as a positive predictor of later performance within the police service only when scientific research establishes the validity and reliability of such a predictor.

4. Every police agency should conduct an in-depth background investigation of every police applicant before employment. The policies and procedures governing these investigations at least should insure that:

a. To the extent practicable, investigations are based upon personal interviews with all persons who have valuable knowledge of the applicant;

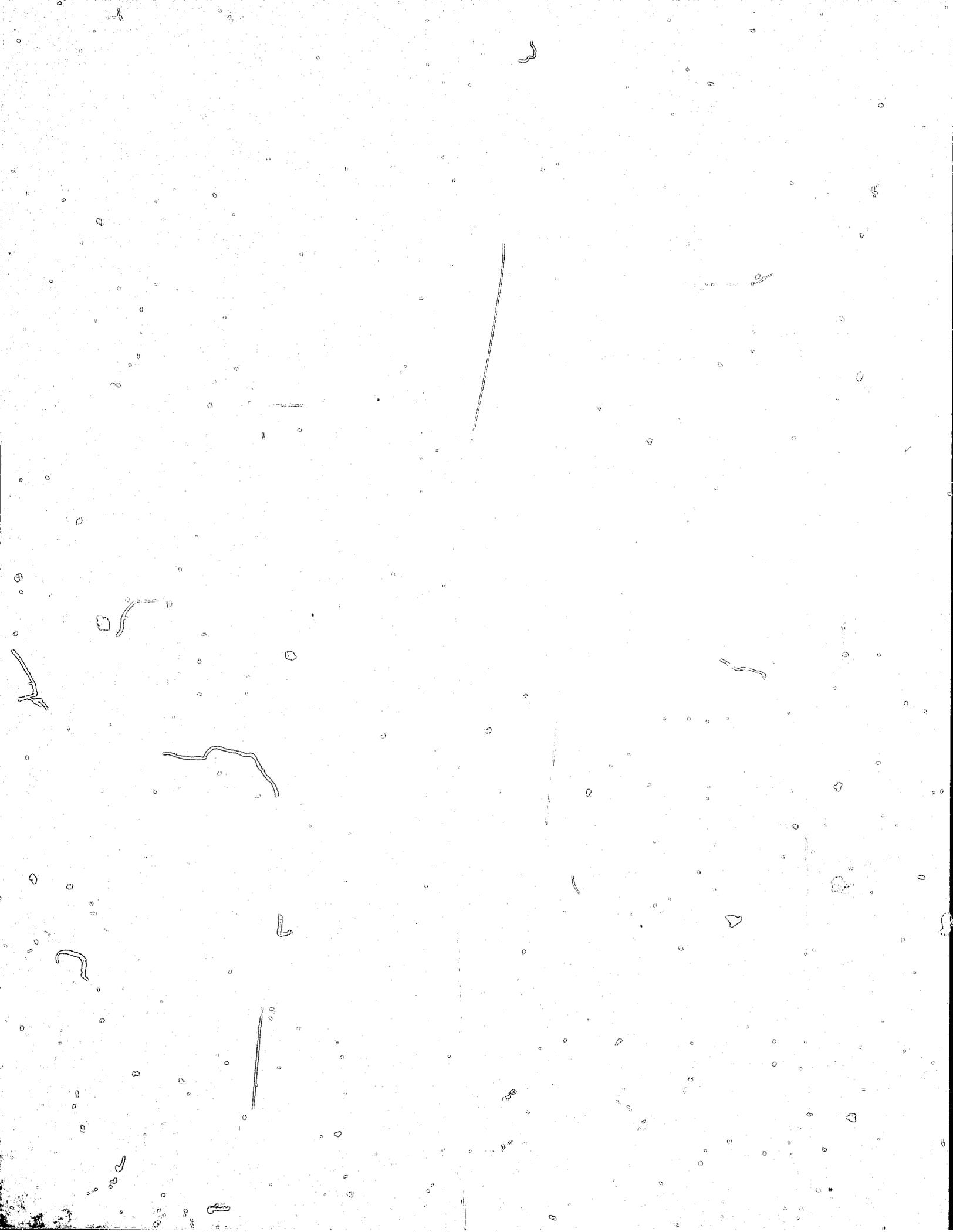
b. The polygraph examination is used where appropriate, but is not allowed to substitute for a field investigation;

c. The rejection of police applicants is job related; and

d. Police applicants are not disqualified on the basis of arrest or conviction records alone, without consideration of circumstances and disposition.

5. Every police agency should insure that no more than 8 weeks pass from the time of initial application to final determination of employability; that applicants are promptly notified of the results of each major step in the selection process; and that the selection process is cost effective.

6. Every police agency should direct, into other temporary employment within the agency, qualified police applicants who because of a lack of vacancies cannot be employed immediately in the position for which they have applied.



**CONTINUED**

**1 OF 3**

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 13.6

### Employment of Women

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

1. Institute selection procedures to facilitate the employment of women; no agency, however, should alter selection standards solely to employ female personnel;

2. Insure that recruitment, selection, training, and salary policies neither favor nor discriminate against women;

3. Provide career paths for women allowing each individual to attain a position classification commensurate with her particular degree of experience, skill, and ability; and

4. Immediately abolish all separate organizational entities composed solely of policewomen except those which are identified by function or objective, such as a female jail facility within a multi-unit police organization.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 14.1

### Police Salaries

Every State and local government should establish and maintain salaries that attract and retain qualified sworn personnel capable of performing the increasingly complex and demanding functions of police work. Every State should set minimum entry-level salaries for all State and local police officers and reimburse the employing agency for a portion of the guaranteed salary. Through appropriate legislation, a salary review procedure should be established to insure the automatic annual adjustment of police salaries to reflect the prevailing wages in the local economy.

1. Every local government should immediately establish an entry-level sworn police personnel salary that enables the agency to compete successfully with other employers seeking individuals of the same age, intelligence, abilities, integrity, and education. The entry-level salary should be at least equal to any minimum entry-level salary set by the State. In setting an entry-level salary which exceeds the State minimum, the following should be considered:

- a. The employment standards of the agency;
- b. The specific police functions performed by the agency;
- c. The economy of the area served by the agency; and

d. The availability of qualified applicants in the local labor market.

2. Every local government should immediately establish a wide salary range within its basic occupational classification, with the maximum salary sufficient to retain qualified personnel by providing them with the opportunity for significant salary advancement without promotion to supervisory or management positions.

3. Every local government should immediately establish a salary review procedure to insure the automatic annual adjustment of police salaries to reflect the prevailing wages in the local economy and to meet the competition from other employers. The criteria applied in this annual salary review procedure should not be limited to cost of living increases, average earnings in other occupations, or other economic considerations which, applied in isolation, can inhibit effective salary administration.

4. Every local government should immediately establish a sufficient salary separation between job classifications to provide promotional incentives and to retain competent supervisors and managers.

5. Every local government should immediately provide its police agency's chief executive with a salary that is equivalent to that received by the chief executives of other governmental agencies and by members of the judiciary.

6. Every local government should immediately establish within its salary structure a merit system that rewards demonstrated excellence in the performance of assigned duties.

7. Every local government should immediately establish or maintain a police salary structure separate and distinct from that of any other government agency.

8. Every State should immediately establish a minimum entry-level salary for all State and local sworn police personnel. The minimum salary should be based on the qualifications required for employment in the police service, on State and local economic conditions, and on the recommendations of representatives of local criminal justice elements. It should be reviewed and adjusted annually to reflect prevailing wages within the State.

9. Every State should, by 1978, reimburse every local police agency which meets the minimum State selection, training, and salary requirements for at least 25 percent of the total funds expended by the agency in payment of all salaries.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 14.2

### Position Classification Plan

Every State and local government should establish immediately a broad police classification plan based upon the principle of merit. The plan should include few position classifications but multiple pay-grade levels within each classification to enable the agency's chief executive to exercise flexibility in the assignment of personnel. The plan should also provide, within the basic position classification, sufficient career incentives and opportunities to retain qualified generalists and specialists in nonmanagement positions.

1. Every police agency with more than three levels of classification below the chief executive should consider the adoption of three broad occupational classifications for sworn personnel, to permit mobility within each classification and salary advancement without promotion. The three fundamental classifications should include:

a. A patrolman-investigator classification for the generalist and specialist at the basic rank level;

b. A supervisor-manager classification for supervisory and midmanagement personnel; and

c. A command-staff classification for police executives and administrators.

2. Every agency's classification plan should include, within each position classification, several pay grade levels, each of which requires a certain

degree of experience, skill, and ability, or which entails the performance of a specialized function. The plan should provide compensation commensurate with the duties and responsibilities of the job performed, and should permit flexibility in the assignment of personnel.

3. Every police agency should provide career paths that allow sworn personnel to progress not only as managers but as generalists and specialists as well. Nonmanagerial career paths should provide the incentive necessary to encourage personnel with proven professional and technical expertise to remain within the functions they choose, while continuing to provide efficient and effective delivery of police service.

a. Nonmanagerial career paths should incorporate progressive career steps for the generalist and specialist; these steps should be predicated on the completion of appropriate levels of education and training, and the achievement of experience and expertise within a professional-technical area. Progression to the end of a nonmanagerial career path should bring a salary greater than that for the first level of supervision.

b. Managerial career paths should also incorporate progressive career steps, predicated on the completion of appropriate levels of education and training and the achievement of management skills necessary to function satisfactorily at the next level of management.

4. Every police agency should insure that the merit principle dominates promotions and assignments. Any existing civil service procedure should apply only to retention in, or promotion to, broad position classifications. Movement between pay-grade levels within such position classifications should remain free from restrictive civil service procedures, but subject to internal controls, to insure placement and corresponding pay on the basis of merit.

a. Every classification plan that encourages the practices of a "spoils system," or in which the advancement of personnel is not governed by the merit principle, should be corrected or abolished.

b. Every agency should insure that no civil service system imposes any restriction on the agency's classification plan that would unnecessarily inhibit flexibility in the assignment of personnel or encourage mediocrity in job performance.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 15.1

### Educational Standards for the Selection of Police Personnel

To insure the selection of personnel with the qualifications to perform police duties properly, every police agency should establish the following entry-level educational requirements:

1. Every police agency should require immediately, as a condition of initial employment, the completion of at least 1 year of education (30 semester units) at an accredited college or university. Otherwise qualified police applicants who do not satisfy this condition, but who have earned a high school diploma or its equivalent, should be employed under a contract requiring completion of the educational requirement within 3 years of initial employment.

2. Every police agency should, no later than 1975, require as a condition of initial employment the completion of at least 2 years of education (60 semester units) at an accredited college or university.

3. Every police agency should, no later than 1978, require as a condition of initial employment the completion of at least 3 years of education (90 semester units) at an accredited college or university.

4. Every police agency should, no later than 1982, require as a condition of initial employment the completion of at least 4 years of education (120

semester units or a baccalaureate degree) at an accredited college or university.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 15.2

### Educational Incentives for Police Officers

Every police agency should immediately adopt a formal program of educational incentives to encourage police officers to achieve a college-level education. Colleges and universities, particularly those providing educational programs expressly for police personnel, should schedule classes at a time when police officers can attend.

1. When it does not interfere with the efficient administration of police personnel, duty and shift assignments should be made to accommodate attendance at local colleges; any shift or duty rotation system should also be designed to facilitate college attendance.

2. Financial assistance to defray the expense of books, materials, tuition, and other reasonable expenses should be provided to a police officer when:

a. He is enrolled in courses or pursuing a degree that will increase, directly or indirectly, his value to the police service; and

b. His job performance is satisfactory.

3. Incentive pay should be provided for the attainment of specified levels of academic achievement. This pay should be in addition to any other salary incentive. It should amount to at least 2.5 percent of the employee's current salary for each 30 semester units of college work completed in pursuance of a degree that will lead, directly or indirectly, to service betterment warranting the expense of the salary incentive.

4. Colleges and universities, particularly those providing educational programs expressly for police personnel, should schedule classes at hours and locations that will facilitate the attendance of police officers.

a. Classes should be scheduled for presentation during the daytime and evening hours within the same academic period, semester, or quarter.

b. When appropriate, colleges and universities should present classes at locations other than the main campus so police officers can attend more conveniently.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 15.3

### College Credit for the Completion of Police Training Programs

Every police agency should pursue the affiliation of police training programs with academic institutions to upgrade its level of training and to provide incentive for further education.

1. All police training courses for college credit should be academically equivalent to courses that are part of the regular college curriculum.

2. Every member of the faculty who teaches any course for credit in the police training curriculum should be specifically qualified to teach that course.

a. The instructor in a police training course, for which an affiliated college is granting credit, should be academically qualified to teach that course.

b. Police personnel not academically qualified to teach a course in the regular college curriculum may, if otherwise qualified, serve as teaching assistants under the supervision of an academically qualified instructor.

A. Text of Standard

## Standard 16.1

### State Legislation and Fiscal Assistance for Police Training

Every State, by 1975, should enact legislation establishing mandatory minimum basic training for police, a representative body to develop and administer training standards and programs for police, and financial support for mandated training for police on a continuing basis to provide the public with a common quality of protection and service from police employees throughout the State. By 1978, every State should certify all sworn police employees.

1. Every State should enact legislation that mandates minimum basic training for every sworn police employee prior to the exercise of authority of his position.

2. Every State should enact legislation establishing a State commission to develop and administer State standards for the training of police personnel. The majority of this commission should be composed of representatives of local law enforcement agencies. Other members should be from the criminal justice system, local government, and criminal justice education and training centers. The State should provide sufficient funds to enable this commission to meet periodically and to employ a full-time staff large enough to carry out the basic duties of the commission. In addition to any other duties deemed necessary, this commission should:

a. Develop minimum curriculum requirements for mandated training for police;

b. Certify police training centers and institutions that provide training that meets the requirements of the State's police training standards;

c. Establish minimum police instructor qualifications and certify individuals to act as police instructors;

d. Inspect and evaluate all police training programs to insure compliance with the State's police training standards;

e. Provide a consulting service for police training and education centers; and

f. Administer the financial support for police training and education.

3. Every State should reimburse every police agency 100 percent of the salary or provide appropriate State financed incentives for every police employee's satisfactory completion of any State mandated and approved police training program.

4. Every State, through the police training body, should, by 1978, certify as qualified to exercise police authority every sworn police employee who satisfactorily completes the State basic police training and meets other entrance requirements.

## SUB-COMMITTEE REPORT

### A. Text of Standard

# Standard 16.2

## Program Development

Every police training academy and criminal justice training center should immediately develop effective training programs, the length, content, and presentation of which will vary according to specific subject matter, participating police employees, and agency and community needs.

1. Every police training academy should insure that the duration and content of its training programs cover the subject every police employee needs to learn to perform acceptably the tasks he will be assigned.

2. Every police training academy should ~~define~~ specific courses according to the performance objective of the course and should specify what the trainee must do to demonstrate achievement of the performance objective.

3. Every police training academy serving more than one police agency should enable the police chief executives of participating agencies to choose for their personnel elective subjects in addition to the minimum mandated training.

4. Every police training academy should insure that its training programs satisfy State standards for police training as well as meet the needs of participating police agencies and that its training is timely and effective. These measures should at least include:

a. Regular review and evaluation of all

training programs by an advisory body composed of police practitioners from participating agencies;

b. Periodic field observation of the operations of participating police agencies by the training staff; and

c. Continual critique of training programs through feedback from police employees who have completed the training programs and have subsequently utilized that training in field operations and from their field supervisors.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 16.3

### Preparatory Training

Every police agency should take immediate steps to provide training for every police employee prior to his first assignment within the agency, prior to his assignment to any specialized function requiring additional training, and prior to his promotion. In States where preparatory training is currently mandated by State law, every police agency should provide all such training by 1975; in all other States, every agency should provide all such training by 1978.

1. Every State should require that every sworn police employee satisfactorily complete a minimum of 400 hours of basic police training. In addition to traditional basic police subjects, this training should include:

a. Instruction in law, psychology, and sociology specifically related to interpersonal communication, the police role, and the community the police employee will serve;

b. Assigned activities away from the training academy to enable the employee to gain specific insight in the community, criminal justice system, and local government;

c. Remedial training for individuals who are deficient in their training performance but who, in the opinion of the training staff and employing agency, demonstrate potential for satisfactory performance; and

d. Additional training by the employing agency in its policies and procedures, if basic police training is not administered by that agency.

2. During the first year of employment with a police agency, and in addition to the minimum basic police training, every police agency should provide full-time sworn police employees with additional formal training, coached field training, and supervised field experience through methods that include at least:

a. A minimum of 4 months of field training with a sworn police employee who has been certified as a training coach;

b. Rotation in field assignments to expose the employee to varying operational and community experiences;

c. Documentation of employee performance in specific field experiences to assist in evaluating the employee and to provide feedback on training program effectiveness;

d. Self-paced training material, such as correspondence courses, to assist the employee in acquiring additional job knowledge and in preparing for subsequent formal training;

e. Periodic meetings between the coach, the employee, and the training academy staff to identify additional training needs and to provide feedback on training program effectiveness; and

f. A minimum of 2 weeks' additional training at the training academy 6 months after completion of basic training and again after 1 year's employment in field duties.

3. Every police agency should provide every unsworn police employee with sufficient training to enable him to perform satisfactorily his specific assignment and to provide him with a general knowledge of the police role and the organization of the police agency.

4. Every police agency should provide every police employee newly assigned to a specialized task the specific training he needs to enable him to perform the task acceptably.

5. Every police agency should provide sufficient training to enable every newly promoted employee to perform the intended assignment satisfactorily.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 16.4

### Interpersonal Communications Training

Every police agency should immediately develop and improve the interpersonal communications skills of all officers. These skills are essential to the productive exchange of information and opinion between the police, other elements of the criminal justice system, and the public; their use helps officers to perform their task more effectively.

1. Where appropriate, an outside consultant should be used to advise on program methodology, to develop material, to train sworn officers as instructors and discussion leaders, and to participate to the greatest extent possible in both the presentation of the program and its evaluation.

2. Every recruit training program should include instruction in interpersonal communications, and should make appropriate use of programmed instruction as a supplement to other training.

3. Every police agency should develop programs such as workshops and seminars that bring officers, personnel from other elements of the criminal justice system, and the public together to discuss the role of the police and participants' attitudes toward that role.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 16.5

### Inservice Training

Every police agency should, by 1975, provide for annual and routine training to maintain effective performance throughout every sworn employee's career.

1. Every police agency should provide 40 hours of formal inservice training annually to sworn police employees up to and including captain or its equivalent. This training should be designed to maintain, update, and improve necessary knowledge and skills. Where practicable and beneficial, employees should receive training with persons employed in other parts of the criminal justice system, local government, and private business when there is a common interest and need.

2. Every police agency should recognize that formal training cannot satisfy all training needs and should provide for decentralized training. To meet these day-to-day training needs, every police agency should provide each police station with:

a. As soon as practicable, but in no event later than 1978, a minimum of one police employee who is a State certified training instructor;

b. Audio-visual equipment compatible with training material available to the police agency;

c. Home study materials available to all police employees; and

d. Periodic 1-day on-duty training programs directed at the specific needs of the police employees.

3. Every police agency should insure that the information presented during annual and routine training is included, in part, in promotion examinations and that satisfactory completion of training programs is recorded in the police employee's personnel folder in order to encourage active participation in these training programs.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 16.6

### Instruction Quality Control

Every police training academy and criminal justice training center should develop immediately quality control measures to insure that training performance objectives are met. Every training program should insure that the instructors, presentation methods, and training material are the best available.

1. Every police training academy should present all training programs with the greatest emphasis on student-oriented instruction methods to increase trainee receptivity and participation. Training sessions of 1-hour's duration or longer should include at least one of the following:

a. Active student involvement in training through instructional techniques such as role playing, situation simulation, group discussions, reading and research projects, and utilization of individual trainee response systems; passive student training such as the lecture presentation should be minimized;

b. Where appropriate, team teaching by a police training instructor and a sworn police employee assigned to field duty;

c. The use of audiovisual aids to add realism and impact to training presentations;

d. Preconditioning materials, such as correspondence courses and assigned readings, made available prior to formal training sessions;

e. By 1978, self-paced, individualized instruction methods for appropriate subject matter; and

f. Where appropriate, computer assistance in the delivery of instruction material.

2. Every police training academy should, by 1975, restrict formal classroom training to a maximum of 25 trainees.

3. Every police training academy and every police agency should, by 1978, insure that all its instructors are certified by the State by requiring:

a. Certification for specific training subjects based on work experience and educational and professional credentials;

b. Satisfactory completion of a State-certified minimum 80-hour instructor training program; and

c. Periodic renewal of certification based in part on the evaluation of the police training academy and the police agency.

4. Every police training academy should distribute instructional assignments efficiently and continually update all training materials. These measures should include:

a. Periodic monitoring of the presentations of every police training instructor to assist him in evaluating the effectiveness of his methods and the value of his materials;

b. Rotation of police training instructors through operational assignments or periodic assignment to field observation tours of duty;

c. Use of outside instructors whenever their expertise and presentation methods would be beneficial to the training objective;

d. Continual assessment of the workload of every police training instructor; and

e. Administrative flexibility to insure efficient use of the training academy staff during periods of fluctuation in trainee enrollment.

5. Every police agency and police training academy should review all training materials at least annually to determine their current value and to alter or replace them where necessary.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 16.7

### Police Training Academies and Criminal Justice Training Centers

Every State should, by 1978, guarantee the availability of State-approved police training to every sworn police employee. Every State should encourage local, cooperative, or regional police training programs to satisfy State training requirements; when these programs cannot satisfy the requirements, criminal justice training centers including police training academies should be established by the State.

to participate in specialized training offered through academic institutions, government agencies, and professional and business organizations.

1. State certification of a basic police training program should, as a minimum, require the training facility to operate for 9 months a year.

2. Where appropriate, police agencies should establish cooperative training academies or otherwise combine their resources to satisfy police training standards or other training needs.

3. Every State should establish strategically located criminal justice training centers, including police training academies, to provide training that satisfies State-mandated training standards for all police agencies that are unable to provide it themselves or in cooperation with other agencies.

4. Every State should develop means for bringing mandated or other necessary training to employees of police agencies when it is impracticable or inefficient to bring these employees to the nearest training center or academy.

5. Every State should encourage police agencies

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 17.1

### Personnel Development for Promotion and Advancement

Every police agency should adopt a policy of promoting to higher ranks and advancing to higher paygrades only those personnel who successfully demonstrate their ability to assume the responsibilities and perform the duties of the position to which they will be promoted or advanced. Personnel who have the potential to assume increased responsibility should be identified and placed in a program that will lead to full development of that potential.

1. Every police agency should screen all personnel in order to identify their individual potential and to guide them toward achieving their full potential. Every employee should be developed to his full potential as an effective patrol officer, a competent detective, a supervisor or manager, or as a specialist capable of handling any of the other tasks within a police agency. This screening should consist of one or more of the following:

- a. Management assessment of past job performance and demonstrated initiative in the pursuit of self-development;
- b. Oral interviews; and
- c. Job-related mental ability tests.

2. Every police agency should offer comprehensive and individualized programs of education, training, and experience designed to develop the potential of every employee who wishes to participate. These individualized development programs should be

based on the potential identified through the screening process and the specific development needs of the employee. These individualized programs should consist of one or more of the following:

- a. College seminars and courses;
- b. Directed reading;
- c. In-house and out-of-house training classes;
- d. Job rotation;
- e. Internship; and
- f. The occasional opportunity to perform the duties of the position for which an individual is being developed.

3. Personnel who choose to pursue a course of self development rather than participate in the agency-sponsored development program should be allowed to compete for promotion and advancement.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 17.2

### Formal Personnel Development Activities

Every police agency should immediately implement formal programs of personnel development. Such programs should be designed to further the employee's professional growth and increase his capacity for his present or future role within the agency.

1. Every agency should allow all sworn personnel to participate voluntarily in at least 40 consecutive hours of formal personnel development activity annually, while on duty, and at full pay. Such activity may include:

a. Forty consecutive hours of in-house or out-of-house classroom training directed toward the development of personal, vocational, conceptual, or managerial skills;

b. Internship of at least 40 consecutive hours with another police, criminal justice, government, or private organization that can contribute significantly to the professional development of the intern;

c. The assumption of the position, responsibility, and authority of an immediate superior for a minimum of 40 consecutive hours when such assignment would contribute significantly to the professional development of the subordinate;

d. Employee participation in administrative and operational research and reporting that would not ordinarily be his responsibility but

would contribute significantly to his professional development;

e. Provision of leaves of absence with pay to allow the achievement of academic objectives that contribute significantly to the employee's professional growth and capacity for current and future assignments;

f. Employee service as a member of or an adviser to management committees and boards on which he would not normally serve, such as fleet safety boards, when such service would contribute significantly to the development of an employee's awareness and understanding of management philosophy and insight.

2. Every police agency with specialized units for detective, vice, traffic, staff, and other functions should immediately develop a formal system for personnel rotation. This system should be designed to develop generalist, specialist, and managerial resources.

a. Newly hired personnel should be rotated through geographic areas of varying crime incidence and major functional assignments in order to give them the valuable perspective and professional understanding that only experience in a wide range of agency functions and areas can provide

b. Selective and individualized rotation of incumbent personnel should be implemented to develop generalist and specialist expertise or specifically to prepare personnel for promotion and advancement. The movement of incumbent personnel should take into account individual needs for specific work experiences, individual potential and willingness to participate, and agency needs for the development of personnel as well as the potential for a cost-effective return on the investment of time and manpower.

c. Every agency should regulate personnel rotation so that the agency is continually able to meet its primary service objectives. The rotation of highly specialized personnel, such as a criminalist, should be restricted to avoid serious interference with the delivery of specialized services.

3. Every agency should encourage personnel to pursue development on their own time, as well as on agency time, by attending college courses and seminars and through suggested reading.

4. Every police agency should fulfill its responsibility to develop personnel by seeking adequate funding for personnel development activities. In so doing, the police agency should consider the availability of financial assistance outside the normal budgetary process.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 17.3

### Personnel Evaluation for Promotion and Advancement

Every police agency should immediately begin a periodic evaluation of all personnel in terms of their potential to fill positions of greater responsibility. The selection of personnel for promotion and advancement should be based on criteria that relate specifically to the responsibilities and duties of the higher position.

1. Every agency periodically should evaluate the potential of every employee to perform at the next higher level of responsibility.

a. This evaluation should form a part of the regular performance evaluation that should be completed at least semiannually.

b. Specific data concerning every employee's job performance, training, education, and experience should support the periodic evaluation for promotion and advancement.

2. Every police agency should use job analyses in the development of job related tests and other criteria for the selection of personnel for promotion and advancement. Selection devices should consist of one or more of the following:

a. Management assessment of past job performance, performance in the individualized development program, and demonstrated initiative in the pursuit of self development;

b. Oral interviews; and

c. Job related mental aptitude tests.

3. Every police agency should disallow the arbitrary awarding of bonus points for experience and achievement not related to the duties of the position for which the individual is being considered. Arbitrary awards include:

a. Bonus points for seniority;

b. Bonus points for military service;

c. Bonus points for heroism.

4. No agency should use any psychological test as a screening device or evaluation tool in the promotion and advancement process until scientific research confirms a reliable relationship between personality and actual performance.

5. Every agency should require that personnel demonstrate the ability to assume greater responsibility prior to promotion or advancement and should continue to observe employee performance closely during a probationary period of at least 1 year from the date of promotion or advancement.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 17.4

### Administration of Promotion and Advancement

Every police chief executive, by assuming administrative control of the promotion and advancement system, should insure that only the best qualified personnel are promoted or advanced to positions of greater authority and responsibility in higher pay grades and ranks. Agencies that have not developed competent personnel to assume positions of higher authority should seek qualified personnel from outside the agency rather than promote or advance personnel who are not ready to assume positions of greater responsibility.

1. The police chief executive should oversee all phases of his agency's promotion and advancement system including the testing of personnel and the appointing of personnel to positions of greater responsibility. The police chief executive should make use of the services of a central personnel agency when that personnel agency is competent to develop and administer tests and is responsive to the needs of the police agency.

2. The police chief executive should consider recruiting personnel for lateral entry at any level from outside the agency when it is necessary to do so in order to obtain the services of an individual who is qualified for a position or assignment.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 17.5

### Personnel Records

Every police agency immediately should establish a central personnel information system to facilitate management decisionmaking in assignment, promotion, advancement, and the identification and selection of individuals for participation in personnel development programs.

1. The personnel information system should contain at least the following personnel information:

- a. Personal history;
- b. Education and training history;
- c. Personnel performance evaluation history;
- d. Law enforcement experience;
- e. Assignment, promotion, and advancement history;
- f. Commendation records;
- g. Sustained personnel complaint history;
- h. Medical history;
- i. Occupational and skills profile;
- j. Results of special tests; and
- k. Photographs.

2. The personnel information system should be protected against unauthorized access; however, employees should have access to agency records concerning them, with the exception of background investigation data.

3. The system should be updated at least semi-

annually and, ideally, whenever a significant change in information occurs; and

4. The system should be designed to facilitate statistical analysis of personnel resources and the identification of individuals with special skills, knowledge, or experience.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 20.1

### Entry-Level Physical and Psychological Examinations

Every police agency should require all applicants for police officer positions to undergo thorough entry-level physical and psychological examinations to insure detection of conditions that might prevent maximum performance under rigorous physical or mental stress.

1. Every agency, by 1975, should furnish, and require, as a condition of employment, that each applicant pass a thorough physical and psychological examination. This examination should:

a. Be designed to detect conditions that are likely to cause nonjob-related illnesses, inefficiency, unnecessary industrial accidents, and premature retirement;

b. Be conducted under the supervision of a licensed, competent physician; and

c. Include a psychological evaluation conducted under the supervision of a licensed, competent psychologist or psychiatrist.

A. Text of Standard

## Standard 20.2

### Continuing Physical Fitness

Every police agency should establish physical fitness standards that will insure every officer's physical fitness and satisfactory job performance throughout his entire career.

1. Every agency should immediately establish realistic weight standards that take into account each officer's height, body build, and age.

2. Every agency should, by 1975, require for each officer a physical examination administered biannually, annually, or semiannually to determine the officer's level of physical fitness. The frequency of the examinations should increase with the officer's age. If the officer fails to meet the predetermined standards, a program should be prescribed to improve his physical condition.

3. Every agency should, by 1975, provide or make available facilities and programs that enable every officer to maintain good physical condition, to monitor his condition, and to meet predetermined physical standards through program enforcement measures. Consideration should be given to intramural athletics, exercise, weight reduction, and other physical fitness programs.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 20.3

### Employee Services

Every police agency should, by 1978, establish or provide for an employee services unit to assist all employees in obtaining the various employment benefits to which they and their dependents are entitled.

1. The employee services unit should be responsible for at least the following specific employee service functions:

a. Employee services unit personnel thoroughly informed on employee benefits should inform fellow agency employees of these benefits and the means for taking advantage of them.

b. In the event an officer is injured, the employee services unit should insure that the resulting needs of the officer and his family are cared for, with a minimum of inconvenience to the officer or his family.

c. In the event an officer is killed, the employee services unit should assist survivors in settling the officer's affairs.

2. Every agency with 150 or more personnel should assign at least one full-time employee to the employee services unit.

3. Every agency with fewer than 150 personnel should join with other local agencies to appoint a regional coordinator for employee services and, where appropriate, should establish a regional police employee services organization.

A. Text of Standard

## Standard 20.4

### Health Insurance

Every police agency should, by 1982, make available a complete health care program for its officers and their immediate families to insure adequate health care at minimum cost to the agency and the employee.

1. Every police agency should establish a health care program that provides for the particular health care needs of its employees and their immediate families.

a. The health care program should provide at least (1) surgery and related services; (2) diagnostic services; (3) emergency medical care; (4) continuing medical care for pulmonary tuberculosis, mental disorders, drug addiction, alcoholism, and childbirth; (5) radiation, inhalation, and physical therapy; (6) ambulance service; (7) nursing care; (8) prescribed medication and medical appliances; (9) complete dental and vision care; (10) hospital room; and (11) income protection.

b. Every agency should pay all or a major portion of the cost of the health care program to insure that the expense to employees, if any, is as small as possible. The agency should establish controls to insure that the highest available quality and quantity of medical services are provided under its plan. These controls should include a system of record handling that facili-

tates swift, efficient provision of services and feedback of employee reaction to the program.

2. Every police agency should insure that an officer or his beneficiaries are allowed to continue as members of the health care program after the officer's retirement, and that benefit and cost change under these circumstances are reasonable.

A. Text of Standard

## Standard 20.5

### State Retirement Plan

Every State should, by 1982, provide an actuarially sound statewide police retirement system for all sworn personnel employed within the State. This system should be designed to facilitate lateral entry.

1. Local agency membership in the retirement system should be voluntary.

2. The system should be designed to accommodate diverse salary schedules of member agencies and to insure equitable distribution of costs and benefits within the system.

3. The system should require a minimum of 25 years of service for normal retirement and a mandatory retirement age of 60 for all police personnel.

4. Reciprocal agreements should be formulated between independent, local, State, and interstate police pension systems to allow any police officer to accept any law enforcement position available and still retain his accrued retirement benefits.



SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 18.1

### The Police Executive and Employee Relations

Every police chief executive should immediately acknowledge his responsibility to maintain effective employee relations and should develop policies and procedures to fulfill this responsibility.

1. Every police chief executive should actively participate in seeking reasonable personnel benefits for all police employees.

2. Every police chief executive should provide an internal two-way communication network to facilitate the effective exchange of information within the agency and to provide himself with an information feedback device.

3. Every police chief executive should develop methods to obtain advisory information from police employees—who have daily contact with operational problems—to assist him in reaching decisions on personnel and operational matters.

4. Every police chief executive should provide a grievance procedure for all police employees.

5. Every police chief executive should have employee relations specialists available to provide assistance in:

- a. Developing employee relations programs and procedures;
- b. Providing general or specific training in management-employee relations; and
- c. Collective negotiations.

6. Recognizing that police employees have a

right, subject to certain limitations, to engage in political and other activities protected by the first amendment, every police agency should promulgate written policy that acknowledges this right and specifies proper and improper employee conduct in these activities.

7. Every police chief executive should acknowledge the right of police employees to join or not join employee organizations that represent their employment interests, and should give appropriate recognition to these employee organizations.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 18.2

### Police Employee Organizations

Every police employee organization should immediately formalize written policies, rules, and procedures that will protect the rights of all members and insure that they can remain responsible to their oath of office.

1. Every police employee organization should place in writing the scope of its activities to inform all members of their organization's programs and their representatives' activities.

2. Every police employee organization should adhere to rules and procedures designed to insure internal democracy and fiscal integrity. These rules and procedures should include:

a. Provisions to protect members in their relations with the police employee organization;

b. Standards and safeguards for periodic elections;

c. Identification of the responsibilities of the police employee organization officers;

d. Provisions for maintenance of accounting and fiscal controls, including regular financial reports;

e. Provisions for disclosure of financial reports and other appropriate documents to members, regulating agencies, and the public; and

f. Acknowledgment of responsibility to the governmental entity legally charged with regulation of such employee organizations.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 18.3

### Collective Negotiation Process

Every police agency and all police employees should be allowed, by 1975, to engage in collective negotiations in arriving at terms and conditions of employment that will maintain police service effectiveness and insure equitable representation for both parties.

1. Legislation enacted by States to provide for collective negotiations between police agencies and public employees should give equal protection for both parties and should include:

a. Provisions for local jurisdictions to enact specific rules for the collective negotiation process;

b. Procedures to prevent either party from circumventing the collective negotiation process;

c. Provisions for police agency retention of certain unrestricted management rights to insure proper direction and control in delivering police services;

d. Provisions to prohibit police employees from participating in any concerted work stoppage or job action; and,

e. Procedures that require adherence to the collective negotiation legislation by all parties.

2. Every police chief executive should insure that he or his personally designated representative is present during all collective negotiations involving

the police agency, and that he is allowed to protect the interests of the community, the police agency, and all police employees.

3. Every police agency should insure that all police employees receive training necessary to maintain effective management-employee relations. This training should include:

a. Sufficient information to provide all employees with a general knowledge of the management-employee relations process;

b. Specific instructions to persons who represent the police agency in the collective negotiation process; and

c. Specific instructions to enable every supervisory police employee to perform his duties under any collective negotiation agreement.

4. Every police chief executive should encourage employee organizations to provide training to enable their representatives to represent members in the negotiation process adequately.

5. Every police chief executive should establish administrative procedures to facilitate the police agency's operation under any collective negotiation agreement.

6. Every police chief executive should recognize that in the collective negotiation process the problems of unit determination, areawide negotiation, and impasse procedures are largely unresolved and that little guidance is currently available in these essential areas.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 18.4

### Work Stoppages and Job Actions

Every police chief executive should immediately prepare his agency to react effectively to neutralize any concerted work stoppage or job action by police employees. Any such concerted police employee action should be prohibited by law.

1. Every State, by 1976, should enact legislation that specifically prohibits police employees from participating in any concerted work stoppage or job action. Local legislation should be enacted immediately if State prohibitive legislation does not currently exist.

2. Every police agency should establish formal written policy prohibiting police employees from engaging in any concerted work stoppage or job action.

3. Every police agency should develop a plan to maintain emergency police service in the event of a concerted employee work stoppage.

4. Every police chief executive should consider the initiation of internal disciplinary action, including dismissal, against police employees who participate in a concerted job action or work stoppage. Among the many disciplinary alternatives available to the chief executive are actions against:

a. All participating employees for violating prohibitive legislation and policy;

b. Individual employees when their individual conduct warrants special action;

c. Only those employees who encouraged, instigated, or led the activity; and

d. None of the participating employees; however, criminal or civil action may be sought for violations of legislative prohibitions.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 19.1

### Foundation for Internal Discipline

Every police agency immediately should formalize policies, procedures, and rules in written form for the administration of internal discipline. The internal discipline system should be based on essential fairness, but not bound by formal procedures or proceedings such as are used in criminal trials.

1. Every police agency immediately should establish formal written procedures for the administration of internal discipline and an appropriate summary of those procedures should be made public.

2. The chief executive of every police agency should have ultimate responsibility for the administration of internal discipline.

3. Every employee at the time of employment should be given written rules for conduct and appearance. They should be stated in brief, understandable language.

In addition to other rules that may be drafted with assistance from employee participants, one prohibiting a general classification of misconduct, traditionally known as "conduct unbecoming an officer," should be included. This rule should prohibit conduct that may tend to reflect unfavorably upon the employee or the agency.

4. The policies, procedures, and rules governing employee conduct and the administration of discipline should be strengthened by incorporating them in training programs and promotional exami-

nations, and by encouraging employee participation in the disciplinary system.

A. Text of Standard

## Standard 19.2

### Complaint Reception Procedures

Every police agency immediately should implement procedures to facilitate the making of a complaint alleging employee misconduct, whether that complaint is initiated internally or externally.

be published regularly for all police personnel and should be available to the public.

1. The making of a complaint should not be accompanied by fear of reprisal or harassment. Every person making a complaint should receive verification that his complaint is being processed by the police agency. This receipt should contain a general description of the investigative process and appeal provisions.

2. Every police agency, on a continuing basis, should inform the public of its complaint reception and investigation procedures.

3. All persons who file a complaint should be notified of its final disposition; personal discussion regarding this disposition should be encouraged.

4. Every police agency should develop procedures that will insure that all complaints, whether from an external or internal source, are permanently and chronologically recorded in a central record. The procedure should insure that the agency's chief executive or his assistant is made aware of every complaint without delay.

5. Complete records of complaint reception, investigation, and adjudication should be maintained. Statistical summaries based on these records should

A. Text of Standard

## Standard 19.3

### Investigative Responsibility

The chief executive of every police agency immediately should insure that the investigation of all complaints from the public, and all allegations of criminal conduct and serious internal misconduct, are conducted by a specialized individual or unit of the involved police agency. This person or unit should be responsible directly to the agency's chief executive or the assistant chief executive. Minor internal misconduct may be investigated by first line supervisors, and these investigations should be subject to internal review.

1. The existence or size of this specialized unit should be consistent with the demands of the work load.

2. Police agencies should obtain the assistance of prosecuting agencies during investigations of criminal allegations and other cases where the police chief executive concludes that the public interest would best be served by such participation.

3. Specialized units for complaint investigation should employ a strict rotation policy limiting assignments to 18 months.

4. Every police agency should deploy the majority of its complaint investigators during the hours consistent with complaint incidence, public convenience, and agency needs.

A. Text of Standard

## Standard 19.4

### Investigation Procedures

Every police agency immediately should insure that internal discipline complaint investigations are performed with the greatest possible skill. The investigative effort expended on all internal discipline complaints should be at least equal to the effort expended in the investigation of felony crimes where a suspect is known.

1. All personnel assigned to investigate internal discipline complaints should be given specific training in this task and should be provided with written investigative procedures.

2. Every police agency should establish formal procedures for investigating minor internal misconduct allegations. These procedures should be designed to insure swift, fair, and efficient correction of minor disciplinary problems.

3. Every investigator of internal discipline complaints should conduct investigations in a manner that best reveals the facts while preserving the dignity of all persons and maintaining the confidential nature of the investigation.

4. Every police agency should provide—at the time of employment, and again, prior to the specific investigation—all its employees with a written statement of their duties and rights when they are the subject of an internal discipline investigation.

5. Every police chief executive should have legal authority during an internal discipline investigation

to relieve police employees from their duties when it is in the interests of the public and the police agency. A police employee normally should be relieved from duty whenever he is under investigation for a crime, corruption, or serious misconduct when the proof is evident and the presumption is great, or when he is physically or mentally unable to perform his duties satisfactorily.

6. Investigators should use all available investigative tools that can reasonably be used to determine the facts and secure necessary evidence during an internal discipline investigation. The polygraph should be administered to employees only at the express approval of the police chief executive.

7. All internal discipline investigations should be concluded 30 days from the date the complaint is made unless an extension is granted by the chief executive of the agency. The complainant and the accused employee should be notified of any delay.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 19.5

### Adjudication of Complaints

Every police agency immediately should insure that provisions are established to allow the police chief executive ultimate authority in the adjudication of internal discipline complaints, subject only to appeal through the courts or established civil service bodies, and review by responsible legal and governmental entities.

1. A complaint disposition should be classified as sustained, not sustained, exonerated, unfounded, or misconduct not based on the original complaint.

2. Adjudication and—if warranted—disciplinary action should be based partially on recommendations of the involved employee's immediate supervisor. The penalty should be at least a suspension up to 6 months or, in severe cases, removal from duty.

3. An administrative factfinding trial board should be available to all police agencies to assist in the adjudication phase. It should be activated when necessary in the interests of the police agency, the public, or the accused employee, and should be available at the direction of the chief executive or upon the request of any employee who is to be penalized in any manner that exceeds verbal or written reprimand. The chief executive of the agency should review the recommendations of the trial board and decide on the penalty.

4. The accused employee should be entitled to

representation and logistical support equal to that afforded the person representing the agency in a trial board proceeding.

5. Police employees should be allowed to appeal a chief executive's decision. The police agency should not provide the resources or funds for appeal.

6. The chief executive of every police agency should establish written policy on the retention of internal discipline complaint investigation reports. Only the reports of sustained and—if appealed—upheld investigations should become a part of the accused employee's personnel folder. All disciplinary investigations should be kept confidential.

7. Administrative adjudication of internal discipline complaints involving a violation of law should neither depend on nor curtail criminal prosecution. Regardless of the administrative adjudication, every police agency should refer all complaints that involve violations of law to the prosecuting agency for the decision to prosecute criminally. Police employees should not be treated differently from other members of the community in cases involving violations of law.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 19.6

### Positive Prevention of Police Misconduct

The chief executive of every police agency immediately should seek and develop programs and techniques that will minimize the potential for employee misconduct. The chief executive should insure that there is a general atmosphere that rewards self-discipline within the police agency.

1. Every police chief executive should implement, where possible, positive programs and techniques to prevent employee misconduct and encourage self-discipline. These may include:

a. Analysis of the causes of employee misconduct through special interviews with employees involved in misconduct incidents and study of the performance records of selected employees;

b. General training in the avoidance of misconduct incidents for all employees and special training for employees experiencing special problems;

c. Referral to psychologists, psychiatrists, clergy, and other professionals whose expertise may be valuable; and

d. Application of peer group influence.



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## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 21.1

### Police Uniforms

Every police chief executive should immediately develop and designate complete standard specifications for apparel and equipment to be worn by every agency employee when performing the duties of a uniformed police officer. To deter criminal activity, uniformed police officers should be highly visible, easily identifiable and readily distinguishable from other uniformed persons. Every officer's appearance should reflect favorably on his agency and profession; however, to insure maximum efficiency, this should not be accomplished at the expense of physical comfort.

1. Every police chief executive should consider seasonal changes and climate when developing the agency's standard police uniform.

2. Every police chief executive should insure that the agency's police uniform identifies the wearer by name and agency, and makes him plainly recognizable as a police officer. Such items should be visible at all times.

3. Every police executive should insure that the uniforms of agency employees other than police officers—such as civilian traffic control, parking control, and security officers—are, by color, design, and items of identification, plainly distinguishable from those of police officers.

4. Every State should enact legislation fixing the color and style of uniforms worn by private patrol-

men or security guards to insure that they are readily distinguishable from police uniforms.

5. Every police agency should conduct daily uniform inspections to insure that every officer's appearance conforms to agency specifications and reflects favorably on the agency and the law enforcement profession.

Text of Standard

## Standard 21.2

### Firearms and Auxiliary Equipment

Every police chief executive should immediately specify the type of firearms, ammunition, and auxiliary equipment to be used by the agency's police officers. To enhance police efficiency, personal equipment items should be interchangeable among all officers of the agency. Once established, these specified standards should be maintained by frequent, periodic inspections and appropriate disciplinary action when agency regulations are violated.

1. Every police agency should establish written specifications for agency-approved sidearms and ammunition to be carried by officers on uniformed duty, or plainclothes duty, or off duty. The specifications should include the type, caliber, barrel length, finish, and style of the sidearms, and the specific type of ammunition.

2. Every police agency should insure that the officers of every automobile patrol unit are equipped with a shotgun and appropriate ammunition. An easily accessible shotgun receptacle that can be locked should be permanently installed in every vehicle.

3. Every police agency should designate all items of auxiliary equipment to be worn or carried by its uniformed officers. To insure intra-agency uniformity, the approved type, size, weight, color, style, and other relevant variables of each auxiliary equipment item, along with the position on the uniform

or belt where it is to be worn or carried, should be specified in writing.

4. Every police agency should initiate a program of frequent, regular equipment inspections to insure that personal equipment items conform to agency specifications and are maintained in a presentable and serviceable condition. To insure that each officer's weapon functions properly, firearm practice should be required for all officers at least monthly, and all firearms should be examined at regular intervals by a qualified armorer.

5. To insure shooting competency, every agency's policy relative to firearms practice should require each officer to maintain a minimum qualifying score in the firearms practice course adopted by the agency.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 21.3

### Agency Provision of Uniforms and Equipment

Every police agency should immediately acquire the funds necessary to provide and maintain a full uniform and equipment complement for every police officer. This will facilitate the agency's efforts to insure conformance to uniform and equipment standards.

1. Every police agency should determine the minimum uniform requirements for its police officers, including alternate items of apparel for warm, cold, and foul weather. The agency should furnish all required items at no cost to officers. Continuing conformity to uniform standards and appearance should be insured by regular replacement of uniforms or a uniform allowance.

2. Every police agency should furnish and replace at no cost to officers the sidearm, ammunition, and auxiliary personal equipment specified by the agency.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 22.1

### Transportation Equipment Utility

Every police agency should annually evaluate the tasks performed within the agency and the transportation equipment which may be utilized by the agency to determine how the proper application of transportation equipment can improve the agency's ability to accomplish its objectives.

1. Every police agency should, prior to submitting its annual budget, evaluate all existing and potential transportation equipment applications within the agency. The evaluation should include the examination of all tasks which may facilitate the objectives of the agency to determine if new or different equipment will result in:

- a. More efficient use of human resources;
- and
- b. Improved police service that is cost-effective.

2. Every police agency should, prior to submitting its annual budget, evaluate the potential usefulness and limitations of each type of transportation equipment in order to select the appropriate tools for the specific police tasks of the agency. New and existing transportation equipment should be evaluated.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 22.2

# Transportation Equipment Acquisition and Maintenance

Every police agency should acquire and maintain police transportation equipment necessary to achieve agency objectives in a manner which is most cost-effective for the agency.

1. Every police agency acquiring ground vehicles should determine whether the acquisition should be made by purchasing, leasing, or reimbursing for officer-owned vehicles. This determination should be based upon the following considerations:

- a. Maintenance requirements;
- b. Control problems;
- c. Financing; and
- d. Overall cost-effectiveness

2. Every police agency acquiring aircraft should determine the most advantageous form of acquisition by considering the maintenance and service requirements, the availability of the equipment when it will be needed, pilot-training and insurance costs, the availability of auxiliary police equipment, and the cost per hour of:

- a. Purchasing by the agency;
- b. Leasing;
- c. Purchasing jointly with other agencies;
- d. Renting; and
- e. Acquiring surplus military aircraft.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 22.3

### Fleet Safety

Every police agency should implement a fleet safety program to insure the safety of its employees and the public, minimize unnecessary expenditure of public funds, and increase agency efficiency.

1. Every agency fleet safety program should include:

- a. A driver training program for all employees who operate agency vehicles;
- b. Procedures for problem-driver detection and retraining;
- c. Procedures insuring employee inspection of agency vehicles prior to use; and
- d. A maintenance program which will minimize the hazard of malfunctioning equipment.

2. Every agency fleet safety program should emphasize the personal involvement of employees in meeting the objectives of the program through:

- a. Peer group involvement in the classification of employee accidents;
- b. Recognition for safe driving; and
- c. An education program with emphasis on the personal benefits to be derived from safe driving.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 23.1

### Police Use of the Telephone System

Every police agency should develop as a subsystem of its overall communications system a telephone communications component designed to reduce crime through rapid and accurate communication with the public. This design may require an upgraded physical plant and supportive equipment, and procedures to shorten the time of the internal message handling.

1. Every police agency should immediately implement a full-time telephone service sufficient to provide prompt answering of calls for service.

a. Emergency telephone calls should be answered within 30 seconds, and nonemergency telephone calls should be answered within 60 seconds.

b. Procedures should be adopted to control the quality of police response to telephonic requests for service and information.

2. Every police agency should immediately install a sufficient number of emergency trunk lines, in addition to and separate from business trunk lines, to insure that an emergency caller will not receive a busy signal during normal periods of peak activity, excluding catastrophic or unusual occurrences.

3. Every police agency should immediately insure that any misdirected emergency telephone call for police, fire, or other emergency service is

promptly accepted and that information obtained from such calls is immediately relayed to the appropriate public safety emergency agency.

4. Every police agency with a full-time telephone service should, by 1976, acquire and operate fail-safe recording equipment that will allow endless or continuous recording of all incoming complaint calls and instantaneous playback of those calls.

5. Every police agency with full-time telephone service should, by 1982, operate that service from facilities designed to be reasonably secure from physical attack and sabotage. This security should extend to overhead telephone trunk line drop-wires running between aerial cables and the full-time telephone service facility.

6. Every police agency should, by 1982, obtain single universal emergency telephone service, and the cost of such service should be borne by the private telephone subscriber.

7. Pilot Automatic Number Identification Universal Emergency Telephone Systems should be installed to assess technical feasibility, cost-effectiveness for police, and public acceptance.

A. Text of Standard

## Standard 23.2

### Command and Control Operations

Every police agency should acknowledge that the speed with which it can communicate with field units is critical; that it affects the success of agency efforts to preserve life and property; and that it increases the potential for immediate apprehension of criminal suspects. Therefore, a rapid and accurate communications capability should be developed.

1. Every police agency should immediately install a 24-hour two-way radio capability providing continuous communication between a communications center and field units. Agencies too small to maintain a full-time communications center should immediately arrange for that service to be provided by the nearest full-time communications center of a neighboring public safety emergency agency or a public safety emergency agency operated by the next highest political subdivision in the State.

2. Every police chief executive should immediately insure that delay time—the elapsed time between receipt of a complaint emergency call and the time of message radio transmission—in the case of an emergency call does not exceed 2 minutes, and in the case of a nonemergency call, does not exceed 6 minutes. By 1978, communications center delay time in cases of emergency calls should

not exceed 1 minute and in cases of nonemergency calls should not exceed 4 minutes.

3. Every agency should, by 1975, acquire and operate fail-safe recording equipment which will allow continuous recording of every radio transmission and recording equipment designed to allow instantaneous playback of field unit radio transmission.

4. Every police agency should immediately seek action by the appropriate legislative or regulatory body to regulate private agencies that provide central-station alarm service. Appropriate steps should be taken to minimize field-unit response to the location of any alarm not caused by a criminal attack.

5. Every agency operating a full-time communications center and employing 15 or more persons should, by 1975, install suitable equipment to provide access to local, State, and Federal criminal justice information systems. The minimum suitable equipment should be a teletypewriter capable of being connected to a data base.

6. Every police agency having a full-time communications center should, by 1978, operate from facilities designed to be reasonably secure from physical attack and sabotage.

A. Text of Standard

## Standard 23.3

### Radio Communications

Every police agency should immediately insure that its radio communications system makes the most efficient use of its radio frequency.

1. Every State should immediately establish common statewide police radio frequencies for use by State and local law enforcement agencies during periods of local disaster or other emergencies requiring interagency coordination.

2. Every agency should, by 1978, have a base station, mobile, and portable radio equipment capable of two-way operation on a common statewide police radio frequency.

3. Every agency should, by 1978, acquire and operate multichannel mobile and portable radio equipment capable of two-way operation on operational frequencies, daily car-to-car tactical frequencies, joint public safety tactical frequencies and statewide tactical frequencies.

4. Every agency should, by 1978, equip every on-duty uniformed officer with a portable radio transceiver capable of providing adequate two-way communications and capable of being carried with reasonable comfort on the person.



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## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 24.1

### Police Reporting

Every police agency should establish procedures that will insure simple and efficient reporting of criminal activity, assist in criminal investigations, and provide complete information to other components of the criminal justice system.

1. Every police agency should immediately publish the circumstances which require an officer to complete a report, and should provide printed forms for crime, arrest, and other reports. Such forms should have enough appropriately headed fill-in boxes and companion instructions to assist the officer in obtaining and reporting all necessary information.

a. There should be a forms control procedure which subjects every departmental form to initial approval and periodic review to determine if the form's use is appropriate and the information called for is necessary.

b. Field reports should be as simple as possible to complete, and their design should permit systematic collection of summary and management data.

2. Every agency should immediately consider adopting policies that allow reports of misdemeanors and miscellaneous incidents to be accepted by telephone when:

a. No field investigation appears necessary; and

b. The efforts of the patrol force would otherwise be diverted from higher priority duties.

3. Where the volume of calls for service dictates, every agency should free its patrol units immediately for priority calls by assigning other personnel to one-man units whose primary function is preliminary investigation and the subsequent completion of reports.

4. Every State should, by 1975, enact legislation requiring that, at the time arrest warrants are issued or recalled, notification be made to the State or other State designated agency by the court that issues such warrants. Every police agency should insure that, when it contacts or arrests an individual named in want or warrant information generated by any criminal justice agency, it notifies that agency of the contact or arrest within 3 hours. To insure that the right person is arrested, police agencies should provide sufficient identifying data to courts issuing warrants. This data should include, at least, the offender's

- a. Name;
- b. Residence address;
- c. Sex;
- d. Color of hair and eyes;
- e. Height and weight; and
- f. Date of birth.

5. Every State should, by 1975, require every police agency to report to a State or other designated agency information necessary for:

a. The identification of persons known to have been armed, considered dangerous, or known to have resisted arrest;

b. The identification of unrecovered stolen vehicles;

c. The identification of vehicles wanted in connection with the investigation of felonies or serious misdemeanors;

d. The identification of unrecovered stolen Vehicle Identification Number (VIN) plates and serially identified engines and transmissions;

e. The identification of unrecovered stolen or missing license plates;

f. Identification of serially numbered stolen or lost weapons; and

g. The identification of serially numbered stolen property items.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 24.2

### Basic Police Records

Every police agency should immediately establish a records system that collects crime data and records operational activities so crime conditions and the effects of agency operations can be systematically evaluated.

1. Every police agency should develop and maintain a "reportable incident file" based on agency needs, that contains documentation on all crimes; essential noncriminal incidents such as missing persons, lost and found property, suicides, and accidental deaths; and, where appropriate, traffic incidents.

2. Every State should require every police agency within the State to contribute to, and maintain access in, a summary dossier file maintained by a designated agency. Summary dossier files should contain an FBI fingerprint card, State and Federal individual record sheets, an accurate and up-to-date arrest disposition record, photographs, booking forms, arrest reports, and requests from other agencies for notification of arrest.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 24.3

### Data Retrieval

Every police agency should establish a cost-effective, compatible information system to collect, store, and retrieve information moving through the agency. The use of such a system should be directed toward crime reduction without sacrificing local autonomy.

1. Every police agency should, by 1975, have the capability to retrieve statewide criminal information and provide it to field personnel within 3 minutes of the time requested for noncomputerized systems and within 30 seconds for computerized systems. This capability should at least include information on:

- a. Individuals who are the subject of an arrest warrant for a felony or serious misdemeanor;
- b. Individuals known to have been armed, considered dangerous, or known to have resisted arrest;
- c. Unrecovered stolen vehicles;
- d. Vehicles wanted in connection with the investigation of felonies or serious misdemeanors;
- e. Unrecovered stolen Vehicle Information Number plates and serially identified engines and transmissions;
- f. Unrecovered stolen or missing license plates;

g. Serially identified stolen or lost weapons; and

h. Serially numbered stolen property items.

2. Every police agency using, or planning to use, a computer-based information system should take immediate steps to insure that the primary objective of such a system is rapid response to the information needs of field units. Agencies developing or operating a computer-based information system should immediately identify critical information groups and assign priorities to them according to the requirements of the system user. Critical information groups should include at least:

- a. Information on wanted persons;
- b. Abstract data on criminal convictions, parole status, penitentiary releases, and vital criminal record information;
- c. Information that forewarns an officer of persons known to have been armed, and other potential dangers; and
- d. Information on stolen property and vehicles.

3. Every agency developing or operating a computer-based information system should immediately establish advisory user groups consisting of field policemen, police managers, computer technicians, and hardware engineers. User groups should be charged with the responsibility for system implementation and operating strategies.

SUB-COMMITTEE REPORT

A. Text of Standard

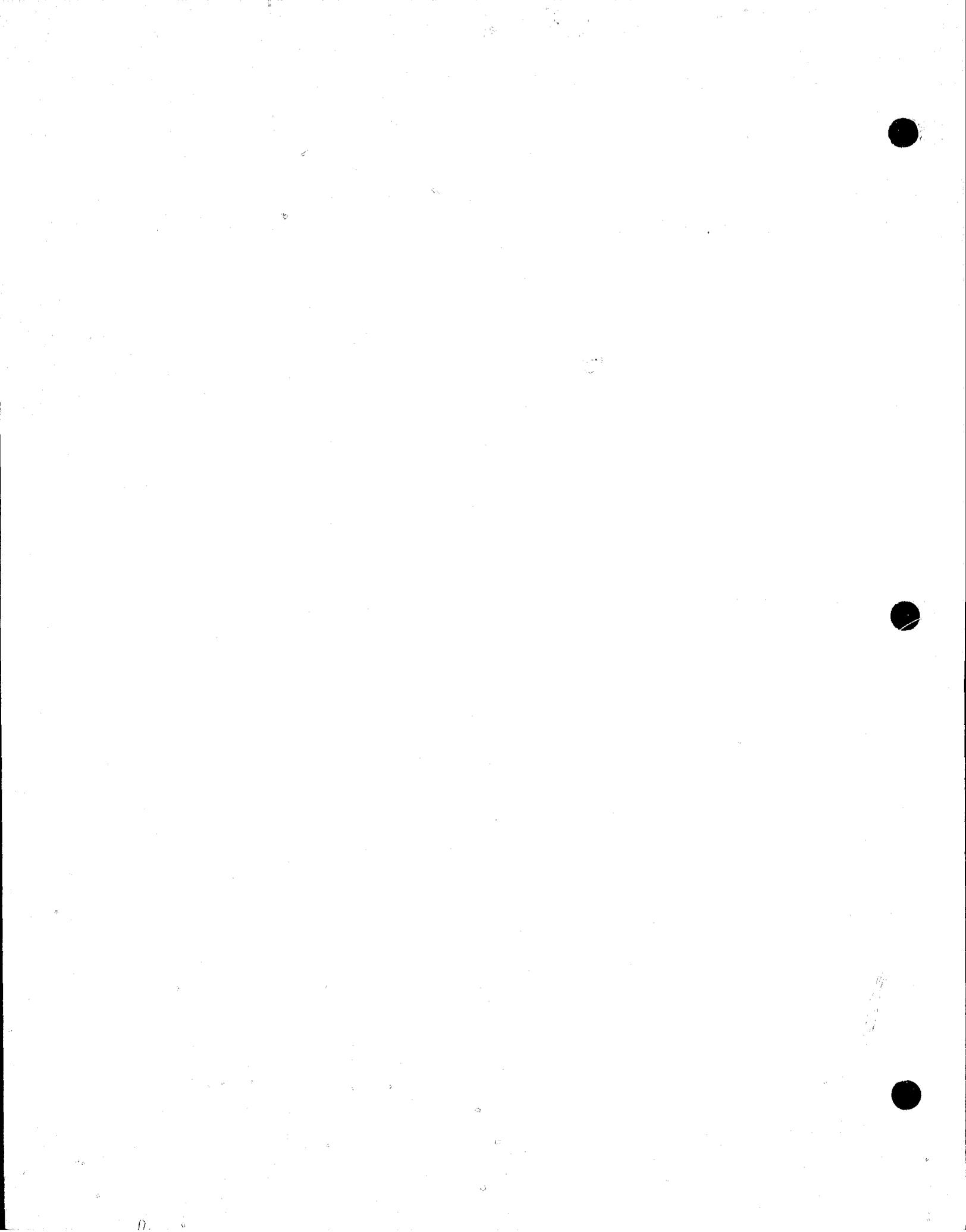
## Standard 24.4

### Police Telecommunications

Every agency should coordinate its information system with those of other local, regional, State, and Federal law enforcement agencies to facilitate the exchange of information.

1. Every police agency should develop and maintain, by 1974, immediate access to existing local, State, and Federal law enforcement telecommunications networks.

2. Every agency operating a full-time communications center and employing 15 or more persons should install, by 1975, a basic telecommunications terminal capable of transmitting to and receiving from established national, State and local criminal justice information systems. The telecommunications network should provide network switching compatible with computer-based information systems.



INTER-RELATED STANDARDS

Police

1.1 Police Function:

Courts

- 4.8 Preliminary Hearing and Arraignment
- 12.8 Prosecutor's Investigative Role
- 15.2 Subject Matter of Court Plan
- 15.3 Prosecution Services
- 15.4 Defense Services

INTER-RELATED STANDARDS

Police

1.2 Limits of Authority:

Courts

- 1.2 Procedures for Screening
- 4.2 Citation and Summons in Lieu of Arrest
- 4.5 Presentation Before Judicial Officer Following Arrest
- 12.8 Prosecutor's Investigative Role
- 14.1 Court Jurisdiction Over Juveniles
- 14.2 Court Intake, Detention and Shelter Care in Delinquency Cases
- 14.3 Prosecuting Certain Delinquency Cases as Adult Criminal Prosecutions
- 15.2 Subject Matter of Court Plan

INTER-RELATED STANDARDS

Police

Courts

1.3 Police Discretion:

1.1 Criteria for Screening

1.2 Procedures for Screening

2.1 General Criteria for Diversion

4.2 Citation and Summons in Lieu  
of Arrest

4.5 Presentation Before Judicial  
Officer Following Arrest

INTER-RELATED STANDARDS

Police

1.5 Police Understanding of  
Their Role:

Courts

4.5 Presentation Before Judicial  
Officer Following Arrest

INTER-RELATED STANDARDS

Police

Courts

1.6 Public Understanding of  
the Police Role:

2.2 Procedure for Diversion  
Programs

INTER-RELATED STANDARDS

Police

2.1 Development of Goals  
and Objectives:

Courts

2.2 Procedure for Diversion  
Programs

4.2 Citation and Summons in  
Lieu of Arrest

INTER-RELATED STANDARDS

Police

Courts

2.2 Establishment of Policy:

- 1.1 Criteria for Screening
- 1.2 Procedure for Screening
- 2.1 General Criteria for Diversion
- 2.2 Procedure for Diversion Programs
- 4.2 Citation and Summons in Lieu of Arrest
- 4.5 Presentation Before Judicial Officer Following Arrest
- 4.8 Preliminary Hearing and Arraignment
- 14.1 Court Jurisdiction Over Juveniles
- 14.2 Intake, Detention and Shelter Care in Delinquency Cases
- 15.1 Court Component and Responsibility for its Development
- 15.2 Subject Matter of the Court Plan
- 15.3 Prosecution Services

INTER-RELATED STANDARDS

Police

3.1 Crime Problem Identification and Resource Development:

Courts

1.1 Criteria for Screening  
1.2 Procedure for Screening  
2.1 General Criteria for Diversion  
4.2 Citation and Summons  
in Lieu of Arrest

INTER-RELATED STANDARDS

Police

3.2 Crime Prevention:

Courts

2.1 General Criteria for  
Diversion

14.2 Intake, Detention and  
Shelter Care in Delinquency  
Cases

INTER-RELATED STANDARDS

Police

4.1 Cooperation and  
Coordination:

Courts

- 1.1 Criteria for Screening
- 1.2 Procedure for Screening
- 2.1 General Criteria for Diversion
- 2.2 Record of Plea and Arraignment
- 4.1 Time Frame for Prompt Processing of Criminal Cases
- 4.2 Citation and Summons in Lieu of Arrest
- 4.3 Procedure in Misdemeanor Prosecutions
- 4.5 Presentation Before Judicial Officer Following Arrest
- 4.6 Pretrial Release
- 12.8 The Prosecutor's Investigative Role
- 14.1 Court Jurisdiction Over Juveniles
- 14.2 Intake, Detention and Shelter Care in Juvenile Cases
- 14.3 Prosecuting Certain Delinquency Cases as Adult Criminal Prosecutions

4.1 Cooperation and  
Coordination (cont.)

15.1 Court Component and  
Responsibility for its  
Development

15.2 Subject Matter of Court  
Plan

INTER-RELATED STANDARDS

Police

4.3 Diversion:

Courts

- 1.1 Criteria for Screening
- 1.2 Procedures for Screening
- 2.1 General Criteria for Diversion
- 2.2 Procedure for Diversion Programs
- 8.1 Unification of State Courts System
- 14.1 Court Jurisdiction Over Juveniles
- 14.2 Intake, Detention and Shelter Care in Delinquency Cases
- 14.4 Adjudicatory Hearings in Delinquency Cases
- 14.5 Dispositional Hearings in Delinquency Cases

INTER-RELATED STANDARDS

Police

4.4 Citation and Release  
on Own Recognizance:

Courts

- 1.1 Criteria for Screening
- 1.2 Procedure for Screening
- 2.1 General Criteria for Diversion
- 4.2 Citation and Summons in Lieu of Arrest
- 4.5 Presentation Before Judicial Officer Following Arrest
- 4.6 Pretrial Release
- 4.10 Pretrial Motions and Conferences
- 4.11 Priority Case Scheduling
- 8.1 Unification of States Court Systems
- 12.7 Development and Review of Office Policies
- 15.2 Subject Matter of Courts Plan
- 15.3 Prosecution Services

INTER-RELATED STANDARDS

Police

Courts

4.5 Criminal Case Followup:

- 1.1 Criteria for Screening
- 1.2 Procedure for Screening
- 2.1 General Criteria for Diversion
- 2.2 Procedure for Diversion Programs
- 3.2 Record of Plea and Agreement
- 3.3 Uniform Plea Negotiation Policies and Procedure
- 4.1 Time Frame for Prompt Processing of Criminal Cases
- 4.2 Citation and Summons in Lieu of Arrest
- 4.8 Preliminary Hearing and Arraignment
- 4.9 Pretrial Discovery
- 4.10 Pretrial Motions and Conferences
- 4.11 Priority Case Scheduling
- 6.1 Unified Review of Proceedings
- 6.3 Flexible Review Procedures
- 6.4 Dispositional Time in Reviewing Court
- 6.5 Exceptional Circumstances Justifying Further Review
- 6.6 Further Review Within the Same Court System - Prior Adjudication

4.5 Criminal Case Followup  
(cont.)

- 6.7 Further Review in State or Federal Court - Prior Factual Determinations
- 6.8 Further Review in State or Federal Courts - Claim Not Asserted Previously
- 8.1 Unification of State's Court Systems
- 12.7 Development and Review of Office Policies
- 14.4 Adjudicatory Hearings in Delinquency Cases
- 14.5 Dispositional Hearings in Delinquency Cases
- 15.2 Subject Matter of the Court Plan
- 15.3 Prosecution Services

INTER-RELATED STANDARDS

Police

5.4 Agency and Jurisdictional Planning:

Courts

- 4.2 Citation and Summons in Lieu of Arrest
- 4.10 Pretrial Motions and Conferences
- 6.1 Unified Review of Proceeding
- 8.1 Unification of State Court System
- 8.2 Administrative Disposition of Certain Matters Now Treated as Criminal Offenses
- 15.1 Court Component and Responsibility for Development
- 15.2 Subject Matter of Court Plan
- 15.3 Prosecution Services
- 15.4 Defense Services

INTER-RELATED STANDARDS

Police

7.4

Mass Processing of Arrestees:

Courts

- 15.1 Court Component and Responsibility for Development
- 15.2 Subject Matter of Court Plan
- 15.3 Prosecution Services
- 15.4 Defense Services

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INTER-RELATED STANDARDS

Police

Courts

7.5 Legal Considerations:

15.1 Court Component and Responsibility for Development

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INTER-RELATED STANDARDS

Police

8.1 - Establishing the Role  
of the Patrol Officer:

Courts

1.2 Procedure for Screening  
2.1 General Criteria for Diversion  
15.3 Prosecution Services

INTER-RELATED STANDARDS

Police

9.5 Juvenile Operations:

Courts

- 1.1 Criteria for Screening
- 1.2 Procedure for Screening
- 2.1 General Criteria for Diversion
- 4.8 Preliminary Hearing and Arraignment
- 14.1 Court Jurisdiction Over Juveniles
- 14.2 Intake, Detention and Shelter Care in Delinquency Cases
- 14.3 Processing Certain Delinquency Cases as Adult Criminal Prosecutions

INTER-RELATED STANDARDS

Police

9.9 Vice Operations:

Courts

12.8 Prosecutor's Investigative  
Role

INTER-RELATED STANDARDS

Police

9.10 Narcotic and Drug  
Investigations:

Courts

2.1 General Criteria for  
Diversion

12.8 Prosecutor's Investigative  
Role

INTER-RELATED STANDARDS

Police

11.1 Use of Professional  
Expertise:

Courts

- 3.2 Record of Plea and Agreement
- 3.3 Uniform Plea Negotiational Policies and Practices
- 3.4 Time Limit on Plea Negotiations
- 3.5 Representation by Counsel During Plea Negotiations
- 3.6 Prohibited Prosecutorial Inducements to Enter a Plea of Guilty
- 3.7 Acceptability of a Negotiated Guilty Plea
- 3.8 Effect of the Method of Disposition on Sentencing
- 4.8 Preliminary Hearing and Arraignment
- 12.8 Prosecutor's Investigative Role
- 14.1 Court Jurisdiction Over Juveniles

INTER-RELATED STANDARDS

Police

11.2 Legal Assistance:

Courts

- 1.1 Criteria for Screening
- 1.2 Procedure for Screening
- 2.2 Procedure for Diversion Programs
- 3.2 Record of Plea and Agreement
- 3.3 Uniform Plea Negotiation Policies and Practices
- 3.4 Time Limit on Plea Negotiations
- 3.5 Representation by Counsel During Plea Negotiation
- 3.6 Prohibited Prosecutorial Inducements to Enter a Plea of Guilty
- 3.7 Acceptability of a Negotiated Guilty Plea
- 3.8 Effect of the Method of Disposition on Sentencing
- 4.1 Time Frame for Prompt Processing of Criminal Cases
- 4.6 Pretrial Release
- 4.8 Preliminary Hearing and Arraignment
- 4.12 Continuances
- 6.1 Unified Review of Proceedings
- 6.3 Flexible Review Procedures
- 6.4 Dispositional Time in Reviewing Court

11.2 Legal Assistance (cont.)

- 6.5 Exceptional Circumstances  
Justifying Further Review
- 6.6 Further Review Within the Same  
Court - Prior Adjudication
- 6.7 Further Review in State or  
Federal Court - Prior  
Factual Determinations
- 6.8 Further Review in State or  
Federal Court - Claim Not  
Asserted Previously
- 8.1 Unification of State Court  
System
- 14.1 Court Jurisdiction Over  
Juveniles
- 14.3 Processing Certain Delinquency  
Cases as Adult Criminal  
Prosecutions

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 1.1

### Criteria for Screening

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

An accused should be screened out of the criminal justice system if there is not a reasonable likelihood that the evidence admissible against him would be sufficient to obtain a conviction and sustain it on appeal. In screening on this basis, the prosecutor should consider the value of a conviction in reducing future offenses, as well as the probability of conviction and affirmance of that conviction on appeal.

An accused should be screened out of the criminal justice system when the benefits to be derived from prosecution or diversion would be outweighed by the costs of such action. Among the factors to be considered in making this determination are the following:

1. Any doubt as to the accused's guilt;
2. The impact of further proceedings upon the accused and those close to him, especially the likelihood and seriousness of financial hardship or family life disruption;

3. The value of further proceedings in preventing future offenses by other persons, considering the extent to which subjecting the accused to further proceedings could be expected to have an impact upon others who might commit such offenses, as well as the seriousness of those offenses;

4. The value of further proceedings in preventing future offenses by the offender, in light of the offender's commitment to criminal activity as a way of life; the seriousness of his past criminal activity, which he might reasonably be expected to continue; the possibility that further proceedings might have a tendency to create or reinforce commitment on the part of the accused to criminal activity as a way of life; and the likelihood that programs available as diversion or sentencing alternatives may reduce the likelihood of future criminal activity;

5. The value of further proceedings in fostering the community's sense of security and confidence in the criminal justice system;

6. The direct cost of prosecution, in terms of prosecutorial time, court time, and similar factors;

7. Any improper motives of the complainant;

8. Prolonged nonenforcement of the statute on which the charge is based;

9. The likelihood of prosecution and conviction of the offender by another jurisdiction; and

10. Any assistance rendered by the accused in apprehension or conviction of other offenders, in the prevention of offenses by others, in the reduction of the impact of offenses committed by himself or others upon the victims, and any other socially beneficial activity engaged in by the accused that might be encouraged in others by not prosecuting the offender.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 1.2

### Procedure for Screening

Police, in consultation with the prosecutor, should develop guidelines for the taking of persons into custody. Those guidelines should embody the factors set out in Standard 1.1. After a person has been taken into custody, the decision to proceed with formal prosecution should rest with the prosecutor.

No complaint should be filed or arrest warrant issued without the formal approval of the prosecutor. Where feasible, the decision whether to screen a case should be made before such approval is granted. Once a decision has been made to pursue formal proceedings, further consideration should be given to screening an accused as further information concerning the accused and the case becomes available. Final responsibility for making a screening decision should be placed specifically upon an experienced member of the prosecutor's staff.

The prosecutor's office should formulate written guidelines to be applied in screening that embody those factors set out in Standard 1.1. Where possible, such guidelines, as well as the guidelines promulgated by the police, should be more detailed. The guidelines should identify as specifically as possible those factors that will be considered in identifying cases in which the accused will not be taken into custody or in which formal proceedings will not be pursued. They should reflect local con-

ditions and attitudes, and should be readily available to the public as well as to those charged with offenses, and to their lawyers. They should be subjected to periodic reevaluation by the police and by the prosecutor.

When a defendant is screened after being taken into custody, a written statement of the prosecutor's reasons should be prepared and kept on file in the prosecutor's office. Screening practices in a prosecutor's office should be reviewed periodically by the prosecutor himself to assure that the written guidelines are being followed.

The decision to continue formal proceedings should be a discretionary one on the part of the prosecutor and should not be subject to judicial review, except to the extent that pretrial procedures provide for judicial determination of the sufficiency of evidence to subject a defendant to trial. Alleged failure of the prosecutor to adhere to stated guidelines or general principles of screening should not be the basis for attack upon a criminal charge or conviction.

If the prosecutor screens a defendant, the police or the private complainant should have recourse to the court. If the court determines that the decision not to prosecute constituted an abuse of discretion, it should order the prosecutor to pursue formal proceedings.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 2.1

### General Criteria for Diversion

In appropriate cases offenders should be diverted into noncriminal programs before formal trial or conviction.

Such diversion is appropriate where there is a substantial likelihood that conviction could be obtained and the benefits to society from channeling an offender into an available noncriminal diversion program outweigh any harm done to society by abandoning criminal prosecution. Among the factors that should be considered favorable to diversion are: (1) the relative youth of the offender; (2) the willingness of the victim to have no conviction sought; (3) any likelihood that the offender suffers from a mental illness or psychological abnormality which was related to his crime and for which treatment is available; and (4) any likelihood that the crime was significantly related to any other condition or situation such as unemployment or family problems that would be subject to change by participation in a diversion program.

Among the factors that should be considered unfavorable to diversion are: (1) any history of the use of physical violence toward others; (2) involvement with syndicated crime; (3) a history of anti-social conduct indicating that such conduct has become an ingrained part of the defendant's lifestyle and would be particularly resistant to change; and (4) any special need to pursue criminal prosecution

as a means of discouraging others from committing similar offenses.

Another factor to be considered in evaluating the cost to society is that the limited contact a diverted offender has with the criminal justice system may have the desired deterrent effect.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 2.2

### Procedure for Diversion Programs

The appropriate authority should make the decision to divert as soon as adequate information can be obtained.

Guidelines for making diversion decisions should be established and made public. Where it is contemplated that the diversion decision will be made by police officers or similar individuals, the guidelines should be promulgated by the police or other agency concerned after consultation with the prosecutor and after giving all suggestions due consideration. Where the diversion decision is to be made by the prosecutor's office, the guidelines should be promulgated by that office.

When a defendant is diverted in a manner not involving a diversion agreement between the defendant and the prosecution, a written statement of the fact of, and reason for, the diversion should be made and retained. When a defendant who comes under a category of offenders for whom diversion regularly is considered is not diverted, a written statement of the reasons should be retained.

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

ments and their approval by the court. These procedures should contain the following features:

1. Emphasis should be placed on the offender's right to be represented by counsel during negotiations for diversion and entry and approval of the agreement.

2. Suspension of criminal prosecution for longer than one year should not be permitted.

3. An agreement that provides for a substantial period of institutionalization should not be approved unless the court specifically finds that the defendant is subject to nonvoluntary detention in the institution under noncriminal statutory authorizations for such institutionalization.

4. The agreement submitted to the court should contain a full statement of those things expected of the defendant and the reason for diverting the defendant.

5. The court should approve an offered agreement only if it would be approved under the applicable criteria if it were a negotiated plea of guilty.

6. Upon expiration of the agreement, the court should dismiss the prosecution and no future prosecution based on the conduct underlying the initial charge should be permitted.

7. For the duration of the agreement, the prosecutor should have the discretionary authority to determine whether the offender is performing his

SUB-COMMITTEE REPORT

A. Text of Standard

**Standard 3.2**

**Record of Plea  
and Agreement**

**Where a negotiated guilty plea is offered, the agreement upon which it is based should be presented to the judge in open court for his acceptance or rejection. In each case in which such a plea is offered, the record should contain a full statement of the terms of the underlying agreement and the judge's reasons for accepting or rejecting the plea.**

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 3.3

# Uniform Plea Negotiation Policies and Practices

Each prosecutor's office should formulate a written statement of policies and practices governing all members of the staff in plea negotiations.

This written statement should provide for consideration of the following factors by prosecuting attorneys engaged in plea negotiations:

1. The impact that a formal trial would have on the offender and those close to him, especially the likelihood and seriousness of financial hardship and family disruption;
2. The role that a plea and negotiated agreement may play in rehabilitating the offender;
3. The value of a trial in fostering the community's sense of security and confidence in law enforcement agencies; and
4. The assistance rendered by the offender:
  - a. in the apprehension or conviction of other offenders;
  - b. in the prevention of crimes by others;
  - c. in the reduction of the impact of the offense on the victim; or
  - d. in any other socially beneficial activity.

The statement of policies should provide that weaknesses in the prosecution's case may not be considered in determining whether to permit a defendant to plead guilty to any offense other than that charged.

The statement of policies should be made available to the public.

The statement should direct that before finalizing

any plea negotiations, a prosecutor's staff attorney should obtain full information on the offense and the offender. This should include information concerning the impact of the offense upon the victims, the impact of the offense (and of a plea of guilty to a crime less than the most serious that appropriately could be charged) upon the community, the amount of police resources expended in investigating the offense and apprehending the defendant, any relationship between the defendant and organized crime, and similar matters. This information should be considered by the attorney in deciding whether to enter into an agreement with the defendant.

The statement should be an internal, intraoffice standard only. Neither the statement of policies nor its applications should be subject to judicial review. The prosecutor's office should assign an experienced prosecutor to review negotiated pleas to insure that the guidelines are applied properly.

SUB-COMMITTEE REPORT

A. Text of Standard

**Standard 3.4**

**Time Limit on  
Plea Negotiations**

Each jurisdiction should set a time limit after which plea negotiations may no longer be conducted. The sole purpose of this limitation should be to insure the maintenance of a trial docket that lists only cases that will go to trial. After the specified time has elapsed, only pleas to the official charge should be allowed, except in unusual circumstances and with the approval of the judge and the prosecutor.

SUB-COMMITTEE REPORT

A. Text of Standard

Standard 3.5

Representation  
by Counsel During  
Plea Negotiations

No plea negotiations should be conducted until a defendant has been afforded an opportunity to be represented by counsel. If the defendant is represented by counsel, the negotiations should be conducted only in the presence of and with the assistance of counsel.

SUB-COMMITTEE REPORT

A. Text of Standard

**Standard 3.6**

**Prohibited  
Prosecutorial  
Inducements to  
Enter a Plea of Guilty**

No prosecutor should, in connection with plea negotiations, engage in, perform, or condone any of the following:

1. Charging or threatening to charge the defendant with offenses for which the admissible evidence available to the prosecutor is insufficient to support a guilty verdict.
2. Charging or threatening to charge the defendant with a crime not ordinarily charged in the jurisdiction for the conduct allegedly engaged in by him.
3. Threatening the defendant that if he pleads not guilty, his sentence may be more severe than that which ordinarily is imposed in the jurisdiction in similar cases on defendants who plead not guilty.
4. Failing to grant full disclosure before the disposition negotiations of all exculpatory evidence material to guilt or punishment.

## Standard 3.7

### Acceptability of a Negotiated Guilty Plea

The court should not participate in plea negotiations. It should, however, inquire as to the existence of any agreement whenever a plea of guilty is offered and carefully review any negotiated plea agreement underlying an offered guilty plea. It should make specific determinations relating to the acceptability of a plea before accepting it.

Before accepting a plea of guilty, the court should require the defendant to make a detailed statement concerning the commission of the offense to which he is pleading guilty and any offenses of which he has been convicted previously. In the event that the plea is not accepted, this statement and any evidence obtained through use of it should not be admissible against the defendant in any subsequent criminal prosecution.

The review of the guilty plea and its underlying negotiated agreement should be comprehensive. If any of the following circumstances is found and cannot be corrected by the court, the court should not accept the plea:

1. Counsel was not present during the plea negotiations but should have been;
2. The defendant is not competent or does not understand the nature of the charges and proceedings against him;
3. The defendant was reasonably mistaken or ignorant as to the law or facts related to his case

and this affected his decision to enter into the agreement;

4. The defendant does not know his constitutional rights and how the guilty plea will affect those rights; rights that expressly should be waived upon the entry of a guilty plea include:

- a. Right to the privilege against compulsory self-incrimination (which includes the right to plead not guilty);
- b. Right to trial in which the government must prove the defendant's guilt beyond a reasonable doubt;
- c. Right to a jury trial;
- d. Right to confrontation of one's accusers;
- e. Right to compulsory process to obtain favorable witnesses; and
- f. Right to effective assistance of counsel at trial.

5. During plea negotiations the defendant was denied a constitutional or significant substantive right that he did not waive;

6. The defendant did not know at the time he entered into the agreement the mandatory minimum sentence, if any, and the maximum sentence that may be imposed for the offense to which he pleads, or the defendant was not aware of these facts at the time the plea was offered;

7. The defendant has been offered improper inducements to enter the guilty plea;

8. The admissible evidence is insufficient to support a guilty verdict on the offense for which the plea is offered, or a related greater offense;

9. The defendant continues to assert facts that, if true, establish that he is not guilty of the offense to which he seeks to plead; and

10. Accepting the plea would not serve the public interest. Acceptance of a plea of guilty would not serve the public interest if it:

a. places the safety of persons or valuable property in unreasonable jeopardy;

b. depreciates the seriousness of the defendant's activity or otherwise promotes disrespect for the criminal justice system;

c. gives inadequate weight to the defendant's rehabilitative needs; or

d. would result in conviction for an offense out of proportion to the seriousness with which the community would evaluate the defendant's conduct upon which the charge is based.

A representative of the police department should be present at the time a guilty plea is offered. He should insure that the court is aware of all available information before accepting the plea and imposing sentence.

When a guilty plea is offered and the court either accepts or rejects it, the record must contain a complete statement of the reasons for acceptance or rejection of the plea.

### Commentary

When the court participates in plea discussions, its independence and impartiality are compromised. Standard 3.7 therefore requires the court to avoid participation in such negotiations. This is consistent with the position taken by the American Bar Association and the Advisory Council of the American Law Institute. (See American Bar Association Project on Minimum Standards for Criminal Justice, *Standards Relating to Pleas of Guilty*, § 3.3(a) (Approved Draft, 1968); American Law Institute, *A Model Code of Pre-Arrestment Procedure*, § 350.3 (Tent. Draft. No. 5, 1972).)

Participation by the court would tend to raise the visibility of plea discussions and perhaps would prevent abuse of prosecutorial discretion and unequal treatment of defendants, but these beneficial effects would be outweighed by potential drawbacks: participation by the court might create additional pressure upon an innocent defendant to plead guilty, thereby increasing the danger of his being convicted;

it also might affect the court's subsequent ability to evaluate objectively the acceptability of a plea entered pursuant to a previous bargain; and any firm offer of a particular sentence by the court would reduce the effect of the presentence report.

The standard directs that before accepting a guilty plea, the trial court should require a full statement from the defendant concerning the offense to which he is pleading guilty and his previous offenses. This serves two functions. First, it insures that there is a factual basis for the plea and that the defendant is not in fact innocent. Second, it maximizes the information before the judge for use in sentencing; thus the statement should cover past offenses as well as the conduct underlying the charge to which the defendant seeks to plead. Since the statement may well contain incriminating information, prohibiting a defendant from entering a plea of guilty unless he makes such a statement may constitute an unjustifiable burden on the privilege to be free of compelled self-incrimination, protected by the fifth amendment of the U.S. Constitution. Therefore, the standard recommends that the content of the statement and any evidence obtained by using the statement not be admissible in a subsequent criminal case if the plea is rejected. This minimizes infringement upon interests protected by the fifth amendment without hampering the guilty plea process.

The Courts Task Force would not require such a statement in all cases. It believes that the functions served by the statement would be adequately served by requiring a showing of a factual basis for the plea, even if that factual basis were established by evidence other than the defendant's own statement.

### Criteria

The standard also establishes a criterion for acceptance or rejection of a plea when it is offered for approval. It is designed to insure that the plea is offered with full understanding of the consequences and of alternative courses of conduct, and only following a voluntary relinquishment of the right to pursue those alternatives. If the court discovers that some portions of the criterion are not met, it may be able to correct the situation, e.g., by informing the defendant of the facts at the time of the judicial inquiry. If, after such clarification, the defendant still desires to plead guilty, the court may accept his plea.

Subparagraph 1. Standard 3.5 requires that unless the right to representation is waived, counsel must be present at all plea negotiations.

Subparagraph 2. The defendant must be competent and understand the nature of the charges and proceedings against him. The test of incompetence

SUB-COMMITTEE REPORT

A. Text of Standard  
**Standard 3.8**

**Effect of the  
Method of  
Disposition  
on Sentencing**

**The fact that a defendant has entered a plea of guilty to the charge or to a lesser offense than that initially charged should not be considered in determining sentence.**

SUB-COMMITTEE REPORT

A. Text of Standard

**Standard 41**

**Time Frame for  
Prompt Processing  
of Criminal Cases**

**The period from arrest to the beginning of trial of a felony prosecution generally should not be longer than 60 days. In a misdemeanor prosecution, the period from arrest to trial generally should be 30 days or less.**

## SUB-COMMITTEE REPORT

### A. Text of Standard **Standard 4.2**

## Citation and Summons in Lieu of Arrest

Upon the apprehension, or following the charging, of a person for a misdemeanor or certain less serious felonies, citation or summons should be used in lieu of taking the person into custody.

All law enforcement officers should be authorized to issue a citation in lieu of continued custody following a lawful arrest for such offenses. All judicial officers should be given authority to issue a summons rather than an arrest warrant in all cases alleging these offenses in which a complaint, information or indictment is filed or returned against a person not already in custody.

Summons should be served upon the accused in the same manner as a civil summons.

**1. Situations in Which Citation or Summons Is Not Appropriate.** Use of citation or summons would not be appropriate under the following situations:

- a. The behavior or past conduct of the accused indicates that his release presents a danger to individuals or to the community;
- b. The accused is under lawful arrest and fails to identify himself satisfactorily;
- c. The accused refuses to sign the citation;
- d. The accused has no ties to the jurisdiction reasonably sufficient to assure his appearance; or

e. The accused has previously failed to appear in response to a citation or summons.

**2. Procedure for Issuance and Content of Citation and Summons.** Whether issued by a law enforcement officer or a court, the citation or summons should:

a. Inform the accused of the offense with which he is charged;

b. Specify the date, time, and exact location of trials in misdemeanors or the preliminary hearing in felonies;

c. Advise the accused of all of his rights applicable to his arrest and trial and of the consequences of failing to appear;

d. Explain the law concerning representation by and provision of counsel, and contain a form for advising the court (within 3 days after service of citation or summons) of the name of his counsel or of the desire to have the court appoint an attorney to defend him; and

e. State that in misdemeanor cases all motions and an election of nonjury trial must be filed within 7 days after appointment of counsel with copies provided to the prosecutor.

Upon the receipt of the notice that the accused desires counsel, or if such notice is not filed, the court should take appropriate action to assure that counsel is provided within 24 hours after receipt of notice—or within 96 hours after arrest.

SUB-COMMITTEE REPORT

A. Text of Standard

**Standard 4.3**

**Procedure in  
Misdemeanor  
Prosecutions**

**Preliminary hearings should not be available in misdemeanor prosecutions.**

**All motions and an election of nonjury trial should be required within 7 days after appointment of counsel. Copies of motions should be served upon the prosecutor by defense counsel.**

**Upon receipt of the motions, the court should evaluate the issues raised. Motions requiring testimony should be heard immediately preceding trial. If testimony will not be needed, arguments on the motions should be heard immediately preceding trial. However, should a continuance be needed, the court should notify the prosecution and defense that the motions will be heard on the scheduled trial date and that trial will be held at a specified time within 10 days thereafter.**

SUB-COMMITTEE REPORT

A. Text of Standard

**Standard 4.5**

**Presentation Before  
Judicial Officer  
Following Arrest**

When a defendant has been arrested and a citation has not been issued, the defendant should be presented before a judicial officer within 6 hours of the arrest. At this appearance, the defendant should be advised orally and in writing of the charges against him, of his constitutional rights (including the right to bail and to assistance of counsel), and of the date of his trial or preliminary hearing. If the defendant is entitled to publicly provided representation, arrangements should be made at this time. If it is determined that pretrial release is appropriate, the defendant should then be released.

At the initial appearance, the judicial officer should have the authority, upon showing of justification, to remand the defendant to police custody for custodial investigation. Such remands should be limited in duration and purpose, and care should be taken to preserve the defendant's rights during such custodial investigation.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 4.6

### Pretrial Release

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

Participation by private bail bond agencies in the pretrial release process should be eliminated.

In certain limited cases, it may be appropriate to deny pretrial release completely.

SUB-COMMITTEE REPORT

A. Text of Standard

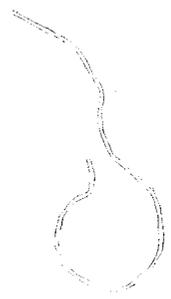
**Standard 4.8**

**Preliminary Hearing  
and Arraignment**

**If a preliminary hearing is held, it should be held within 2 weeks following arrest. Evidence received at the preliminary hearing should be limited to that which is relevant to a determination that there is probable cause to believe that a crime was committed and that the defendant committed it.**

**Arraignment should be eliminated as a formal step in a criminal prosecution. The initial charging document, as amended at the preliminary hearing, should serve as the formal charging document for trial.**

**If a defendant intends to waive his right to a preliminary hearing, he should file a notice to this effect at least 24 hours prior to the time set for the hearing.**



**CONTINUED**

**2 OF 3**

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 4.9

### Pretrial Discovery

The prosecution should disclose to the defendant all available evidence that will be used against him at trial. Such disclosure should take place within 5 days of the preliminary hearing, of the waiver of the preliminary hearing, or apprehension or service of summons following indictment, whichever form the initiation of prosecution takes in the particular case. The evidence disclosed should include, but should not be limited to, the following:

1. The names and addresses of persons whom the prosecutor intends to call as witnesses at the trial;
2. Written, recorded, or oral statements made by witnesses whom the prosecutor intends to call at the trial, by the accused, or by any codefendant;
3. Results of physical or mental examinations, scientific tests, and any analyses of physical evidence, and any reports or statements of experts relating to such examinations, tests, or analyses; and
4. Physical evidence belonging to the defendant or which the prosecutor intends to introduce at trial.

The prosecutor should disclose, as soon as possible, any evidence within this description that becomes available after initial disclosure.

The prosecutor also should disclose any evidence or information that might reasonably be regarded as potentially valuable to the defense, even if such disclosure is not otherwise required.

The defendant should disclose any evidence defense counsel intends to introduce at trial. Intent to rely on an alibi or an insanity defense should be indicated. Such disclosure should take place immediately following the resolution of pretrial motions or, in the event no such motions are filed, within 20 days of the preliminary hearing, the waiver of the preliminary hearing, or apprehension or service of summons following indictment, or whichever form the initiation of prosecution has taken in the case. No disclosure need be made, however, of any statement of the defendant or of whether the defendant himself will testify at trial.

The trial court may authorize either side to withhold evidence sought if the other side establishes in an ex parte proceeding that a substantial risk of physical harm to the witness or others would be created by the disclosure and that there is no feasible way to eliminate such a risk.

Evidence, other than the defendant's testimony, that has not been disclosed to the opposing side may be excluded at trial unless the trial judge finds that the failure to disclose it was justifiable. The desire to maximize the tactical advantage of either the defendant or the prosecution should not be regarded as justification under any circumstances. Where appropriate, a person failing to disclose evidence that should be disclosed should be held in contempt of court.

SUB-COMMITTEE REPORT

A. Text of Standard  
**Standard 4.10**

## Pretrial Motions and Conference

All pretrial motions should be filed within 15 days of the preliminary hearing, the waiver of the preliminary hearing, or apprehension or service of summons following indictment, whichever form the initiation of prosecution has taken in the case. A hearing should be held on such motions within 5 days of the filing of the motions. The court should rule on such motions within 72 hours of the close of the hearing.

At this hearing, the court should utilize a checklist to insure that all appropriate motions have been filed and all necessary issues raised. All issues raised should be resolved at this point; reserved rulings on motions should be avoided.

Failure to raise any issue concerning the admissibility of evidence or other matter appropriately raised before trial in accordance with this procedure should preclude a defendant from otherwise raising the issue, unless the defense establishes that the information essential to raising the issue was not reasonably available at the time when this procedure required that the issue be raised.

No case should proceed to trial until a pretrial conference has been held, unless the trial judge determines that such a conference would serve no useful purpose. If pretrial motions have been made, this conference should not be held until the issues raised by these motions have been resolved. At this

conference, maximum effort should be made to narrow the issues to be litigated at the trial.

Where possible, this conference should be held immediately following and as a part of the motion hearing. In any event, it should be held within 5 days of the motion hearing.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 4.11

### Priority Case Scheduling

Immediately following the preliminary hearing, the return of an indictment, or the waiver of such proceedings, the prosecutor should advise the court administrator of those cases that are to be tried and that should be given priority in assigning cases for trial.

Cases should be given priority for trial where one or more of the following factors are present:

1. The defendant is in pretrial custody;
2. The defendant constitutes a significant threat of violent injury to others;
3. The defendant is a recidivist;
4. The defendant is a professional criminal, that is, a person who substantially derives his livelihood from illegal activities; or
5. The defendant is a public official.

In addition, the prosecutor should consider in setting priorities for trial the age of the case, and whether the defendant was arrested in the act of committing a felony.

SUB-COMMITTEE REPORT

A. Text of Standard

**Standard 4.12**

**Continuances**

**Continuances should not be granted except upon verified and written motion and a showing of good cause.**

SUB-COMMITTEE REPORT

A. Text of Standard

Standard 6.1

Unified Review  
Proceeding

Every convicted defendant should be afforded the opportunity to obtain one full and fair judicial review of his conviction and sentence by a tribunal other than that by which he was tried or sentenced. Review in that proceeding should extend to the entire case, including:

1. The legality of all proceedings leading to the conviction;
2. The legality and appropriateness of the sentence;
3. Matters that have heretofore been asserted in motions for new trial; and
4. Errors not apparent in the trial record that heretofore might have been asserted in collateral attacks on a conviction or sentence.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 6.3

### Flexible Review Procedures

The reviewing court should utilize procedures that are flexible and that can be tailored in each case by the staff and the judges to insure maximum fairness, expedition, and finality through a single review of the trial court proceeding. The review procedures should provide for:

1. Receiving and considering new evidence bearing on the issue of guilt, or on the sentence, or on the legality of the trial court proceedings, which could not reasonably have been offered at trial;

2. Referral by the reviewing court to the trial judge of those issues that the reviewing court deems appropriate for the trial judge to decide;

3. Means of identifying and deciding all arguable points in the case, whether or not apparent on the record, that heretofore have been grounds for a collateral attack on the conviction or sentence;

4. Internal flexibility permitting the reviewing court to control written briefs and oral argument, including leeway to dispose of the case without oral argument or on oral argument without written briefs on some or all of the issues;

5. Authority in the reviewing court, at its discretion, to require or permit the presence of the defendant at a review hearing;

6. Authority in the reviewing court, for stated reasons, to substitute for the sentence imposed any other disposition that was open to the sentencing

court, if the defendant has asserted the excessiveness of his sentence as error; and

7. Authority in the reviewing court, for stated reasons, to set aside the conviction or remand the case for a new trial, even though the conviction is supported by evidence and there is no legal error, if, under all the circumstances, the reviewing court determines that the conviction should not stand. The reviewing court should be given the authority to affirm a conviction despite the existence of error if to do so would not amount to a miscarriage of justice. This power should be exercised more frequently to speed finality.

SUB-COMMITTEE REPORT

A. Text of Standard

**Standard 6.4**

**Dispositional  
Time in  
Reviewing Court**

**In a reviewing court functioning under flexible procedures with a professional staff, a criminal case should be ready for initial action within 30 days after the imposition of sentence. Cases containing only insubstantial issues should be finally disposed of within 60 days of imposition of sentence. Cases presenting substantial issues should be finally disposed of within 90 days after imposition of sentence.**

SUB-COMMITTEE REPORT

A. Text of Standard

**Standard 6.5**

**Exceptional  
Circumstances  
Justifying  
Further Review**

After a reviewing court has affirmed a trial court conviction and sentence, or after expiration of a fair opportunity for a defendant to obtain review with the aid of counsel, the conviction and the sentence generally should be final and not subject to further judicial review in any court, State or Federal. Further review should be available only in the following limited circumstances:

1. An appellate court determines that further review would serve the public interest in the development of legal doctrine or in the maintenance of uniformity in the application of decisional and statutory law;

2. The defendant asserts a claim of newly discovered evidence, which was not known to him and which could not have been discovered through the exercise of due diligence prior to conclusion of the unified review proceeding or the expiration of the time for seeking review, and which in light of all the evidence raises substantial doubt as to defendant's guilt; or

3. The defendant asserts a claim of constitutional violation which, if well-founded, undermines the basis for or the integrity of the entire trial or review proceeding, or impairs the reliability of the fact-finding process at the trial.

Challenges to State court convictions made in the Federal courts should be heard by the U.S. courts of appeals.

SUB-COMMITTEE REPORT

A. Text of Standard

**Standard 6.6**

**Further Review  
Within the Same  
Court System:  
Prior Adjudication**

**If, after initial review, a defendant seeks further review in the court system in which he was convicted, claiming a constitutional violation in the exceptional circumstances described in subparagraph 3 of Standard 6.5, the court should not adjudicate the claim if it has been adjudicated previously on the merits by any court of competent jurisdiction within that judicial system.**

SUB-COMMITTEE REPORT

A. Text of Standard

Standard 6.7

Further Review  
in State or  
Federal Court:  
Prior Factual  
Determinations

When a defendant seeks further review in either a State or a Federal court, claiming a constitutional violation in the exceptional circumstances described in subparagraph 3 of Standard 6.5, determinations of basic or historical facts previously made by either a trial or reviewing court, evidenced by written findings, should be conclusive, unless the defendant shows that there was a constitutional violation that undermined the integrity of the factfinding process.

SUB-COMMITTEE REPORT

A. Text of Standard

Standard 6.8

Further Review in  
State or Federal  
Court: Claim  
Not Asserted Previously

When a defendant seeks further review in either a State or a Federal court, claiming a constitutional violation in the exceptional circumstances described in subparagraph 3 of Standard 6.5, the court should not adjudicate the merits of the claim if in the trial court or the review proceeding it was not adjudicated because it was expressly disclaimed by the defendant or his lawyer, or it was not asserted at any point, or it was not asserted in accordance with valid governing rules of procedure, unless the defendant establishes a justifiable basis for not regarding his prior actions related to the claim as foreclosing further review.

SUB-COMMITTEE REPORT

A. Text of Standard

**Standard 8.1**

**Unification  
of the State  
Court System**

State courts should be organized into a unified judicial system financed by the State and administered through a statewide court administrator or administrative judge under the supervision of the chief justice of the State supreme court.

All trial courts should be unified into a single trial court with general criminal as well as civil jurisdiction. Criminal jurisdiction now in courts of limited jurisdiction should be placed in these unified trial courts of general jurisdiction, with the exception of certain traffic violations. The State supreme court should promulgate rules for the conduct of minor as well as major criminal prosecutions.

All judicial functions in the trial courts should be performed by full-time judges. All judges should possess law degrees and be members of the bar.

A transcription or other record of the pretrial court proceedings and the trial should be kept in all criminal cases.

The appeal procedure should be the same for all cases.

Pretrial release services, probation services, and other rehabilitative services should be available in all prosecutions within the jurisdiction of the unified trial court.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 8.2

### Administrative Disposition of Certain Matters Now Treated as Criminal Offenses

All traffic violation cases should be made infractions subject to administrative disposition, except certain serious offenses such as driving while intoxicated, reckless driving, driving while a license is suspended or revoked, homicide by motor vehicle, and eluding police officers in a motor vehicle. Penalties for such infractions should be limited to fines; outright suspension or revocation of driver's license; and compulsory attendance at educational and training programs, under penalty of suspension or revocation of driver's license.

Procedures for disposition of such cases should include the following:

1. Violators should be permitted to enter pleas by mail, except where the violator is a repeat violator or where the infraction allegedly has resulted in a traffic accident.

2. No jury trial should be available.

3. A hearing, if desired by the alleged infractor, should be held before a law-trained referee. The alleged infractor should be entitled to be present, to be represented by counsel, and to present evidence and arguments in his own behalf. The government should be required to prove the commission of the infraction by clear and convincing evidence. Rules of evidence should not be applied strictly.

Appeal should be permitted to an appellate division of the administrative agency. The determination of the administrative agency should be subject to judicial review only for abuse of discretion.

Consideration should be given, in light of experience with traffic matters, to similar treatment of certain nontraffic matters such as public drunkenness.

SUB-COMMITTEE REPORT

A. Text of Standard

Standard 12.7

Development  
and Review  
of Office Policies

Each prosecutor's office should develop a detailed statement of office practices and policies for distribution to every assistant prosecutor. These policies should be reviewed every 6 months. The statement should include guidelines governing screening, diversion, and plea negotiations, as well as other internal office practices.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 12.8

### The Prosecutor's Investigative Role

The prosecutor's primary function should be to represent the State in court. He should cooperate with the police in their investigation of crime. Each prosecutor also should have investigational resources at his disposal to assist him in case preparation, to supplement the results of police investigation when police lack adequate resources for such investigation, and, in a limited number of situations, to undertake an initial investigation of possible violations of the law.

The prosecutor should be given the power, subject to appropriate safeguards, to issue subpoenas requiring potential witnesses in criminal cases to appear for questioning. Such witnesses should be subject to contempt penalties for unjustified failure to appear for questioning or to respond to specific questions.

The office of the prosecutor should review all applications for search and arrest warrants prior to their submission by law enforcement officers to a judge for approval; no application for a search or arrest warrant should be submitted to a judge unless the prosecutor or assistant prosecutor approves the warrant.

SUB-COMMITTEE REPORT

A. Text of Standard

Standard 14.1

Court Jurisdiction  
Over Juveniles

Jurisdiction over juveniles of the sort presently vested in juvenile courts should be placed in a family court. The family court should be a division of the trial court of general jurisdiction, and should have jurisdiction over all legal matters related to family life. This jurisdiction should include delinquency, neglect, support, adoption, child custody, paternity actions, divorce and annulment, and assault offenses in which both the victim and the alleged offender are members of the same family. The family court should have adequate resources to enable it to deal effectively with family problems that may underlie the legal matters coming before it.

The family court should be authorized to order the institutionalization of a juvenile only upon a determination of delinquency and a finding that no alternative disposition would accomplish the desired result. A determination of delinquency should require a finding that the State has proven that the juvenile has committed an act that, if committed by an adult, would constitute a criminal offense.

The family court's jurisdiction should not include so-called dependent children, that is, juveniles in need of care or treatment through no fault of their parents or other persons responsible for their welfare. Situations involving those juveniles should be handled without official court intervention. The definition of neglected children or its equivalent, how-

ever, should be broad enough to include those children whose parents or guardians are incarcerated, hospitalized, or otherwise incapacitated for protracted periods of time.

Specialized training should be provided for all persons participating in the processing of cases through the family court, including prosecutors, defense and other attorneys, and the family court judge. Law schools should recognize the need to train attorneys to handle legal matters related to family problems, and should develop programs for that training. These programs should have a heavy clinical component.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 14.2

### Intake, Detention, and Shelter Care in Delinquency Cases

An intake unit of the family court should be created and should:

1. Make the initial decision whether to place a juvenile referred to the family court in detention or shelter care;

2. Make the decision whether to offer a juvenile referred to the family court the opportunity to participate in diversion programs; and

3. Make, in consultation with the prosecutor, the decision whether to file a formal petition in the family court alleging that the juvenile is delinquent and ask that the family court assume jurisdiction over him.

A juvenile placed in detention or shelter care should be released if no petition alleging delinquency (or, in the case of a juvenile placed in shelter care, no petition alleging neglect) is filed in the family court within 24 hours of the placement. A juvenile placed in detention or shelter care should have the opportunity for a judicial determination of the propriety of continued placement in the facility at the earliest possible time, but no later than 48 hours after placement.

Criteria should be formulated for the placement of juveniles in detention and shelter care. These criteria must be applied in practice.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 14.3

### Processing Certain Delinquency Cases as Adult Criminal Prosecutions

The family court should have the authority to order certain delinquency cases to be processed as if the alleged delinquent was above the maximum age for family court delinquency jurisdiction. After such action, the juvenile should be subject to being charged, tried, and (if convicted) sentenced as an adult.

An order directing that a specific case be processed as an adult criminal prosecution should be entered only under the following circumstances:

1. The juvenile involved is above a designated age;
2. A full and fair hearing has been held on the propriety of the entry of such an order; and
3. The judge of the family court has found that such action is in the best interests of the public.

In each jurisdiction, more specific criteria should be developed, either through statute or rules of court, for determining when juveniles should be processed as criminal defendants.

If an order is entered directing the processing of a case as an adult criminal prosecution and the juvenile is convicted of a criminal offense, he should be permitted to assert the impropriety of the order or the procedure by which the decision to enter the order was made on review of his conviction. When the conviction becomes final, however, the validity of the order and the procedure by which the under-

lying decision was made should not be subject to any future litigation.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 14.4

### Adjudicatory Hearing in Delinquency Cases

The hearing to determine whether the State can produce sufficient evidence to establish that a juvenile who is allegedly delinquent is in fact delinquent (the adjudicatory hearing) should be distinct and separate from the proceeding at which—assuming a finding of delinquency—a decision is made as to what disposition should be made concerning the juvenile. At the adjudicatory hearing, the juvenile alleged to be delinquent should be afforded all of the rights given a defendant in an adult criminal prosecution, except that trial by jury should not be available in delinquency cases.

In all delinquency cases, a legal officer representing the State should be present in court to present evidence supporting the allegation of delinquency.

If requested by the juvenile, defense counsel should use all methods permissible in a criminal prosecution to prevent a determination that the juvenile is delinquent. He should function as the advocate for the juvenile, and his performance should be unaffected by any belief he might have that a finding of delinquency might be in the best interests of the juvenile. As advocate for the juvenile alleged to be delinquent, counsel's actions should not be affected by the wishes of the juvenile's parents or guardian if those differ from the wishes of the juvenile.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 14.5

### Dispositional Hearings in Delinquency Cases

The dispositional hearing in delinquency cases should be separate and distinct from the adjudicatory hearing. The procedures followed at the dispositional hearing should be identical to those followed in the sentencing procedure for adult offenders.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 15.1

### The Court Component and Responsibility for its Development

Each comprehensive plan for the administration of justice in a mass disorder situation should contain a court processing section dealing in detail with court operations and the defense and prosecution functions required to maintain the adversary process during a mass disorder.

Where no other adequate judicial planning body exists in a community, that portion of the court processing plan that deals with court operations should be developed under the auspices of a council of judges containing representatives of all courts within the community. Where the general plan for mass disorders includes multiple counties or municipalities, the judiciary of each county or municipality within the purview of that plan should be assured adequate representation on the council of judges.

The council of judges or its equivalent also should have responsibility for reviewing, modifying if necessary, and approving those portions of the court processing plan that deal with defense and prosecution functions.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 15.2

### Subject Matter of the Court Plan

The court plan should be concerned with both judicial policy matters and court management matters. The council of judges should develop the judicial policy aspects of the plan. The court management aspects also should be developed by the council of judges, unless the community has an adequate court management operation to which such planning may be delegated.

1. **Judicial Policy Matters.** Generally, the following policies should be developed and enunciated. Provision should be made for their institutionalization by the judicial planning body in its mass disorder plan:

a. The court plan, to the extent possible, should be made public and disseminated widely to assure the community and individual arrestees that their security and rights are being protected. Portions of the plan that contain sensitive information should not be made public.

b. Provision should be made for pretrial release procedures normally available to remain available during a disorder.

c. The adversary process should function as in normal times and to this end the defense and prosecution functions should be performed adequately.

d. Persons coming before the bench should be informed of all their rights as in normal times.

e. Arrested persons should be assured speedy presentation before a judicial officer and a speedy trial.

f. Sentencing growing out of a mass disorder should be deferred until the conclusion of the disorder, with the exception of sentencing to time served in pretrial detention or a minimal and affordable fine.

2. **Management Considerations.** Generally, the following management considerations should be contained in the court component of the mass disorder plan:

a. To insure prompt execution of the plan in the event of a mass disorder, responsibility for its activation should be vested in a single member of the council of judges. An alternate also should be designated, and he should have activation responsibility in the event that the first member is unavailable. Deactivation should take place under the direction of the same council member.

b. The plan should be designed to be activated in phases scaled to the precise degree required by the disorder at hand. In order to

activate to that precise degree, a basic processing module formula for both initial appearance and trial should be developed and used.

c. The normal business of the courts should proceed during a disorder unless the disorder is of such a magnitude that sufficient personnel and facilities are unavailable. In that event, normal business should be postponed and rescheduled for the earliest possible time.

d. Plans should be made for the identification, recruitment, and assignment of sufficient judicial personnel from all courts within the municipality and, when necessary, from neighboring municipalities or even neighboring States. The requisite intrajurisdictional and interjurisdictional compacts should be entered into, and where necessary, legislation or constitutional amendment should be enacted in conjunction with the planning process.

e. Plans should be made for the identification, recruitment, and assignment of sufficient court administrative and clerical personnel for all purposes, drawing such personnel, if necessary, from nonjudicial governmental departments within the municipality or from the entire metropolitan area. Such auxiliary personnel should be identified and recruited as part of the planning process for potential callup in the event they are needed. The list of such personnel should be updated periodically.

f. Court papers should be designed to conform as nearly as possible to the paper forms employed by the police and the prosecution. Sufficient quantities of such forms should be produced in advance so that they will be available in the event of a mass disorder.

g. Attention should be given to the problem of paper flow and mechanical and electronic data flow, to the end that papers and mechanically and electronically retrieved information move smoothly from the police to prosecutors and defense counsel and to the court.

h. Arrangements should be made to identify and secure facilities within the municipality or metropolitan area suitable for potential use as court, prosecutorial, and defense facilities. Such facilities should be used in the event that the usual facilities become insufficient. Other governmental buildings suitable for such use should be considered first, and, if this is inadequate, arrangements should be made for the use of other facilities.

i. Arrangements should be made for sufficient clerical supplies and equipment to be available for use in processing arrestees during a mass disorder. Material should include sufficient business machinery, office equipment, computers, and the like.

j. Provision should be made to maintain adequate security in the regular courthouses and in any other facilities that may be utilized for court purposes. Alternate facilities should be available in the event the regular courthouse is in the disorder zone and security would be difficult or impossible to maintain.

k. Techniques should be developed to pinpoint the location of detained persons during a disorder and to insure that they can be brought before the court on demand and that their attorneys can establish physical contact when required.

At least yearly a simulated implementation of the plan should be attempted, so that deficiencies in it can be identified and corrected.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 15.3

### Prosecution Services

The prosecutorial plan should be developed initially by the prosecutor's office. If the general plan encompasses several prosecutors' offices, a board of prosecutors should be established and given responsibility for proposing a prosecutorial plan. All prosecutors' offices within the area should be represented on this board.

1. Policy Considerations. The following policy considerations should be included in the plan:

a. Screening—The case of each individual arrestee resulting from a mass disorder should be examined within the shortest possible time following arrest. Immediate release wherever appropriate should be ordered. Specific guidelines should be included for determining those situations in which immediate release will be appropriate.

Such release is appropriate if a station house summons will suffice or if for any reason the case should not proceed to trial. In order to facilitate this screening, simplified procedures should be developed so that the chain of evidence from arrest to screening is clearly recorded and available. The prosecutor, in conjunction with the planning process, should develop discretionary guidelines to insure that the criteria for screening cases is met.

b. Charging—Arrestees who are not screened out immediately should be charged by the prosecutor within the shortest possible time. Similar criteria that exist in normal times should be employed during mass disorder. Care should be taken to avoid overcharging. Guidelines for charging in a mass disorder context should be developed as part of the planning process. In jurisdictions in which adequate legislation defining unlawful conduct peculiar to mass disorders does not exist, new laws should be enacted to fit such behavior.

2. Management Considerations. The following management considerations should be included in the prosecutorial plan:

a. Advance arrangements should be made for recruitment of sufficient prosecutors in the event of a mass disorder, drawing when necessary upon other prosecutorial offices in neighboring municipalities or States, and, if necessary, from the private bar. The requisite inter-jurisdictional compacts to effectuate the employment of extrajurisdictional prosecutorial personnel should be entered into in conjunction with the planning process. Provision should be made for periodically updating the recruitment list.

b. Plans should be made for identification, recruitment, and assignment of sufficient administrative, clerical, and investigatory personnel to provide backup services for the prosecutorial staff. Such personnel should, if necessary, be drawn from nonjudicial governmental departments within the area. Provision should be made for periodically updating the recruitment list.

c. Arrangements should be made for sufficient space, clerical material, and equipment to be available for use in processing the anticipated caseload in the event of a mass disorder. This includes sufficient business machinery, office equipment, telephones, duplicating equipment, and computer facilities.

## SUB-COMMITTEE REPORT

A. Text of Standard

### Standard 15.4

#### Defense Services

The plan for providing defense services during a mass disorder should generally be developed initially under the auspices of the local public defender. If the general plan encompasses several public defender offices, a board of public defenders should be established and given responsibility for proposing a defense plan. All public defender offices within the area should be represented on this board.

In the event that the community's primary system for defense of the indigent is assigned counsel, the organized bar within the community should develop the plan for providing defense services during mass disorder.

1. Policy Considerations. The following policy considerations should be included in the plan:

a. Any person arrested during a mass disorder or charged with any offense as a result of such a disorder should have a right to be represented by a publicly provided attorney if the arrestee meets the criteria for the appointment of counsel normally applied or if, because of the nature of the mass disorder situation, he is unable to obtain other representation.

b. Arrested persons should be informed of their rights, including their right to representation at the earliest possible time after ar-

rest. Counsel should be available to the arrestee as soon after arrest as is required to protect the arrestee's rights, including the right not to be unnecessarily detained prior to charging.

c. Each attorney should represent only one arrestee at a time before a judicial officer or judge unless the case is of such a nature that it is not in the best interests of the defendants to be so represented.

2. Management Considerations. The following management considerations should be included in the defense plan:

a. Provision should be made for the identification, recruitment, and assignment of sufficient defense counsel, utilizing the public defender staff and assigned counsel lists where available. If this will not provide sufficient personnel, private attorneys from within the jurisdiction who have indicated a willingness to represent defendants during a mass disorder should be included.

Members of the bar of other States should be permitted to serve as counsel during a mass disorder if necessary; provision should be made for admission on motion. Provision should be made for periodically updating the recruitment list.

b. Law students should be employed in the defense function in conformity with rules for utilizing law students during normal times.

c. Special training programs should be conducted for attorneys on the list of those who will provide defense services during a mass disorder.

d. Plans should be made for the identification, recruitment, and assignment of sufficient administrative, investigatory, and clerical personnel to serve, if needed, as backup to defense counsel. Such personnel should be drawn from governmental or nongovernmental departments within the municipality or the metropolitan area. Provision should be made for periodically updating the recruitment list.

e. Arrangements should be made for sufficient space, clerical material, and equipment to be available for use in processing the anticipated caseload in the event of a mass disorder. This includes sufficient business machinery, office equipment, telephones, duplicating equipment, and computer facilities.

INTER-RELATED STANDARDS

Police

1.1 The Police Function:

Corrections

- 3.1 Use of Diversion
- 4.1 Comprehensive Pretrial Process Planning
- 4.3 Alternatives to Arrest
- 4.4 Alternatives to Pretrial Detention
- 4.5 Procedures Relating to Pretrial Release and Detention Decisions
- 4.6 Organization of Pretrial Services
- 7.1 Development Plan for Community-Based Alternatives to Confinement
- 7.2 Marshaling and Coordinating Community Resources
- 8.1 Role of Police in Intake and Detention

INTER-RELATED STANDARDS

Police

1.2 Limits of Authority:

Corrections

4.3 Alternatives to Arrest

INTER-RELATED STANDARDS

	<u>Police</u>		<u>Corrections</u>
1.3	<u>Police Discretion:</u>	3.1	Use of Diversion
		4.3	Alternatives to Arrest
		7.1	Development Plan for Community-Based Alternatives to Confinement
		7.2	Marshaling and Coordinating Community Resources
		8.1	Role of Police in Intake and Detention

INTER-RELATED STANDARDS

	<u>Police</u>		<u>Corrections</u>
1.5	<u>Police Understanding of Their Role:</u>	3.1	Use of Diversion
		4.3	Alternatives to Arrest
		7.1	Development Plan for Community-Based Alternatives to Confinement
		7.2	Marshaling and Coordinating Community Resources
		8.1	Role of Police in Intake and Detention

INTER-RELATED STANDARDS

	<u>Police</u>		<u>Corrections</u>
1.6	<u>Public Understanding of the Police Role:</u>	3.1	Use of Diversion
		4.3	Alternatives to Arrest
		7.1	Development Plan for Community-Based Alternatives to Confinement
		7.2	Marshaling and Coordinating Community Resources
		8.1	Role of Police in Intake and Detention

INTER-RELATED STANDARDS

Police

Corrections

2.2

Establishment of  
Policy:

3.1

Use of Diversion

4.3

Alternatives to Arrest

7.1

Development Plan for  
Community-Based Alternatives  
to Confinement

7.2

Marshalling and Coordinating  
Community Resources

8.1

Role of Police in Intake  
and Detention

INTER-RELATED STANDARDS

	<u>Police</u>		<u>Corrections</u>
2.3	<u>Inspections:</u>	3.1	Use of Diversion
		4.3	Alternatives to Arrest
		7.1	Development Plan for Community-Based Alternatives to Confinement
		7.2	Marshaling and Coordinating Community Resources
		8.1	Role of Police in Intake and Detention

INTER-RELATED STANDARDS

Police

4.2 Police Operational  
Effectiveness Within  
the Criminal Justice  
System:

Corrections

4.3 Alternatives to Arrest

7.1 Development Plan for  
Community-Based Alternatives  
to Confinement

7.2 Marshaling and Coordinating  
Community Resources

8.1 Role of Police in Intake  
and Detention

10.5 Probation in Release on  
Recognizance Program

INTER-RELATED STANDARDS

Police

4.3 Diversion:

Corrections

3.1 Use of Diversion

4.3 Alternatives to Arrest

INTER-RELATED STANDARDS

Police

4.4 Citation and Release  
on Own Recognizance:

Corrections

4.3 Alternatives to Arrest

INTER-RELATED STANDARDS

Police

Corrections

4.5 Criminal Case Followup:

5.3 Sentencing to Extended  
Terms

5.4 Probation

12.3 The Parole Grant Hearing

16.11 Probation Legislation

16.15 Parole Legislation

INTER-RELATED STANDARDS

Police

8.1 Establishing the Role  
of the Patrol Officer:

Corrections

3.1 Use of Diversion  
4.3 Alternatives to Arrest  
8.1 Role of Police in Intake  
and Detention

INTER-RELATED STANDARDS

	<u>Police</u>		<u>Corrections</u>
9.5	<u>Juvenile Operations:</u>	3.1	Use of Diversion
		7.1	Development Plan for Community-Based Alternatives to Confinement
		7.2	Marshaling and Coordinating Community Resources
		8.1	Role of Police in Intake and Detention
		8.2	Juvenile Intake Services
		15.3	Design Characteristics of a Correctional Infor- mation System

INTER-RELATED STANDARDS

	<u>Police</u>		<u>Corrections</u>
11.1	<u>Use of Professional Expertise:</u>	3.1	Use of Diversion
		4.4	Alternatives to Pretrial Detention
		8.1	Role of Police in Intake and Detention
		10.2	Services to Probationers

INTER-RELATED STANDARDS

Police

11.2 Legal Assistance:

Corrections

3.1 Use of Diversion  
4.3 Alternatives to Arrest  
8.1 Role of Police in Intake  
and Detention  
8.2 Juvenile Intake Services

INTER-RELATED STANDARDS

	<u>Police</u>		<u>Corrections</u>
16.3	<u>Preparatory Training:</u>	3.1	Use of Diversion
		4.3	Alternatives to Arrest
		8.1	Role of Police in Intake and Detention

INTER-RELATED STANDARDS

	<u>Police</u>		<u>Corrections</u>
16.4	<u>Interpersonal Communi-</u> <u>cations Training:</u>	3.1	Use of Diversion
		4.3	Alternatives to Arrest
		8.2	Juvenile Intake Services

INTER-RELATED STANDARDS

<u>Police</u>	<u>Corrections</u>
16.5 <u>In-service Training:</u>	3.1 Use of Diversion
	4.3 Alternatives to Arrest
	8.1 Role of Police in Intake and Detention

INTER-RELATED STANDARDS

Police

24.1 Police Reporting:

Corrections

15.3 Design Characteristics  
of a Correctional Infor-  
mation System .

INTER-RELATED STANDARDS

Police

24.2 Basic Police Records:

Corrections

15.3 Design Characteristics  
of a Correctional Infor-  
mation System .

INTER-RELATED STANDARDS

Police

24.3 Data Retrieval:

Corrections

15.3 Design Characteristics  
of a Correctional Infor-  
mation System.

INTER-RELATED STANDARDS

Police

24.4 Police Telecommunications: 15.3

Corrections

Design Characteristics  
of a Correctional Information  
System



## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 3.1

### Use of Diversion

Each local jurisdiction, in cooperation with related State agencies, should develop and implement by 1975 formally organized programs of diversion that can be applied in the criminal justice process from the time an illegal act occurs to adjudication.

1. The planning process and the identification of diversion services to be provided should follow generally and be associated with "total system planning" as outlined in Standard 9.1.

a. With planning data available, the responsible authorities at each step in the criminal justice process where diversion may occur should develop priorities, lines of responsibility, courses of procedure, and other policies to serve as guidelines to its use.

b. Mechanisms for review and evaluation of policies and practices should be established.

c. Criminal justice agencies should seek the cooperation and resources of other community agencies to which persons can be diverted for services relating to their problems and needs.

2. Each diversion program should operate under a set of written guidelines that insure periodic review of policies and decisions. The guidelines should specify:

a. The objectives of the program and the types of cases to which it is to apply.

b. The means to be used to evaluate the outcome of diversion decisions.

c. A requirement that the official making the diversion decision state in writing the basis for his determination denying or approving diversion in the case of each offender.

d. A requirement that the agency operating diversion programs maintain a current and complete listing of various resource dispositions available to diversion decisionmakers.

3. The factors to be used in determining whether an offender, following arrest but prior to adjudication, should be selected for diversion to a noncriminal program, should include the following:

a. Prosecution toward conviction may cause undue harm to the defendant or exacerbate the social problems that led to his criminal acts.

b. Services to meet the offender's needs and problems are unavailable within the criminal justice system or may be provided more effectively outside the system.

c. The arrest has already served as a desired deterrent.

d. The needs and interests of the victim and society are served better by diversion than by official processing.

e. The offender does not present a substantial danger to others.

f. The offender voluntarily accepts the offered alternative to further justice system processing.

g. The facts of the case sufficiently establish that the defendant committed the alleged act.

A. Text of Standard

## Standard 4.1

### Comprehensive Pretrial Process Planning

Each criminal justice jurisdiction immediately should begin to develop a comprehensive plan for improving the pretrial process. In the planning process, the following information should be collected:

1. The extent of pretrial detention, including the number of detainees, the number of man-days of detention, and the range of detention by time periods.

2. The cost of pretrial release programs and detention.

3. The disposition of persons awaiting trial, including the number released on bail, released on non-financial conditions, and detained.

4. The disposition of such persons after trial including, for each form of pretrial release or detention, the number of persons who were convicted, who were sentenced to the various available sentencing alternatives, and whose cases were dismissed.

5. Effectiveness of pretrial conditions, including the number of releasees who (a) failed to appear, (b) violated conditions of their release, (c) were arrested during the period of their release, or (d) were convicted during the period of their release.

6. Conditions of local detention facilities, including the extent to which they meet the standards recommended herein.

7. Conditions of treatment of and rules govern-

ing persons awaiting trial, including the extent to which such treatment and rules meet the recommendations in Standards 4.8 and 4.9.

8. The need for and availability of resources that could be effectively utilized for persons awaiting trial, including the number of arrested persons suffering from problems relating to alcohol, narcotic addiction, or physical or mental disease or defects, and the extent to which community treatment programs are available.

9. The length of time required for bringing a criminal case to trial and, where such delay is found to be excessive, the factors causing such delay.

The comprehensive plan for the pretrial process should include the following:

1. Assessment of the status of programs and facilities relating to pretrial release and detention.

2. A plan for improving the programs and facilities relating to pretrial release and detention, including priorities for implementation of the recommendations in this chapter.

3. A means of implementing the plan and of discouraging the expenditure of funds for, or the continuation of, programs inconsistent with it.

4. A method of evaluating the extent and success of implementation of the improvements.

5. A strategy for processing large numbers of persons awaiting trial during mass disturbances, including a means of utilizing additional resources on a temporary basis.

The comprehensive plan for the pretrial process should be conducted by a group representing all major components of the criminal justice system that operate in the pretrial area. Included should be representatives of the police, sheriffs, prosecution, public defender, private defense bar, judiciary, court management, probation, corrections, and the community.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 4.3

### Alternatives to Arrest

Each criminal justice jurisdiction, State or local as appropriate, should immediately develop a policy, and seek enabling legislation where necessary, to encourage the use of citations in lieu of arrest and detention. This policy should provide:

1. Enumeration of minor offenses for which a police officer should be required to issue a citation in lieu of making an arrest or detaining the accused unless:

a. The accused fails to identify himself or supply required information;

b. The accused refuses to sign the citation;

c. The officer has reason to believe that the continued liberty of the accused constitutes an unreasonable risk of bodily injury to himself or others;

d. Arrest and detention are necessary to carry out additional legitimate investigative action;

e. The accused has no ties to the jurisdiction reasonably sufficient to assure his appearance, and there is a substantial risk that he will refuse to respond to the citation; or

f. It appears the accused has previously failed to respond to a citation or a summons or has violated the conditions of any pretrial release program.

2. Discretionary authority for police officers to issue a citation in lieu of arrest in all cases where the officer has reason to believe that the accused will respond to the citation and does not represent a clear threat to himself or others.

3. A requirement that a police officer making an arrest rather than issuing a citation specify the reason for doing so in writing. Superior officers should be authorized to reevaluate a decision to arrest and to issue a citation at the police station in lieu of detention.

4. Criminal penalties for willful failure to respond to a citation.

5. Authority to make lawful search incident to an arrest where a citation is issued in lieu of arrest.

Similar steps should be taken to establish policy encouraging the issuance of summons in lieu of arrest warrants where an accused is not in police custody. This policy should provide:

1. An enumeration of minor offenses for which a judicial officer should be required to issue a summons in lieu of an arrest warrant unless he finds that:

a. The accused has previously willfully failed to respond to a citation or summons or has violated the conditions of any pretrial release program.

b. The accused has no ties to the com-

munity and there is a reasonable likelihood that he will fail to respond to a summons.

c. The whereabouts of the accused is unknown or the arrest warrant is necessary to subject him to the jurisdiction of the court.

d. Arrest and detention are necessary to carry out additional legitimate investigative action.

2. Discretionary authority for judicial officers to issue a summons in lieu of an arrest warrant in all cases where the officer has reason to believe that the accused will respond to the summons.

3. A requirement that a judicial officer issuing a warrant instead of a summons state his reason for doing so in writing.

4. Criminal penalties for willful failure to respond to a summons.

To facilitate the use of citations and summons in lieu of arrests, police agencies should:

1. Develop through administrative rules specific criteria for police officers for determining whether to issue citations or to request issuance of a summons in lieu of arrest.

2. Develop training programs to instruct their officers in the need for and use of the citation and summons in lieu of arrest.

3. Develop a method of quickly verifying factual information given to police officers which if true would justify the issuance of a citation in lieu of arrest.

4. Develop a method of conducting a reasonable investigation concerning the defendant's ties to the community to present to the judicial officer at the time of application for a summons or an arrest warrant.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 4.4

### Alternatives to Pretrial Detention

Each criminal justice jurisdiction, State or local as appropriate, should immediately seek enabling legislation and develop, authorize, and encourage the use of a variety of alternatives to the detention of persons awaiting trial. The use of these alternatives should be governed by the following:

1. Judicial officers on the basis of information available to them should select from the list of the following alternatives the first one that will reasonably assure the appearance of the accused for trial or, if no single condition gives that assurance, a combination of the following:

a. Release on recognizance without further conditions.

b. Release on the execution of an unsecured appearance bond in an amount specified.

c. Release into the care of a qualified person or organization reasonably capable of assisting the accused to appear at trial.

d. Release to the supervision of a probation officer or some other public official.

e. Release with imposition of restrictions on activities, associations, movements, and residence reasonably related to securing the appearance of the accused.

f. Release on the basis of financial security to be provided by the accused.

g. Imposition of any other restrictions other than detention reasonably related to securing the appearance of the accused.

h. Detention, with release during certain hours for specified purposes.

i. Detention of the accused.

2. Judicial officers in selecting the form of pretrial release should consider the nature and circumstances of the offense charged, the weight of the evidence against the accused, his ties to the community, his record of convictions, if any, and his record of appearance at court proceedings or of flight to avoid prosecution.

3. No person should be allowed to act as surety for compensation.

4. Willful failure to appear before any court or judicial officer as required should be made a criminal offense.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 4.5

### Procedures Relating to Pretrial Release and Detention Decisions

Each criminal justice jurisdiction, State or local as appropriate, should immediately develop procedures governing pretrial release and detention decisions, as follows:

1. A person in the physical custody of a law enforcement agency on the basis of an arrest, with or without a warrant, should be taken before a judicial officer without unnecessary delay. In no case should the delay exceed 6 hours.

2. When a law enforcement agency decides to take a person accused of crime into custody, it should immediately notify the appropriate judicial officer or agency designated by him. An investigation should commence immediately to gather information relevant to the pretrial release or detention decision. The nature of the investigation should be flexible and generally exploratory in nature and should provide information about the accused including:

- a. Current employment status and employment history.
- b. Present residence and length of stay at such address.
- c. Extent and nature of family relationships.
- d. General reputation and character references.
- e. Present charges against the accused and penalties possible upon conviction.

f. Likelihood of guilt or weight of evidence against the accused.

g. Prior criminal record.

h. Prior record of compliance with or violation of pretrial release conditions.

i. Other facts relevant to the likelihood that he will appear for trial.

3. Pretrial detention or conditions substantially infringing on liberty should not be imposed on a person accused of crime unless:

a. The accused is granted a hearing, as soon as possible, before a judicial officer and is accorded the right to be represented by counsel (appointed counsel if he is indigent), to present evidence on his own behalf, to subpoena witnesses, and to confront and cross-examine the witnesses against him.

b. The judicial officer finds substantial evidence that confinement or restrictive conditions are necessary to insure the presence of the accused for trial.

c. The judicial officer provides the defendant with a written statement of his findings of fact, the reasons for imposing detention or conditions, and the evidence relied upon.

4. Where a defendant is detained prior to trial or where conditions substantially infringing on his liberty are imposed, the defendant should be authorized to seek periodic review of that decision by the judicial officer making the original decision. The defendant also should be authorized to seek appellate review of such a decision.

5. Whenever a defendant is released pending trial subject to conditions, his release should not be revoked unless:

a. A judicial officer finds after a hearing that there is substantial evidence of a willful violation of one of the conditions of his release or a court or grand jury has found probable cause to believe the defendant has committed a serious crime while on release.

b. The violation of conditions is of a nature that involves a risk of nonappearance or of criminal activity.

c. The defendant is granted notice of the alleged violation, access to official records regarding his case, the right to be represented by counsel (appointed counsel if he is indigent), to subpoena witnesses in his own behalf, and to confront and cross-examine witnesses against him.

d. The judicial officer provides the defendant a written statement of the findings of fact, the reasons for the revocation, and the evidence relied upon.

6. The defendant should be authorized to obtain judicial review of a decision revoking his release while awaiting trial.

7. The judicial officer or the reviewing court should be authorized to impose different or additional conditions in lieu of revoking the release and detaining the defendant.

SUB-COMMITTEE REPORT

A. Text of Standard

Standard 4.6

Organization  
of Pretrial Services

Each State should enact by 1975 legislation specifically establishing the administrative authority over and responsibility for persons awaiting trial. Such legislation should provide as follows:

1. The decision to detain a person prior to trial should be made by a judicial officer.

2. Information-gathering services for the judicial officer in making the decision should be provided in the first instance by the law enforcement agency and verified and supplemented by the agency that develops presentence reports.

3. Courts should be authorized to exercise continuing jurisdiction over persons awaiting trial in the same manner and to the same extent as recommended for persons serving sentences after conviction. See Standard 5.9.

4. By 1983, facilities, programs, and services for those awaiting trial should be administered by the State correctional agency under a unified correctional system.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 5.3

### Sentencing to Extended Terms

State penal code revisions should contain separate provision for sentencing offenders when, in the interest of public protection, it is considered necessary to incapacitate them for substantial periods of time.

The following provisions should be included:

1. Authority for the judicial imposition of an extended term of confinement of not more than 25 years, except for murder, when the court finds the incarceration of the defendant for a term longer than 5 years is required for the protection of the public and that the defendant is (a) a persistent felony offender, (b) a professional criminal, or (c) a dangerous offender.

2. Definition of a persistent felony offender as a person over 21 years of age who stands convicted of a felony for the third time. At least one of the prior felonies should have been committed within the 5 years preceding the commission of the offense for which the offender is being sentenced. At least two of the three felonies should be offenses involving the infliction, or attempted or threatened infliction, of serious bodily harm on another.

3. Definition of a professional criminal as a person over 21 years of age, who stands convicted of a felony that was committed as part of a continuing illegal business in which he acted in concert with other persons and occupied a position of management, or was an executor of violence. An offender

should not be found to be a professional criminal unless the circumstances of the offense for which he stands convicted show that he has knowingly devoted himself to criminal activity as a major source of his livelihood or unless it appears that he has substantial income or resources that do not appear to be from a source other than criminal activity.

4. Definition of a dangerous offender as a person over 21 years of age whose criminal conduct is found by the court to be characterized by: (a) a pattern of repetitive behavior which poses a serious threat to the safety of others, (b) a pattern of persistent aggressive behavior with heedless indifference to the consequences, or (c) a particularly heinous offense involving the threat or infliction of serious bodily injury.

5. Authority for the court to impose a minimum sentence to be served prior to eligibility for parole. The minimum sentence should be limited to those situations in which the community requires reassurance as to the continued confinement of the offender. It should not exceed one-third of the maximum sentence imposed or more than three years.

6. Authority for the sentencing court to permit the parole of an offender sentenced to a minimum term prior to service of that minimum upon request of the board of parole.

7. Authority for the sentencing court in lieu of the imposition of a minimum to recommend to the board of parole at time of sentencing that the offender not be paroled until a given period of time has been served.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 5.4

### Probation

Each sentencing court immediately should revise its policies, procedures, and practices concerning probation, and where necessary, enabling legislation should be enacted, as follows:

1. A sentence to probation should be for a specific term not exceeding the maximum sentence authorized by law, except that probation for misdemeanants may be for a period not exceeding one year.

2. The court should be authorized to impose such conditions as are necessary to provide a benefit to the offender and protection to the public safety. The court also should be authorized to modify or enlarge the conditions of probation at any time prior to expiration or termination of sentence. The conditions imposed in an individual case should be tailored to meet the needs of the defendant and society, and mechanical imposition of uniform conditions on all defendants should be avoided.

3. The offender should be provided with a written statement of the conditions imposed and should be granted an explanation of such conditions. The offender should be authorized to request clarification of any condition from the sentencing judge. The offender should also be authorized on his own initiative to petition the sentencing judge for a modification of the conditions imposed.

4. Procedures should be adopted authorizing the

revocation of a sentence of probation for violation of specific conditions imposed, such procedures to include:

a. Authorization for the prompt confinement of probationers who exhibit behavior that is a serious threat to themselves or others and for allowing probationers suspected of violations of a less serious nature to remain in the community until further proceedings are completed.

b. A requirement that for those probationers who are arrested for violation of probation, a preliminary hearing be held promptly by a neutral official other than his probation officer to determine whether there is probable cause to believe the probationer violated his probation. At this hearing the probationer should be accorded the following rights:

(1) To be given notice of the hearing and of the alleged violations.

(2) To be heard and to present evidence.

(3) To confront and cross-examine adverse witnesses unless there is substantial evidence that the witness will be placed in danger of serious harm by so testifying.

(4) To be represented by counsel and to have counsel appointed for him if he is indigent.

(5) To have the decisionmaker state his reasons for his decision and the evidence relied on.

c. Authorization of informal alternatives to formal revocation proceedings for handling alleged violations of minor conditions of probation. Such alternatives to revocation should include:

(1) A formal or informal conference with the probationer to reemphasize the necessity of compliance with the conditions.

(2) A formal or informal warning that further violations could result in revocation.

d. A requirement that, unless waived by the probationer after due notification of his rights, a hearing be held on all alleged violations of probation where revocation is a possibility to determine whether there is substantial evidence to indicate a violation has occurred and if such a violation has occurred, the appropriate disposition.

e. A requirement that at the probation revocation hearing the probationer should have notice of the alleged violation, access to official records regarding his case, the right to be represented by counsel including the right to appointed counsel if he is indigent, the right to subpoena witnesses in his own behalf, and the right to confront and cross-examine witnesses against him.

f. A requirement that before probation is revoked the court make written findings of fact based upon substantial evidence of a violation of a condition of probation.

g. Authorization for the court, upon finding a violation of conditions of probation, to continue the existing sentence with or without modification, to enlarge the conditions, or to impose any other sentence that was available to the court at the time of initial sentencing. In resentencing a probation violator, the following rules should be applicable:

(1) Criteria and procedures governing initial sentencing decisions should govern resentencing decisions.

(2) Failure to comply with conditions of a sentence that impose financial obligations upon the offender should not result in confinement unless such failure is due to a willful refusal to pay.

(3) Time served under probation supervision from initial sentencing to the date of violation should be credited against the sentence imposed on resentencing.

5. Probation should not be revoked for the commission of a new crime until the offender has been tried and convicted of that crime. At this time criteria and procedures governing initial sentencing decisions should govern resentencing decisions.

A. Text of Standard

## Standard 7.1

### Development Plan for Community-Based Alternatives to Confinement

Each State correctional system or correctional system of other units of government should begin immediately to analyze its needs, resources, and gaps in service and to develop by 1978 a systematic plan with timetable and scheme for implementing a range of alternatives to institutionalization. The plan should specify the services to be provided directly by the correctional authority and those to be offered through other community resources. Community advisory assistance (discussed in Standard 7.3) is essential. The plan should be developed within the framework of total system planning discussed in Chapter 9, Local Adult Institutions, and State planning discussed in Chapter 13, Organization and Administration.

Minimum alternatives to be included in the plan should be the following:

1. Diversion mechanisms and programs prior to trial and sentence.
2. Nonresidential supervision programs in addition to probation and parole.
3. Residential alternatives to incarceration.
4. Community resources open to confined populations and institutional resources available to the entire community.
5. Prerelease programs.
6. Community facilities for released offenders in the critical reentry phase, with provision for short-term return as needed.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 7.2

### Marshaling and Coordinating Community Resources

Each State correctional system or the systems of other units of government should take appropriate action immediately to establish effective working relationships with the major social institutions, organizations, and agencies of the community, including the following:

1. Employment resources—private industry, labor unions, employment services, civil service systems.

2. Educational resources—vocational and technical, secondary college and university, adult basic education, private and commercial training, government and private job development and skills training.

3. Social welfare services—public assistance, housing, rehabilitation services, mental health services, counseling assistance, neighborhood centers, unemployment compensation, private social service agencies of all kinds.

4. The law enforcement system—Federal, State, and local law enforcement personnel, particularly specialized units providing public information, diversion, and services to juveniles.

5. Other relevant community organizations and groups—ethnic and cultural groups, recreational and social organizations, religious and self-help groups, and others devoted to political or social action.

At the management level, correctional agencies should seek to involve representatives of these com-

munity resources in policy development and inter-agency procedures for consultation, coordinated planning, joint action, and shared programs and facilities. Correctional authorities also should enlist the aid of such bodies in formation of a broad-based and aggressive lobby that will speak for correctional and inmate needs and support community correctional programs.

At the operating level, correctional agencies should initiate procedures to work cooperatively in obtaining services needed by offenders.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 8.1

### Role of Police in Intake and Detention

Each juvenile court jurisdiction immediately should take the leadership in working out with local police agencies policies and procedures governing the discretionary diversion authority of police officers and separating police officers from the detention decision in dealing with juveniles.

1. Police agencies should establish written policies and guidelines to support police discretionary authority, at the point of first contact as well as at the police station, to divert juveniles to alternative community-based programs and human resource agencies outside the juvenile justice system, when the safety of the community is not jeopardized. Disposition may include:

- a. Release on the basis of unfounded charges.
- b. Referral to parents (warning and release).
- c. Referral to social agencies.
- d. Referral to juvenile court intake services.

2. Police should not have discretionary authority to make detention decisions. This responsibility rests with the court, which should assume control over admissions on a 24-hour basis.

When police have taken custody of a minor, and prior to disposition under Paragraph 2 above, the following guidelines should be observed.

1. Under the provisions of Gault and Miranda, police should first warn juveniles of their right to counsel and the right to remain silent while under custodial questioning.

2. The second act after apprehending a minor should be the notification of his parents.

3. Extrajudicial statements to police or court officers not made in the presence of parents or counsel should be inadmissible in court.

4. Juveniles should not be fingerprinted or photographed or otherwise routed through the usual adult booking process.

5. Juvenile records should be maintained physically separate from adult case records.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 8.2

### Juvenile Intake Services

Each juvenile court jurisdiction immediately should take action, including the pursuit of enabling legislation where necessary, to establish within the court organized intake services operating as a part of or in conjunction with the detention center. Intake services should be geared to the provision of screening and referral intended to divert as many youngsters as possible from the juvenile justice system and to reduce the detention of youngsters to an absolute minimum.

1. Intake personnel should have authority and responsibility to:

a. Dismiss the complaint when the matter does not fall within the delinquency jurisdiction of the court or is so minor or the circumstances such that no intervention is required.

b. Dismiss complaints which seem arbitrary, vindictive, or against the best interests of the child.

c. Divert as many youngsters as possible to another appropriate section of the court or to alternative programs such as mental health and family services, public welfare agencies, youth service bureaus, and similar public and private agencies.

2. Intake personnel should seek informal service dispositions for as many cases as possible, provided the safety of the child and of the community is not

endangered. Informal service denotes any provision for continuing efforts on the part of the court at disposition without the filing of a petition, including:

- a. Informal adjustments.
- b. Informal probation.
- c. Consent decrees.

3. Informal service dispositions should have the following characteristics:

a. The juvenile and his parents should be advised of their right to counsel.

b. Participation by all concerned should be voluntary.

c. The major facts of the case should be undisputed.

d. Participants should be advised of their right to formal adjudication.

e. Any statements made during the informal process should be excluded from any subsequent formal proceeding on the original complaint.

f. A reasonable time limit (1 to 2 months) should be adhered to between date of complaint and date of agreement.

g. Restraints placed on the freedom of juveniles in connection with informal dispositions should be minimal.

h. When the juvenile and his parents

agree to informal proceedings, they should be informed that they can terminate such dispositions at any time and request formal adjudication.

4. Informal probation is the informal supervision of a youngster by a probation officer who wishes to reserve judgment on the need for filing a petition until after he has had the opportunity to determine whether informal treatment is sufficient to meet the needs of the case.

5. A consent decree denotes a more formalized order for casework supervision and is neither a formal determination of jurisdictional fact nor a formal disposition. In addition to the characteristics listed in paragraph 3, consent decrees should be governed by the following considerations:

a. Compliance with the decree should bar further proceedings based on the events out of which the proceedings arose.

b. Consummation of the decree should not result in subsequent removal of the child from his family.

c. The decree should not be in force more than 3 to 6 months.

d. The decree should state that it does not constitute a formal adjudication.

e. No consent decree should be issued without a hearing at which sufficient evidence appears to provide a proper foundation for the decree. A record of such hearing should be kept, and the court in issuing the decree should state in writing the reasons for the decree and the factual information on which it is based.

6. Cases requiring judicial action should be referred to the court.

a. Court action is indicated when:

(1) Either the juvenile or his parents request a formal hearing.

(2) There are substantial discrepancies about the allegations, or denial, of a serious offense.

(3) Protection of the community is an issue.

(4) Needs of the juvenile or the gravity of the offense makes court attention appropriate.

b. In all other instances, court action should not be indicated and the juvenile should be diverted from the court process. Under no circumstances should children be referred to court for behavior that would not bring them before the law if they were adults.

Under the supervision of the court, review and monitoring procedures should evaluate the effectiveness of intake services in accomplishing the diversion of children from the juvenile justice system and re-

ducing the use of detention, as well as appropriateness and results of informal dispositions.

7. Predetention screening of children and youths referred for court action should place into their parental home, a shelter, or nonsecure residential care as many youngsters as may be consistent with their needs and the safety of the community. Detention prior to adjudication of delinquency should be based on these criteria:

a. Detention should be considered a last resort where no other reasonable alternative is available.

b. Detention should be used only where the juvenile has no parent, guardian, custodian, or other person able to provide supervision and care for him and able to assure his presence at subsequent judicial hearings.

c. Detention decisions should be made only by court or intake personnel, not by police officers.

d. Prior to first judicial hearing, the juvenile ordinarily should not be detained longer than overnight.

e. Juveniles should not be detained in jails, lockups, or other facilities used for adults.

A. Text of Standard

## Standard 10.2

### Services to Probationers

Each probation system should develop by 1975 a goal-oriented service delivery system that seeks to remove or reduce barriers confronting probationers. The needs of probationers should be identified, priorities established, and resources allocated based on established goals of the probation system. (See Standards 5.14 and 5.15 and the narrative of Chapter 16 for probation's services to the courts.)

1. Services provided directly should be limited to activities defined as belonging distinctly to probation. Other needed services should be procured from other agencies that have primary responsibility for them. It is essential that funds be provided for purchase of services.

2. The staff delivering services to probationers in urban areas should be separate and distinct from the staff delivering services to the courts, although they may be part of the same agency. The staff delivering services to probationers should be located in the communities where probationers live and in service centers with access to programs of allied human services.

3. The probation system should be organized to deliver to probationers a range of services by a range of staff. Various modules should be used for organizing staff and probationers into workloads or task groups, not caseloads. The modules should include staff teams related to groups of probationers

and differentiated programs based on offender typologies.

4. The primary function of the probation officer should be that of community resource manager for probationers.

A. Text of Standard

## Standard 10.5

### Probation in Release on Recognizance Programs

Each probation office serving a community or metropolitan area of more than 100,000 persons that does not already have an effective release on recognizance program should immediately develop, in cooperation with the court, additional staff and procedures to investigate arrested adult defendants for possible release on recognizance (ROR) while awaiting trial, to avoid unnecessary use of detention in jail.

1. The staff used in the ROR investigations should not be probation officers but persons trained in interviewing, investigation techniques, and report preparation.

2. The staff should collect information relating to defendant's residence, past and present; employment status; financial condition; prior record if any; and family, relatives, or others, particularly those living in the immediate area who may assist him in attending court at the proper time.

3. Where appropriate, staff making the investigation should recommend to the court any conditions that should be imposed on the defendant if released on recognizance.

4. The probation agency should provide pretrial intervention services to persons released on recognizance.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 12.3

### The Parole Grant Hearing

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

A proper parole grant process should have the following characteristics:

1. Hearings should be scheduled with inmates within one year after they are received in an institution. Inmates should appear personally at hearings.
2. At these hearings, decisions should be directed toward the quality and pertinence of program objectives agreed upon by the inmate and the institution staff.
3. Board representatives should monitor and approve programs that can have the effect of releasing the inmate without further board hearings.
4. Each jurisdiction should have a statutory requirement, patterned after the Model Penal Code, under which offenders must be released on parole when first eligible unless certain specific conditions exist.
5. When a release date is not agreed upon, a further hearing date within one year should be set.
6. A parole board member or hearing examiner

should hold no more than 20 hearings in any full day.

7. One examiner or member should conduct hearings. His findings should be final unless appealed to the full parole board by the correctional authority or the inmate within 5 days.

8. Inmates should be notified of any decision directly and personally by the board member or representative before he leaves the institution.

9. The person hearing the case should specify in detail and in writing the reasons for his decision, whether to grant parole or to deny or defer it.

10. Parole procedures should permit disclosure of information on which the hearing examiner bases his decisions. Sensitive information may be withheld, but in such cases nondisclosure should be noted in the record so that subsequent reviewers will know what information was not available to the offender.

11. Parole procedures should permit representation of offenders under appropriate conditions, if required. Such representation should conform generally to Standard 2.2 on Access to Legal Services.

SUB-COMMITTEE REPORT

A. Text of Standard

## Standard 15.3

### Design Characteristics of a Correctional Information System

Each State, in the establishment of its information system under Standard 15.1, should design it to facilitate four distinct functions:

1. Offender accounting.
2. Administrative-management decisionmaking.
3. Ongoing departmental research.
4. Rapid response to ad hoc inquiries.

The design of the correctional information system should insure capability for provision of the following kinds of information and analysis:

1. Point-in-time net results—routine analysis of program status, such as:

- a. Basic population characteristics.
- b. Program definition and participants.
- c. Organizational units, if any.
- d. Personnel characteristics.
- e. Fiscal data.

2. Period-in-time reports—a statement of flow and change over a specified period for the same items available in the point-in-time net results report. The following kinds of data should be stored:

- a. Summary of offender events and results of events.
- b. Personnel summaries.
- c. Event summaries by population characteristics.
- d. Event summaries by personnel characteristics.

e. Fiscal events summarized by programs.

3. Automatic notifications—the system should be designed to generate exception reports for immediate delivery. Four kinds of exception reports are basic:

- a. Volume of assignments to programs or units varying from a standard capacity.
- b. Movement of any type that varies from planned movement.
- c. Noncompliance with established decision criteria.
- d. Excessive time in process.

4. Statistical-analytical relationships—reports of correlations between certain variables and outcomes, analysis of statistical results for a particular program or group of offenders, etc.

## SUB-COMMITTEE REPORT

### A. Text of Standard

## Standard 16.11

### Probation Legislation

Each State should enact by 1975 probation legislation (1) providing probation as an alternative for all offenders; and (2) establishing criteria for (a) the granting of probation, (b) probation conditions, (c) the revocation of probation, and (d) the length of probation.

Criteria for the granting of probation should be patterned after Sec. 7.01 of the Model Penal Code and should:

1. Require probation over confinement unless specified conditions exist.
2. State factors that should be considered in favor of granting probation.
3. Direct the decision on granting probation toward factors relating to the individual offender rather than to the offense.

Criteria for probation conditions should be patterned after Sec. 301.1 of the Model Penal Code and should:

1. Authorize but not require the imposition of a range of specified conditions.
2. Require that any condition imposed in an individual case be reasonably related to the correctional program of the defendant and not unduly restrictive of his liberty or incompatible with his constitutional rights.
3. Direct that conditions be fashioned on the basis of factors relating to the individual offender rather than to the offense committed.

Criteria and procedures for revocation of probation should provide that probation should not be revoked unless:

1. There is substantial evidence of a violation of one of the conditions of probation;
2. The probationer is granted notice of the alleged violation, access to official records regarding his case, the right to be represented by counsel including the right to appointed counsel if he is indigent, the right to subpoena witnesses in his own behalf, and the right to confront and cross-examine witnesses against him; and
3. The court provides the probationer a written statement of the findings of fact, the reasons for the revocation, and the evidence relied upon.

In defining the term for which probation may be granted, the legislation should require a specific term not to exceed the maximum sentence authorized by law except that probation for misdemeanants should not exceed one year. The court should be authorized to discharge a person from probation at any time.

The legislation should authorize an appellate court on the initiation of the defendant to review decisions that deny probation, impose conditions, or revoke probation. Such review should include determination of the following:

1. Whether the decision is consistent with statutory criteria.
2. Whether the decision is unjustifiably disparate in comparison with cases of a similar nature.
3. Whether the decision is excessive or inappropriate.
4. Whether the manner in which the decision was arrived at is consistent with statutory and constitutional requirements.

A. Text of Standard

## Standard 16.15

### Parole Legislation

Each State should enact by 1975 legislation (1) authorizing parole for all committed offenders and (2) establishing criteria and procedures for (a) parole eligibility, (b) granting of parole, (c) parole conditions, (d) parole revocation, and (e) length of parole.

In authorizing parole for all committed offenders the legislation should:

1. Not exclude offenders from parole eligibility on account of the particular offense committed.

2. Not exclude offenders from parole eligibility because of number of convictions or past history of parole violations.

3. Authorize parole or aftercare release for adults and juveniles from all correctional institutions.

4. Authorize the parole of an offender at any time unless a minimum sentence is imposed by the court in connection with an extended term (Standard 5.3), in which event parole may be authorized prior to service of the minimum sentence with the permission of the sentencing court.

In establishing procedures for the granting of parole to both adults and juveniles the legislation should require:

1. Parole decisions by a professional board of parole, independent of the institutional staff. Hearing examiners should be empowered to hear and

decide parole cases under policies established by the board.

2. Automatic periodic consideration of parole for each offender.

3. A hearing to determine whether an offender is entitled to parole at which the offender may be represented by counsel and present evidence.

4. Agency assistance to the offender in developing a plan for his parole.

5. A written statement by the board explaining decisions denying parole.

6. Authorization for judicial review of board decisions.

7. Each offender to be released prior to the expiration of his term because of the accumulation of "good time" credits to be released to parole supervision until the expiration of his term.

8. Each offender to be released on parole no later than 90 days prior to the expiration of his maximum term.

In establishing criteria for granting parole the legislation should be patterned after Sec. 305.9 of the Model Penal Code and should:

1. Require parole over continued confinement unless specified conditions exist.

2. Stipulate factors that should be considered by the parole board in arriving at its decision.

3. Direct the parole decision toward factors relating to the individual offender and his chance for successful return to the community.

4. Not require a favorable recommendation by the institutional staff, the court, the police, or the prosecutor before parole may be granted.

In establishing criteria for parole conditions, the legislation should be patterned after Sec. 305.13 of the Model Penal Code and should:

1. Authorize but not require the imposition of specified conditions.

2. Require that any condition imposed in an individual case be reasonably related to the correctional program of the defendant and not unduly restrictive of his liberty or incompatible with his constitutional rights.

3. Direct that conditions be fashioned on the basis of factors relating to the individual offender rather than to the offense committed.

In establishing criteria and procedures for parole revocation, the legislation should provide:

1. A parolee charged with a violation should not be detained unless there is a hearing at which probable cause to believe that the parolee did violate a condition of his parole is shown.

a. Such a hearing should be held promptly near the locality to which the parolee is paroled.

b. The hearing should be conducted by an impartial person other than the parole officer.

c. The parolee should be granted notice of the charges against him, the right to present evidence, the right to confront and cross-examine witnesses against him, and the right to be represented by counsel or to have counsel appointed for him if he is indigent.

2. Parole should not be revoked unless:

a. There is substantial evidence of a violation of one of the conditions of parole.

b. The parolee, in advance of a hearing on revocation, is informed of the nature of the violation charged against him and is given the opportunity to examine the State's evidence against him.

c. The parolee is provided with a hearing on the charge of revocation. Hearing examiners should be empowered to hear and decide parole revocation cases under policies established by the parole board. At the hearing the parolee should be given the opportunity to present evidence on his behalf, to confront and cross-examine witnesses against him, and to be represented by counsel or to have counsel appointed for him if he is indigent.

d. The board or hearing examiner provides

a written statement of findings, the reasons for the decision, and the evidence relied upon.

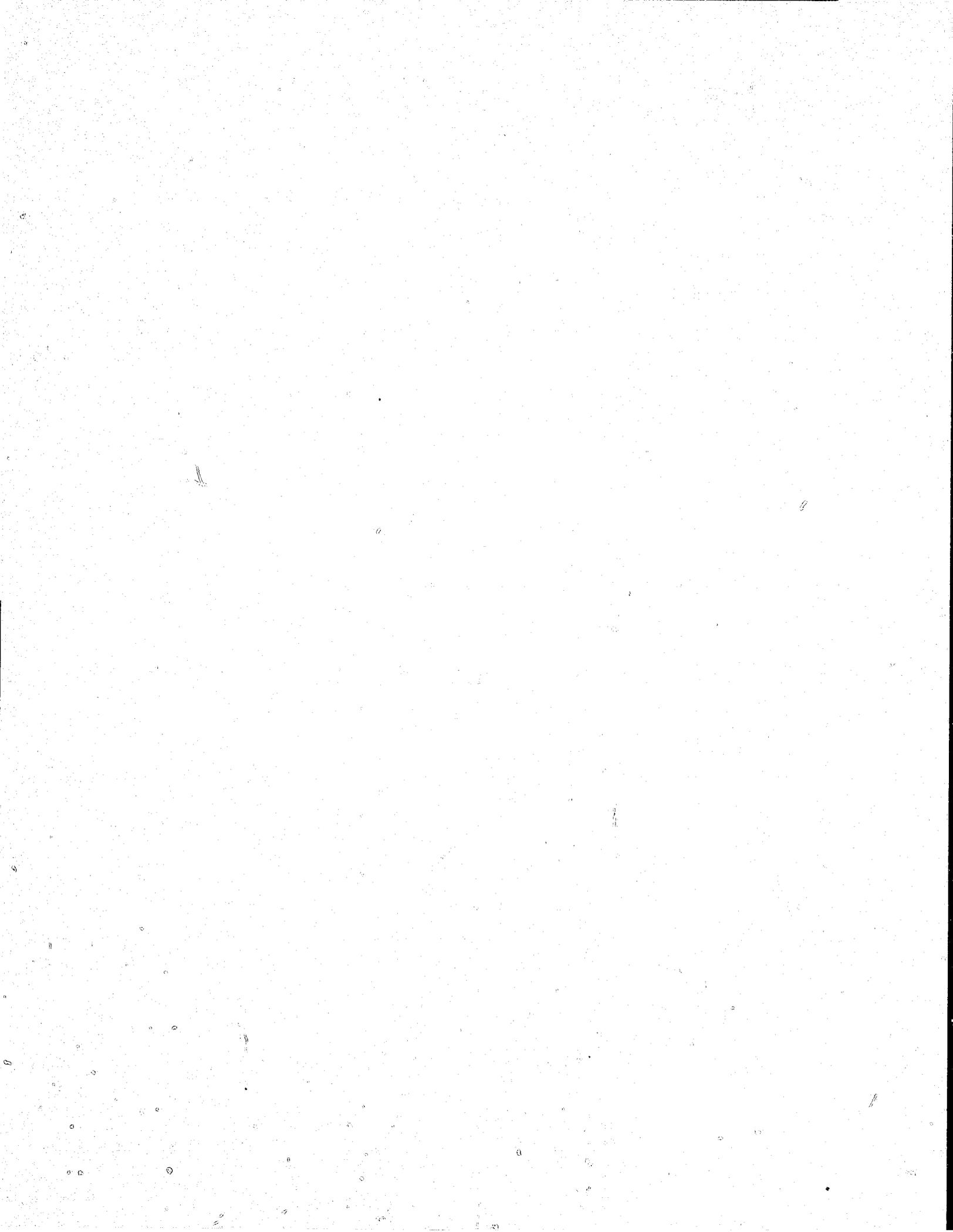
3. Time spent under parole supervision until the date of the violation for which parole is revoked should be credited against the sentence imposed by the court.

4. Judicial review of parole revocation decisions should be available to offenders.

In defining the term for which parole should be granted, the legislation should prohibit the term from extending beyond the maximum prison term imposed on the offender by the sentencing court and should authorize the parole board to discharge the parolee from parole at any time.

②





**END**