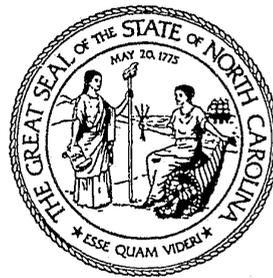


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GOALS AND STANDARDS FOR THE CRIMINAL JUSTICE SYSTEM IN NORTH CAROLINA

GOALS AND STANDARDS
FOR THE CRIMINAL JUSTICE
SYSTEM IN NORTH CAROLINA



GOVERNOR'S LAW AND ORDER COMMISSION
JAMES E. HOLSHOUSER, JR., GOVERNOR

July 16, 1976

LAW AND ORDER SECTION
Donald R. Nichols, Administrator

Division of Community Assistance
Department of Natural and Economic Resources

59237

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Secretary, Department of Administration - Bruce Lentz 829-7232
Director, Administrative Office of the Courts - Bert M. Montague 829-7107
Chairman, N. C. Paroles Commission - Jack Scism 829-3414
Secretary, Department of Corrections - David L. Jones 829-4926

County Officials

C. Leonard Alcon
2335 Venie Street
Burlington, N. C. 27215
Home: (919) 227-2800

Eugene McCombs
P.O. Box 132
Faith, N. C. 28041
Office: (704) 279-2292

Bobby R. Etheridge
P.O. Box 295
Lillington, N.C. 27546
Office: (919) 639-4600

Clarence Alexander H. Iden
219 Norwood Street, S.W.
Lenoir, N.C. 28645
Office: (704) 758-3411

L. Gordon Hardesty
Hardesty Motors, Inc.
P.O. Box 846
Morehead City, N.C.
Office: (919) 726-4181

Municipal Officials

Roger P. Swisher, Mayor
P.O. Box 308
Kernersville, N.C. 27284
Phone: (919) 993-2129

Mr. E. Earl Hubbard
P.O. Box 147
Southern Pines, N.C. 28387
Office: (919) 692-7101

A. E. Kennedy, Jr., Mayor
Box 228
Clinton, N.C. 28328
Phone: (919) 529-6131 Business
(919) 592-3192 Home

Councilman Jack B. Keeter
Apt. L-1 Country Club Homes
Raleigh, N. C. 27608
Home: (919) 782-0308

Neil C. Williams
Suite 1820
Southern National Center
Charlotte, N.C. 28202
Phone: (704) 373-0344

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Sheriffs:

Charles L. Waldrep, Sheriff
P.O. Box 1578
Gastonia, N.C. 28052

Bill Anderson
Wilkes County Sheriff's Office
Wilkesboro, N. C. 28697

Police Executives

W. C. Owens
P.O. Box 352
Elizabeth City, N.C. 27909
Office: (919) 335-4321

Melvin Lane Tucker
P.O. Box 1790
Hickory, N.C. 28601
Office: (704) 328-5551

Superior Court Judge

Donald L. Smith
1248 Donaldson Drive
Cary, N.C. 27511
Office: (919) 829-2823

District Court Judge

Ladson F. Hart (VICE CHRM)
P.O. Box 752
Brevard, N.C. 28712
Office: (704) 883-3946

District Attorney

Clyde M. Roberts
Box 341
Marshall, N.C. 28753
Office: (704) 649-3033

Defense Attorney

Carlton M. Fellers
P.O. Box 26101
Raleigh, N.C. 27611

Citizens

Richard M. Davidson
1733 Buena Vista Road
Winston Salem, N.C. 27104
Office: (919) 784-2230

A. Lincoln Sherk
Juvenile Court Judge
P.O. Box 1411
Winston Salem, N.C. 27102
Office: (919) 761-2478

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North Carolina Department of
Natural & Economic Resources

JAMES E. HOLSHOUSER, JR., GOVERNOR • JAMES E. HARRINGTON, SECRETARY

P.O. BOX 27687
RALEIGH 27611

TELEPHONE 919 829-4984

August 2, 1976

Dear Citizen of North Carolina:

In the process of identifying goals and standards for criminal justice in North Carolina, the Governor's Law and Order Commission found it appropriate to include some statements of performance which the State has recently met or is about to meet. Their inclusion is to identify their importance for achieving significant improvements in the criminal justice system. However, most standards are related to a certain degree of performance which is yet to be met in North Carolina.

The Governor's Law and Order Commission adopted five system wide goals for the criminal justice system. These goals are aimed at the following areas: To Reduce Crime; To Protect Individual Rights; To Achieve Justice; To Increase Efficiency; and To Increase Professional Skills. This document is organized into five sections - Pre-Adjudication, Adjudication, Post-Adjudication, Juvenile Justice and Criminal Justice Information Systems. Each of these sections is divided into five chapters which correspond to the system wide goals. Standards within each section have been placed in one of the five chapters, indicating their primary emphasis toward one of the over-all goals.

Appreciation is expressed to the Criminal Justice Planning Committees and the numerous individuals who participated in this study of goals and standards, especially those who attended the meetings for reviewing the 1975 Standards and Goals document and those who attended the public hearings in Asheville, Charlotte, Greensboro, Guilford College, Greenville, Fayetteville, and Wilmington in April of 1976 to offer suggestions prior to final preparation of this statement of goals and standards. This statement on goals and standards was adopted by the Governor's Law and Order Commission on July 16, 1976.

Sincerely,

Donald R. Nichols
Administrator
LAW AND ORDER SECTION

DRN/kb

STATEMENT OF GOALS FOR THE CRIMINAL JUSTICE SYSTEM IN NORTH CAROLINA

1. To Reduce Crime - The Criminal Justice System in North Carolina should strive to lower the annual number of reported and unreported crimes in the State. The Criminal Justice System should implement programs that deal with target hardening, community education and involvement, crime prevention, diversion, and rehabilitation.
2. To Protect Individual Rights - The Criminal Justice System in North Carolina should insure the safeguarding of and continued development of codified rights of an individual by virtue of citizenship within its political boundaries, to include those rights defined in the United States Constitution and its Amendments, various acts of the United States Congress, the North Carolina Constitution, the Legislature, and administrative rules of procedure governing individuals. The Criminal Justice System should continue and initiate all activities that insure the public and clients' legal and/or administrative remedies to alleged criminal or administrative violations.
3. To Achieve Justice - The Criminal Justice System in North Carolina should insure the provision of an equitable and impartial rendering of just sanctions, actions, or dispositions to all individuals or groups who are served by some facet of the system.
4. To Increase Efficiency in the Criminal Justice System - The Criminal Justice System in North Carolina should operate at the highest level of productivity which takes into account the reduction of cost and time. The Criminal Justice System should deliver services in the most cost-effective humane manner and in doing so should explore the possibilities of consolidation of services, modern budgeting systems, and use of information systems.
5. To Increase Professional Skills - The Criminal Justice System in North Carolina should develop and increase the expertise of all personnel within the system in order to ultimately improve the system's capabilities in the delivery of services. The Criminal Justice System should actively engage in programs related to formal personnel development, and the recruitment and selection of personnel.

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BY THE GOVERNOR'S LAW AND ORDER COMMISSION

FOR THE PRE-ADJUDICATION STANDARDS

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CHAPTER 1

TO REDUCE CRIME

STANDARD 1.1 PUBLIC UNDERSTANDING OF THE LAW ENFORCEMENT ROLE

Every law enforcement agency should establish programs to inform the public of the agency's defined law enforcement role.

STANDARD 1.2 NEWSMEDIA RELATIONS

Every law enforcement executive should acknowledge in written policy statements the important role of the news media and the need for the law enforcement agency to be open in its relations with the media. The agency should promote a 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 law enforcement investigations and other operations, and to protect the constitutional rights of persons accused of crimes.
 - c. The mutual benefits to the law enforcement 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.
3. Every law enforcement 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 law enforcement cooperation.
4. Every law enforcement executive, in cooperation with the media, should prepare a written policy establishing the relationship between his agency and the news media during unusual occurrences.

STANDARD 1.3 CRIME PROBLEM IDENTIFICATION

Every law enforcement agency should improve its crime analysis capability by utilizing information provided by its information system within the department. Crime analysis may include the utilization of the following:

- a. Methods of operation of individual criminals
- b. Pattern recognition
- c. Field interrogation and arrest data

- d. Crime report data
- e. Incident report information
- f. Dispatch information
- g. Traffic reports, both accidents and citations

These elements must be carefully screened for information that should be routinely recorded for crime analysis.

1. Law enforcement agencies having more than 50 or more sworn officers should insure that indepth crime analysis is a part of their planning unit and law enforcement agencies having 150 or more sworn officers should establish a unit whose sole responsibility would be crime analysis.

2. Those planning/crime analysis units should at a minimum do the following:

- a. Analyze the crime problems in its jurisdiction.
- b. Identify specific crimes deserving priority attention.
- c. Establish quantifiable and time phased goals for the reduction of priority crimes.
- d. Evaluate and select alternative strategies and programs for reducing priority crimes.
- e. Allocate its own funds and staff resources in accordance with the crime goals, strategies, and programs chosen.
- f. Identify through empirical means the need for manpower within the department.
- g. Provide planning for maximum utilization of available resources.
- h. Provide information for the allocation and instruction of patrol officers and specialist officers.

3. Those units that are established with crime analysis as their sole function should in addition to the above, collect and empirically analyze crime data which would include at a minimum:

- a. Incident definition, including criminal statute violated and UCR offense classification.
- b. Time, including time of day, day of week, month, and year.
- c. Location, including coded geographical location and type of location.
- d. Incident characteristics, including type of weapon used, method of entry (if applicable), and degree of intimidation or force used.
- e. Incident consequences, including type and value of property stolen, destroyed, or recovered, and personal injury suffered.
- f. Offender characteristics (each offender), including relationship to victim, age, race, sex, residency, prior criminal record,, criminal justice status (on parole, etc.), employment and educational status, apparent intent, and alcohol/narcotics usage history.
- g. Type of arrest (on view, etc.).
- h. Witnesses and evidence.

4. Every law enforcement agency should make provision for an audit of crime and arrest reporting. The audit should verify that:

- a. Crime reports are being generated when appropriate.

- b. Incidents are being properly classified.
- c. Reports are being properly prepared and submitted.

STANDARD 1.4 CRIME PREVENTION

Every law enforcement agency should 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 increased liaison with private industry be made in security efforts.

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

2. Every law enforcement 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 personnel authorized by the chief law enforcement officer.

3. Every law enforcement agency, if capable, should conduct, upon request, security inspections of businesses and residences and recommend measures to avoid becoming victimized by crime.

4. Every law enforcement agency should examine the possibilities of establishing a specialized unit to provide support services to and jurisdiction wide coordination of the agency's crime prevention programs.

STANDARD 1.5 STATEWIDE CRIME PREVENTION PROGRAM

To have studied for the Governor's Commission on Law and Order the potential effectiveness and impact of a statewide crime prevention program. Research should include an examination of the possible programs and elements to be incorporated into such a venture, utilizing as resources ongoing crime prevention programs in North Carolina and elsewhere. A recommendation concerning the establishment of a statewide crime prevention program and its location should be submitted to the Governor's Commission on Law and Order by July 1, 1977.

STANDARD 1.6 LOCAL COMPREHENSIVE TARGET-HARDENING

The utilization of efficient and comprehensive crime data is essential to any crime prevention program. The subcommittee on Community Crime Prevention endorses the concept of more localized crime reporting techniques and feels they should be implemented immediately.

STANDARD 1.7 BUILDING DESIGN AND SECURITY CODE REQUIREMENTS

A study should be undertaken for the purpose of recommending to the State Building Council alternations and additions to the State Building Code that will encompass strict property crime prevention measures.

1. Relevant areas to be addressed in the study should include, but not be limited to: (a) security measures in the design and construction of residential and commercial buildings and (b) security hardware for existing residential and commercial buildings.

2. The study should be funded by the Governor's Commission on Law and Order and include the necessary staff support. Individuals representing various interested professions should be appointed to a committee to conduct this study. Those professions to be represented should include, but not limited to: (a) Law Enforcement, (b) North Carolina Association of Architects, (c) North Carolina Association of General Contractors, (d) State Building Code Council Member (s), (e) Building Inspectors, and (f) Insurance Companies.

STANDARD 1.8: STREET LIGHTING PROGRAMS

It is recommended that units of local government consider immediately the establishment of improved street lighting programs in high crime areas. The needs and wishes of the community should be a determining factor from the outset and public officials should carefully evaluate the experience of other jurisdictions before initiating their own programs.

STANDARD 1.9: DIVERSION

Every law enforcement agency, where permitted by law, should divert from the criminal and juvenile justice systems any individual who comes to the attention of law enforcement, and for whom the purpose of the criminal or juvenile process would be inappropriate, or in whose case other resources would be more effective.

RECOMMENDATION: ALCOHOL AND DRUG ABUSE CENTERS

It is recommended that the State of North Carolina enact legislation that provides authority for civil commitment and diversion of persons who, because of alcoholism or drug addiction, are in need of treatment and who should be dealt with outside the criminal justice system. Legislation should provide funding for treatment centers where such persons can receive both detoxification and followup care.

STANDARD 1.10: LAW ENFORCEMENT-COMMUNITY PHYSICAL PLANNING

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

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

2. Every law enforcement agency should assist in planning with public and private agencies and 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.
- g. Building requirements (target hardening), both residential and commercial.

STANDARD 1.11: LOCAL DETENTION FACILITY PROGRAMMING

Each law enforcement agency operating local detention facilities and programs for adults, who have been sentenced to that facility upon conviction, should adopt the following programming practices, where possible:

1. A decision-making body should be established to follow and direct the inmate's progress through the local detention system. Members should include the administrator of the detention facility or his immediate subordinates, professionals whose services are purchased by the facility, representatives of the community organizations running programs in the facility or with its residents, and inmates. This body should serve as a central information gathering point. It should discuss with an individual inmate all major decisions pertaining to him.

2. Educational programs should be available to all residents in cooperation with the local school district. Particular emphasis should be given to self-pacing learning programs, packaged instructional materials, and utilization of volunteers and paraprofessionals as instructors.

3. Vocational programs should be provided by the appropriate State agency. It is desirable that overall direction be provided on the State level to allow variety and to permit inmates to transfer among facilities in order to take advantage of training opportunities.

4. A job placement program should be operated at all detention facilities as part of the vocational training program. Such programs should be operated by State employment agencies and local groups representing employers and local unions.

5. Each local institution should provide counseling services. Individuals showing acute problems will require professional services. Other individuals may require, on a day-to-day basis, situational counseling that can be provided by detention facility workers supervised by professionals.

6. Volunteers should be recruited and trained to serve as counselors, instructors, teachers, and recreational therapist.

7. A range of activities to provide physical exercise should be available in the facility and through the use of local recreational resources. Other leisure activities should be supported by access to library materials, television, writing materials, playing cards, and games.

8. In general, internal programs should be aimed only at that part of the detention facility population unable to take advantage of ongoing programs in the community.

9. Meetings with the administrator or appropriate staff of the facility should be available to all individuals and groups.

STANDARD 1.12: PROGRAMS FOR PRETRIAL DETAINEES

Each law enforcement agency responsible for the detention of persons awaiting trial should develop and implement programs for these persons as follows:

1. Persons awaiting trial in detention should not be required to participate in any program of work, treatment, or rehabilitation. The following programs and services should be available on a voluntary basis for persons awaiting trial:
 - a. Educational, vocational, and recreational programs.
 - b. Treatment programs for problems associated with alcoholism, drug addiction, and mental or physical disease or defects.
 - c. Counseling programs for problems arising from marital, employment, financial, or social responsibilities.
2. Participation in voluntary programs should be on a confidential basis, and the facts of participation or statements made during such participation should not be used at trial. Information on participation and progress in such programs should be available to the sentencing judge following conviction for the purpose of determining sentence.

STANDARD 1.13: JAIL RELEASE PROGRAMS

Every law enforcement agency operating local detention facilities and programs for convicted adults should consider release programs drawing community leadership, social agencies, and business interest into action with the criminal justice system, where possible.

1. Since release programs rely heavily on the participants' self-discipline and personal responsibility, the offender should be involved as a member of the program planning team.
2. Release programs have special potential for utilizing specialized community services to meet offenders' special needs. This capability avoids the necessity of service duplication.
3. Weekend visits and home furloughs should be planned regularly, so that eligible individuals can maintain ties with family and friends.
4. Work release should be made available to persons in all offense categories who do not present a serious threat to others.
5. The offender in a work release program should be paid at prevailing wages. The individual and the work release agency may agree to allocation of earnings to cover subsistence, transportation cost, compensation to victim, family support payments, and spending money. The work release agency should maintain strict accounting procedures open to inspection by client and others.
6. Program location should give high priority to the proximity of job opportunities. Various modes of transportation may need to be utilized.

7. Work release may be operated initially from an existing jail facility but this is not a long term solution. Rented and converted buildings (such as YMCA's, YWCA's, motels, hotels) should be considered to separate the transitional program from the image of incarceration that accompanies the traditional jail.

8. When the release program is combined with a local detention facility, there should be separate access to the work release residence and activity areas.

9. Educational or study release should be available to all inmates (pre-trial and convicted) who do not present a serious threat to others. Arrangements with the local school district and nearby colleges should allow participation in any level required (literary training, adult basic education, high school or general educational development equivalency, and college level).

10. Arrangements should be made to encourage offender participation in local city and social groups. Particular emphasis should be given to involving the offender in public education and the community in the corrections efforts.

STANDARD 1.14: POSITIVE PREVENTION OF LAW ENFORCEMENT MISCONDUCT

The chief executive of every law enforcement agency 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 law enforcement agency.

1. Every law enforcement 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.
- d. Application of peer-group influence.

CHAPTER XI

TO PROTECT INDIVIDUAL RIGHTS

STANDARD 2.1: LIMITS OF AUTHORITY

Every law enforcement executive should establish and make available to the public and to every agency employee written policy acknowledging that the law enforcement effectiveness depends upon public approval and acceptance of law enforcement authority. This policy at least:

1. Should acknowledge that the limits of law enforcement authority are strictly prescribed by law and that there can be no situation which justifies extra legal law enforcement practice.

2. Should acknowledge that there are times when force must be used in the performance of the law enforcement 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 law enforcement agency must be accountable to the community by providing formal procedures for receiving both commendation 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 law enforcement agency.
- b. Every person who commends the individual performance of an officer in writing will receive a personal letter of acknowledgement.
- c. Every allegation of misconduct will be investigated fully and impartially by the law enforcement agency, and the results made known to the complainant or the alleged victim of law enforcement misconduct.

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

- a. There will be appropriate notice to the public acknowledging that the law enforcement agency desires community involvement.
- b. Periodic public contact will be made to elicit evaluation of law enforcement service and to determine law enforcement needs and expectations of the community.

STANDARD 2.2 : COMMUNICATING WITH THE PUBLIC

Every law enforcement 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 the delivery of law enforcement services.

1. Every law enforcement agency should 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 have sufficient information with which to respond to questions regarding agency policies.
- b. That information he receives is transmitted through the chain of command and acted upon at the appropriate level.

2. Every law enforcement agency that has heterogeneous groups of significant size within its jurisdiction should recognize the police needs and should, where appropriate, develop means to insure effective communication with such groups.

3. Every law enforcement 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 adopted to insure adequate communication between non-English speaking groups and the law enforcement agency.

4. Every law enforcement agency, where community conditions warrant, should establish a specialized unit responsible for maintaining communication with the community. If established:

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

STANDARD 2.3: CITATION AND RELEASE ON OWN RECOGNIZANCE

Every law enforcement agency 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 law enforcement 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 law enforcement 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 summons in lieu of physical arrest or prearrest confinement.

2. Every law enforcement agency should take all available steps to insure that at the time arraigned defendants are considered for a 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 law enforcement 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.

RECOMMENDATION: TELEPHONIC SEARCH WARRANTS

It is recommended that the State of North Carolina enact legislation that provides for the issuance of search warrants pursuant to telephoned petitions and affidavits from law enforcement officers.

RECOMMENDATION: COURT SUPERVISED ELECTRONIC SURVEILLANCE

It is recommended that the State of North Carolina enact legislation:

1. Prohibiting private electronic surveillance.

2. Authorizing court supervised electronic surveillance by law enforcement officers, consistent with the provisions of Title III of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351) and as amended in the Crime Control Act of 1973.

STANDARD 2.4: MASS PROCESSING OF ARRESTEES

Every law enforcement agency should develop a system for the arrest, processing, transportation, and detention of large numbers of persons. The agency should seek alternatives to mass arrest, 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. The mass arrest system should make the name and charge of persons arrested available to the 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.

STANDARD 2.5: DETENTION FACILITY INTERNAL POLICIES

Every law enforcement agency operating local detention facilities and programs for adults should adopt internal policies for governing these facilities and programs.

STANDARD 2.6: RIGHTS OF PRETRIAL DETAINEES

Each law enforcement agency operating a detention facility for adults should develop policies and procedures to insure that the rights of persons detained while awaiting trial are observed, as follows:

1. Persons detained awaiting trial should be entitled to the same rights as those persons admitted to bail or other forms of pretrial release except where the nature of confinement requires modification.

2. Persons detained awaiting trial should be accorded the same rights recommended for persons convicted of crime as set forth in Part Four of the Post Adjudication Standards and Goals. In addition, the following rules should govern detention of persons not yet convicted of a criminal offense:

- a. Treatment, the conditions of confinement, and the rules of conduct authorized for persons awaiting trial should be reasonably and necessarily related to the interest of the State in assuring the person's presence at trial. Any action or omission of governmental officers arriving from the rationale of punishment, retribution, deterrence, or rehabilitation should be prohibited.
- b. The conditions of confinement should be the least restrictive alternatives that will give reasonable assurance that the person will be present for his trial.
- c. Persons awaiting trial should be kept separate and apart from convicted and sentenced offenders, where possible.
- d. Isolation should be prohibited except where there is clear and convincing evidence of a danger to the staff of the facility, to the detainee, or to other detained persons.

3. Persons detained awaiting trial should be authorized to bring class action to challenge the nature of their detention and alleged violations of their rights.

STANDARD 2.7: FOUNDATION FOR INTERNAL DISCIPLINE

Every law enforcement agency 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 law enforcement agency should establish formal written procedures for the administration of the internal discipline and an appropriate summary of those procedures should be made public.
2. The chief executive of every law enforcement 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 the 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 employees conduct and the administration of discipline should be strengthened by incorporating them in training programs and promotional examinations, and by encouraging employee participation in the disciplinary system.

STANDARD 2.8: COMPLAINT RECEPTION PROCEDURES

Every law enforcement agency should implement procedures to facilitate the making of a complaint alleging employee misconduct, whether that complaint is initiated

internally or externally.

1. The making of a complaint should not be accompanied by fear of reprisal or harassment. Every person making a complain should receive verification that his complaint is being processed by the law enforcement agency. This receipt should contain a general description of the investigative process and appeal provisions.

2. Every law enforcement agency 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 law enforcement agency should consider developing procedures that will insure that some or 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.

TO ACHIEVE JUSTICE

STANDARD 3.1: ADJUDICATION OF COMPLAINTS

Every law enforcement agency should insure that provisions are established to allow the law enforcement 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 a responsible legal and governmental entity.

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.

3. An administrative fact finding trial board should be available to all law enforcement agencies to assist in the adjudication phase. It should be activated when necessary in the interest of the law enforcement 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 representation and logistical support equal to that afforded the person representing the agency in a trial board proceeding.

5. Law enforcement employees should be allowed to appeal a chief executive's decision. The law enforcement agency should not provide the resources or funds for appeal.

6. The chief executive of every law enforcement agency should establish written policy on the retention of the internal discipline complaint investigations 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 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. Law enforcement employees should not be treated differently from other members of the community in cases involving violations of law.

CHAPTER IV

TO INCREASE EFFICIENCY IN THE CRIMINAL JUSTICE SYSTEM

STANDARD 4.1: THE LAW ENFORCEMENT FUNCTION

Every law enforcement executive 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 agencies' delivery of law enforcement 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 the services necessary to reduce crime, to maintain public order, and to respond to the needs of the community.

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

2. Every law enforcement executive should identify those crimes on which police resources will be concentrated.

3. Every law enforcement executive should recognize that some government services that are not essentially a law enforcement function are, under some circumstances, appropriately performed by the law enforcement agencies. 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 law enforcement agency. If not, the chief executive should resist that service becoming a duty of the agency;
- b. Should determine the budgetary costs of the service; and
- c. Should inform the public and its representatives of the projected effect that provision of the service by the law enforcement agency 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 law enforcement 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 law enforcement services.
- e. The service should be made a part of the agency's law enforcement role until such time as it is no longer necessary for the law enforcement agency to perform the service.

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

5. Every law enforcement 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.

STANDARD 4.2: LAW ENFORCEMENT DISCRETION

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

1. Should establish the limits of discretion by specifically identifying, insofar as possible, situation calling for the use of alternatives to continued physical custody.
2. Should establish criteria for the selection of appropriate enforcement alternatives.
3. Should require enforcement action to be taken in all situations where all elements of a crime are present and all policy criteria are satisfied.
4. Should be jurisdiction wide in both scope and application.
5. Specifically should exclude offender's lack of cooperation, or disrespect toward law enforcement personnel, as a factor in arrest determination unless such conduct constitutes a separate crime.
6. Every law enforcement executive should establish policy that governs the exercise of discretion by policy personnel in providing routine peacekeeping and other law enforcement services that, because of their frequent recurrence, lend themselves to the development of an uniform agency response.
7. Every law enforcement executive should formalize procedures for developing and implementing the foregoing written agency policy.
8. Every law enforcement executive immediately should adopt inspection and control procedures to insure that officers exercise their discretion in a manner consistent with agency policy.

STANDARD 4.3: DEVELOPMENT OF GOALS AND OBJECTIVES

Every law enforcement agency, 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 principle goals and objectives for his unit.

1. Every law enforcement agency and every unit within the agency should insure that its goals and objectives are:
 - a. Consistent with the role of law enforcement as defined by the agency's chief executive.
 - b. Responsive to community needs.
 - c. Reasonably attainable.
 - d. Sufficiently flexible to permit change as needed.
 - e. Quantifiable and measurable where possible.
2. Every law enforcement 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.
 - b. Establish methods to obtain ideas from a variety of organizations and individuals outside the agency.

3. Every law enforcement agency should publish and disseminate its goals and objectives to provide uniform direction of employee efforts.

STANDARD 4.4: COOPERATION AND COORDINATION

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

2. Every law enforcement 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.

3. Every law enforcement 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. These programs:

- a. Should provide for the instruction of law enforcement personnel in the functions of all criminal justice agencies in order to place the law enforcement role in proper perspective.
- b. Should encourage, where appropriate, the participation of other criminal justice agencies in law enforcement training.
- c. Should encourage, where appropriate, law enforcement participation in training given to members of other criminal justice agencies.

STANDARD 4.5: LAW ENFORCEMENT OPERATIONAL EFFECTIVENESS WITHIN THE CRIMINAL JUSTICE SYSTEM

Every law enforcement agency, should insure its operational effectiveness in dealing with other elements of the criminal justice system.

1. Every law enforcement 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 law enforcement 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. 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.
- d. Other Federal, State, and local law enforcement agencies in order to arrange 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 law enforcement 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.

STANDARD 4.6: CRIMINAL CASE FOLLOWUP

Every law enforcement agency, 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 law enforcement agency, in cooperation with local courts and prosecuting agencies, should provide for the administrative followup of selected criminal cases.

2. Every law enforcement agency should review administratively all major criminal cases in which prosecuting agencies decline to prosecute or later cause dismissal.

3. Every law enforcement 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 contact with the defendant, useful information might include the effect the crime had on the victim, and the likelihood of future crime resulting from the defendant's presence in the community.

STANDARD 4.7: RESPONSIBILITY FOR LAW ENFORCEMENT SERVICES

Local governments shall address the provision of complete and competent law enforcement service through an organizational structure that most effectively and efficiently meets its responsibility. The government responsible for this service shall provide for a law enforcement organization, that performs the duties described as the law enforcement role.

Every law enforcement agency should address the provision of access to law enforcement service and response to law enforcement emergency situations 24 hours a day.

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

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

STANDARD 4.8: COMBINED LAW ENFORCEMENT SERVICES

Every State and local government and every law enforcement agency should provide law enforcement services by the most effective and efficient organizational means available to it. In determining this means, each should acknowledge that the law enforcement 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 law enforcement service can be provided through mutual agreement or joint participation with other criminal justice agencies, the governmental entity or the law enforcement agency immediately should enter into the appropriate agreement or joint operation.

1. N.C.G.S. 160A-461 - INTERLOCAL COOPERATION AUTHCRIZED. Any unit of local government in this State and any one or other units of local government in this State or any other State (to the extent permitted by laws of the other State) may enter into contracts or agreements with each other in order to execute any undertaking. The contracts and agreement shall be of reasonable duration as determined by the participating units, and shall be ratified by the resolution of the governing board of each unit spread upon its minutes. (1971)

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

- a. Should permit law enforcement service agreements and joint participation between agencies at all levels of government;
- b. Should encourage interagency agreements for and joint participation in law enforcement services where beneficial to agencies involved;
- c. Should permit reasonable local control or responsiveness to local needs.

3. No State or local government or law enforcement agency should enter into any combined police services agreement or participate in any law enforcement service that would not be responsive to the needs of the 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.
- c. Provide an additional service at least as effectively and economically as could be provided by the agency alone.

4. North Carolina, in cooperation with all law enforcement agencies within it, should develop a comprehensive, Statewide mutual aid plan to provide for mutual aid in civil disorders, disasters, and other contingencies where manpower or material requirements might exceed the response capability of single agencies. The present legislation concerning same is endorsed by this Commission.

5. Every State should provide those law enforcement staff services such as laboratory services, information systems, and intelligence and Statewide network 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 should encourage cooperative law enforcement services and implement them when possible.

7. Every unit of local government should encourage its police agency to 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 law enforcement or criminal justice agencies, or if agency staff services were secured from another agency by mutual agreement so as to eliminate, where possible, the overlapping and duplication of services.

8. Every law enforcement executive should identify those line operations of his agency that might be more effective and efficient in preventing, deterring, or investigating multi-jurisdictional criminal activity if coordinated with like operations of other agencies. Having identified these operations, he should:

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

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

STANDARD 4.9: COMMITMENT TO PLANNING

Every law enforcement 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 law enforcement agency should adopt procedures to assure the competency of its planning personnel through the establishment of qualifications for selection and training. The sophistication, size and responsibility of the planning effort should be relative to the size and complexity of the agency.

1. Every law enforcement 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 law enforcement 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 law enforcement 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. Extra departmental plans.
 - d. Research and development.
3. Every law enforcement agency should establish written qualifications for employees assigned specifically to planning activities.
4. Every law enforcement agency should provide training necessary for planning personnel to carry out their planning responsibilities.
5. If there are planning needs that cannot be satisfied by agency personnel, the law enforcement agency should satisfy these needs through an appropriate arrangement with another law enforcement agency, another governmental agency, or a private consultant.

STANDARD 4.10: RESPONSIBILITY FOR FISCAL MANAGEMENT

Every law enforcement executive should acknowledge their responsibility for fiscal management to the law enforcement 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 law enforcement executive should acknowledge that his primary areas of fiscal management responsibility should include fiscal planning, budget preparation and presentation, and fiscal control.

2. Every law enforcement executive should immediately delegate the fiscal management responsibilities that he does not personally perform.
 - a. Every chief executive of a law enforcement 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 law enforcement agency with 150 or fewer personnel should appoint a fiscal affairs officer and staff when this can be justified.
 - c. Every law enforcement 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.

STANDARD 4.11: FISCAL MANAGEMENT PROCEDURES

Every law enforcement 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 law enforcement 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 law enforcement agency should be involved in budget planning and should prepare 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.

STANDARD 4.12: FUNDING

Every law enforcement executive and every law enforcement 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 revenues 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 law enforcement 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 law enforcement 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 law enforcement agency should use grants under explicit conditions to fund planning and experimentation in all phases of law enforcement service.
 - a. Functional responsibility for the procurement of grants from Federal and State agencies and foundations should be made the specific responsibility of an agency employee designated by the chief executive of local government or law enforcement agency.

- b. Grants should not be sought to initiate long range programs unless the jurisdiction will commit itself to continued funding on successful completion and evaluation of the funded portion of the project.
- c. Any employee assigned to grant procurement should be given appropriate training.

4. Every law enforcement 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.

STANDARD 4.13: COMMAND AND CONTROL PLANNING

The chief executive of every local governmental unit should have ultimate responsibility for developing plans for coordination of all government and private agencies involved in unusual occurrence control activities.

Every law enforcement executive should develop plans immediately for the effective command and control of law enforcement 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.

STANDARD 4.14: EXECUTIVE RESPONSIBILITY

Every local government should provide by law that the law enforcement executive be responsible for all law enforcement resources used to control unusual occurrences within the jurisdiction.

1. The law enforcement executive should immediately establish a system designating executive command in his absence.
2. A system of succession of command should be established.
3. A senior officer should be designated the acting chief executive in the absence of the chief executive.
4. The senior officer designated in Standard 4.14 (2) above should be trained and qualified to assume the responsibility of the chief executive in his absence.

STANDARD 4.15: ORGANIZING FOR CONTROL

Every law enforcement 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.

STANDARD 4.16: DEPLOYMENT OF PATROL OFFICERS

Every law enforcement agency should evaluate the team policing, geographical, chronological, work load, hazard factor, consumed time, equidistant, the student of the beat, and the fluid system of manpower distribution theories and implement the one or combination of theories which best suits the physical environment and community needs.

STANDARD 4.17: SPECIALIZED ASSIGNMENT

Every law enforcement agency should use generalists (patrol officers) wherever possible and, before establishing any specialization necessary to improve the delivery of police services, specifically define the problem that may require the 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 law enforcement executive should define the specific problem, 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.
 - 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 law enforcement executive should consider community perception of the problem: community awareness, and the attitudes based on that awareness.

3. Every law enforcement executive should, based on his definition of the problem, community perception of it, and the pertinent legal requirements, assess all resources and tactical alternatives available 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.
 - g. The organizational changes needed as a result of specialization.

4. Every law enforcement 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.
 - d. The agency's delivery of general law enforcement services.

5. Every law enforcement 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.
 - b. On a specific schedule for the expected duration of the need.

6. Every law enforcement 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.

STANDARD 4.18: SELECTION FOR SPECIALIZED ASSIGNMENT

Every law enforcement agency should establish written policy defining specific criteria

for the selection and placement of specialists personnel so that they are effectively matched to the requirements of each speciality.

1. Every law enforcement 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.
 - c. Include procedures from continual updating.
2. Every law enforcement agency should establish written minimum requirements for every specialists position. These requirements should stipulate the required:
 - a. Length and diversity of experience.
 - b. Formal education.
 - c. Specialized skills, knowledge, and experience.
3. Command personnel within the speciality should interview every candidate for a specialist position. Interviewers should:
 - a. Review the pertinent personnel record of every candidate.
 - b. Consider the candidate's attitude toward the position as well as his objective qualifications for it.
 - c. Conduct a special personnel investigation where the specific position or candidate requires it.
4. Every law enforcement agency should require satisfactory completion of an internally administered probationary period in any specialist position before regular assignment to that position.

STANDARD 4.19: STATE SPECIALISTS

Every state should provide, upon the request of any local police agency in the State, specialists to assist in the investigations 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 specialists activities. The State or regional specialists should not provide every day needs to local law enforcement.

1. Every state should provide trained specialists who are properly equipped to assist local police agencies.
2. Every state should insure that its specialists pursue the investigation in complete cooperation with and support of the local agency.

STANDARD 4.20: JUVENILE OPERATIONS

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

1. Every law enforcement agency should provide all its police officers with specific training in preventing delinquent behavior and juvenile crime.
2. Every law enforcement 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 law enforcement agency should establish juvenile investigation capabilities.

STANDARD 4.21: TRAFFIC OPERATIONS

Every law enforcement 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 control.

1. Every law enforcement agency should perform the basic function of traffic law enforcement - the law enforcement activities specifically directed toward control of 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.
- b. Should be a fundamental responsibility of all uniformed officers.

2. Every law enforcement 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 follow-up investigation. The function should include:

- a. Initial traffic accident investigation, followup investigation, traffic control at the scene, injury control, enforcement action, records, reports, and notification.
- 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 law enforcement agency should periodically release traffic safety information and traffic safety educational materials to the general public, and should cooperate with appropriate educational institutions in the preparation and presentation of traffic safety educational programs.

STANDARD 4.22: CRIMINAL INVESTIGATION

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

2. Every law enforcement 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 law enforcement 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 law enforcement 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 ten 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 activities summaries.
- c. Individual, team, and unit performance measures based at least on arrests and dispositions, crimes cleared, property recovered, and caseload.

5. Every law enforcement agency should coordinate criminal investigations with all other agency operations.

STANDARD 4.23: VICE OPERATIONS

Every law enforcement agency should immediately insure its capability to conduct effective vice operations against illegal gambling, traffic and 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 effect of the vice problem on all 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 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.

3. Every law enforcement agency should provide vice operations with special funds, specialized equipment, vehicles, vision devices, and any other physical support necessary to conduct effective vice operations.

4. Every law enforcement executive should insure, through written policies and procedures, that every vice complaint received by his agency will be investigated as thoroughly as possible.

STANDARD 4.24: NARCOTIC AND DRUG INVESTIGATIONS

Every law enforcement 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 acknowledgement.

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

2. Every law enforcement agency should cooperate in and, where necessary, establish narcotic and drug abuse public awareness programs such as school system educational programs, civic group programs, multiagency community programs.

3. Every law enforcement 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 operation.
- 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 operation.

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

5. Every law enforcement executive should establish written policies and procedures requiring that every narcotic and drug complaint will be reported in writing and thoroughly investigated.

6. Every law enforcement 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.

STANDARD 4.25: INTELLIGENCE OPERATIONS

Every law enforcement agency should establish and maintain the capability to gather and evaluate information and to disseminate intelligence in a manner which protects every individuals right to privacy while it curtails organized crime and public disorder.

1. North Carolina should establish a central gathering, analysis, and storage capability, and intelligence dissemination system.

- a. Every law enforcement agency should actively participate in providing information and receiving intelligence from this system.
- b. Every law enforcement 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 law enforcement agency should have intelligence capabilities.

- a. The number of personnel assigned to this operation should be based on local conditions.
- b. The intelligence operations 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 specialists 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 law enforcement 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 law enforcement agency should supply its intelligence operations with funds, vehicles, vision devices, and other specialized equipment necessary to implement an effective intelligence operation.

STANDARD 4.26: SELECTION AND ASSIGNMENT OF RESERVE OFFICERS

Every law enforcement agency should carefully consider the organization and use of law enforcement reserve officers to supplement the regular force of sworn personnel.

1. Reserved forces should only be used in civil defense or emergency activities and should not supplement regular sworn personnel.

2. Reserve officer selection standards should be equivalent to those for regular sworn personnel.

3. Reserve officer training standards should be equivalent to those for regular sworn personnel.

4. Reserve officers should not hold regular departmental rank and should never act in a supervisory capacity.

5. Reserve officers should receive regular in service training equivalent to that of regular sworn officers.

STANDARD 4.27: LEGAL ASSISTANCE

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

1. Every law enforcement 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 on-call 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.
- i. Provision of legal counsel for ad hoc projects, grant proposal development, and special enforcement problems.

3. Every law enforcement agency with 100 or more personnel should establish a police legal unit with at least one attorney as a full-time legal advisor. Every law enforcement agency with 200 or more personnel should assign an officer trained as a paralegal to assist the police legal advisor.

- 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 advisors should be civilian attorneys who serve at the request of the police chief executive.

4. Every law enforcement agency with fewer than 100 personnel may justify the establishment of a police legal unit with at least one full-time attorney legal advisor depending upon available resources of agency relative to other priorities.

When full-time attorney legal advisor cannot be justified, the agency should obtain needed legal assistance through:

- a. Enlargement, if possible, of the staff of the district attorney's office, or the county or city attorney's office with one attorney assigned to assist the law enforcement agencies in the district served.
- b. Employment of an attorney on a part-time or contracted basis, preferably in conjunction with other area law enforcement agencies so that a major portion of such attorney's time is devoted to advising area law enforcement agencies.

5. Every law enforcement 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 law enforcement employees, comprehensiveness of preservice training given officers, and the quantity and quality of agency inservice training.

6. Every law enforcement agency should determine minimum qualifications for a police legal advisor including education, past experience, and personality suitable for the development of trust and acceptance by law enforcement personnel. Each job applicant should be interviewed and evaluated by an attorney in addition to police chief executives.

Every law enforcement agency employing a legal advisor should require the police legal advisor to be licensed to practice law in North Carolina if the legal advisor's expected functions include the practice of law.

7. Every law enforcement agency employing a legal advisor should provide in the assignment of his duties that he should 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.
- d. Either prosecute infractions of discipline before internal trial boards, or serve as a member of any trial or arbitration board.

8. Every law enforcement agency employing a legal advisor 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 or have a financial interest in any law firm that represents criminal defendants, accept private employment that necessitates procuring law officers as witnesses or using police information, conduct private business in an office located in a police station, or represent any law enforcement union or agency employee organization.

STANDARD 4.28: MANAGEMENT CONSULTATION AND TECHNICAL ASSISTANCE

The State of North Carolina should give consideration to the establishment of a police management consultation service to make technical assistance available at no cost to every law enforcement officer within the State.

STANDARD 4.29: THE EVIDENCE TECHNICIAN

The State of North Carolina and every law enforcement 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 law enforcement 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.

2. The State of North Carolina should 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.

STANDARD 4.30: THE CRIME LABORATORY

The State of North Carolina should establish a consolidated criminal laboratory system capable of providing the most advanced forensic science services to law enforcement agencies.

1. The State Bureau of Investigation should insure that every law enforcement agency has access to a 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 law enforcement 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' 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 analysis 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 non-scientific nature meet the agencies 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 ability 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 careers paths for laboratory personnel result in salaries at least equal to those employed in other equivalent laboratories.
- i. A clerical pool capable of handling all of the clerical needs of laboratory be maintained.

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

5. Every law enforcement executive should insure that the law enforcement 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 law enforcement agency laboratory and 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. The present Forensic Service Plan should be updated to reflect the changes and improvements stated within the context of the preceding standard.

8. Every crime laboratory director should 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.
- h. Convictions.

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

- a. All other elements of the criminal justice system to insure use 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.

STANDARD 4.31: THE PROPERTY SYSTEM

Every law enforcement agency 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 law enforcement 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 law enforcement 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 law enforcement chief executive.

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

5. Every law enforcement agency should assign to the property function only those employees who are trained in the operations of the system.

6. Every law enforcement 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.

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

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

9. Every law enforcement 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 property records and all firearms should be compared with gun records to make certain that no "warrants" 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 person 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 law enforcement 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 properties.
 - d. An area that provides an extra measure of security for the storage of narcotics and firearms.

STANDARD 4.32: THE DETENTION SYSTEM

Every law enforcement agency currently operating a detention facility should insure professionalism in its jail management and provide adequate detention services. Every law enforcement agency should 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, consistent with jail minimum standards.

Every law enforcement agency currently operating a municipal jail should 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.

STANDARD 4.33: TOTAL SYSTEM PLANNING

State and local corrections system and planning agencies should undertake, on a cooperative basis, planning for community corrections based on a total system concept that encompasses the full range of defendant's needs and the overall goal of crime reduction. It is suggested that the following be considered in this planning.

- 1. While the actual methodology may vary, total system planning should include these phases:
 - a. A problem definition phase, including initial demarcation of the specific service area, as determined by the scope of the problem to be addressed. Its identification results in a preliminary statement of the correctional problem.
 - b. Data survey and analysis designed to obtain comprehensive information on population trends and demography, judicial practices, official profiles, service area resources, geographic and physical characteristics, and political and governmental composition. Such information is needed to access service area needs and capability and to determine priorities.
 - c. A program linkage phase involving examination of various ways to meet the problems identified. The linkages should emphasize service area resources that can be used to provide community based correctional programs as alternatives to incarceration. Identification and development of diversion programs by programming linkage will have significant

implications for a service area's detention capacity and program requirements.

- d. A definition and description of the correctional delivery system for the service area developed on the basis of results of the previous phase. Facility and non-facility program requirements should be included.
- e. Program and facility design, which proceed from delivery system definition. The resulting overall community correctional system design will vary with specific service area characteristics, but it should follow either regional or a network approach.
 - (1) A network service delivery system should be developed for urban service areas with large offender populations. This system should have dispersed components (programs and facilities) that are integrated operationally and administratively. The network should include all components necessary to meet the needs of clientele and the community. Court intake, social investigation, and pretrial release and detention programs should be located near the courts. Other residential and non-residential components should be located in the client's community or neighborhood and should use existing community resources.
 - (2) A regionalized service delivery system should be developed for service areas that are sparsely populated and include a number of cities, towns, or villages. Such a system may be city-county or multicounty in composition and scope. Major facility and program components should be consolidated in a central area or municipality. Components should include intake and social investigation services, pretrial release services, pretrial and post-trial residential facilities, special programs, and resource coordination. Extended components, such as prerelease, work education release, alcoholic and addict treatment, and related program coordination units, should be located in smaller population centers with provision for operational and administrative coordination with the centralized components. The centralized system component should be located in close proximity to court services and be accessible to private and public transportation.

2. All correctional planning should include consideration of the physical, social, and esthetic impact imposed by any facility or network. Such consideration should be based on the National Environmental Policy Act of 1969.

3. All planning efforts should be made in the context of the master plan of the statewide correctional planning body.

4. Individual program needs, such as detention centers, should not be considered apart from the overall correctional service plan or the relevant aspects of social service systems (health, education, public assistance, etc.) that have potential for sharing facilities, resources, and experience.

5. All community correctional planning should give highest priority to diversion from the criminal justice system and utilization of existing community resources.

STANDARD 4.34: PRETRIAL DETENTION ADMISSION PROCESS

County, city or regional jails should reorganize their admission processing for

residential care as follows:

1. Detention center admission staffing should be sufficient to avoid use of holding rooms for an inordinate period of time. Emphasis should be given to prompt processing that allows the individual to be aware of his circumstances and avoid undue anxiety. The admission process should be conducted within the security perimeter with adequate physical separation from other portions of the facility and from the discharge process.

2. Intake processing should include a hot-water shower with soap, the option of clothing issue, and proper checking and storage of personal effects.

3. All personal property and clothing taken from the individual upon admission should be recorded and stored, and a receipt issued to him. The detaining facility is responsible for the effects until they are returned to their owner.

4. Proper record keeping in the admission process is necessary in the interest of the individual as well as the criminal justice system. Such records should include: name and vital statistics; a brief personal, social and occupational history; the usual identity data; results of the initial medical examination; and results of the initial intake interview. Emphasis should be directed to individualizing the record taking operation, since it is an imposition on the innocent and represents a component of the correctional process for the guilty.

STANDARD 4.35: STATE INSPECTION OF LOCAL FACILITIES

State legislatures should authorize the formulation of State standards for detention facilities and operational procedures and State inspection to insure compliance, including such features as:

1. Access of inspectors to a facility and of persons therein.

2. Inspection of:

- a. Administrative area, including record keeping procedures.
- b. Health and medical services.
- c. Offenders' leisure activities.
- d. Offenders' employment.
- e. Offenders' educational and work programs.
- f. Offenders' housing.
- g. Offenders' recreation programs.
- h. Food services.
- i. Observation of rights of offenders.

3. Every detention facility for adults should have provision for an outside, objective evaluation at least once a year. Contractual arrangements can be made with competent evaluators.

4. If the evaluation finds the facility's programs do not meet prescribed standards, State authorities should be informed in writing of the existing conditions and deficiencies. The State authorities should be empowered to make an inspection to ascertain the facts about the existing condition of the facility.

5. The State agency should have authority to require those in charge of the facility to take necessary measures to bring the facility up to standards.

6. In the event that the facility's staff fails to implement the necessary changes within a reasonable time, the State agency should have the authority to condemn the facility.

7. Once a facility is condemned, it should be unlawful to commit or confine any persons to it. Prisoners should be relocated to facilities that meet established standards until a new or renovated facility is available. Provision should be made for distribution of offenders and payment of expenses for relocated prisoners by the detaining jurisdiction.

STANDARD 4.36: LOCAL FACILITY EVALUATION AND PLANNING

Where possible and applicable, jurisdictions evaluating the physical plants of existing local facilities for adults or planning new facilities should be guided by the following considerations:

1. A comprehensive survey and analysis should be made of criminal justice needs and projections in a particular service area.
2. A special "activity design" should be developed.
3. Security elements and detention provisions should not dominate facility design.
4. Applicable health, sanitation, space, safety, construction, environmental, and custody codes and regulations must be taken into account.
5. Consideration must be given to resources available and the most efficient use of funds.
6. Prisoners should be handled in a manner consistent with humane standards.
7. Existing community facilities should be explored as potential replacement for, or adjuncts to, a proposed facility.
8. Planning for network facilities should include no single component, or institution, housing more than 300 persons.

STANDARD 4.37: INVESTIGATIVE RESPONSIBILITY

The chief executive of every law enforcement agency 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 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 workload.
2. Law enforcement agencies should obtain the assistance of prosecuting agencies during investigations of criminal allegations and other cases where the law enforcement 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 eighteen months.

4. Every law enforcement agency should deploy the majority of its complaint investigators during the hours consistent with complaint incidence, public convenience, and agency need.

STANDARD 4.38: INVESTIGATION PROCEDURES

Every law enforcement agency 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 law enforcement agency should establish formal procedures for investigating minor internal misconduct allegation. 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 best reveals the facts while preserving the dignity of all persons and maintaining the confidential nature of the investigation.

4. Every law enforcement 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 law enforcement agency executive should have legal authority during an internal discipline investigation to relieve law enforcement employees from their duties when it is in the interest of the public and the police agency. A law enforcement 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 the internal discipline investigation. The polygraph should be administered to employees only at the express approval of the law enforcement 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.

STANDARD 4.39: CONTINUING PHYSICAL FITNESS

Every law enforcement agency should establish physical fitness standards that will insure every officer's physical fitness and satisfactory job performance throughout his entire career.

Every agency should require for each officer a physical examination administered bi-annually, annually, or semi-annually 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.

STANDARD 4.40: LAW ENFORCEMENT UNIFORMS

Every law enforcement executive should develop and designate complete standard specifications for apparel and equipment to be worn by every agency employee when performing the duties of a uniformed law enforcement officer. To deter criminal activities, uniformed law enforcement 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 law enforcement executive should consider seasonal changes and climate when developing the agency's standard law enforcement uniform.
2. Every law enforcement executive should insure that the agency's law enforcement uniform identifies the wearer by name and agency, and makes him plainly recognizable as a law enforcement officer. Such items should be visible at all times.
3. Every law enforcement 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 patrolmen or security guards to assure that they are readily distinguishable from law enforcement uniforms.
5. Every law enforcement agency should conduct daily uniform inspections to insure that every officer's appearance conforms to agency specifications and reflect favorably on the agency and the law enforcement profession.

STANDARD 4.41: FIREARMS AND AUXILIARY EQUIPMENT

Every law enforcement executive should specify the type of firearms, ammunition, and auxiliary equipment to be used by the agency's police officers. To enhance law enforcement efficiency, personal equipment items should be interchangeable among all officers in 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 law enforcement agency should establish written specifications for agency approved side arms and ammunition to be carried by officers on uniform duty, or plainclothes duty, or off duty. The specifications should include the type, caliber, barrel length, finish, and style of the firearms, and the specific type of ammunition.
2. Every law enforcement agency should designate all items of auxiliary equipment to be worn or carried by each uniformed officer. To insure intraagency uniformity, the approved type, size, weight, color, style and other relevant variables

of each auxiliary item, along with the position on the uniform or on the belt where it is to be worn or carried, should be specified in writing.

3. Every law enforcement 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 semi-annually and qualify annually. All firearms should be examined at regular intervals by a qualified armorer.

4. 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.

STANDARD 4.42: TRANSPORTATION EQUIPMENT UTILITY

Every law enforcement 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 law enforcement 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. Improve law enforcement service that is cost effective.

2. Every law enforcement agency should, prior to submitting its annual budget, evaluate the potential usefulness and the limitations of each type of transportation equipment in order to select the appropriate tools for the specific law enforcement tasks of the agency. New and existing transportation equipment should be evaluated.

STANDARD 4.43: TRANSPORTATION EQUIPMENT ACQUISITION AND MAINTENANCE

Every law enforcement agency should acquire and maintain law enforcement transportation equipment necessary to achieve agency objectives in a manner in which it is most cost effective for the agency.

1. Every law enforcement 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 on the following considerations:

- a. Maintenance requirements
- b. Control problems
- c. Financing
- d. Overall cost effectiveness

2. Every law enforcement 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 law enforcement 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

STANDARD 4.44: FLEET SAFETY

Every law enforcement agency should implement the fleet safety program to insure the safety of its employees and the public, minimize unnecessary expenditures 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 retaining
 - 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.

STANDARD 4.45: LAW ENFORCEMENT USE OF THE TELEPHONE SYSTEM

Every law enforcement 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. By 1980 all emergency telephone calls will be answered within five seconds; routine calls within ten seconds.
 - a. By 1976, 80% completion of this standard, 95% of the time.
 - b. By 1977, 90% completion of this standard, 95% of the time.
 - c. By 1978, 95% completion of this standard, 95% of the time.
 - d. By 1980, 100% completion of this standard, 95% of the time.

2. Every law enforcement 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. The annual action plan of North Carolina should provide seed money to local agencies for provision of trunk lines and, should furnish funds to the North Carolina Justice Academy to provide necessary training.
 - a. By 1976, 80% completion of this standard, 95% of the time.
 - b. By 1977, 90% completion of this standard, 95% of the time.
 - c. By 1978, 95% completion of this standard, 95% of the time.
 - d. By 1979, 98% completion of this standard, 95% of the time.
 - e. By 1980, 100% completion of this standard, 95% of the time.

3. Every law enforcement agency should insure that any misdirected emergency telephone call or police, fire, or other emergency service is promptly accented and that information obtained from such calls is immediately relayed to the appropriate public safety emergency agency.

- a. By 1976, 80% completion of this standard, 95% of the time.
- b. By 1977, 90% completion of this standard, 95% of this time.
- c. By 1978, completion of this standard, 95% of the time.
- d. By 1979, 98% completion of this standard, 95% of the time.
- e. By 1980, 100% completion of this standard, 95% of the time.

4. Every county and major city should, by 1980, acquire and operate failsafe recording equipment that would allow endless or continuous recording of incoming complaint calls and instantaneous playback of those calls.

- a. By 1976, 80% completion of this standard, 95% of the time.
- b. By 1977, 90% completion of this standard, 95% of the time.
- c. By 1978, 95% completion of this standard, 95% of the time.
- d. By 1979, 98% completion of this standard, 95% of the time.
- e. By 1980, 100% completion of this standard, 95% of the time.

5. All cities with a population in excess of 100,000 should, by 1980, have a communications center secure from undesirable outside intrusions.

6. By 1985, each jurisdiction shall have a single universal emergency telephone number, which could be an in-WATS line. An interim standard, each jurisdiction shall secure numbers that end in 911.

7. By 1980, one major city will have installed an automatic number identification universal emergency telephone system for assessment as to technical feasibility, cost effectiveness for police, and public acceptance subject to any provisions that may be made by Federal or State law as to privacy of the caller.

- a. By 1979 pilot city implementation.
- b. By 1980 pilot city assessment.

STANDARD 4.46: COMMAND AND CONTROL OPERATIONS - SECOND LEVEL PRIORITY

Every law enforcement agency should acknowledge that the speed with which it can communicate with field units is critical: that it affects the success of agency to preserve life and property; and that it increases the potential for immediate apprehension of criminal suspects. Therefore, a rapid accurate communications capability should be developed.

1. Every law enforcement agency should by 1980 install a twenty-four hour two-way radio capability providing continuous communication between a communication center and field units. Agencies too small to maintain a full-time communication 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 or a public safety emergency agency operated by the next highest political subdivision of the State.

- a. By 1976, 80% completion of the standard, 95% of the time.
- b. By 1977, 90% completion of the standard, 95% of the time.
- c. By 1978, 95% completion of the standard, 95% of the time.
- d. By 1979, 98% completion of the standard, 95% of the time.
- e. By 1980, 100% completion of the standard, 95% of the time.

2. By 1980, the communications center delay in cases of emergency calls should not exceed two minutes and in non-emergency calls should not exceed six minutes.

- a. By 1976, 80% completion of the standard, 95% of the time.
- b. By 1977, 90% completion of the standard, 95% of the time.
- c. By 1978, 95% completion of the standard, 95% of the time.
- d. By 1979, 98% completion of the standard, 95% of the time.
- e. By 1980, 100% completion of the standard, 95% of the time.

3. Every law enforcement agency should, by 1980, acquire and operate failsafe recording equipment which will allow continuous recording of every radio transmission and allow instantaneous playback of field unit radio transmissions.

- a. By 1976, 80% completion of the standard, 95% of the time.
- b. By 1977, 90% completion of the standard, 95% of the time.
- c. By 1978, 95% completion of the standard, 95% of the time.
- d. By 1979, 98% completion of the standard, 95% of the time.
- e. By 1980, 100% completion of the standard, 95% of the time.

4. North Carolina is to develop through study, a group of policy recommendations for central alarm systems and services from private agencies. The project is to be completed by 1980, with a start in 1977.

- a. By 1977, complete initial phase, that is a study of central station alarm systems.
- b. By 1978-1980, complete development of recommendations, mechanical and electrical standards, and a legislative package, if found necessary.

5. By 1980, every law enforcement agency providing full-time service shall have a PIN terminal.

- a. By 1976, 80% completion of this standard.
- b. By 1977, 90% completion of this standard.
- c. By 1978, 95% completion of this standard.
- d. By 1979, 98% completion of this standard.
- e. By 1980, 100% completion of this standard.

STANDARD 4.47: RADIO COMMUNICATIONS

By 1980, every law enforcement agency shall establish procedures to assure maximum efficient utilization of all radio frequencies.

1. By 1976, studies shall be undertaken on the usage of the available frequency spectrum, and develop a legislative program.

2. By 1977, present the proposed legislative program to the State legislature.

3. By 1978, develop implementation standards to achieve the objectives approved by the legislature.

4. By 1979, initiate establishment of procedures to meet above standards.

5. By 1980, procedures will be established and implementation initiated.

6. By 1980, all law enforcement agencies will have the capability of operating on one or more of the emergency frequencies established for the State of North Carolina.

- a. By 1976, 80% completion of the standard.
- b. By 1977, 90% completion of the standard.
- c. By 1978, 95% completion of the standard.

- d. By 1979, 98% completion of the standard.
- e. By 1980, 100% completion of the standard.

7. By 1980, all law enforcement agencies will have a mutual aid frequency providing two way operation on a frequency common to other agencies within the region.

- a. By 1976, 80% completion of the standard.
- b. By 1977, 90% completion of the standard.
- c. By 1978, 95% completion of the standard.
- d. By 1979, 98% completion of the standard.
- e. By 1980, 100% completion of the standard.

8. By 1980, all law enforcement agencies will be equipped with multi-channel mobile and portable radio equipment capable of two way operation on operational frequency, and daily car-to-car tactical frequencies.

- a. By 1976, 80% completion of the standard.
- b. By 1977, 90% completion of the standard.
- c. By 1978, 95% completion of the standard.
- d. By 1979, 98% completion of the standard.
- e. By 1980, 100% completion of the standard.

9. By 1980, all cities with more than five field units (police vehicles) will have sufficient portable radios to equip each on-duty officer.

STANDARD 4.48: DIGITAL COMMUNICATION SYSTEM

A maximum of two pilot program will be initiated to investigate digital and other innovative communication systems.

- a. By 1976, North Carolina will implement the first innovative pilot project.
- b. By 1977, North Carolina will implement the second innovative pilot project.
- c. In 1979, North Carolina will implement not more than one innovative system.
- d. In 1980, same as above.

STANDARD 4.49: STANDARDIZED RADIO EQUIPMENT

Law enforcement radio equipment will by 1980, be standardized within the State of North Carolina.

- a. By 1976, 80% of law enforcement equipment will meet standard specifications.
- b. By 1977, 90% of law enforcement equipment will meet standard specifications.
- c. By 1978, 95% of law enforcement equipment will meet specifications.
- d. By 1979, 90% of law enforcement equipment will meet standard specifications.
- e. By 1980, 100% of law enforcement equipment will meet standard specifications.

STANDARD 4.50: FREQUENCY CONGESTION

It is recommended that there be a federally funded national study and evaluation of frequency spectrum requirements for law enforcement agencies, and that such a study be initiated immediately.

CHAPTER V

TO INCREASE PROFESSIONAL SKILLS

STANDARD 5.1: EDUCATIONAL STANDARDS FOR THE SELECTION OF LAW ENFORCEMENT PERSONNEL

Law Enforcement agencies in North Carolina should recognize and take positive steps to implement the educational specification adopted by the Training and Standards Council indicating that all other qualifications being equal, preference should be given in the hiring of criminal justice professionals to individuals possessing a degree in criminal justice, because of the greater preparation provided by such degrees. Such specification should indicate those cases in which other degrees might be more appropriate than a criminal justice degree.

Colleges and universities, particularly those providing educational programs expressly for law enforcement personnel, should schedule classes at hours and locations that will facilitate the attendance of law enforcement officers. Classes should be scheduled for presentation during the daytime and evening hours within the same academic period, semester, or quarter. When appropriate, colleges and universities should present classes at locations other than the main campus so law enforcement officers can attend more conveniently.

Recommendation:

1. The Governor's Law and Order Commission should appoint a standing committee on Human Resources Development in Criminal Justice.

2. The formation of a Special Advisory Panel of criminal justice educators and trainers that would work with the Human Resources Development Committee is also recommended to:

- a. Provide sound input into the distribution of L.E.E.P. funds in North Carolina.
- b. Advise the educational community in maintaining accreditation standards of the Academy of Criminal Justice Sciences to insure that criminal justice programs quality control is well within the guidelines as set forth by the Southern Association of College and Universities.
- c. Expand the technical assistance services of the Law and Order Section.
- d. Provide research and advisory services to the Law and Order Commission for comprehensive planning.
- e. Conduct "special projects" for the Commission.
- f. Work with the Commission to assure the general upgrading of human resources in the North Carolina Criminal Justice System.
- g. Increase the quality of criminal justice training throughout the State of North Carolina.

STANDARD 5.2: GENERAL LAW ENFORCEMENT RECRUITING

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

1. The law enforcement 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 ideals and practices of professional law enforcement. (b) Agencies without the expertise to recruit law enforcement applicants successfully should seek expertise from the central personnel agency at the appropriate level of State or local government, or form cooperative personnel systems with other law enforcement agencies that are likely to benefit from such an association; every law enforcement agency, however, should retain administrative control of its recruitment activities.

2. The law enforcement agency should direct recruitment exclusively toward attracting the best qualified candidates. In doing so: (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 law enforcement 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 law enforcement 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 law enforcement agency, through various incentives, should involve all agency personnel in the recruitment and selection process.

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

STANDARD 5.3: COLLEGE RECRUITING

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

1. The law enforcement agency should establish permanent liaison with (a) Placement officers and career counselors in colleges and universities within a 50-mile radius of the law enforcement agency. (b) Faculty members and heads of departments that provide a curriculum specifically designed to prepare students for the law enforcement service.

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

STANDARD 5.4: MINORITY RECRUITING

Every law enforcement agency, 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 a law enforcement officer.

1. Every law enforcement agency should engage in positive efforts to employ ethnic minority group members.

2. Every law enforcement 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 law enforcement agency seeking to employ qualified ethnic minority members should research, develop, and implement specialized minority recruitment methods. These methods should include when possible: (a) Assignment of minority law enforcement officers to the specialized recruitment efforts. (b) Liaison with local minority community leaders to emphasize law enforcement sincerity and encourage referral of minority applicants to the police agency. (c) Recruitment advertising and other material that depict minority group law enforcement personnel performing the law enforcement 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 law enforcement work. (f) Regular personal contact with the minority applicant from the initial application to final determination of employability.

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

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

STANDARD 5.5: THE SELECTION PROCESS

Every law enforcement agency should employ a formal process for the selection of qualified law enforcement 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. As North Carolina has existing standards in this area, refined and improved standards should be considered.

STANDARD 5.6: EMPLOYMENT OF WOMEN

Every law enforcement agency should insure that there exist 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 law enforcement 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.
4. Immediately abolish all separate organizational entities composed solely of police women except those which are identified by function or objective, such as a female jail facility within a multi-unit law enforcement organization.

STANDARD 5.7: ENTRY LEVEL PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

Every law enforcement agency should require all applicants for law enforcement officers positions to undergo thorough entry level physical and psychological examinations to insure the detection of conditions that might prevent maximum performance under rigorous physical or mental stress.

Every agency 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 non-job related illnesses, inefficiency, unnecessary industrial accidents, and premature retirement. (b) Be conducted under the supervision of the licensed, competent physician. (c) Include a psychological evaluation conducted under the supervision of a licensed, competent psychologist or psychiatrist.

RECOMMENDATION: JOB RELATED ABILITY AND PERSONALITY INVENTORY TEST FOR LAW ENFORCEMENT APPLICANTS

It is recommended that a competent body of State and regional planners, law enforcement practitioners and behavioral scientists conduct research to develop job related mental ability and aptitude tests, and personality profile inventories for the identification of qualified law enforcement applicants.

1. This research should identify the personality profile, mental skills, aptitude, and knowledge necessary for successful performance of various law enforcement tasks.
 - a. The functional complexity of the law enforcement mission in urban and non-urban law enforcement should be defined specifically, following a comprehensive analysis of the law enforcement tasks involved in each environment.

b. Various mental skills, knowledge levels, and personality profiles should be defined and matched to the urban and non-urban law enforcement function.

2. Based on results of this research, tests, or test models and personality profile norms, should be developed and validated to determine reliably whether an applicant is qualified to perform the tasks of the position for which he applies.

RECOMMENDATION: DEVELOPMENT AND VALIDATION OF A SELECTION SCORING SYSTEM

It is recommended that a competent group of State and regional planners, law enforcement practitioners, and professional personnel administrators research, develop, and validate a selection scoring system based on physical, mental, psychological, and achievement characteristics that are reliable and valid predictors of law enforcement officer performance. This group:

1. Should identify those characteristics that are valid and reliable predictors of a law enforcement applicant's value to himself, the law enforcement agency, and the public, as a law enforcement officer.

2. Should determine the relative values of characteristics, and levels within characteristics, as predictors of law enforcement officer performance, and should develop a system for representing the values numerically and combining them to arrive at a score.

3. Should recommend for various types of law enforcement agencies operating under various conditions the minimum qualifying scores that validly and reliably predict performance that warrants hiring, and provide any technical assistance necessary for the agency to validate these scores and the criteria on which the are based.

STANDARD 5.8: OFFICERS UNDERSTANDING OF THEIR ROLE

Every law enforcement 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.

STANDARD 5.9: ENHANCING THE ROLE OF THE PATROL OFFICER

Every local government and law enforcement executive, recognizing that the patrol function is the most important element of the law enforcement agency, 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.

2. Every law enforcement 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.

STANDARD 5.10: THE LAW ENFORCEMENT EXECUTIVE AND EMPLOYEE RELATIONS

Every law enforcement executive should acknowledge his responsibility to maintain effective employee relations and should develop policies and procedures to fulfill this responsibility.

1. Every law enforcement executive should actively participate in seeking reasonable personnel benefits for all law enforcement employees.
2. Every law enforcement 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 law enforcement 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 law enforcement executive should provide a grievance procedure for all law enforcement employees.
5. Recognizing that law enforcement employees have a right, subject to certain limitations, to engage in political and other activities protected by the first amendment, every law enforcement agency should promulgate written policy that acknowledges this right and specifies proper and improper employee conduct in these activities.

STANDARD 5.11: ESTABLISHMENT OF POLICY

Every law enforcement executive 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 law enforcement executive should promulgate policy that provides clear direction without necessarily limiting employees' exercise of discretion.
2. Every law enforcement executive should provide for maximum participation in the policy formulation process.
3. Every law enforcement executive should provide written policies in those areas in which direction is needed.

STANDARD 5.12: INSPECTIONS

Every law enforcement agency should establish an inspection system to provide the law enforcement executive with the information he needs to evaluate the efficiency and effectiveness of agency operations.

STANDARD 5.13: LAW ENFORCEMENT 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 law enforcement work. The State should set minimum entry level salaries for all State and local law enforcement 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 law enforcement salaries to reflect the prevailing wages in the local economy.

1. Every local government should establish an entry level sworn law enforcement 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 law enforcement functions performed by the agency. (c) The economy of the area served by the agency. (d) The availability of qualified applicants in the local labor market.

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

3. Every local government should establish a salary review procedure to insure the automatic annual adjustment of law enforcement 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 establish a sufficient salary separation between job classifications to provide promotional incentives and retain competent supervisors and managers.

5. Every local government should provide its law enforcement agency executive with a salary that is equivalent to that received by chief executives of other governmental agencies.

6. Every local government should establish or maintain a law enforcement salary structure separate and distinct from that of any other government agency.

7. The State should establish a minimum entry level salary for all State and local sworn law enforcement personnel. The minimum salary should be based on the qualifications required for employment in the law enforcement 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.

STANDARD 5.14: EDUCATIONAL INCENTIVES FOR LAW ENFORCEMENT OFFICERS

Every law enforcement agency should adopt a formal program of educational incentives to encourage law enforcement officers to achieve a college level education.

1. When it does not interfere with the efficient administration of law enforcement personnel, duty and shift assignments should be made to accommodate attendance at local college; 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 law enforcement officer if: (a) He is enrolled in courses or pursuing a degree that will increase, directly or indirectly, his value to the law enforcement service. (b) His job performance is satisfactory.

3. Incentive pay should be considered for retainment 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% of the employees 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.

STANDARD 5.15: EMPLOYEE SERVICES

Every law enforcement agency with 150 or more personnel should 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.

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 agency employees of those benefits and 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 the settling of the officer's affairs.

STANDARD 5.16: HEALTH INSURANCE

Every law enforcement agency should make available a health care program for its officers and dependents (immediate family) to insure adequate health care at minimum cost to the agency and the employee.

1. Every law enforcement agency should establish a health care program that provides for the particular health care needs of its employees and their immediate families. (a) Every agency should pay all or a major portion of the cost of the health care program to insure that the expense to the 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 facilitates swift, efficient provision of services and feedback of employee reaction to the program.

2. Every law enforcement agency should insure that an officer or his beneficiary 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.

STANDARD 5.17: STATE RETIREMENT PLAN

Every State should provide an actuarially sound statewide law enforcement 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 cost and benefits within the system.

3. The system should require a minimum of 15 years of service for normal retirement and a mandatory retirement age of 62 for all law enforcement personnel.

4. Reciprocal agreements should be formulated between independent, local, State, and interstate law enforcement pension systems to allow any law enforcement officer to accept any law enforcement position available and still retain his accrued retirement benefits.

5. The system should be managed by a recognized actuarial managing firm or individual, and a report should be filed annually concerning the status, size, and potential individual share within the fund.

RECOMMENDATION: It is recommended that Congress extend the benefits of Title V, Section 8191, of the United States Code to every Federal State, and local law enforcement officer who in the performance of any law enforcement duty is killed, injured, or contracts a sustaining disease.

STANDARD 5.18: AGENCY PROVISION OF UNIFORMS AND EQUIPMENT

Every law enforcement agency should acquire the funds necessary to provide and maintain a full uniform and equipment complement for every police officer. This will facilitate the agency's effort to insure the conformance to uniform and equipment standards.

1. Every law enforcement agency should determine the minimum uniform requirements for its 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 law enforcement agency should furnish and replace at no cost to officers the sidearm, ammunition, and auxiliary personal equipment specified by the agency.

STANDARD 5.19: PERSONNEL DEVELOPMENT FOR PROMOTION AND ADVANCEMENT

Every law enforcement agency should adopt a policy of promoting to higher ranks and advancing to higher pay grades 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 the potential.

1. Every law enforcement 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, as a competent detective, a supervisor or manager, or as a specialist capable of handling any of the other tasks within a law enforcement 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. (c) Job related mental ability test.

2. Every law enforcement 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. (f) The occasional opportunity to perform the duties of the position for which the 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 promotions and advancements.

STANDARD 5.20: FORMAL PERSONNEL DEVELOPMENT ACTIVITIES

Every law enforcement agency should 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 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.

2. Every law enforcement agency should fulfill its responsibility to develop personnel by seeking adequate funding for personnel development activities. In so doing, the law enforcement agency should consider the availability of financial assistance outside the normal budgetary process.

3. Every law enforcement agency should consider establishing incentive pay provided on the basis of professional certificates, as awarded by the Training and Standards Council, for the achievement of specified levels of education, training and experience.

STANDARD 5.21: 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.

STANDARD 5.22: ADMINISTRATION OF PROMOTION AND ADVANCEMENT

Every law enforcement 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 law enforcement 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 law enforcement executive should make use of the services of the central personnel agency when that personnel agency is competent to develop and administer test and is responsive to the needs of the law enforcement agency.

2. The law enforcement 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.

STANDARD 5.23: PERSONNEL RECORDS: SECOND LEVEL PRIORITY

Every law enforcement agency should establish a central personnel information system to facilitate management decision-making 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) Recommendation records. (g) Sustained personnel complaint history. (h) Medical history. (i) Occupational and skills profile. (j) Results of special tests. (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.

4. The system should be designed to facilitate statistical analysis of personnel resources and the identification of individuals with special skills, knowledge, or experience.

STANDARD 5.24: ASSIGNMENT OF CIVILIAN LAW ENFORCEMENT PERSONNEL

Every law enforcement agency should assign civilian personnel to positions that do not require the exercise of law enforcement 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 law enforcement 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 law enforcement officer. (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 personnel (civilian) 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 benefits structure for civilian personnel commensurate with their position classification.

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 provide civilian training programs that insure the level of proficiency necessary to perform the duties of each assignment.

8. Should inform all civilian employees of the requirements for sworn law enforcement status and interview them to determine their interest or desire to seek such status subsequently, and should record all information obtained during such interviews.

9. Should assign those surveyed employees who express a desire to seek sworn status later to positions that will contribute to their professional development as law enforcement officers.

STANDARD 5.21: STATE LEGISLATION AND FISCAL ASSISTANCE FOR LAW ENFORCEMENT

The State should reimburse every law enforcement agency 100% of the salary or provide appropriate State financed incentives for every law enforcement employee's satisfactory completion of any State mandated and approved law enforcement training program. The State of North Carolina should designate an agency to administer the financial support for law enforcement training and education. The State should provide a consulting service for law enforcement training and education centers.

STANDARD 5.26: LAW ENFORCEMENT TRAINING ACADEMIES AND CRIMINAL JUSTICE TRAINING CENTERS

The State of North Carolina should, guarantee the availability of State approved law enforcement training to every sworn law enforcement employee. Every State should encourage local, cooperative, or regional law enforcement training programs to satisfy State training requirements; when these programs cannot satisfy the requirements, criminal justice training centers including the law enforcement training academies should be established by the State.

1. State certification of a basic law enforcement training program should, as a minimum, require the training facility to operate for nine months a year.

2. Where appropriate, law enforcement agencies should establish cooperative training academies or otherwise combine their resources to satisfy law enforcement training standards or other training needs.

3. The State develop means for bringing mandated or other necessary training to employees of law enforcement agencies when it is impractical or inefficient to bring these employees to the nearest training center or academy.

4. The State should encourage law enforcement agencies to participate in the specialized training offered through academic institutions, government agencies, and professional and business organizations.

STANDARD 5.27: PROGRAM DEVELOPMENT

Every law enforcement training academy and criminal justice training center should develop effective training programs, their length, content, and presentation of which will vary according to specific subject matter, participating law enforcement employees, and agency and community needs.

1. Every law enforcement training academy should insure that the duration and content of its training programs cover the subject every law enforcement employee needs to learn to perform acceptable the tasks he will be assigned.

2. Every law enforcement 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 objectives.

3. Every law enforcement training academy serving more than one law enforcement agency should enable the law enforcement executives of participating agencies to choose for their personnel elective subjects in addition to the minimum mandated training.

STANDARD 5.28: INSTRUCTION QUALITY CONTROL

Every law enforcement training academy and criminal justice training center should develop quality control measures to insure that training performance objectives are met. Every training program should insure that the instructors, presentation methods, and training materials are the best available.

1. Every law enforcement training academy should present all training programs with the greatest emphasis on student oriented instruction methods to increase trainee receptivity and participation. Training of one hour 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 reserach 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 law enforcement employee assigned to field duty. (c) The use of audio-visual aids to aid realism and

impact to training presentations. (d) Preconditioning materials, such as correspondence courses and assigned readings, made available prior to formal training sessions. (e) Self-paced, individualized instruction methods for appropriate matter. (f) Where appropriate, computer assistance in the delivery of instruction material.

2. Every law enforcement training academy should restrict formal classroom training to a maximum of 25 trainees.

3. Every law enforcement training academy and every police agency should 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 instructor training program. (c) Periodic renewal of certification based in part on the evaluation of the law enforcement training academy and the law enforcement agency.

4. Every law enforcement 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 law enforcement training instructor to assist him in evaluating the effectiveness of his methods and the value of his materials. (b) Rotation of law enforcement 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 objectives. (d) Continual assessment of the workload of every law enforcement training instructor. (e) Administrative flexibility to assure efficient use of the training academy staff during periods of fluctuation in trainee enrollment.

5. Every law enforcement agency and every law enforcement training academy should review all training materials at least annually to determine their current value and to alter or replace them where necessary.

STANDARD 5.29: PREPARATORY TRAINING

Every law enforcement agency should begin to take steps to provide training for every law enforcement employee prior to his taking the oath of office with the agency.

1. The State should require that every sworn law enforcement employee satisfactorily complete a minimum of 240 hours of basic law enforcement training, as should be required by the Training and Standards Council.

2. Every law enforcement agency should provide every unsworn law enforcement employee with sufficient training to enable him to perform satisfactorily his specific assignment and to provide him with a general knowledge of the law enforcement role and the organization of the law enforcement agency.

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

4. Every law enforcement agency should provide fundamental narcotic and drug investigation training to every officer during basic training.

5. The Governor's Law and Order Commission should consider paying replacement salary for officers attending basic, specialized, and in-service training.

6. Every law enforcement 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.

STANDARD 5.30: IN-SERVICE TRAINING

Every law enforcement agency should provide for annual and routine training to maintain effective performance throughout every sworn employee's career.

1. Every law enforcement agency should provide 40 hours of formal in-service training annually to sworn law enforcement 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 law enforcement 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 law enforcement agency should provide each law enforcement station with: (a) As soon as practical, a minimum of one law enforcement employee who is a State certified training instructor. (b) Audio-visual equipment compatible with training material available to the law enforcement agency. (c) Home study materials available to all law enforcement employees. (d) Periodic, one day, on duty training programs directed at the specific needs of the law enforcement employees.

3. Every law enforcement 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 law enforcement employee's personnel folder in order to encourage active participation in these training programs.

4. Every law enforcement agency should provide every law enforcement employee newly assigned to his specialized task the specific training he needs to enable him to perform the task acceptably.

5. Every law enforcement agency should provide sufficient training to enable every newly promoted employee to perform the intended assignments satisfactorily.

6. The State of North Carolina should, 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.

7. Every law enforcement agency should provide training necessary for planning personnel to carry out their planning responsibilities. Any employee assigned to grant procurement should be given appropriate training.

STANDARD 5.31: INTERPERSONAL COMMUNICATIONS TRAINING

Every law enforcement agency should develop and improve the interpersonal communications skills of all officers. These skills are essential to the productive exchange of information and opinion between law enforcement personnel; other elements of the criminal justice system, and the public; their use helps officers to perform their tasks more effectively.

1. Every recruit training program should include instruction in interpersonal communications, and should make appropriate use of programmed instruction as a supplement to other training.

2. Every law enforcement 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 law enforcement employee and participants' attitudes toward that role.

STANDARD 5.32: TRAINING FOR UNUSUAL OCCURRENCES

Training for unusual occurrences should be obtained through the SEADOC program sponsored by L.E.A.A. Training for unusual occurrences shall be included in the curriculum in the basic law enforcement school.

STANDARD 5.33: USE OF PROFESSIONAL EXPERTISE

Every law enforcement agency should, by January 1, 1977, 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
- 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
- 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
 - c. Research

4. Behavioral science resources with expertise in:
 - a. Personnel selection, vocational assessment, and career counseling.
 - b. Teaching, training, and educational programming
 - c. Research
 - d. Management consultation
 - e. Personal problem counseling
 - f. Specialist consultation

5. Members of the clergy.

PART TWO – THE ADJUDICATION COMPONENT

PRIORITIZATION OF STANDARDS
BY THE GOVERNOR'S LAW AND ORDER COMMISSION
FOR THE ADJUDICATION COMPONENT

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CHAPTER I
TO REDUCE CRIME

STANDARD 1.1: DIVERSION POLICY

Diversion is the formally acknowledged and organized effort to utilize alternatives to initial or continued processing into a justice system. To qualify as diversion, such efforts must be introduced prior to adjudication and after a legally prescribed action has occurred. The diversion process implies holding or suspending formal criminal justice processing against a person who has allegedly violated a criminal statute in favor of processing that person through non-criminal means.

The General Court of Justice and the Administrative Office of the Courts, should take action, including the pursuit of enabling legislation where necessary, to establish centrally coordinated and directed adult intake services.

1. These services should:

- a. Perform investigation services for pretrial intake screening or diversion. Such services should be conducted within a reasonable time and provide data for decision regarding appropriateness of summons release, release on recognizance, community bail, conditional pretrial release, or other forms of pretrial release.
- b. Emphasize diversion of alleged offenders from the criminal justice system and referral to alternative community-based programs (halfway houses, drug treatment programs, and other residential and non-residential adult programs). The principle task is identifying the need and enacting community services to it.
- c. Offer initial and ongoing assessment, evaluation, and classification services to other agencies as requested.
- d. Provide assessment, evaluation, and classification services that assist program planning for sentence offenders.
- e. Arrange secure residential detention for pretrial detainees and an existing community or regional correctional center or jail, or at a separate facility for pretrial detainees where feasible. Most alleged offenders awaiting trial should have been already diverted to release programs.

2. The following principles should be followed in establishing, planning, and operating intake services for adults:

- a. Intake services should be administratively part of the judicial department.
- b. Intake services should operate in conjunction with the community correctional facility.
- c. Protection of the rights of the accused should be maintained at every phase of the process, including the right against self-incrimination.
- d. The information obtained from intake services shall not be a public record.
- e. Personal data should be a significant component of intake services.
- f. The following persons should be available to intake services programs:
 - 1) Psychiatrists
 - 2) Clinical psychologists
 - 3) Social workers
 - 4) Interviewers
 - 5) Educational specialists.

CONTINUED

1 OF 3

STANDARD 1.2: DIVERSION PROGRAMS AND GUIDELINES

The General Court of Justice and the Administrative Office of Courts and local agencies, should develop and implement formally organized programs of diversion that can be applied in the criminal justice process from the time an illegal act occurs until the time of adjudication.

1. The planning process and the identification of diversion services to be provided should fall generally, and be associated with, total system planning. A system plan should include:
 - a. 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 to be promulgated by the North Carolina District Attorneys Association. These guidelines should insure periodic review of policies and decisions. These guidelines should specify:
 - a. The objectives of the program and types of cases to which it is to apply.
 - b. The means to be used to evaluate the diversion program.
 - c. A requirement that the official making the diversion decision state in writing his determination denying or approving.
 - d. A requirement that the agency official diversion programs maintain a current and complete listing of various resources or dispositions available to diversion decision makers.
 - e. The appropriate authority should make the decision to divert as soon as adequate information can be attained.
 - f. These guidelines should be made public.
 - g. Where the diversion program involves significant deprivation of an offender's liberty, diversion should be permitted which provides for the suspension of criminal proceedings on the condition that the defendant participates in the diversion program.
 - h. Procedures should be developed for the formulation of such diversion agreements. 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 two years should not be permitted.
 - 3) The agreement should contain a full statement of those conditions expected of the defendant under the agreement.
 - 4) Semi-annual review of the diverted individuals shall take place.
 - 5) Upon expiration of the agreement, no future prosecution based on the conduct underlying the initial charge should be permitted.
 - 6) For the duration of the agreement, the prosecutor should have the discretionary authority to determine whether to re-instate the prosecution.
 - 7) Whenever a diversion decision is made by the prosecutor's office, the staff member making it should specify in writing whether or not the defendant is diverted.
 - i. The decision by the prosecutor not to divert a particular defendant should not be subject to judicial review.

3. The factors to be used in determining whether an offender, following arrest but prior to adjudication, should be selected for diversion to a non-criminal program, should include the following:

- a. 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.
- b. The arrest has already served as a desired deterrent.
- c. The needs and interest for the victim, offender, and society are served better by diversion than by official processing.
- d. The offender does not present substantial danger to others.
- e. The offender voluntarily accepts the offered alternative to further criminal justice system processing.

STANDARD 1.3: TRAFFIC VIOLATIONS

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 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.

1. Appropriate legislative action should be taken to provide for administrative disposition of traffic violation cases.

2. Procedures for the disposition of traffic violation cases should include the following:

- a. 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.
- b. No jury trial should be available.
- c. 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 the greater weight of the evidence. Rules of evidence should not be applied strictly.
- d. 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.

STANDARD 1.4: PUBLIC INEBRIATES

Whenever possible, public inebriates should not be processed through the criminal justice system.

The possibility of establishing alternative methods of handling the public inebriate should be pursued. These alternatives should include but not be limited to, medical, social and psychological avenues of treatment.

CHAPTER II

TO PROTECT INDIVIDUAL RIGHTS

STANDARD 2.1: CRIMINAL PROCESS SCREENING POLICY

Upon the apprehension, or following the charging, of a person for a misdemeanor or certain less serious felonies, citation of summons should be used in lieu of taking the person into custody, upon guidelines of statewide application to be established by the judiciary or the legislature.

STANDARD 2.2: SCREENING PROCEDURE

All judicial officers should be encouraged to issue a summons rather than an arrest warrant in all cases alleging these offenses in which a complaint, information or indictment is ruled or returned against a person not already in custody.

1. Summons should be served upon the accused in same manner as a civil summons.
2. The 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, to the community, or to himself or herself;
 - 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.
3. 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 his rights as required by statute, in particular N.C.G.S. 15A-302 and 15A-303;
 - d. Explain the law concerning representation by counsel and the law concerning appointment of counsel and contain a form for advising the court (not less than 3 days before the case is set for trial) of the name of his counsel or of the desire to have the court appoint an attorney to defend him.

STANDARD 2.3: PRETRAIL RELEASE POLICY

The General Court of Justice in association with the Administrative Office of Courts, should seek enabling legislation and develop, authorize, and encourage use of a variety of alternatives to the detention of persons awaiting trial.

STANDARD 2.4: PRETRAIL RELEASE PROCEDURE

Whenever an accused person is taken into custody an investigation should commence immediately to gather information relevant to the pretrial release or detention decision.

1. The nature of the investigation should be flexible and generally exploratory in nature. It should provide information about the accused including:
 - a. Current employment status and employment history.
 - b. Present residence and length of stay at such residence.
 - c. General reputation and character references.
 - d. Extent and nature of family relationships.
 - e. Present charges against the accused including any known outstanding charges.
 - f. Prior criminal conviction.
 - g. Prior record of compliance with or violation of any pretrial release conditions.
 - h. Other facts relevant to the likelihood that he will appear for trial.
2. Information gathering services for the judicial officer making the decision should be provided in the first instance by the law enforcement agency.
3. The agency that develops presentence reports should verify and supplement the information utilized by the judicial officer in making pretrial release decisions.
4. The decision to release a person prior to trial should be made by a judicial officer. The judicial officers, on the basis of information available to them, should select from a 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 the amount specified.
 - c. Release into the care and supervision of a qualified person or organization reasonably capable of assisting the accused to appear at trial.
 - d. Release with imposition of restriction on activities, associations, movements, and residence reasonable related to securing the appearance of the accused.
 - e. Release on the basis of financial security to be provided by the accused, including, but not limited to, a 10% deposit which would be refunded less only an administrative fee paid to the clerk of court, if the accused properly appeared.
 - f. Imposition of any other restrictions other than detention reasonably related to security the appearance of the accused.
 - g. Detention of the accused.
5. Judicial officers, in selecting the form of pretrial release, should consider the nature and circumstances of the offense charged, the accused's ties to the community, his record of convictions, if any, and his record of appearance at court proceedings or a flight to avoid prosecution.
6. No person shall be allowed to act as surety for compensation.
7. In certain limited cases, it shall be appropriate to deny pretrial release completely.
8. Where a defendant is detained prior to trial, or where conditions substantially infringing upon his liberty are imposed, the defendant should be authorized to seek review of that decision by a judicial officer as authorized by North Carolina General Statutes Chapter 15A.
9. 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 evi-

- dence of a willful violation of one of the conditions of his release.
- b. The violation of conditions is of a nature that involves a risk of non-appearance.
- 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.

10. A person who is detained or objects to the conditions required for his release, which were imposed or allowed to stand by order of a district court judge, should be allowed to seek modification of that order as provided in North Carolina General Statute Section 15A-538.

11. The judicial officer should be authorized to impose different or additional conditions in lieu of revoking the release and detaining the defendant.

STANDARD 2.5: PRETRIAL RELEASE PLANNING

Each judicial district should develop a comprehensive plan for improving the pretrial release process.

1. In the planning process, the following information should be collected:
 - a. 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.
 - b. The cost of pretrial release programs and detention.
 - c. The disposition of persons awaiting trial, including the number released on bail, released on non-financial conditions, and detained.
 - d. The disposition of such persons after trial including, for each form of pretrial release or detention, the number of persons who are convicted, who are sentenced to the various available sentencing alternatives, and which cases were dismissed.
 - e. Effectiveness of pretrial conditions, including the number of releases who (a) fail to appear, (b) violate the conditions of their releases, (c) who are arrested during the period of their release, or (d) were convicted during the period of their release.
 - f. Conditions of local detention facilities, including the extent to which they meet the conditions recommended herein.
 - g. Conditions of treatment of and rules governing persons awaiting trial, including the extent to which such treatment and rules meet the recommendations in the preceding standards.
 - h. The need for and the availability of resources that could be effectively utilized for persons awaiting trial, including the number of arrested persons suffering from problems related to alcohol, narcotic addiction, or physical or mental disease or defects, and the extent to which community treatment programs are available.
 - i. A 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.
2. A comprehensive plan for the pretrial process should include the following:
 - a. Assessment of the programs and facilities relating to pretrial release and detention.
 - b. A plan for improving programs and facilities relating to pretrial release and detention, including priorities for implementation of the recommendations.
 - c. A means for implementing the plan and of discouraging the expenditure

- of funds for, or the continuation of, programs inconsistent with it.
- d. A method of evaluating the extent and success of implementation of the improvements.
 - e. A strategy for processing large numbers of persons awaiting trial, including a means of utilizing additional resources on a temporary basis.

3. A 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, sheriff, prosecution, public defender, private defense bar, judiciary, court management, probation, corrections, and the community.

STANDARD 2.6: EXPEDITIOUS TRIAL PROCEDURES

The State legislature should enact, and the General Court of Justice with the Administrative Office of Courts should develop policies and procedures, to expedite criminal trials and thus minimize pretrial detention.

Such legislation and policies and procedures should include:

1. Time limits in which a defendant must be brought to trial. The limits that can be imposed effectively will vary among judicial districts depending on the number of criminal cases and the availability of judicial, prosecutorial, and defense resources. As an objective sufficient resources should be available so that the time limits imposed would not exceed the following:
 - a. For felony prosecution, 60 days from the arrest, receipt of citation or summons, or filing of an indictment, information, or complaint whichever comes first. In misdemeanor cases, 30 days.
 - b. In felony prosecution, 60 days from the filing of new charges arising out of the same conduct after the original charge was dismissed upon motion of the defendant. In misdemeanor cases, 30 days.
 - c. In felony prosecutions, 60 days from a declaration of a mistrial, or remand from an appeal or collateral attack if the defendant is retried. Misdemeanor cases, 30 days.

2. Periods which should be excluded from computing the time for trial include those periods of delay resulting from other proceedings concerning the defendant, from the absence or unavailability of the defendant, or from the defendant's incapacity to proceed.

3. Authorization for temporary assignment of counsel, and other officers essential for the trial of a criminal case to a jurisdiction where crowded dockets prohibit or make difficult compliance with the time limits for bringing defendants to trial.

STANDARD 2.7: RULES GOVERNING SPEEDY TRIALS

The legislature should promulgate rules assuring a criminal defendant a speedy trial on all pending charges. Such rules should include the recommendations of the Expeditious Trial Procedures standard not adopted by legislation and in addition the following:

1. To the extent practical, scheduling of cases in accordance with the following priority:
 - a. Criminal cases where the defendant is detained awaiting trial.
 - b. Criminal cases where the defendant is subject to substantial conditions or supervision awaiting trial.

- c. All other criminal cases.
- d. Civil cases.

2. For defendants detained while awaiting trial, time limits of shorter duration than provided by statute.

3. Time limits within which the various pretrial procedures must take place and a means for altering such limits in individual cases.

STANDARD 2.8: GRAND JURY PROCEDURES

Grand jury indictments should not be required except in capital cases. Provisions should be made for the convening of the grand jury for investigation and charging.

1. If an existing requirement of indictment cannot be removed immediately, provisions should be made for the waiver of indictment by the accused.

2. Prosecutors should develop procedures that encourage and facilitate the waiver of a grand jury indictment.

3. Once a grand jury indictment is issued in a particular case no preliminary hearing should be held in that case.

STANDARD 2.9: INITIAL PRESENTMENT

When a defendant has been arrested and a citation has not been issued, the defendant should be presented before a judicial officer without necessary delay.

At this appearance, the defendant should be advised orally and in writing of the charges against him, of his constitutional rights (the right to bail, to assistance of counsel,) and the date of his trial or preliminary hearing. If the defendant is entitled to publically provided representation, arrangements should be made at this time. If it is determined that pretrial release is appropriate, the defendant should then be released.

STANDARD 2.10: PRELIMINARY HEARING

If a preliminary hearing is held, it should be held within 15 working days following arrest.

1. 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 the crime was committed and that the defendant committed it.

2. If a defendant intends to waive his right to a preliminary hearing he should file a notice to this effect at least five working days prior to the time set for the hearing.

STANDARD 2.11: PRETRIAL DISCOVERY

Both the prosecution and defense in a criminal case, should engage in full disclosure, consistent with the constitutionally protected rights of the defendant. This duty of disclosure continues up to and includes the time of trial.

STANDARD 2.12: CASE PRIORITY

Certain criminal cases should be given priority when cases are assigned for trial.

1. Cases should be given priority for trial where one or more of the following factors are present:
 - a. The defendant is in pretrial custody;
 - b. The defendant constitutes a significant threat of violent injury to others;
 - c. The defendant is a recidivist.
 - d. The defendant is a professional criminal, that is, a person who substantially derives his livelihood from illegal activities; or
 - e. The defendant is a public official.

2. The prosecutor should consider, in setting priorities for trial, the age of the case, and whether the defendant is charged with a felony.

STANDARD 2.13: PUBLICALLY FINANCED REPRESENTATION

Public representation should continue to be made available to eligible defendants in all criminal cases, pursuant to N.C.G.S. 7A-451 and any federal or North Carolina Constitutional requirements, and pursuant to any new laws promulgated to provide representation.

STANDARD 2.14: DISCOURAGEMENT OF WAIVER OF COUNSEL

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

STANDARD 2.15: PAYMENT FOR PUBLIC REPRESENTATION

An individual provided public representation should be required to pay any portion of the cost of the representation that he is able to pay at the time. Such payment should be no more than an amount that can be paid without causing substantial hardship to the individual or his family. Where any payment would cause substantial hardship to the individual or his family, such representation should be provided without cost.

The test for determining ability to pay should be a flexible one that considers such factors as amount of income, bank account, ownership of a home, a car, or other tangible or intangible property, the number of dependents, and the cost of subsistence for the defendant and those to whom he owes a legal duty of support.

STANDARD 2.16: INITIAL CONTACT WITH CLIENT

The first client contact and initial interview by the public defender, his attorney staff, or appointed counsel should be governed by the following:

1. The accused, or a relative, close friend, or other responsible person acting for him may request representation at the first appearance before a district court judge. Procedures should exist whereby the accused is informed of this right, and of the method for exercising it. Upon such request, the public defender or appointed counsel should contact the interviewee.
2. If, at the initial appearance, no request for publicly provided defense services has been made, and it appears to the judicial officer that the accused has not made an informed waiver of counsel and is eligible for public representation, an order should be entered by the judicial officer referring the case to the public defender, or to appointed counsel. The public defender or appointed counsel should contact the accused as soon as possible following entry of such an order.
3. Where, pursuant to court order or a request by or on behalf of an accused, a publicly provided attorney interviews an accused and it appears that the accused is financially ineligible for public defender services, the attorney should help

the accused obtain competent private counsel in accordance with established bar procedures and should continue to render all necessary public defender services until private counsel assumes responsibility for full representation of the accused.

TO ACHIEVE JUSTICE

STANDARD 3.1: SCREENING POLICY

Screening is the elimination of a case from the criminal justice system, either before or after a charge, but up to and including the arraignment.

An accused should be screened out of the criminal justice system when the benefits to be derived from prosecution or diversion, are outweighed by other factors.

Among the factors to be considered in making this determination are the following:

1. When the evidentiary aspects warrant such action.
2. The value of further proceeding.
3. Any improper motives of the complainant.
4. Prolonged non-enforcement of the statute on which the charge is based.
5. The likelihood of prosecution and conviction of the offender by another jurisdiction.
6. Any assistance rendered by the accused in apprehension or conviction of other offenders, in the prevention of the 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 this particular offender.

STANDARD 3.2: PRECUSTODIAL SCREENING PROCEDURES

The police, in consultation with the prosecutor, should develop guidelines for the taking of persons into custody. After a person has been taken into custody, the decision to proceed with formal prosecution should rest with the prosecutor.

Those guidelines should embody the six (6) factors set out in the Screening Policy Standard.

STANDARD 3.3: TIMING OF SCREENING DECISION

Where possible, the prosecutor should become involved in the decision to issue felony arrest warrants.

1. The decision whether to screen a case should be made before such approval is granted.
2. Once a decision has been made to issue an arrest warrant, further consideration should be given to screening an accused as further information concerning the accused becomes available.
3. Final responsibility for making a screening decision should be placed specifically upon an experienced member of the prosecutor's staff.

STANDARD 3.4: DEVELOPMENT OF SCREENING GUIDELINES

North Carolina District Attorneys Association should promulgate written guidelines of statewide application in screening that embody those six factors set out in the Screening Policy standard.

STANDARD 3.5: THE SCREENING DECISION

The decision to continue formal proceedings should be a discretionary one on the part of the prosecutor.

1. The screening decision 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.

2. 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.

STANDARD 3.6: STATEMENT OF POLICIES AND PROCEDURES ON THE NEGOTIATED PLEA

Each prosecutor's office should formulate a written statement of policies and practice governing all members of the staff in plea negotiations.

1. This written statement should provide, inter alia, these factors be considered by prosecuting attorneys engaging in plea negotiations:

- a. The impact that the victim suffered as a result of the criminal offense.
- b. The role that a plea and negotiated agreement may play in rehabilitating the offender.
- c. The value of a trial in fostering a community's sense of security and confidence in law enforcement agencies.
- d. The assistance rendered by the offender:
 - 1) In the apprehension or conviction of other offenders;
 - 2) The prevention of crimes by others;
 - 3) In the reduction of the impact of the offense on the victim;
 - 4) In any other socially beneficial activity.

2. The statement of policies should be made available to the public.

3. The statement should direct that before finalizing any plea negotiations, the 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 victim, the impact of the offense (and of a guilty plea to a crime less than the most serious that appropriately could be charged upon the community. This information should be considered by the prosecutor's office in deciding whether to enter into an agreement with the defendant.

4. The statement should be an internal, intra-office standard only. Neither the statement of policy nor its application should be subject to judicial review. The prosecutor's office should assign an experienced prosecutor to review negotiated pleas to ensure that the guidelines are applied properly.

STANDARD 3.7: PLEA NEGOTIATIONS TIME LIMITS

At the Superior Court level, there should be a time limit after which plea negotiations may no longer be conducted. The sole purpose of this limitation should be to ensure the maintenance of a trial docket that lists only cases that will go to trial.

1. After the specified time limit has elapsed, only pleas to the official charge should be allowed.

2. The time limit should be waivable in unusual circumstances with the approval of the judge and prosecutor.

STANDARD 3.8: SENTENCING STUDY

It is recommended that concrete proposals for sentencing reform in North Carolina be developed for submission to the North Carolina General Assembly.

1. A study group should be established to collect all the available data on sentencing, corrections and recidivism, and develop remedial sentencing proposals.

2. Any study of the sentencing area should include but not be limited to a consideration of:

- a. Whether reforming the present penal sanctions is necessary.
- b. The use of probation and other sentencing alternatives; including an evaluation of their effectiveness.
- c. The possibility of authorizing the trial court to take continuous sentencing jurisdiction.
- d. The possibility of allowing sentencing review at the appellate stage.
- e. The possibility of requiring and utilizing presentence reports. Consideration should also be given to their subsequent use and dissemination, with a concern for any rights the offender may have.
- f. The possibility of establishing objective criteria for sentencing.

STANDARD 3.9: APPELLATE REFORM

An Appellate Rules Commission should be established to draft and formulate new appellate procedures which would encompass the basic philosophy of a rapid and total judicial review for each convicted defendant.

1. It is recommended that the North Carolina General Assembly take such action as is necessary to establish and mandate an Appellate Rules Commission. State and/or federal funds should be sought to support this project.

2. It is recommended that the Appellate Rules Commission should evaluate but not limit itself to the following considerations:

- a. Affording each convicted defendant the opportunity to obtain one full and fair judicial review.
- b. Review should as rapidly follow conviction and sentencing as procedures will allow. The use of specific time limitations should be considered.
- c. Review should be done by a tribunal other than that by which the convicted defendant was tried and sentenced.
- d. Review should extend to the entire case and include all substantive and collateral issues. Arguments as to the legality and appropriateness of the trial, conviction, and sentence could all be heard in a single appellate proceeding.
- e. Further review from the single unified review should be available by writ of certiorari to the North Carolina Supreme Court.

TO INCREASE EFFICIENCY IN THE CRIMINAL JUSTICE SYSTEM

STANDARD 4.1: CONTINUANCE POLICY

Continuances should not be encouraged. A continuance should be granted only upon a showing of good cause. The docket sheet should reflect the party requesting and the reason for the continuance.

STANDARD 4.2: COURTROOM PROCEDURE

In every court where trials of criminal cases are being conducted, daily sessions should commence by 9 a. m. and continue until 5 p. m. unless business before the court is concluded at an early time and it is too late in the day to begin another trial. Jury selection in the next case should start as soon as the jury in the preceding case has retired to consider a verdict.

All criminal trials should conform to the following:

1. Evidence admitted should be strictly limited to that which is directly relevant and material to the issues being litigated. Repetition should be avoided.
2. Summations or closing statements by counsel should be limited to the issues raised by evidence submitted during trial and should be subject to time limits established by the judge.
3. Standardized instructions should be utilized in all criminal trials as far as is practical.

STANDARD 4.3: JURY SIZE

Study should be given to the utilization of juries of less than 12 in all cases with the exception of capital cases.

STANDARD 4.4: JURY WAIVER

Study should be given to allowing the defendant, except in capital cases, to affirmatively waive a jury trial up to and until the empanelment of the jury.

STANDARD 4.5: COURTHOUSE PHYSICAL FACILITIES

Adequate physical facilities should be provided for court processing of criminal defendants. These facilities include the courthouse structure itself, and such internal components as the courtroom and its adjuncts, and facilities and conveniences for witnesses, jurors, and attorneys.

Courthouse facilities should conform to the following requirements:

1. The courtroom structure should be adequate in design and space in terms of the functions housed within and the population served. In areas served by a single judge, adequate facilities should be provided in an appropriate public place. In metropolitan areas where the civil and criminal litigation is substantial and is served by the same personnel, there should be one centrally located courthouse. All rooms in the courthouse should be properly lighted, heated, and air-conditioned.

2. The detention facility should be near the courthouse.

3. The courtroom should be designed to facilitate interchange among the participants in the proceedings. The floor plan and acoustics should enable the judge and the jury to see and hear the complete proceedings. A jury room, judges' chambers, staff room, and detention area should be convenient to each courtroom.

4. Each judge should have access to a library containing, but not limited to, the following:

- a. The annotated laws of the State,
- b. The State code of criminal procedure,
- c. The municipal code,
- d. The United States code annotated,
- e. The State appellate reports,
- f. The U. S. Supreme Court reports,
- g. The Federal courts of appeals and district court reports,
- h. Citators covering all reports and statutes in the library,
- i. Digests for State and Federal cases,
- j. A legal reference work digesting law in general,
- k. A form book of approved jury instructions,
- l. Legal treatises on evidence and criminal law,
- m. Criminal law and U. S. Supreme Court reporters published weekly,
- n. Looseleaf services related to criminal law, and if available,
- o. An index to the State appellate brief bank.

5. Provision should be made for witness waiting and assembly rooms. Separate rooms for prosecution and defense witnesses should be provided. The rooms should be large enough to accommodate the number of witnesses expected daily. They should be comfortably furnished and adequately lighted. The waiting areas should be provided with reading materials, television, and telephones, and should be serviced by a full-time attendant.

6. Juror privacy should be maintained by establishing separate entrances, elevators, and food service facilities for exclusive use of jurors. Similarly, lounges and assembly rooms should be provided for jurors; these should not be accessible to witnesses, attorneys, or spectators. They should be furnished comfortably and lighted adequately. Television, magazines, and other diversions should be provided. A full-time attendant should service the lounge, and telephone service should be available.

7. A lawyers' workroom should be available in the courthouse for public and private lawyers. The room should be furnished with desks or tables, and telephones should be available. It should be located near a law library. A receptionist should be available to take messages and locate lawyers. There also should be rooms in the courthouse where defense attorneys can talk privately with their clients, without compromising the security needed.

8. The physical facilities described in this standard should be clean and serviceable at all times.

STANDARD 4.6: PRODUCTION OF WITNESSES

Prosecution and defense witnesses should be called only when their appearances are of value to the court. No more witnesses should be called than necessary.

1. Witnesses Other than Police Officers. Steps that should be taken to minimize the burden of testifying imposed upon witnesses other than police officers should include the following:

- a. Prosecutors and defense counsel should carefully review formal require-

ments of law and practical necessity and require the attendance only of those witnesses whose testimony is required by law or would be of value in resolving issues to be litigated.

- b. Procedures should be instituted to place certain witnesses on telephone alert. To insure that such a procedure will be capable of producing witnesses on short notice on the court date, citizen witnesses should be required as early as possible to identify where and how they may be contacted by telephone on court business days and whether, if so contacted, they can appear at court within two hours of such notification. Witnesses who appear likely to respond to telephone notification should be identified by both the prosecution and the defense and placed on telephone alert. On the morning of each court date, the prosecutor and defense counsel should determine the status of cases on which witnesses are on alert and should notify promptly those witnesses whose presence will be required later in the day. Witnesses who unreasonably delay their arrival in court after such notification should not be placed on telephone alert for subsequent appearances.
- c. Upon the initiation of criminal proceedings or as soon thereafter as possible, the prosecutor and defense counsel should ask their witnesses which future dates would be particularly inconvenient for their appearance at court. The scheduling authority should be apprised of these dates and should, insofar as is possible, avoid scheduling court appearances requiring the witnesses' attendance on those dates.

2. Police Officers. Special efforts should be made to avoid having police officers spend unnecessary time making court appearances. Among the steps that should be taken are the following:

- a. Upon production of the defendant before a magistrate, the arresting police officer should be excused from further appearances in the case unless the prosecutor requires the attendance of the police officer for any particular proceeding.
- b. Police agencies should establish procedures whereby police officers may undertake their regular police duties and at the same time be available for prompt appearance at court when a notification that such appearance is communicated to police command. Whenever possible, this procedure should be used.
- c. Routine custodial duties relating to the processing of a criminal case should be undertaken by a central officer to relieve the individual arresting officer of these duties. Electronic document transmission equipment should be used when feasible in place of police transportation of documents to court.
- d. Police agencies should provide to the authority scheduling court appearances the dates on which each police officer will be available. The schedules should list a sufficient number of available dates for each month or term of court to permit the scheduling authority flexibility in choosing among them when assigning court dates. The scheduling authority should consult the schedules in selecting dates for criminal proceedings. Insofar as possible, the scheduling authority should schedule court appearances that inconvenience the officer and his department as little as possible.

STANDARD 4.7: COMPENSATION OF WITNESSES

A witness in a criminal case should receive nominal compensation for his appearance and a fair reimbursement for his traveling expenses.

1. Compensation and a travel expense reimbursement should continue to be governed by the provisions of N.C.G.S. 7A-314-316.

2. State or county employees, or a law enforcement officer, as provided in the General Statutes, should not receive compensation for his/her appearance.

STANDARD 4.8: FULL-TIME STATUS

Magistrates should be full time officials whenever the volume of business so requires.

STANDARD 4.9: 24 HOUR SERVICE

Magistrates should be on duty on a 24 hour basis whenever the volume of business so requires.

STANDARD 4.10: ADMINISTRATIVE OFFICE OF THE COURTS

The Director of the Administrative Office of the Courts should, subject to the control of the State's highest appellate court, be ultimately responsible for the administration of the General Court of Justice. The Director should establish policies for the administration of the State's court and implement guidelines for the execution of these policies, and for monitoring their execution.

The Director of the Administrative Office of the Courts should establish policies and guidelines dealing with the following.:

1. Budgets. A budget for the operation of the entire court system of the State should be prepared by the State court administrator and submitted to the appropriate legislative body.

2. Personnel Policies. The state court administrator should establish uniform personnel policies and procedures, governing recruitment, hiring, removal, and compensation for all non-elective personnel in the Judicial Department.

3. Education and Training. The State court administrator should develop and implement education and training programs for personnel of the Judicial Department.

4. Information Compilation and Dissemination. The state court administrator should re-develop a statewide information system. At least yearly, the State court administrator should issue an official report to the public and the legislature, containing information regarding the operation of the courts.

5. Control of Fiscal Operations. The state court administrator should be responsible for policies and guidelines relating to accounting and auditing, as well as procurement and disbursement for the entire statewide court system.

6. Liaison Duties. The state court administrator should maintain liaison with government and private organizations, labor and management, and should handle public relation.

7. Continual Evaluation and Recommendation. The state court administrator should continually evaluate the effectiveness of the court system and recommend needed changes.

8. Assignment of Judges. The state court administrator, under the direction of the presiding or chief justice, should assign judges on a statewide basis when required.

9. Trial Court Administrators. Local trial court administrators and regional court administrators should be appointed by the Director of the Administrative Office of the Courts upon the concurrence of the Senior Resident Superior Court Judge of the District.

STANDARD 4.11: LOCAL ADMINISTRATIVE AUTHORITY

Local administrative judicial authority in each judicial district should be vested in the Senior Resident Superior Court Judge for a substantial fixed term.

The functions of the Senior Resident Superior Court Judge should be consistent with statewide guidelines and be limited to those administrative duties not performed by the Administrative Office of the Courts. These should include but not be limited to the following:

1. Trial Court Case Assignment. Cases should be calendared under the supervision of the Senior Resident Superior Court Judge. He should apportion the business of the court among the trial judges as equally as possible and he should reassign cases as convenience or necessity requires. In addition, he should require that a judge, to whom a case is assigned, accept that case unless he is disqualified or the interests of justice require that the case not be heard by that judge. The Senior Resident Superior Court Judge should also require that when a trial judge has finished or continued a matter that the judge immediately notify him of that fact.

2. Court Policy Decisions. The Senior Resident Superior Court Judge should appoint the standing and special committees of judges of the court necessary for the proper performance of the duties of the court. He also should call meetings of all the judges as needed, and designate one of the other judges as acting presiding judge in his absence or inability to act.

3. Liaison and Public Relations. The Senior Resident Superior Court Judge should have responsibility for liaison with other court systems, and other governmental and civic agencies. He should represent the court in business, administrative, or public relations matters. When appropriate, he should meet with (or designate other judges to meet with) committees of the bench, bar, and news media to review problems and promote understanding.

4. Improvement in the Functioning of the Court. The Senior Resident Superior Court Judge should continually evaluate the effectiveness of the court in administering justice. He should recommend changes in the organization, jurisdiction, operation, or procedures of the court when he believes these would increase the effectiveness of the court.

STANDARD 4.12: LOCAL ADMINISTRATIVE POLICY

Local administrative policy for the operation of each trial court should be set out, within guidelines established by the State's highest appellate court, by the judge or judges making up that court. Each with an agenda, to consider and resolve problems facing the court and to set policy for the operation of the court.

STANDARD 4.13: TRIAL COURT ADMINISTRATOR

Each trial court with five or more judges (and where justified by caseload, courts with fewer judges) should have a full time local trial court administrator. Trial courts with caseloads too small to justify a full-time trial court administrator should combine into administrative regions and have a regional court administrator.

Local trial court administrators and regional court administrators should be appointed by the Director of the Administrative Office of the Courts.

1. The local and regional court administrators should discharge their functions within the guidelines set by the Administrative Office of the Courts and pursuant to the local administrative policies for the operation of the trial court as developed by the judge or judges of that judicial district.

2. The functions of local and regional court administrators should include the following:

- a. Implementation of policies set by the State court administrator;
- b. Assistance to the State court administrator in setting statewide policies;
- c. Preparation and submission of the budget for the court or courts with which he is concerned;
- d. Recruiting, training, evaluation, and monitoring personnel of the court or courts with which he is concerned;
- e. Management of space, equipment, and facilities of the court or courts with which he is concerned;
- f. Dissemination of information concerning the court or courts with which he is concerned;
- g. Procurement of supplies and services for the court or courts with which he is concerned;
- h. Preparation of reports concerning the court or courts with which he is concerned;
- i. Juror management;
- j. Study and improvement of caseflow, time standards, and calendaring; and
- k. Research and development of effective methods of court functioning, especially the mechanization and computerization of court operations.
- l. Any other administrative duties delegated to them by the Senior Resident Superior Court Judge and consistent with statewide guidelines.

STANDARD 4.14: CASE MOVEMENT RESPONSIBILITY

Ultimate responsibility for the management and movement of cases should rest with the judges of the trial court. In discharging the responsibility for the management and movement of cases the following steps should be taken:

1. Scheduling of cases should be delegated to non-judicial personnel, but care should be taken that defense attorneys and prosecutors do not exercise an improper influence on scheduling.

2. Recordkeeping should be delegated to non-judicial personnel.

3. Subject-in-process statistics, focusing upon the offender at each stage of the criminal process, should be developed to provide information concerning elapsed time between events in the flow of cases, recirculations (multiple actions concerning the same defendant), and defendants released at various stages of the court process.

4. The flow of cases should be constantly monitored by the Senior Resident Superior Court Judge and the status of the court calendar should be reported to that judge at least once each month.

5. The Senior Resident Superior Court Judge should assign judges to areas of the court caseload that require special attention.

6. A central source of information concerning all participants in each case - including defense counsel and the prosecuting attorney assigned to the case - should be maintained. This should be used to identify as early as possible conflicts in the schedules of the participants to minimize the need for later continuances because of schedule conflicts.

STANDARD 4.15: A FULL-TIME ASSISTANT DISTRICT ATTORNEY

The position of assistant prosecutor should be a full-time occupation, and assistant prosecutors should continue to be prohibited from engaging in outside law practice.

The caseload for each assistant prosecutor should be limited to permit the proper preparation of cases. Cases should be assigned sufficiently in advance of the court date to enable the assistant prosecutor to interview every prosecution witness, and to conduct supplemental investigation when necessary.

STANDARD 4.16: SUPPORTING PERSONNEL

The office of the prosecutor should have a supporting staff comparable to that of similar-size private law firms.

1. The trial division of each prosecutor's office should have at least two attorneys for each trial judge conducting felony trials on a full-time basis or the equivalent of such a judge. Each office should have a sufficient number of attorneys to perform the other functions of the office.
2. Paraprofessionals should be utilized for law-related tasks that do not require prosecutorial experience and training.
3. There should be adequate secretarial help for all staff attorneys and paraprofessionals.
4. Special efforts should be made to recruit members of the supporting staff from all segments of the community served by the office.

STANDARD 4.17: SUPPORT FACILITIES

The office of the prosecutor should have physical facilities comparable to those of similar-size private law firms. There should be at least one conference room and public waiting area separate from the offices of the staff.

1. The prosecutor and his staff should have access to a library sufficiently extensive to fulfill the research needs of the office.
2. Staff attorneys should be supplied with personal copies of books, such as the State criminal code, needed for their day-to-day duties.
3. The basic library available to a prosecutor's office should include, but not be limited to, the following: the annotated laws of the state, the state code of criminal procedure, the municipal code, the United States code annotated, the state appellate reports, the U. S. Supreme Court reports, Federal courts of appeals and district court reports, citators covering all reports and statutes in the library, digests for state and federal cases, a legal reference work digesting state law, a legal reference work digesting law in general, a form book of approved jury charges, legal treatises on evidence and criminal law, criminal law and U. S. Supreme Court case reporters published weekly, looseleaf services related to

criminal law, and if it becomes available, an index to the state appellate brief bank.

STANDARD 4.18: PROSECUTORIAL FILING PROCEDURE

The District Attorney's office should have a file control system capable of locating any case file in not more than 30 minutes after demand, and a statistical system, either automated or manual, sufficient to permit the prosecutor to evaluate and monitor the performance of his office.

STANDARD 4.19: PROSECUTORIAL OFFICE POLICIES

Each prosecutor's office should develop a detailed statement of office practices and policies for distribution to every assistant prosecutor.

1. These policies should be reviewed every six months.
2. The practices and policies statement should include guidelines governing screening, diversion, and plea negotiations, as well as other internal office practices.

STANDARD 4.20: THE DISTRICT ATTORNEY'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 investigatorial 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 violation 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 question.

STANDARD 4.21: METHOD OF DELIVERING DEFENSE SERVICES

Services of a full-time public defender organization or an assigned counsel system involving participation of the private bar, or both, should be available in each jurisdiction to supply attorney services to indigents accused of crime.

Those jurisdictions which establish a public defender's organization should maintain an assigned attorney system to supplement the public defender's office.

STANDARD 4.22: FINANCING OF DEFENSE SERVICES

Defense services should be organized and administered in a manner consistent with the needs of the local jurisdiction. Financing of defense services should be provided by the state. Administration and organization should be provided statewide.

STANDARD 4.23: PERFORMANCE OF PUBLIC DEFENDER FUNCTION

Policy should be established for and supervision maintained over a defender office by the public defender. It should be the responsibility of the public defender to ensure that the duties of the office are discharged with diligence and competence.

1. The public defender should assume a role of leadership in the general community, interpreting his function to the public and seeking to hold and maintain their support of and respect for this function.

2. The public defender should seek to maintain his office and the performance of its function free from political pressures that may interfere with his ability to provide effective defense services.

3. The relationship between the law enforcement component of the criminal justice system and the public defender should be characterized by professionalism, mutual respect, and integrity. Specifically, the following guidelines should be followed:

- a. The relations between public defender attorneys and prosecution attorneys should be on the same high level of professionalism that is expected between responsible members of the bar in other situations.
- b. The public defender must negate the appearance of impropriety by avoiding excessive and unnecessary camaraderie in and around the courthouse and in his relations with law enforcement officials, remaining at all times aware of his image as seen by his client community.
- c. The public defender should be prepared to take positive action, when invited to do so, to assist the police and other law enforcement components in understanding and developing their proper roles in the criminal justice system, and to assist them in developing their own professionalism. In the course of this educational process, he should assist in resolving possible areas of misunderstanding.
- d. He should maintain a close professional relationship with his fellow members of the legal community and organized bar, keeping in mind at all times that this group offers the most potential support for his office in the community and that, in the final analysis, he is one of them. Specifically:
 - 1) He must be aware of their potential concern that he will preempt the field of criminal law, accepting as clients all accused persons without regard to their ability or willingness to retain private counsel. He must avoid both the appearance and fact of competing with the private bar.
 - 2) He must, while in no way compromising his representation of his own clients, remain sensitive to the calendaring problems that beset civil cases as a result of criminal case overloads, and cooperate in resolving these.
 - 3) He must maintain the bar's faith in the defender system by affording vigorous and effective representation to his own clients.
 - 4) He must maintain dialogue between his office and the private bar, never forgetting that the bar more than any other group has the potential to assist in keeping his office free from the effects of political pressures and influences.

STANDARD 4.24: ASSISTANT PUBLIC DEFENDER'S CASELOAD

The position of assistant public defender should be a full-time occupation.

1. The caseload for each assistant public defender should be limited to permit the proper preparation of cases. Cases should be assigned sufficiently in advance of the court date to enable the defending attorney to interview every defense witness, and to conduct supplementary investigations when necessary.

2. If the public defender determines that because of excessive workload the

assumption of additional cases might reasonably be expected to lead to inadequate representation in cases handled by him or his assistants, he should bring this to the attention of the court.

STANDARD 4.25: SUPPORTING PERSONNEL

The office of public defender should have a supporting staff comparable to that of similar-size private law firms.

1. Each public defender's office should have at least two attorneys for each trial judge conducting felony trials on a full-time basis or the equivalent of such a judge. Each office should have a sufficient number of attorneys to perform the other functions of the office.

2. Paraprofessionals should be utilized for law-related tasks that do not require an attorney's experience and training.

3. There should be adequate secretarial help for all staff attorneys.

4. Special efforts should be made to recruit members of the supporting staff from all segments of the community served by the office.

STANDARD 4.26: SUPPORTING FACILITIES

The office of public defender should have physical facilities comparable to those of similar-size private law firms. There should be at least one conference room and a public waiting area separate from the offices of the staff.

1. Each public defender and his staff should have immediate access to a library sufficiently extensive to fulfill the needs of the staff.

2. Staff attorneys should be supplied with personal copies of books, such as the State criminal code, needed for their day-to-day duties.

3. The basic library available to a public defender's office should include but not be limited to the following: the annotated laws of the State, the State code of criminal procedure, the municipal code, the United States code annotated, the State appellate reports, the U. S. Supreme Court reports, Federal courts of appeals and district court reports, citators covering all reports and statutes in the library, digests for State and Federal cases, a legal reference work digesting State law, a legal reference work digesting law in general, a form book of approved jury charges, legal treatises on evidence and criminal law, criminal law and U. C. Supreme Court case reporters published weekly, looseleaf services related to criminal law, and if it becomes available, an index to the State appellate brief bank.

STANDARD 4.27: DEPARTMENT OF JUSTICE SUPPORT PERSONNEL

The Department of Justice should have sufficient personnel to handle effectively its wide range of legal and administrative duties.

1. Paraprofessionals should be utilized for law-related tasks that do not require an attorney's experience and training.

2. There should be adequate secretarial help for all staff attorneys and paraprofessionals.

3. Special efforts should be made to recruit members of the supporting staff from all segments of the community served by the office.

STANDARD 4.28: THE RANGE OF RESPONSIBILITIES OF THE DEPARTMENT OF JUSTICE

The Department of Justice should have adequate resources to fulfill both its statutory and constitutional obligations to the people of North Carolina in the criminal justice field.

1. The Department of Justice should maintain a special prosecutorial unit which would be available for assistance to District Attorneys throughout the State upon request.

2. The Department of Justice should maintain the technical expertise necessary to assist local prosecutors in preparing and trying cases involving antitrust violations, accounting and tax frauds and organized crime.

STANDARD 4.29: COORDINATING COUNCILS

Criminal court coordinating councils should be established on statewide, local, and - where trial courts are regionalized for administrative purposes - regional bases.

1. These coordinating councils should:

- a. Continuously survey the organization, practice, and methods of administration of the court system.
- b. Assist in coordinating the court system with other agencies of the criminal justice system.
- c. Make suggestions for improvement in the operation of the court system.

2. Each council should contain official representatives of all agencies of the criminal justice process within the area, as well as members of the public. Chief executives of police agencies, prosecutor's offices, defender's offices, probation, parole, correctional agencies, and youth authorities should be included. The presiding or chief judge of the appellate also should be a member. The chairman of the council should be appointed by the chief justice of the Supreme Court (in the case of a statewide council) or the Senior Resident Superior Court Judge of the judicial district (in the case of a local or regional council). The chairman of the local or regional council should be a member of the local criminal justice planning agency.

STANDARD 4.30: PUBLIC INPUT

The Senior Resident Superior Court Judge of each judicial district (or group of courts consolidated for management purposes) should establish a forum for interchange between judicial and non-judicial members of the court's staff and interested members of the community. Lay individuals should be appointed to the group, and representatives of the prosecutor's staff, the bar association, and the defense bar should participate. Representatives from law schools and other university sources as well as representatives of minority, church, and civic groups should be included.

STANDARD 4.31: PARTICIPATION IN CRIMINAL JUSTICE PLANNING

Judges and court personnel should participate in criminal justice planning activities as a means of disseminating information concerning the court system and of furthering the objective of coordination among agencies of the criminal justice system.

STANDARD 4.32: COURT INFORMATION

Facilities and procedures should be established to provide information concerning court processes to the public and to participants in the criminal justice system.

1. In order to effectively disseminate information:
 - a. There should be information desks strategically placed in public areas of the courthouse and manned where necessary by bilingual personnel to direct defendants (and their friends and relatives), witnesses, jurors, and spectators to their destinations. In metropolitan courthouses, visual screens should be installed to identify the proceedings currently in progress in each courtroom and other proceedings scheduled that day for each courtroom.
 - b. The information service should include personnel who are familiar with the local criminal justice system and the agencies serving that system.

2. The defendant, in addition to being told of his rights, should be provided with a pamphlet detailing his rights and explaining the steps from arrest through trial and sentencing. This pamphlet should be provided to the accused by the police at booking. Where necessary, the pamphlet should be published not only in English but also in other languages spoken by members of the community. The pamphlet should be drafted in language readily understood by those to whom it is directed.

3. A witness telephone notification system should be developed.
 - a. The prosecutor and the court should establish procedures whereby witnesses requesting information relating to cases or court appearances in which they are involved may do so by telephone.
 - b. To assist the prosecutor and the court in responding to telephone inquiries from witnesses, each witness should be provided with a wallet-size card giving a phone number to call for information, and data regarding his case. The card should contain the name of the defendant or the case, the court registry or docket number, and other information that will be helpful in responding to witnesses' inquiries.

4. The judge, using guidelines developed by a committee of superior court and district court judges, should instruct each jury panel, prior to its members sitting in any case, concerning its responsibilities, its conduct, and the proceedings of a criminal trial. Each juror should be given a handbook that relates these matters.

STANDARD 4.33: THE COURT'S PUBLIC INFORMATION ROLE

The court, the news media, the public, and the bar should have coordinate responsibility for informing and educating the public concerning the functioning of the courts. The court should pursue an active role in this process.

1. Each judicial district should utilize a public information officer to provide liaison between courts and the news media. Where a court has a court administrator, he should act as the public information officer or should designate someone in his office to perform this function. The public information officer should:
 - a. Prepare releases, approved by the court, regarding case dispositions,
 - b. Prepare releases describing items of court operation and administration that may be of interest to the public;
 - c. Answer inquiries from the news media.
2. The court should take affirmative action to educate and inform the public of the function and activities of the court. This should include:
 - a. The issuance of periodic reports concerning the court's workload, accomplishments, and changes in procedure;
 - b. The issuance of handbooks for court employees concerning their function;

- c. Preparation of educational pamphlets describing the functions of the court for the general public, and for use in schools;
- d. Preparation of handbooks for jurors explaining their function and pamphlets for defendants explaining their rights;
- e. Organization of tours of the court; and
- f. Personal participation by the judges and court personnel in community activities.

These functions should be performed by the court information officer or by the court administrator's office, by associations of judges, or by individual judges.

3. The court should encourage citizen groups to inform themselves of the functions and activities of the courts and in turn share this information with other members of the public.

4. The court should work together with bar associations to educate the public regarding law and the courts. The judiciary and the bar should cooperate by arranging joint and individual speaking programs and by preparing written materials for public dissemination.

STANDARD 4.34: THE DISTRICT ATTORNEY'S PUBLIC ROLE

The prosecutor should be aware of the importance of the function of his office for other agencies of the criminal justice system and for the public at large. He should maintain relationships that encourage interchange of views and information and that maximize coordination of the various agencies of the criminal justice system.

1. The prosecutor should maintain regular liaison with the police department in order to provide legal advice to the police, to identify mutual problems and to develop solutions to those problems.
 - a. He should participate in police training programs and keep the police informed about current developments in law enforcement, such as significant court decisions.
 - b. He should develop and maintain a liaison with the police legal advisor in those areas relating to police-prosecutor relationships.
 - c. The prosecutor should develop for the use of the police a basic police report form that includes all relevant information about the offense and the offender necessary for charging, plea negotiations, and trial. The completed form should be routinely forwarded to the prosecutor's office after the offender has been processed by the police.
 - d. Police officers should be informed by the prosecutor of the disposition of any case with which they were involved and the reason for the disposition.

2. The relationship between the prosecutor and the court and defense bar should be characterized by professionalism, mutual respect, and integrity. It should not be characterized by demonstrations of negative personal feelings or excessive familiarity. Assistant prosecutors should negate the appearance of impropriety and partiality by avoiding excessive camaraderie in their courthouse relations with defense attorneys, remaining at all times aware of their image as seen by the public and the police.

3. The prosecutor should establish regular communications with correctional agencies for the purpose of determining the effect of his practices upon correctional programs. The need to maximize the effectiveness of such programs should be given significant weight in the formulation of practices for the conduct of the prosecutor function.

4. The prosecutor should regularly inform the public about the activities of his office and of other law enforcement agencies and should communicate his views to the public on important issues and problems affecting the criminal justice system. The prosecutor should encourage the expression of views by members of the public concerning his office and its practices, and such views should be taken into account in determining office policy.

STANDARD 4.35: COMMUNITY RELATIONS

The public defender should be sensitive to all of the problems of his client community. He should be particularly sensitive to the difficulty often experienced by the members of that community in understanding his role.

In fulfilling his role to the community he serves, the public defender should:

1. Seek, by all possible and ethical means, to interpret the process of plea negotiation and the public defender's role in it to the client community.
2. Where possible, seek office locations that will not cause the public defender's office to be excessively identified with the judicial and law enforcement components of the criminal justice system.
3. Be available to schools and organizations to educate members of the community as to their rights and duties related to criminal justice.

STANDARD 4.36: THE ATTORNEY GENERAL'S PUBLIC ROLE

The Attorney General should remain aware of the importance of the function of his office for other agencies of the criminal justice system and for the public at large.

1. The Department of Justice should maintain public information officers and liaison personnel to maximize communication among state and federal agencies and the public at large.
2. The Department of Justice should constantly advise State agencies and the public as to new developments or current trends in the law which would affect that agency or the public directly.

STANDARD 4.37: CONTINGENCY PLANNING

The State should develop a contingency plan for unusual situations that affect the criminal justice system. The plan should allow all segments of the system, law enforcement, courts and corrections, to coordinate their efforts in meeting emergency situations.

1. The plan should try to allow the criminal justice system to operate as close to normal as possible. Each individual should be processed with a recognition of his rights.
2. Provisions for extra, emergency personnel should be included in the plan.

TO INCREASE PROFESSIONAL SKILLS

STANDARD 5.1: JUDICIAL SELECTION

The selection of judges should be based on merit qualifications for judicial office. North Carolina should adopt the "Missouri Plan" of judicial selection. This plan would create a non-partisan judicial nominating commission composed of judges, lawyers and representatives of the general public. They would select two or three candidates for each judicial vacancy and the governor would then fill the position by appointing one of these nominees. After a term of service, each judge would be required to gain a vote of confidence from the electorate in a non-partisan ballot.

STANDARD 5.2: JUDICIAL TENURE

Every trial court judge should hold office for a term of 8 years. Upon the expiration of the 8 year term each judge should be required to run for re-election within his/her own judicial division.

STANDARD 5.3: JUDICIAL RETIREMENT AGE

A mandatory and uniform retirement age should be enforced within the judiciary. The retirement age for trial court judges and appellate judges should be 70 years of age.

STANDARD 5.4: JUDICIAL COMPENSATION

Judges should be compensated at a rate that adequately reflects their judicial responsibilities.

1. The salaries and retirement benefits of the federal judiciary should serve as a model for North Carolina's rate of judicial compensation.
2. Where necessary to achieve an appropriate level of compensation, salaries and benefits of the judiciary should be increased during the judge's term of office.

STANDARD 5.5: JUDICIAL DISCIPLINE AND REMOVAL

A judge should be subject to discipline or removal for permanent physical or mental disability seriously interfering with the performance of judicial duties, willful misconduct in office, willful and persistent failure to perform judicial duties, habitual intemperance or conduct prejudicial to the administration of justice.

The Judicial Standards Commission, established pursuant to N.C.G.S. 7A-377, and operating under rules effective January 1, 1973, should be utilized for the investigation of charges against judges. The procedure should not be utilized as a coercive tool to gain judicial resignation. This investigation and hearing should afford the judge full constitutional safeguards; in particular, emphasis should be put on rule 7(B) which in part states "The judge shall be notified of the investigation, the nature of the charge, and whether the investigation is on the Commission's own motion or upon written complaint, and afforded a reasonable opportunity to present such relevant matters as he may choose".

STANDARD 5.6: JUDICIAL EDUCATION

North Carolina should create and maintain a comprehensive program of continuing judicial

education. Planning for this program should recognize the extensive commitment of judge time, both as faculty and as participants for such programs, that will be necessary. Funds necessary to prepare, administer, and conduct the programs, and funds to permit judges to attend appropriate national and regional educational programs, should be provided.

The North Carolina program should have the following features:

1. All new trial judges, within one year of assuming judicial office, should attend both local and national orientation programs as well as one of the national judicial educational programs. The local orientation program should come immediately before or after the judge first takes office. It should include visits to institutions and facilities to which criminal offenders may be sentenced.

2. North Carolina should develop its own state judicial college which should be responsible for the orientation program for new judges and which should make available to all state judges the graduate and refresher programs of the national judicial educational organizations. North Carolina also should plan specialized subject matter programs as well as two or three day annual state seminars for trial and appellate judges.

3. The failure of any judge, without good cause, to pursue educational programs as prescribed in this standard should be subject to disciplinary action as provided under the Judicial Standards Commission.

4. North Carolina should provide bench manuals for judges with forms, samples, rule requirements, information on sentencing and sentencing alternatives, correctional programs and institutions, and information on any other matter that a judge should have readily available.

5. North Carolina should publish periodically - and not less than quarterly - a newsletter with information from the chief justice, the court administrator, correctional authorities, and others. This should include articles of interest to judges, references to new literature in the judicial and correctional fields, and citations of important appellate and trial court decisions.

6. North Carolina should adopt a program of sabbatical leave for the purpose of enabling judges to pursue studies and research relevant to their judicial duties.

STANDARD 5.7: SENTENCING TRAINING

Every practitioner within the criminal justice system who deals with the sentencing of offenders should receive specialized training in his/her area.

1. Sentencing training should be one of the major focus points of judicial education. The State Judicial College (if established) should specifically train judges in sentencing evaluations and alternative. Annual seminars for the continual education of the judiciary should periodically concentrate on sentencing.

2. The attorney's role in sentencing should be recognized and all attorneys, both prosecution and defense should be trained in sentencing skills. Courses that teach these skills should be available at the law schools within the state. Programs and periodic seminars should concentrate on sentencing and be a major part of the continual education program within the bar.

STANDARD 5.8: JUDICIAL QUALIFICATIONS

All judicial functions in the trial court should be performed by full-time judges. All judges should possess law degrees and be licensed to practice law within this State.

STANDARD 5.9: TRAINING AND EDUCATION

North Carolina should create and maintain a comprehensive program of judicial education and training for magistrates.

The North Carolina program of education for magistrates should include, but not be limited to, the following features:

1. Orientation and training programs should be periodically scheduled in order to allow the magistrate to attend these sessions before the assumption of his judicial duties.
2. The programs should cover the range of magisterial duties as enumerated in N.C.G.S. 7A-273. The pretrial release features found in 15A, The Pretrial Criminal Procedure Act, should also be emphasized and in the appropriate circumstances, its utilization in lieu of bond should be encouraged.
3. Periodic seminars should be scheduled for the continual education of magistrates. These programs should be held at least semi-annually. Magistrates should be encouraged to attend education programs on an annual basis.

STANDARD 5.10: COMPENSATION

In order to attract the highest caliber individual, magistrates should be compensated at a rate that adequately reflects their responsibilities as judicial officers.

When necessary to achieve an appropriate level of compensation, salaries and benefits of magistrates should be increased during his/her term of office.

STANDARD 5.11: THE DISTRICT ATTORNEY

Each District Attorney should be a full-time, skilled professional selected on the basis of demonstrated ability and high personal integrity.

1. The District Attorney should be authorized to serve a minimum term of four years at an annual salary no less than that of the presiding judge of the trial court of general jurisdiction.
2. The jurisdiction of every prosecutor's office should continue to be designed so that population, caseload and other relevant factors warrant at least one full-time prosecutor.

STANDARD 5.12: SELECTION AND RETENTION OF ASSISTANT DISTRICT ATTORNEYS

The primary basis for the selection and retention of assistant district attorneys should be demonstrated legal ability.

1. Care should be taken to recruit lawyers from all segments of the population.
2. The district attorney should undertake programs such as legal internships for law students, designed to attract able young lawyers to careers in prosecution.
3. The starting salaries for assistant district attorneys should be no less than those paid by private law firms in the jurisdiction. This parity in salary levels should be maintained during the first five years of service.

4. The district attorney should have the authority to periodically increase the salaries for assistant prosecutors to a level that will encourage the retention of able and experienced prosecutors subject to approval and authorization in the Budget Appropriation Act.

STANDARD 5.13: PROSECUTORIAL EDUCATION PROGRAMS

Education programs should be utilized to ensure that prosecutors and their assistants have the highest possible professional competence. All prosecutors and assistants should attend a formal prosecutors' training course each year, in addition to the regular in-house training.

STANDARD 5.14: DEFENDER TO BE FULL-TIME AND ADEQUATELY COMPENSATED

The office of public defender should be a full-time occupation. The public defender should be compensated at a rate not less than that of the District Attorney.

STANDARD 5.15: SELECTION OF PUBLIC DEFENDERS

Public defenders should be appointed by the Governor from a list of nominees submitted by the appropriate district bar.

1. The public defender should be appointed by judicial districts for the same length of office as the district attorney.
2. The public defender should be subject to the same rules and procedures of discipline, censure, and removal as the district attorney.

STANDARD 5.16: THE ASSISTANT PUBLIC DEFENDER

The primary basis for the selection and retention of assistant public defenders should be demonstrated legal ability.

1. Care should be taken to recruit lawyers from all segments of the population.
2. The public defender should undertake programs, such as legal internships for law students, designed to attract able young lawyers to careers in public defense.
3. The starting salary for assistant public defenders should be no less than that of assistant district attorneys in the jurisdiction.
4. The public defender should have the authority to increase periodically the salaries for assistant public defenders to a level that will encourage the retention of able and experienced attorneys.

STANDARD 5.17: EDUCATION OF PROFESSIONAL PERSONNEL

Education programs should be utilized to assure that public defenders and their assistants have the highest possible professional competence. All public defenders and assistants should attend a formal training course each year, in addition to the regular in-house training.

STANDARD 5.18: ASSIGNED COUNSEL

In those areas which utilize the assigned counsel system, the District Bar should promulgate and enforce rules which will ensure the competency and capabilities of the attorneys on the assigned counsel list.

STANDARD 5.19: COMPLAINTS AGAINST MEMBERS OF THE BAR

The North Carolina State Bar is the official state agency responsible for considering and taking appropriate action on any complaint respecting the professional conduct of members of the Bar. This responsibility should be exercised in an efficient and timely manner in view of the key role that the legal profession has in the administration of justice and in the operation of the courts.

1. The North Carolina State Bar should have an adequate staff to investigate and take appropriate action with respect to complaints filed against individual members of the State Bar.

2. The North Carolina State Bar should act promptly in investigating complaints filed against individual members of the State Bar, and in taking appropriate action on such complaints.

STANDARD 5.20: REPRESENTATIVENESS OF COURT PERSONNEL

Court personnel should be representative of the community served by the court. Special attention should be given to recruitment of members of minority groups.

STANDARD 5.21: DEPARTMENT OF JUSTICE PROFESSIONAL STAFF

The Attorney General should have a full-time skilled professional staff, selected on the basis of demonstrated ability and high personnel integrity.

1. The Attorney General should undertake programs such as legal internships for law students, designed to attract able young lawyers to careers with the Department of Justice.

2. The starting salaries for associate attorneys should be no less than those paid by private law firms in the jurisdiction.

3. The salaries of assistant attorney generals and deputy attorney generals should reflect their experience and responsibilities.

4. Recruitment of minority personnel should be encouraged. Steps taken in this endeavor should include, but not be limited to, affirmative action plans and recruitment at predominately minority institutions.

STANDARD 5.22: EDUCATION AND TRAINING

Education and training programs should be utilized to ensure that all the staff of the Department of Justice have the highest possible professional competence.

1. Staff attorneys should attend periodic national and in-state seminars in order to stay current with the latest legal developments.

2. In-house training programs for all staff should be developed. These should be utilized to orient new staff members and to assist in the continued education of personnel.

PART THREE – THE POST-ADJUDICATION COMPONENT

PRIORITIZATION OF STANDARDS

BY THE GOVERNOR'S LAW AND ORDER COMMISSION

FOR THE POST-ADJUDICATION COMPONENT

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CHAPTER 1

TO REDUCE CRIME

STANDARD 1.1: COMPREHENSIVE CLASSIFICATION SYSTEMS

The Department of Correction should reexamine its classification system and reorganize it along the following principles.

1. Recognizing that correction is now characterized by a lack of knowledge and deficient resources, and that classification systems therefore are more useful for assessing risks and facilitating the efficient management of offenders than for diagnosis of causation and prescriptions for remedial treatment, classification should be designed to operate on a practical level and for realistic purposes. This should be guided by the principle that:

- a. no offender should receive more surveillance or "help" than he requires; and
- b. no offender should be kept in a more secure condition or status than his potential risks dictates as indicated by existing psychological and social history predictors.

2. The classification system should be developed under the management concept discussed in Chapter 13 and issued in written form so that it can be made public and shared. It should specify:

- a. the objectives of the system based on a hypothesis for the social reintegration of offenders, detailed methods for achieving the objectives and a monitoring and evaluation mechanism to determine whether the objectives are being met.
- b. critical variables of the typology to be used.
- c. detailed indicators of the components of the classification categories.
- d. the structure (committee, unit, team, etc.) and the procedures for balancing the decisions that must be made in relation to programming, custody, personal security, and resource allocation.

3. These systems should provide full coverage of the offender population, clearly delineated categories, internally consistent groupings, simplicity, and a common language.

4. These systems should be consistent with individual dignity and basic concepts of fairness (based on objective judgements rather than personal prejudices).

5. The system should provide for involvement of the individual in determining the nature and direction of his own goals, and mechanisms for appealing administrative decisions affecting him, consistent with prevailing policy.

6. The system should be adequately staffed, and the agency staff should be trained in its use.

7. The system should be sufficiently objective and quantifiable to facilitate research, demonstration, model building, intrasystem comparisons, and administrative decisionmaking.

8. The Department of Correction should participate in and be receptive to cross-classification research toward the development of a classification system that can be used commonly by all correctional agencies.

STANDARD 1.2: PLANNING NEW CORRECTIONAL INSTITUTIONS

The Department of Correction in administering State institutions should adopt a policy of building new major institutions for adult offenders. Decision as to whether or not to build new institutions should be based on an analysis of the total criminal justice system, mandates of reducing crime, and physical condition of existing facilities. If the analysis proves conclusively that a new institutional facility for adults is essential, these factors should characterize planning design processes.

1. A cooperative planning effort should identify the purposes of the physical plant.
2. The size of the inmate population of the projected institutions should be small enough to allow security with minimal regimentation surveillance, or repressive hardware. The use of surveillance or security hardware should be consistent with level of security to be maintained.
3. The location of the institution should be selected on the basis of its proximity to:
 - a. The communities from which the inmates come;
 - b. areas capable of providing or attracting adequate members of qualified line and professional staff members of racial and ethnic origin, compatible with the inmate population, and capable of supporting staff life styles and community service requirements,
 - c. areas that have community services and activities to support the correctional goal, including social services, schools, hospitals, universities, and employment opportunities;
 - d. the courts and auxiliary correctional agencies;
 - e. public transportation.
4. The physical environment of a new institution should be developed with consideration to:
 - a. provision of privacy and personal space,
 - b. minimization of noise;
 - c. reduction of sensory deprivation,
 - d. encouragement of constructive inmate-staff relationships;
 - e. provision of adequate utility services.
5. Provision should also be made for:
 - a. dignified facilities for inmate visiting;
 - b. individual and group counseling;
 - c. education, vocational training, and workshops designed to accommodate small numbers of inmates and to facilitate supervision;
 - d. recreation yards for each housing unit as well as larger recreational facilities accessible to the entire inmate population;
 - e. medical and hospital facilities.

STANDARD 1.3: SOCIAL ENVIRONMENT OF INSTITUTIONS

The Department of Correction should undertake to reexamine and revise its policy, procedures, and practices to bring about an institutional social setting that will stimulate offenders to change their behavior and to participate on their own initiative in programs intended to assist them in reintegration into the community.

1. The institution's organizational structure should permit open communication.
2. The correctional agency and the institution should make explicit their correctional goals and program thrust:

- a. staff recruitment and training should emphasize attitudes that support these goals;
- b. performance standards should be developed for programs and staff to measure program effectiveness;
- c. an intensive public relations campaign should make extensive use of media to inform the public of the agency's goals;
- d. the institution administration should be continuously concerned with relevance and change.

4. The institution should adopt policies and procedures that will preserve the individual identity of the inmate and normalize institutional settings;

- a. each offender should be involved in program decisions affecting him;
- b. rules governing hair length and the wearing of mustaches and beards should reflect respect for individuality and cultural and subcultural trends, consistent with health and security considerations;
- c. institutional visitations should be held in an environment conducive to healthy relationships between offenders and their families and friends,
- d. home furloughs should be allowed to custodially qualified offenders to maintain emotional involvement with families.
- e. telephone privileges, including reasonable provisions for long-distance calls, should be extended to all inmates;
- f. no limitations should be imposed on the amount of mail offenders may send and receive except in cases of indigent inmates.

5. Each institution should make provisions for the unique problems faced by minority offenders and take these problems into consideration and practices and procedures:

- a. sub-cultural groups should be formally recognized;
- b. ethnic study courses should be provided;
- c. staff members representative of minority groups in the institution should be hired and trained;
- d. minority residents of the community should be involved actively in institution programs consistent with security considerations.

6. The institutions should actively develop the maximum possible interaction between community and institutions, including involvement of community members in intramural and extramural program development:

- a. community based work release and study release programs with an emphasis on community involvement should be adopted or expanded;
- b. ex-offenders and paraprofessionals should be used in institutional programs and activities;
- c. joint programming between the institution and the community should be developed, including such activities as drug counseling sessions, alcoholics anonymous meetings, recreation programs, theatre groups, etc;
- d. qualified, approved offenders should be able to participate in educational programs in the community, and community members should be able to participate in educational programs in the institution;
- e. police officers should become involved, acquainting offenders with pertinent sections of the law and in general, playing a supportive role;
- f. qualified offenders should have opportunities to travel to and to participate in worship services of local churches, and representatives of the churches should participate in institutional services;
- g. the institution should cultivate active participation of civic groups, and encourage the groups to invite offenders to become members;
- h. the institution should arrange for representatives of government agencies to render services to offenders by traveling to the institution or by enabling offenders to appear at agency offices,
- i. the institution should obtain the participation of business and labor and

- intramural and extramural programs and activities;
- j. the institution should seek the participation of approved volunteers in institutional programs and activities.

7. The institutions should apply only the minimum amount of security necessary, both physical and procedural, that are necessary for the protection of the public, the staff, and inmates;

- a. committed initially should be assigned the least restrictive custodial level possible, consistent with nature of offense and length of sentence;
- b. only those mechanical devices necessary for security purposes should be utilized;
- c. institutional regulations affecting inmate movement and activities should encourage effective management as well as participation in program activities;
- d. Standard 8.10 concerning disciplinary procedures should be adopted;
- e. an incentive system should be developed to reward positive behavior and to reinforce desired behavioral objectives;
- f. security and disciplinary policies and methods should be general to support the objective of social reintegration of the offenders.

STANDARD 1.4: EDUCATION AND VOCATIONAL TRAINING

The Department of Correction should reexamine its educational and vocational training programs to insure that they meet standards that will individualize education and training. These programs should be geared directly to the reintegration of the offender into the community.

- 1. Each institution should have a comprehensive, continuous educational program for inmates;
 - a. the educational department of the institution should establish a system of accountability to include:
 - (1) an annual internal evaluation of achievement data to measure the effectiveness of the institution's program against stated performance objectives;
 - (2) an appraisal comparable to an accreditation process, employing community representatives, and educational department staff to evaluate the system against specific objectives. This appraisal should be repeated at least every 4 years.
 - b. the educational curriculum should be developed with inmate involvement. Institutionalized and personalized programming should be provided.
 - c. the educational departments should have at least one learning laboratory for basic skill instruction. Occupational education should be consistent with basic academic subjects.
 - d. in addition to meeting State certification requirements, teachers should have additional course work in social education, reading instruction, and abnormal psychology.
 - e. each educational department should make arrangements for education, programs at local colleges where possible, using educational opportunity programs, work study programs for continuing education, and work furlough programs.
 - f. each educational department should have a guidance counselor (preferably a certificated school psychologist) and a student personnel worker.
 - g. social and coping skills should be part of the educational curriculum, particularly consumer and family life education.
- 2. Each institution should have pre-vocational training programs to enhance the offender's marketable skills:
 - a. the vocational training program should be part of the reintegration

curriculum, which includes determination of needs, establishment of program objectives, vocational training, and assimilation into the labor market.

- b. the vocational training curriculum should be designed to short, intensive training modules.
- c. individual prescriptions for training programs should include integration of academic work, remedial reading and math, high school graduation, and strong emphasis on the socialization of the individual as well as development of trade skills and knowledge.
- d. vocational programs for offenders should be intended to meet their individual needs. Individual programs should be developed in conjunction with each inmate.
- e. an incentive program should be a part of all on the job training programs for inmates.
- f. vocational programs should be selected on the basis of the following factors related to increasing offender's marketable skills;
 - (1) vocational needs analysis of the inmate population;
 - (2) job market analysis of existing or emerging occupations;
 - (3) job performance or specification analysis, including skills and knowledge needed to acquire the occupation.
- g. vocational education and training programs should be made relevant to the the employment world.
 - (1) Programs of study about the work world and job readiness should be included in prevocational or orientation courses.
 - (2) Work sampling and tool technology programs should be completed before assignment to a training program.
 - (3) Use of vocational skill clusters, which provide the student with the opportunity to obtain basic skills and knowledge for entry into several related occupations, should be incorporated into vocational training programs.
- h. All vocational training programs should have a set of measurable behavioral objectives appropriate to the program. These objectives should comprise a portion of the instructors performance evaluation.
- i. Vocational instructors should be licensed or credentialed under rules and regulations for public education in the State or jurisdiction.
- j. Active inservice instructor training programs should provide vocational staff with information on the latest trends, methods, and innovations in their fields.
- k. Class size should be based on a ratio of 12 students to 1 teacher.
- l. Equipment should require the same range and level of skills to operate as that used by private industry.
- m. Trades advisory councils should involve labor and management to assist and advise in the ongoing growth and development of the vocational program.
- n. Private industry should be encouraged to establish training programs within the residential facility and to commit certain numbers of jobs to graduates from these training programs.
- o. The institution should seek active cooperative programs and community resources in vocational fields with community colleges, federally funded projects such as Job Corps, Neighborhood Youth Corps, and Manpower Development Training Act programs, and private community action groups.
- p. On the job training and work release or work furloughs should be used to the fullest extent possible.
- q. An active job placement program should be established to help residents find employment related to skills training received.

3. Features applicable both to educational and vocational training programs should include the following:

- a. Emphasis should be placed on programmed instruction, which allows maximum flexibility in scheduling, enables students to proceed at their own pace, given immediate feedback, and permits individualized instruction.
- b. A variety of instructional materials--including audio tapes, teaching machines, books, computers, and television--should be used to stimulate individual motivation and interest.
- c. Selected offenders should participate in instructional roles.
- d. Community resources should be fully utilized.
- e. Correspondence courses should be incorporated into educational and vocational training programs to make available to inmates specialized instruction that cannot be obtained in the institution or the community.
- f. Credit should be awarded for educational and vocational programs equivalent to or the same as that associated with these programs in the free world.

STANDARD 1.5: SPECIAL OFFENDER TYPES

The Department of Correction, in operating major institutions, should reexamine its policies, procedures, and programs for the handling of special problem offenders--the addict, the recalcitrant offender, the emotionally disturbed, and those associated with organized crime--and implement substantially the following:

1. The commitment of addicts to correctional institutions should be discouraged, and correctional administrators should actively press for the development of alternate methods of dealing with addicts, preferably community based alternatives. Recognizing, however, that some addicts will commit crimes sufficiently serious to warrant a full sentence and commitment, each institution should work toward the development of institutional programs that can be related eventually to community programs following parole and release and that have more promise in dealing effectively with addiction:
 - a. Specially trained and qualified staff should be assigned to design and supervise drug offender programs, staff orientation, involvement of offenders in working out their own programs and coordination of institutional and community drug programs.
 - b. In addition to the development of social, medical psychological information, the classification process should identify motivations for change and realistic goals for the reintegration of the offender with a drug problem.
 - c. A variety of approaches should provide flexibility to meet the varying needs of different offenders. These should include individual counseling, family counseling, and group approaches.
 - d. Program should emphasize "alternatives" to drugs. These should include opportunities to affiliate with cultural and subcultural groups, group identification and new social roles which decrease the desire to rely on drugs. Methadone and other drug maintenance programs are not appropriate in institutions.
 - e. The major emphasis in institutional programs for drug users should be eventual involvement of the users in community drug treatment programs upon parole or release.
 - f. Because of the inherent limitations and past failure of the institutions to deal effectively with drug addiction, research and experimentation should be an indispensable element of institutional drug treatment programs. Priorities include:
 - (1) Development of techniques for the evaluation of correctional therapeutic communities.
 - (2) Development of methods for surveying inmates to determine the extent of drug abuse and treatment needs.

(3) Evaluation of program effectiveness with different types.

2. Each institution should make special provisions other than mere segregation for inmates who are serious behavior problems and an immediate danger to others:

- a. The classification process should be used to attempt to obtain an understanding of the recalcitrant offender and to work out offender objectives.
- b. A variety of staff should be provided to meet the different needs of these offenders.
 - (1) Staff selections should be made through in depth interviews. In addition to broad education and experience backgrounds, personal qualities of tolerance and maturity are essential.
 - (2) Continuous on the job staff evaluation, and administrative flexibility in removing ineffective staff are needed to meet the stringent demands of these positions.
 - (3) Training programs designed to implement new knowledge and techniques are mandatory.
- c. Recalcitrant offenders who are too dangerous to be kept in the general institutional population should be housed in a unit of not more than 26 individual rooms providing safety and comfort.
 - (1) Good surveillance and perimeter security should be provided to permit staff time and efforts to be concentrated on the offender's problems.
 - (2) No individual should remain in a unit longer than is absolutely necessary for the safety of others.
 - (3) Wherever possible, the inmate of the special unit should participate in regular recreation, school, training, visiting and other institution programs. Individual tutorial or intensive casework services should also be available.
 - (4) Tranquilizers and other medication should be used only under medical direction and supervision.
- d. Procedures should be established to monitor the programs and services for recalcitrant offenders, and evaluation and research should be conducted by both internal and outside personnel.

3. The Department of Correction should provide the psychiatric treatment of emotionally disturbed offenders. Psychotic offenders should be transferred to mental health facilities. Correctional institution treatment of the emotionally disturbed should be under the supervision and direction of psychologists:

- a. Program policies and procedures should be clearly defined and specified in a plan outlining a continual diagnosis, treatment, and aftercare.
- b. A diagnostic report including a physical examination, medical history, and tentative diagnosis of the nature of the emotional disturbance should be developed. Diagnosis should be a continuing process.
- c. There should be a program plan for each offender based on diagnostic evaluation; assessment of current needs, priorities, and strength, and the resources available within the programs and the correctional system. The plan should specify use of specific activities; for example, individual, group, and family therapy. Need for medication, educational and occupational approaches, and recreational therapy should be identified. The plan should be evaluated through frequent interaction between diagnostic and treatment staff.
- d. All psychiatric programs should have access to qualified neurologist and essential radiological and laboratory services, by contractual or other agreement.
- e. In addition to basic medical services, psychiatric programs should provide for education, occupational therapy, recreation, and psychological and social services.

- f. On transfer from diagnostic to treatment status, the diagnostic report, program prescription, and all case materials should be reviewed within 2 working days.
- g. Within 4 working days of the transfer, case management responsibility should be assigned and case conference held with all involved, including the offender. At this time, treatment and planning objectives should be developed consistent with the diagnostic program description.
- h. Cases should be reviewed each month to reassess original treatment goals, evaluate progress, and modify program as needed.
- i. All staff responsible for providing the services in the living unit should be integrated into a multidisciplinary team and should be under the direction and supervision of a professionally trained staff member.
- j. Each case should have one staff member (Counselor, teacher, or caseworker, or psychologist) assigned to provide casework services. The psychologist or caseworker should provide intensive services to those offenders whose mental or emotional disabilities are most severe.
- k. Reintegration of the offender into the community or programs from which he came should be established as the primary objective.
- l. When an offender is released from a psychiatric treatment program directly to the community, continued involvement of a trained therapist during the first six months of the patient's reintegration should be provided, at least on a pilot basis.

4. The Department of Correction and Institutions to which convicted offenders associated with organized crime are committed should adopt special policies governing their management during the time that they are incarcerated.

- a. Because of the particular nature of organized crime and the overriding probability that such offenders cannot be rehabilitated, primary recommendations should be given to the incapacitative purpose of incarceration in these cases.
- b. Convicted offenders associated with organized crime should not be placed in general institutional populations containing large numbers of younger, more salvageable offenders.
- c. Educational and vocational training would appear inappropriate for those offenders, and their "programs" should involve primarily assignment to prison industries or institutional maintenance, particularly where they are unlikely to have contact with impressionable offenders.
- d. They should not be considered eligible for such community based programs as work or study release, furloughs or other privileges taking them into the community.
- e. They are entitled to the same rights of other committed offenders.

STANDARD 1.6: WOMEN IN MAJOR INSTITUTIONS

The Department of Correction in operating institutions to which women offenders are committed, should continue to reexamine its policies, procedures, and programs for women offenders, and make such adjustments as may be indicated to make these policies, procedures and programs more relevant to your problems and needs of women.

1. Facilities for women offenders should be considered an integral part of the overall corrections system.

2. Comprehensive evaluation of the women offenders should be developed through research. The Department of Correction should determine differences in the needs between male and female offenders and implement differential programming.

3. Appropriate vocational training programs should be implemented. Vocational programs that promote dependency and exist solely for administrative ease should be abolished. A comprehensive research effort should be initiated to determine the aptitudes and abilities of the female institutional population. This information should be coordinated with labor statistics predicting job availability. From data so obtained, create a vocational training should be developed which will provide a woman with skills necessary to allow independence.

4. Classification systems should be investigated to determine their applicability to the female offender. If necessary, systems should be modified or completely re-constructed to provide information necessary for an adequate program.

5. Adequate diversionary methods for female offenders should be implemented. Community programs should be available to women. Special attempts should be made to create alternative programs in community centers and halfway houses or other arrangements, allowing the woman to keep her family with her.

6. The Department of Correction with such small numbers of women as to make adequate facilities and programming uneconomical should make every effort to find alternatives to imprisonment for them, including parole and local residential facilities.

STANDARD 1.7: RELIGIOUS PROGRAMS

Each institution in the Department of Correction should immediately adopt policies and practices to insure the development of a full range of religious programs.

1. Program planning procedures should include religious history and practices of the individual, to maximize his opportunities to pursue the religious faith of his choice while confined.

2. The chaplain should pay an integral part in institutional programs.

3. To prevent the chaplain from becoming institutionalized and losing touch with the significance of religion in free society, sabbaticals should be required. The chaplain should return to the community and participate in religious activities during the sabbatical. Sabbatical leave also should include further studies, including study of religious and sects alien to the chaplain but existing in his institution. Funds should be provided for this purpose.

4. The chaplain should locate religious resources in the civilian community for those offenders who desire assistance on release.

5. The correctional administrator should develop an adaptive attitude toward the growing numbers of religious sects and beliefs and provide all reasonable assistance to their practice.

6. Community representatives of all faiths should be encouraged to participate in religious services and other activities within the institution.

STANDARD 1.8: RECREATIONS PROGRAMS

The Department of Correction should develop and implement immediately policies and practices for the provision of recreation activities as an important resource for changing behavior patterns of offenders.

1. The Department of Correction should have a full-time trained and qualified recreation director with responsibility for the total recreation program of that facility. He also should be responsible for integration of the program with the total planning for the offender.

2. Program planning for every offender should include specific information concerning interests and capabilities related to leisure-time activities.

3. Recreation should provide ongoing interaction with the community while the offender is incarcerated. This can be accomplished by bringing volunteers and community members into the institution and taking offenders into the community for recreational activities. Institutional restriction in policy and practice which bars use of community recreational resources should be relaxed to the maximum extent possible.

4. The range of recreational activities to be made available to inmates should be broad in order to meet a wide range of interests and talents and stimulate the development of the constructive use of leisure time that can be followed when the offender is reintegrated into the community. Recreational activities to be offered inmates should include music, athletics, painting, writing, drama, handcrafts, and similar pursuits that reflect the legitimate leisure time activities of free citizens.

STANDARD 1.9: COUNSELING PROGRAMS

The Department of Correction should develop planned, organized, ongoing counseling programs, in conjunction with the implementation of Standard 4.3, Social Environment of Institutions, which is intended to provide a social-emotional climate conducive to the motivation of behavioral changes and interpersonal growth, and reflective of the social-economic realities to which that individual will return.

1. The following three levels of counseling programs should be provided.
 - a. Individual - for self-discovery in a one to one relationship.
 - b. Small groups, for self-discovery in an intimate group setting with open communication.
 - c. Large group, for self-discovery as a member of a living unit community with responsibility for the welfare of that community.

2. Institutional organization should support counseling programs by coordinating group living, education, work, and recreational programs to maintain the overall supportive climate. This should be accomplished through a participative management approach.

3. Each institution should have a full time counseling supervisor responsible for developing and maintaining an overall institutional program through training and supervising staff and volunteers. A bachelor's degree with training in social work, group work, and counseling psychology should be required. Each unit should have at least one qualified counselor or train and supervise non-professional staff. Trained ex-offenders and paraprofessionals with well defined roles should be used.

4. Counseling within institutions should be given high priority in resources and time.

STANDARD 1.10: PRISON LABOR AND INDUSTRIES

The Department of Correction in operating industrial and labor programs should take steps to reorganize their programs to support the reintegrative process of correctional institutions.

1. Prison industries should be diversified and job specifications defined to fit work assignments to offender's needs as determined by release planning.
2. All work should form part of the designed training program with provisions for.
 - a. Involving the offender in the decision concerning his assignment.
 - b. Giving him the opportunity to achieve on a productive job to further his confidence in his ability to work.
 - c. Assigning him to learn and develop his skills in a number of job areas.
 - d. Installing good working habits by providing incentives.
3. Joint bodies consisting of institution management, inmates, community labor organizations, and industry should be responsible for planning and implementing a work program useful to the offender, efficient, and closely related to skills in demand outside the prison.
4. Training modules integrated into a total training plan for individual offenders should be provided. Such plans must be periodically monitored and flexible enough to provide for modification in line with individual needs.
5. Where job training needs cannot be met within the institution, placement in private industry on work furlough programs should be implemented consistent with security needs.
6. Offender compensation programs should be examined in order to determine their impact on productivity and inmate stability.

STANDARD 1.11: DEVELOPMENT PLAN FOR COMMUNITY BASED ALTERNATIVES TO CORRECTIONS

Each State correctional system or correctional system of other units of government should begin to analyze its needs, resources, and gaps in services and to develop a systematic plan with timetables and scheme for implementing a range of alternatives to institutionalization. The plan should specify the service to be provided directly by the correctional authorities and those to be offered through other community resources.

1. Minimum alternatives to be included in the plan should be the following:
 - a. Diversion mechanisms and programs prior to trial and sentence.
 - b. Non-residential supervision programs in addition to probation and parole.
 - c. Residential alternatives to incarceration.
 - d. Community resources opened to confined populations and in institutional resources available to the entire community.
 - e. Pre-release programs.
 - f. Community facilities for the released offender in the critical re-entry phase, with provision for short term return as needed.

STANDARD 1.12: MARSHALLING AND COORDINATING COMMUNITY RESOURCES

The Department of Correction should take appropriate action to establish effective working relationships with the major social institutions, organizations, and agencies of the community, including the following:

- a. Employment resources - private industry, labor unions, employment services, civil service systems.
- b. Educational resources - vocational and technical, secondary college and university, adult basic education, private and commercial training, government and private job development and skills training.
- c. Social welfare services - public assistance, housing, rehabilitation ser-

vices, mental health services, counseling assistance, neighborhood centers, unemployment compensation, private social service agencies of all kinds.

- d. The law enforcement system - Federal, State, and local law enforcement personnel, particularly specialized units providing public information, diversion, and services to juveniles.
- e. 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.

1. At the management level, correctional agencies should seek to involve representatives of these community resources for consultation, coordinated planning, joint action, and shared programs and facilities. Correctional authorities also should enlist the aid of such bodies in formation of the broad-based and aggressive lobby that will speak for correctional and inmate needs and support community correctional programs.

2. At the operating level, correctional agencies should initiate procedures to work cooperatively in obtaining services needed by offenders.

STANDARD 1.13: INMATE INVOLVEMENT IN COMMUNITY PROGRAMS

The Department of Correction should begin to develop arrangements and procedures for offenders to assume increasing individual responsibility and community contact. A variety of levels of individual choice, supervision, and community contact should be specified in these arrangements, with explicit statements as to how the transitions between levels are to be accomplished. Progress from one level to another should be based equally on specified behavioral criteria as well as sentence and time served, and objective judgments regarding attitudes.

1. When an offender is received at correctional institution, he should meet with the classification unit (committee, team or the like) to develop a plan for increasing personal responsibility and community contact.

2. At the initial meeting, behavioral objectives should be established, to be accomplished, in a specified period. After that time, another meeting should be held to make adjustments in the individual's plan which, assuming that the objectives have been met, will provide for transition to a lower level of custody and increasing personal responsibility and community involvement.

3. Similarly, at regular time intervals, each inmate's status should be reviewed, and if no compelling reason exist to the contrary, further favorable adjustment should be made.

4. Allowing for individual differences in time progress or lack of progress, the inmate should move through a series of levels broadly encompassing movement from a) initial security involving no outside privileges and minimal contact with community participants and institutional programs to b) lesser degrees of custody with participation in institutional and community program involving both citizens and offenders, to c) partial release maximum participation in unit and outside activities involving community residents, to d) residence in an advancement center or similar non-institutional residence.

5. The presumption should be in favor of a balance between levels of supervision and levels of individual responsibility.

6. When an inmate fails to meet the favorable objectives, the classification authority may decide to keep him in the same status for another period or move him back.

On the other hand, his behavioral achievements may indicate that he can be moved forward rapidly without having to go through all the successive stages.

7. Throughout the process, the primary emphasis should be on individualism - on behavioral changes based on the individual's interest, abilities, and priorities. Offenders also should be afforded opportunities to give of their talents, time, and efforts to others, including other inmates and community residents.

8. A guiding principle should be the use of positive reinforcement in bringing about the behavioral improvements rather negative reinforcement in the form of punishment.

STANDARD 1.14: SERVICES TO PROBATIONERS/PAROLEES

The Division of Adult Probation and Parole should develop 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.

1. Services provided directly should be limited to activities as defined as belonging distinctly to probation/parole. Other needed services should be procured from other agencies that have primary responsibility for them. It is essential that funds be provided for purchases of services.

2. The staff delivering services to probationers/parolees in urban areas should be separate and distinct from 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 community where probationers live and in service centers with access to programs of allied human services.

3. The Division of Adult Probation and Parole should be organized to deliver a range of services by a range of staff. Various modules, where feasible, should be used for organizing staff and clients into workloads or task groups. The modules should include staff teams related to groups of clients and differentiated programs based on offender typologies.

4. Stringent review procedures should be adopted, so that clients not requiring supervision are placed in minimal supervision categories or terminated.

5. Staff should participate fully in developing coordinated delivery systems of human services.

6. The Division of Adult Probation and Parole should have one or more persons attached to the central office to act as liaison with major program agencies, such as the Office of Economic Opportunity, Office of Vocational Rehabilitation, and Department of Labor.

7. Institutional vocational training tied directly to specific subsequent job placements should be supported.

8. The use of small community based group homes should be explored for rehabilitation programs, for crisis, and as a substitute to recommitment to an institution in appropriately reviewed cases of probation/parole violation.

9. Where available, funds should be made available to parole staff to purchase needed community resources for clients.

10. Special caseloads should be established for offenders with specific types of problems, such as drug abuse.

STANDARD 1.15: MEASURES OF CONTROL

The parole commission should take action to reduce parole rules to a minimum, detaining only those essential in the individual case and to provide for effective means of enforcing the conditions established.

1. After considering suggestions from correctional staff and preferences of the individual, the parole commission should establish in each case the specific parole conditions appropriate for the individual offender.

2. Parole staff should be able to request the commission to amend rules to fit the needs of each case and should be empowered to require the parolee to obey any such rule when put in writing, following the final action of the parole commission.

3. Special caseloads for intensive supervision should be established and staffed by personnel of suitable skill and temperament. Careful review procedures should be established to determine which offenders should be assigned or removed from such caseloads.

4. Staff should develop close liaison with police agencies, so that any formal arrests necessary can be made by police. Staff, therefore, would not need to be armed.

STANDARD 1.16: PROGRAM OPPORTUNITIES

The Department of Correction should develop and implement policies, procedures, and practices to maximize the availability of program opportunities. Consistent with the stated mission of the Department of Correction, the Department should provide "reasonable opportunities for adjudicated offenders to develop progressively responsible behavior." Such opportunities should be implicit in every sentence of an offender unless ordered otherwise by the sentencing court or releasing authority. The Department of Correction should (1) establish or provide access to such program opportunities or (2) inform the sentencing court of its inability to comply with the purpose for which sentence was imposed.

1. The Department of Correction and the governmental body of which it is a part should give first priority to implementation of statutory specifications or statements of purpose on program opportunities.

2. The Department of Correction in providing parole, probation, or other community supervision should supplement its program opportunities by referring offenders to social services and activities available to citizens generally.

3. The Department of Correction program opportunities should include a mixture of educational, vocational, counseling, and other services appropriate to offender needs. Not every facility need offer the entire range of programs, except that:

- a. Every system should provide opportunities for basic education up to high school equivalency, on a basis comparable to that available to citizens generally, for offenders capable and desirous of such programs;
- b. Every system should have a selection of vocational training programs available to adult offenders; and
- c. A work program involving offender labor on public maintenance, construction, or other projects should be part of an offender's access to program opportunities when he requests (and diagnostic efforts indicate that he needs) educational, counseling, or training opportunities.

4. The Department of Correction regularly should advise courts and sentencing judges of the extent and availability of program opportunities and programs within the correctional system to permit proper sentencing decisions and realistic evaluation of program alternatives.

STANDARD 1.17: PROBATION LEGISLATION

North Carolina should enact probation legislation and/or policy (1) providing probation as an alternative for eligible offenders, and (2) establishing criteria for (a) granting of probation, (b) probation conditions, (c) revocation of probation, and (d) the length of probation.

1. Criteria for the granting of probation should:
 - a. Utilize probation as an alternative to confinement.
 - b. Provide presentence investigations which will assist judges in rendering a sentence which will result in the best rehabilitation program for that particular offender.
 - c. Direct the decision on granting probation toward factors relating to the individual offender rather than to the offense.

2. Criteria for probation conditions should:
 - a. Authorize but not require the imposition of a range of specified conditions.
 - b. Require that any conditions imposed in an individual case be reasonably related to the correctional program of the defendant and not unduly restrictive of his liberties or incompatible with his constitutional rights.
 - c. Direct that conditions be fashioned on the basis of factors relating to the individual offender rather than to the offense committed.

3. Criteria and procedures for revocation of probation should provide that probation should not be revoked unless:
 - a. There is substantial evidence of a violation of one of the conditions of probation;
 - b. 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, and the right to subpoena witnesses in his own behalf, and the right to confront and cross-examine witnesses against him if required by legislation or judicial mandate; and
 - c. The court provided the probationer a written statement of the findings of fact, the reason for the revocation, and the evidence relied upon.

4. In defining the term for which probation may be granted, the legislation and/or policy should require that a specific term not to exceed the maximum sentence authorized by the law except that probation for misdemeanants should not exceed five years. The court should be authorized to discharge a person from probation at any time.

5. The legislation and/or policy should authorize an appellate court on the initiation of the defendant to review decisions that deny probation, impose conditions, or revoke probation. Such reviews should include the determination of the following:
 - a. Whether the decision is consistent with statutory criteria.
 - b. Whether the decision is unjustifiably disparate in comparison with cases of a similar nature.
 - c. Whether the decision is excessive or inappropriate.
 - d. Whether the manner in which the decision was arrived at is consistent with statutory and constitutional requirements.

STANDARD 1.18: COMMITMENT LEGISLATION

The Department of Correction should develop policy complying with legislative mandated governing the commitment, classification, and transfer of an offender's sentence to confinement. Such legislation should include.

1. Provision requiring that offenders sentenced to confinement to be sentenced to the custody of the chief executive officer of the Department of Correction.
2. Requirement that sufficient information be developed about and individual offender and that assignment to facility, program, and other decisions affecting the offender be based on such information.
3. Prohibition against assigning or transferring juveniles to adult institutions.
4. Recommendation for the transfer of offenders in need of specialized treatment to programs in approved locations that can provide it. This should include offenders suffering from physical defects or disease, mental problems, narcotic addiction, or alcoholism.
5. Provision requiring that the decision to assign an offender to a particular facility or program shall not in and of itself affect the offenders' eligibility for parole or length of sentence.
6. A requirement that correctional agencies develop through rules and regulations (a) criteria for the assignment of an offender to a particular facility and (b) a procedure allowing the offender to participate in and seek administrative review of decisions affecting his assignment or transfer to a particular facility or program.

STANDARD 1.19: PRISON INDUSTRIES

Industrial programs operated by or for correctional agencies should amend its statutory authorization for these programs so that they provide for the following:

1. Development of industrial activities related to job stability upon release.
2. Provide for the expansion of the prison industry market within legislatively approved areas.
3. The transport or sale of products produced by prisoners.
4. The employment of offenders by private enterprise upon release at full market wages and comparable working conditions.
5. The compensation of offenders working in State operated prison industry at an appropriate level.

STANDARD 1.20: COMMUNITY BASED PROGRAMS

Legislation should be enacted authorizing the chief executive of the Department of Correction to extend the limits of confinement of a committed offender so the offender can participate in a wide variety of community based programs.

1. Such legislation should include authorization for the following programs:
 - a. Community based facilities primarily for youthful offenders.
 - b. Prerelease and aftercare service centers.
 - c. Work release programs providing that rates of pay and other conditions of employment are similar to those of free employees.

- d. Community based vocational training programs, either public or private.
- e. Participation in academic programs in the community.
- f. Utilization of community medical, social rehabilitation, vocational rehabilitation, or similar resources.
- g. Furloughs of short duration to visit relatives and family, contact prospective employers, or for any other reason consistent with the public interest.

2. Authorization for the development of community based residential centers either directly or through contracts with governmental agencies or private parties, and authorization to assign offenders to such centers while they are participating in community based programs.

3. Authorization to cooperate with the contract for a wide range of community resources.

4. Specific exemption for participants in community based work programs from state use and other laws restricting employment of offenders or sale of "convict made" goods.

5. Requirements that the correctional agency promulgate rules and regulations specifying conduct that will result in revocation of community based privileges and procedures for such revocation. Such procedures should be governed by the same standards as disciplinary proceedings involving a substantial change of the status of the offender.

CHAPTER II

TO PROTECT INDIVIDUAL RIGHTS

STANDARD 2.1: THE PAROLE GRANT HEARING

The parole commission should develop policies for parole release hearings that include procedural guidelines to insure proper, fair, and thorough consideration of every case; prompt decisions and notification of decisions to inmates.

A proper parole grant process should have the following characteristics:

1. Commission representatives should monitor and approve programs that can have the effect of releasing the inmate.
2. When a release date is not agreed upon, a further release date within one year should be set.
3. A parole commission member or an agent should hold no more than 30 interviews per day.
4. A parole commission member and an agent should conduct interviews and should recommend to the full commission what additional action should be taken.
5. Inmates should be notified in writing, of any decision made by the parole commission if the decision is to deny or defer parole.
6. Parole procedures should permit disclosure of non-sensitive information on which the decision is based.

STANDARD 2.2: REVOCATION HEARINGS

The parole commission should develop and implement a system of revocation procedures to permit the prompt confinement of parolees exhibiting behavior which pose a serious threat to others. At the same time it should provide careful controls, methods of fact finding, and possible alternatives, to keep as many offenders as possible in the community. Return to the institution should be used as a last resort, even when a factual basis for revocation can be demonstrated.

1. Warrants to arrest and hold alleged parole violators should be issued and signed by parole commission members. Tight control should be developed over the process of issuing such warrants. They should never be issued unless there is sufficient evidence of probable serious violations. In some instances, there may be a need to detain alleged parole violators. In general, however, detention is not preferred and is to be discouraged. Any parolee who is detained should be granted a prompt preliminary hearing. Administrative arrest and detention should never be used simply to permit investigation of possible violations.
2. Parolees alleged to have committed a new crime, but without other violations of conditions sufficient to require parole revocation, should be eligible for bail or other release pending the outcome of the new charges, as determined by the court.
3. A preliminary hearing conducted by an individual not previously directly involved in the case should be held promptly on all alleged parole violations, including convictions of new crimes, in or near the community in which the violation occurred unless waived by the parolee after due notification of his rights. The

purpose should be to determine whether there is probable cause or reasonable grounds to believe that the arrested parolee has committed acts that would constitute a violation of parole conditions, and a determination of the value question of whether the case should be carried further, even if probable cause exists. The parolee should be given notice that the hearing will take place as well as what parole violations have been alleged. He should have the right to present evidence, to confront and cross-examine witnesses and to be represented by counsel.

4. The person who conducts the hearing should make a summary of what transpired at the hearing and the information he used to determine whether probable cause existed to hold the parolee for the final decision of the parole commission on revocation. If the evidence is insufficient to support a further hearing or if it is otherwise determined that revocation would not be desirable, the offender should be released to the community immediately.

5. At parole revocation hearings, the parolee should have written notice of the alleged infraction of his rules or conditions: access to official records regarding his case; the right to be represented by counsel, at such time as required by legislation or court order; the opportunity to be heard in person; the right to subpoena witnesses in his own behalf; and the right to cross-examine witnesses or otherwise to challenge allegations or evidence held by the State. Hearing officers should be empowered to hear and decide parole revocation cases under policies established by the parole commission, subject to appeal to the parole commission for a permanent revocation. Parole should not be revoked unless there is substantial evidence of a violation of one of the conditions or parole. The hearing examiner should provide a written statement of findings, the reason for the decision, and the evidence relied upon.

6. Each jurisdiction should develop alternatives to parole revocation such as warnings, special conditions of further parole, variations in intensity of supervision or surveillance, and referral to other community resources. Such alternative methods should be utilized as often as is practicable.

7. If returned to a correctional institution is warranted, the offender should be scheduled for subsequent appearance for parole considerations when appropriate. There should be no automatic prohibition against reparole of a parole violator.

STANDARD 2.3: ACCESS TO COURTS

The Department of Correction should continue to develop and implement policies and procedures to fulfill the right of persons under correctional supervision to have access to courts to present any issue cognizable therein, including (A) challenging the legality of the conviction or confinement; (B) seeking redress for illegal conditions or treatment while incarcerated or under correctional control; (C) pursuing remedies in connection with civil legal problems; and (D) asserting against correctional or other governmental authority and other rights protected by constitutional or statutory provision or common law.

1. The State should make available to persons under correctional authority each the purposes enumerated herein, adequate remedies that permit, and are administered to provide, prompt resolution of suits, claims, and petitions.

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6. Parole procedures should permit disclosure of non-sensitive information on which the decision is based.

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2. Parolees alleged to have committed a new crime, but without other violations of conditions sufficient to require parole revocation, should be eligible for bail or other release pending the outcome of the new charges, as determined by the court.
3. A preliminary hearing conducted by an individual not previously directly involved in the case should be held promptly on all alleged parole violations, including convictions of new crimes, in or near the community in which the violation occurred unless waived by the parolee after due notification of his rights. The

purpose should be to determine whether there is probable cause or reasonable grounds to believe that the arrested parolee has committed acts that would constitute a violation of parole conditions, and a determination of the value question of whether the case should be carried further, even if probable cause exists. The parolee should be given notice that the hearing will take place as well as what parole violations have been alleged. He should have the right to present evidence, to confront and cross-examine witnesses and to be represented by counsel.

4. The person who conducts the hearing should make a summary of what transpired at the hearing and the information he used to determine whether probable cause existed to hold the parolee for the final decision of the parole commission on revocation. If the evidence is insufficient to support a further hearing or if it is otherwise determined that revocation would not be desirable, the offender should be released to the community immediately.

5. At parole revocation hearings, the parolee should have written notice of the alleged infraction of his rules or conditions: access to official records regarding his case; the right to be represented by counsel, at such time as required by legislation or court order; the opportunity to be heard in person; the right to subpoena witnesses in his own behalf; and the right to cross-examine witnesses or otherwise to challenge allegations or evidence held by the State. Hearing officers should be empowered to hear and decide parole revocation cases under policies established by the parole commission, subject to appeal to the parole commission for a permanent revocation. Parole should not be revoked unless there is substantial evidence of a violation of one of the conditions of parole. The hearing examiner should provide a written statement of findings, the reason for the decision, and the evidence relied upon.

6. Each jurisdiction should develop alternatives to parole revocation such as warnings, special conditions of further parole, variations in intensity of supervision or surveillance, and referral to other community resources. Such alternative methods should be utilized as often as is practicable.

7. If returned to a correctional institution is warranted, the offender should be scheduled for subsequent appearance for parole considerations when appropriate. There should be no automatic prohibition against reparole of a parole violator.

STANDARD 2.3: ACCESS TO COURTS

The Department of Correction should continue to develop and implement policies and procedures to fulfill the right of persons under correctional supervision to have access to courts to present any issue cognizable therein, including (A) challenging the legality of the conviction or confinement; (B) seeking redress for illegal conditions or treatment while incarcerated or under correctional control; (C) pursuing remedies in connection with civil legal problems; and (D) asserting against correctional or other governmental authority and other rights protected by constitutional or statutory provision or common law.

1. The State should make available to persons under correctional authority each the purposes enumerated herein, adequate remedies that permit, and are administered to provide, prompt resolution of suits, claims, and petitions.

Where adequate remedies already exist, they should be available to the offenders, including pretrial detainees, and on the same basis as to citizens generally.

2. There should be no necessity for an inmate to wait until termination of confinement for access to courts.

3. Where complaints are filed against conditions of correctional control or against the administrative action or treatment by correctional or other governmental authorities, offenders may be required first to seek recourse under established administrative procedures and appeals and to exhaust their administrative remedies. Administrative remedies should be normally operative within 30 days and not in a way that would unduly delay or hamper their use by aggrieved offenders. Where no reasonable administrative means is available for presenting and resolving disputes, or where past practice demonstrates the futility of such means, the doctrine of exhaustion should not apply.

4. Offenders should not be prevented by correctional authority administrative policies or actions, from filing timely appeals of convictions or other judgements; from transmitting pleadings and engaging in correspondence with judges, other court officials, and attorneys; or from instituting suits and actions. Nor should they be penalized for so doing.

5. Transportation to an attendance at court proceedings may be subject to reasonable requirements of correctional security and scheduling. Courts dealing with offender matters and suits should cooperate in formulating arrangements to accommodate both offenders and correctional management.

6. The Department of Correction, wherever possible, should accept gifts of legal material made to the department for the use of inmates. Inmates should be provided paper, pens, carbon paper, and to the extent facilities permit, a suitable area for preparing court petitions. They should be permitted to receive the assistance of their fellow inmates in preparing court petitions. Inmates should be permitted to maintain their personal legal files and receive legal publications, subject to reasonable restrictions regarding the receipt of any publications, and to keep in their living area, their legal materials to the extent that security or other legitimate prison interest are not jeopardized.

STANDARD 2.4: ACCESS TO LEGAL SERVICES

The Department of Correction should insure that its policies in no matter impede the right of persons in its custody or under its supervision to secure the assistance legal counsel and wherever possible, its policies should facilitate the retention of such counsels. When the individual has retained legal counsel, the Department should insure that correspondence and communication between the inmate and his counsel be maintained as confidential and interviews of clients by attorneys should be private and not subject to surveillance. Access of attorneys to their clients should be guaranteed. The Department should cooperate with the attorney in making available his client at the attorney's convenience. The attorney should be subject to no more restrictions, including searches of his person and property, than is absolutely necessary to insure the security of the facility. The Department need not authorize the presence of attorneys

at disciplinary proceedings. The Department shall provide staff assistance to all inmates at any disciplinary action which could result in the loss of gain time earned for good conduct or assignment to segregation. The Department should cooperate with efforts by private attorneys and Legal Aid Societies and other interested organizations in providing assistance to the inmate with regard to civil legal problems relating to debts, marital status, property, or other personal affairs to the offender.

1. Substitute counsel should not be provided at any classification action which could result in the inmate being placed in prolonged segregation. Assistance from other inmates should not be prohibited.

2. The access to legal services provided herein should apply to all juveniles under correctional control.

3. Correctional authorities should assist inmates in making confidential contact with attorneys. This assistance includes visits during normal institutional hours, uncensored correspondence, telephone communications, and special consideration for after hour visits when requested on the basis of special circumstances.

STANDARD 2.5: PROTECTION AGAINST PERSONAL ABUSE

The Department of Correction should establish policies and procedures to fulfill the rights of staff and offenders to be free from personal abuse.

1. The following should be prohibited:

- a. Corporal punishment.
- b. The use of physical force by correctional staff except as necessary for self-defense, protection of another person from imminent physical attack, or for the maintenance of order and security.
- c. Solitary or segregated confinement as a disciplinary or punitive measure except as a last resort and then not exceeding beyond 15 days for each offense.
- d. Any deprivation of clothing, bed and bedding, light, ventilation, heat, exercise, balanced diet, or hygienic necessities, except where for personal protection of the inmate or others.
- e. Any act or lack of care, whether by willful act or neglect, that injures or significantly impairs the health of any offender.
- f. Infliction of mental distress, degradation, or humiliation.

2. Correctional authorities should evaluate their staff periodically to identify persons who may constitute a threat to offenders and where such individuals are identified, reassign or discharge them.

3. The Department of Correction should develop institution classification procedures that will identify violence-prone offenders and where such offenders are identified, insure greater supervision.

4. The Department of Correction should implement supervision procedures and other techniques that will provide a reasonable measure to safety for offenders

from the attacks of other offenders. Technological devices such as closed circuit televisions should not be exclusively relied upon for such purposes.

5. The Department of Correction should compensate offenders for injuries suffered because of the negligent acts or omissions of correctional staff.

STANDARD 2.6: HEALTHFUL SURROUNDINGS

The Department of Correction should examine and take actions to fulfill the right of each person in its custody to a healthful place in which to live.

1. These facilities should provide each inmate with:
 - a. To the extent financial resources permit, his own room or cell of adequate size.
 - b. An environment appropriate to the season to maintain temperature in the comfort range.
 - c. Natural and artificial light.
 - d. Clean and decent installations for the maintenance of personal cleanliness.
 - e. Recreational opportunities and equipment; when climatic conditions permit, recreation or exercise in the open air.
2. Healthful surroundings, appropriate to the purpose of the area, also should be provided in all other areas of the facility. Cleanliness and occupational health and safety rules should be complied with.

3. Independent comprehensive safety and sanitation inspections should be performed annually by qualified personnel: state inspectors of food, medical, housing, and industrial safety who are independent of the Department of Correction. Correctional facilities should be subject to applicable State Law.

STANDARD 2.7: MEDICAL CARE

The Department of Correction should take steps to fulfill the right of incarcerated offenders to medical care. This should include services guaranteeing physical, mental, and social well-being as well as treatment of specific diseases or infirmities.

1. Such medical care should be comparable in quality and availability to that obtained by the general public and should include at least the following:
 - a. Prompt examination by a physician upon commitment to a correctional facility.
 - b. Medical services performed by persons with appropriate training under supervision of a licensed physician.
 - c. Emergency medical treatment on a 24 hour basis for incarcerated offenders.
 - d. Inmates should have access to an accredited hospital.
2. Medical problems encountered by an incarcerated offender that require special diagnosis, services, or equipment should be met by medical furloughs or purchased services.

3. A particular incarcerated offender's need for medical care should be determined by a licensed physician or other appropriately trained person. Correctional personnel should not be authorized or allowed to inhibit an offender's access to medical personnel or to interfere with medical treatment.

4. Complete and accurate research documenting all medical examinations, medical findings, and medical treatment should be maintained under the supervision of the physician in charge.

5. The prescription, dispensing, and administration of medication should be under strict medical supervision.

6. Coverage of any governmental medical or health program should include incarcerated offenders to the same extent as the general public.

STANDARD 2.8: SEARCHES

The Department of Correction should develop and implement policies and procedures governing searches and seizures to insure that the rights of persons under the authority are observed.

1. Unless specifically authorized by the court as a condition of release, persons supervised by correctional authorities in the community should be subject to the same rules governing searches and seizures that are applicable to the general public.

2. The Department of Correction in operating institutions should develop and present to the officer charges with providing legal advice to the department for approval a policy for making regular administrative searches of facilities and persons confined in correctional institutions.

3. These policies should provide for:

- a. Avoiding undue or unnecessary force, embarrassment, or indignity to the individual.
- b. Using non-intensive sensors and other technological advances instead of body searches wherever feasible.
- c. Conducting searches no more frequently than reasonably necessary to control contraband in the institution or to recover missing or stolen property.
- d. Respecting an inmate's rights in property owned or under his control, as such property is authorized by institutional regulations.

STANDARD 2.9: RULES OF CONDUCT

The Department of Correction should promulgate rules of conduct for offenders under its jurisdiction.

1. Such rules should:

- a. Be designed to effectuate and protect the primary interest of the facility or programs for which they are promulgated.
- b. Be a specific means of achieving that interest.
- c. Be specific enough to give offenders adequate notice of what is expected of them.
- d. Be accompanied by a statement of the range of sanctions that can be imposed for violations. Such sanctions should be proportionate to the gravity of the rules and the severity of the violation.

- e. Offenders and interested parties should be permitted the opportunity to express their opinion regarding any rule of conduct adopted by the department.

2. The Department of Correction should provide offenders under its jurisdiction with an up-to-date written statement of rules of conduct applicable to them.

3. The Department of Correction in promulgating rules of conduct should not attempt generally to duplicate the criminal law. Where an act is covered by administrative rule and statutory law the following standards should govern:

- a. Acts of violence or other serious misconduct generally should be prosecuted criminally and not be the subject of disciplinary sanctions.
- b. Where the state intends to prosecute, disciplinary action should be deferred.
- c. Where the state prosecutes and the offender is found not guilty, the Department of Correction should not take further punitive action.

STANDARD 2.10: DISCIPLINARY PROCEDURES

The Department of Correction should adopt consistent disciplinary procedures for the persons residing therein. Minor violations of rules of conduct are those punishable by no more than a reprimand, or loss of commissary, entertainment, or recreation privileges for a specified period of time.

1. Rules governing minor violations should provide that staff impose the prescribed sanctions after informing the offender of the nature of his misconduct and giving him the chance to explain or deny it.

2. If a report of a violation is placed in the offender's file, the offender should be so notified.

3. The offender should be provided with the opportunity to request a review by an impartial officer or board of the appropriateness of the staff action.

4. Where the review indicates that the offender did not commit the violation or the staff's action was not appropriate, all references to the incident should be removed from the offender's file.

5. Major violations of rules of conduct are those punishable by sanctions more stringent than those for minor violations, including but not limited to loss of good time, assignment to segregation or solitary confinement, transfer to a higher level of institutional custody or any other change in status which may tend to affect adversely an offender's time of lease of discharge.

6. Rules governing major violations should provide for the following prehearing procedures:

- a. Someone other than the reporting officer should conduct a complete investigation into the facts of the alleged misconduct to determine if there is probable cause to believe that offender committed a violation. If probable cause exist, a hearing date should be set.
- b. The offender should receive a copy of any disciplinary report or charges of the alleged violation and notice of the time and place of the hearing.
- c. The offender, if he desires, should receive assistance in preparing for the hearing from a member of the correctional staff, or other authorized persons.
- d. No sanction for the alleged violation should be imposed until after the hearing except that the offender may be segregated from the rest of the population if the head of the institution finds that he constitutes a threat to other inmates, staff members, or himself.

7. Rules governing major violations should provide for a hearing on the alleged violation which should be conducted as follows:

- a. The hearing should be held as quickly as possible; generally not more than 72 hours after the charges are made.
- b. The hearing should be before an impartial officer or board.
- c. The offender should be allowed to present evidence or witnesses on his behalf.
- d. The offender may be allowed to confront and cross-examine the witnesses against him, unless threat of appraisal is apparent.
- e. The offender should be afforded assistance at the hearing.
- f. The hearing officer or board should be required to find substantial evidence of guilt before imposing any sanctions.
- g. The hearing officer or board should be required to render its decision in writing setting forth its findings as to controverted facts, its conclusions, and the sanctions imposed. If the decision finds that the offender did not commit the violation, all reference to the charge should be removed from the offender's file.

8. Rules governing major violation should provide for internal review of the hearing officer's or board's decision. Such review should be automatic. The reviewing authority should be authorized to accept the decision, order further proceedings, or reduce the sanction imposed.

STANDARD 2.11: PROCEDURES FOR NON-DISCIPLINARY CHANGE OF STATUS

The Department of Correction should promulgate written rules and regulations to prescribe the procedures for determining and changing offender status, including classification, and major changes or decisions on participation in treatment, education, and work programs within the same facility.

1. The regulations should:

- a. Specify criteria for the several classifications to which offenders may be assigned and the privileges and duties of persons in each class.
- b. Specify frequency of status reviews or the nature of events that prompt such review.
- c. Be made available to offenders who may be affected by this.
- d. Provide for notice to the offender when his status is being reviewed.
- e. Provide for participation of the offender in decisions affecting his program.

2. The offender should be permitted to make his reviews known regarding the classification, transfer, or program decisions under consideration. The offender should have an opportunity to oppose or support those changes in status or to initiate the review of his status.

3. Where reviews involving substantially adverse changes in level of custody are conducted, an administrative hearing should be held, involving notice to the offender, an opportunity to be heard, and a written report by the correctional authority communicating the final outcome of the review. Where such actions, particularly transfers, must be made on an emergency basis, this procedure should be followed subsequent to the action.

4. Proceedings for non-disciplinary changes of status should not be used to impose disciplinary sanctions or otherwise punish offenders for violations of rules and conduct or other misbehavior.

STANDARD 2.12: GRIEVANCE PROCEDURE

The Department of Correction should develop and implement a grievance procedure. The procedure should have the following elements:

1. Each person being supervised by the Department of Correction should be able to report a grievance.
2. The grievance should be transmitted without alternations, interference, or delay to the person or entity responsible for reviewing and investigating grievances. The person reporting the grievance should not be subject to adverse action as a result of filing the report.
3. Promptly after receipt, each grievance not patently frivolous should be investigated. A written report should be prepared for the Department of Correction and the complaining person. The report should set forth the findings of the investigation and the recommendations of the person or entity responsible for making the investigation.
4. The Department of Correction should respond to each such report, indicating what disposition will be made of the recommendation received.

STANDARD 2.13: EXPRESSION AND ASSOCIATION

The Department of Correction should develop policies and procedures to assure that individual offenders are able to exercise their constitutional rights to expression and association to the extent consistent with the maintenance of order and security within the correctional facility. Regulations limiting an offender's right of expression and association should be justified by needs of order and security. Where such jurisdiction exists, the agency should adopt regulations which effectuate the stated interest with as little interference with the offender's rights as possible.

1. Rights of expressions and associations are involved in the following context:
 - a. Exercise of free speech.
 - b. Exercise of religious beliefs and practices.
 - c. Sending or receipt of mail.
 - d. Visitations.
 - e. Access to the public through the media.
 - f. Belonging to and participating in approved organizations.
2. Justification for limiting an offender's rights of expression or association would include regulations necessary to maintain order or protect other offenders, correctional staff, or other persons from violence, or the threat of violence. The existence of a justification for limiting an offender's rights should be determined in light of all the circumstances, including the nature of the correctional program or institution to which he is assigned.
3. Ordinarily, the following factors should not constitute sufficient justification for interference of an offender's rights unless present in a situation which constituted a threat to personal or institutional security.
 - a. Protection of the correctional agency or its staff from criticism whether or not justified.
 - b. Protection of other offenders from unpopular ideas.
 - c. Protection of offenders from views correctional officials deem not conducive to rehabilitation or other correctional treatment.
 - d. Administrative inconvenience.
 - e. Administrative cost except where unreasonable and disproportionate to that expended on other offenders for similar purposes.

STANDARD 2.14: EXERCISE OF RELIGIOUS BELIEFS AND PRACTICES

The Department of Correction should develop and implement policies and procedures that will fulfill the right of offenders to exercise their own religious beliefs.

1. These policies and procedures should allow and facilitate the practice of those beliefs to the maximum extent possible, within reason, consistent with Standard 8.13, and reflect the responsibility of the correctional agency to:

- a. Provide access to appropriate facilities for worship or meditation.
- b. Enable offenders to adhere to the dietary laws of their faith.
- c. Arrange the institution's schedule to the extent reasonably possible so that inmates may worship or meditate at an appropriate time.
- d. Allow access to clergymen or spiritual advisors of all faiths represented in the institution's population.
- e. Permit receipt of any religious literature and publications that can be transmitted legally in the United States through the mails.
- f. Allow religious medals and symbols that are not unduly obtrusive.

2. The Department of Correction should give equal status and protection to all religious, traditional or unorthodox. In determining whether practices are religiously motivated, the following factors among others should be considered as supporting a religious foundation for the practice in question:

- a. Whether there is substantial literature supporting the practice as related to religious principle.
- b. Whether there is a formal, organized worship of shared beliefs by a recognized and cohesive group supporting the practice.
- c. Where there is a loose and informal association of persons who share common ethical, moral, or intellectual views.
- d. Where the belief is deeply and sincerely held by the offender.

3. The following factors cannot be considered as indicating lack of religious support for the practice in question:

- a. The belief is held by a small number of individuals.
- b. The belief is of recent origin.
- c. The belief is unpopular or controversial.

4. In determining whether practices are religiously motivated the correctional facility (the Department of Correction) should allow the offender to present evidence of religious formulation to the official making the determination.

5. The Department of Correction should not proselytize persons under its supervision or permit others to do so without the consent of the person concerned. Reasonable opportunity and access should be provided to offenders requesting information about the activities of any religion with which they may not be actively affiliated.

6. In making judgments regarding the adjustment or rehabilitation of an offender, the Department of Correction may consider the attitudes and perceptions of the offender but should not:

- a. Consider, in any manner prejudicial to determinations of offender release or status, whether or not such beliefs are religiously motivated.
- b. Impose, as a condition of confinement, parole, probation, or release, adherence to the active practice of any religion or religious belief.

STANDARD 2.15: ACCESS TO THE PUBLIC

The Department of Correction should develop and implement policies and procedures to fulfill the right of offenders to communicate with the public. Questions of right of access to the public arise primarily in the context of regulations affecting mail, personal visitation, and the communications media.

1. Offenders should have the right to communicate or correspond with persons or organizations and to send and receive letters, packages, books, periodicals, and any other material that can be lawfully mailed. The following additional guidelines should apply:

- a. The Department of Correction should not unreasonably limit the volume of mail to or from a person under supervision.
- b. The Department of Correction should have the right to inspect and censure incoming and outgoing mail in accordance with applicable law.
- c. Offenders should receive a reasonable postage allowance to maintain community ties.

2. Offenders should have the right to communicate in person with individuals of their own choosing, consistent with maintenance of custody and security. The following additional guidelines should apply:

- a. The Department of Correction may limit the number of visitors an offender may receive and the length of such visits in accordance with regular institutional schedules and requirements.
- b. The Department of Correction should facilitate and promote visitation of offenders by making provisions for family visits in private surroundings conducive to maintaining and strengthening family ties.
- c. The Department of Correction may supervise the visitation area in an unobtrusive manner but should not eavesdrop on conversations or otherwise interfere with the participants' privacy.

3. Except in emergency cases, such as institutional disorders, offenders should be allowed to present their views through the communications media. Correctional authorities should encourage and facilitate the flow of information between the media and offenders by authorizing offenders, among other things to:

- a. Publish articles or books on any subject.
- b. Display and sell original creative works.

4. As used in this Standard, the term media encompasses any printed or electronic means of conveying information to the public including but not limited to newspapers, magazines, books, or other publications regardless of the size or nature of their circulation and licensed radio and television broadcasting. Representatives of the media should be allowed access to all correctional facilities for reporting items of public interest consistent with the preservation of offender's privacy, and the maintenance of order and security.

5. Offenders should be entitled to receive any lawful publication, or radio and television broadcast,

STANDARD 2.16: REMEDIES FOR VIOLATION OF AN OFFENDER'S RIGHTS

The Department of Correction should adopt policies and procedures and where applicable, should seek legislation to insure proper redress where an offender's rights, as enumerated in this Chapter, are abridged.

1. Administrative remedies, not requiring the intervention of a court, should include at least the following:

- a. Procedures allowing an offender to seek redress where he believes his rights have been or are about to be violated. Such procedures should be consistent with Standard 8.12, Grievance Procedure.
- b. Policies of inspection and supervision to assure periodic evaluation of institutional conditions and staff practices that may affect offender's rights.
- c. Policies which:
 - (1) Assure wide distribution and understanding of the rights of offenders among both offender and correctional staff.
 - (2) Provide that intentional or persistent violation of an offender's rights is justification for removal from office or employment of any correctional worker.

2. Judicial remedies for violations of rights should include at least authority for an injunction either prohibiting a practice violative of an offender's rights or requiring affirmative action on the part of governmental officials to assure compliance with offender's rights.

STANDARD 2.17: CODE OF OFFENDER'S RIGHTS

The Department of Correction should develop policies that define and implement the substantive rights of offenders. Such policies should be governed by:

1. Offenders should be entitled to the same rights as free citizens except where the nature of confinement necessarily requires modification. Where modification of the rights of offenders is required by the nature of custody, such modification should be as limited as possible.

2. The duty of showing that custody requires modification of such rights should be upon the correctional agency.

3. Such policies should implement the substantive rights more fully described in Section 8 in this report.

4. Such policies should provide adequate means for enforcement of the rights so defined. They should authorize the remedies for violations of the rights of offenders listed in Standard 2.18, where such do not already exist.

STANDARD 2.18: PARDON LEGISLATION

North Carolina should enact legislation detailing the procedures (1) governing the application by an offender for the exercise of the pardon powers, and (2) for exercise of the pardon powers.

CHAPTER III

TO ACHIEVE JUSTICE

STANDARD 3.1: NON-DISCRIMINATORY TREATMENT

The Department of Correction should develop and implement policies and procedures assuring the right of offenders not to be subjected to discriminatory treatment based on race, religion, nationality, sex, or political beliefs.

1. The policies and procedures should assure:
 - a. An essential equality of opportunity in being considered for various program options, work assignments, and decisions concerning offender status.
 - b. An absence of bias in the decision process, either by intent or in result.
 - c. All remedies available to noninstitutionalized citizens open to prisoners in case of discriminatory treatment.

2. This standard would not prohibit segregation of youthful offenders from mature offenders or male from female offenders in offender management and programming, except where separation of the sexes results in an adverse and discriminatory effect in program availability or institutional conditions.

STANDARD 3.2: RECRUITMENT FROM MINORITY GROUPS

The Department of Correction should take affirmative action to recruit and employ qualified minority group individuals (Black, Chichanos, American Indians, Puerto Ricans, and others) for all positions.

1. All job qualification and hiring policies should be reexamined with the assistance of equal employment specialists from outside the hiring agency. All assumptions (implicit and explicit) in qualification and policies should be reviewed for demonstrative relationship to successful job performance. Particular attention should be devoted to the meaning and relevance of such criteria as age, educational background, specified experience requirements, physical characteristics, prior criminal record or "good moral character" specification, and "sensitive job" designations. All arbitrary obstacles to employment should be eliminated.

2. If examinations are deemed necessary, outside assistance should be enlisted to insure that all test, written and oral, are related significantly to the work to be performed and are not culturally biased.

3. Training programs, more intensive and comprehensive than standard programs, should be designed to replace educational and previous experience requirements. Training programs should be concerned also with improving relationships among culturally diverse staff and clients.

4. Recruitment should involve a community relations effort in areas where the general population does not reflect the ethnic and cultural diversity of the correctional population.

STANDARD 3.3: EMPLOYMENT OF WOMEN

The Department of Correction should develop policies and implement practices to recruit and hire more qualified women for all types of positions in the department, to include the following:

1. Change in Department of Correction policy to eliminate discrimination against women for correctional work.

2. Provide for lateral entry to allow immediate placement of qualified women in administrative positions.

3. Develop better criteria for selection of staff for correctional work, removing unreasonable obstacles to employment of qualified women.

4. Assumption by the personnel system of aggressive leadership in giving qualified women a full role in corrections.

STANDARD 3.4: EMPLOYMENT OF EX-OFFENDERS

The Department of Correction should take affirmative action to recruit and employ capable and qualified ex-offenders in correctional roles.

1. Policies and practices restricting the hiring of capable and qualified ex-offenders should be reviewed and, where found unreasonable, eliminated or changed. The Department of Correction should consider the employment of capable and qualified ex-offenders.

2. Training programs should be developed to prepare capable and qualified ex-offenders to work in various correctional positions, and career development should be extended to them so they can advance in the system.

CHAPTER IV

TO INCREASE EFFICIENCY IN THE CRIMINAL JUSTICE SYSTEM

STANDARD 4.1 PLANNING AND ORGANIZATION

The Department of Correction should begin to develop an operational, integrated process of long-, intermediate-, and short-range planning for administrative operations functions. This should include:

1. Procedure open to as many employees as possible for establishing and reviewing organizational goals and objectives at least annually should be established.
2. A research capability for adequately identifying the key social, economic, and functional influences impinging on that agency and for predicting the future impact of each influence should be established.
3. The capability to monitor, at least annually, progress toward previously specified objectives should be established.
4. An administrative capability for properly assessing the future support services required for effective implementation of formulated plans should be established.
5. These functions should be combined in one organizational unit responsible to the chief executive officer but drawing heavily on objectives, plans, and information from each organizational subunit.
6. Each agency should have an operating cost accounting system which should include the following capabilities:
 - a. Classification of all offender functions and activities in terms of specific action programs.
 - b. Allocation of costs to specific action programs.
 - c. Administrative conduct, through program analysis, of all ongoing programmatic analysis for management.

STANDARD 4.2 WORK STOPPAGES AND JOB ACTIONS

Correctional administrators should immediately make preparations to be able to deal with any concerted work stoppage or job action by correctional employees. In addition, further steps may be necessary to insure that the public, other correctional staff, or inmates are not endangered or denied necessary services because of a work stoppage.

1. North Carolina should enact legislation that specifically prohibits correctional employees from participating in any concerted work stoppage or job action.
2. The Department of Correction should establish formal written policy prohibiting employees from engaging in any concerted work stoppage. Such policy should specify the alternatives available to employees for resolving grievances.

It should delineate internal disciplinary actions that may result from participation in concerted work stoppages.

3. The Department of Correction should develop a plan which will provide for continuing correctional operations in the event of a concerted employee work stoppage.

4. There should be established an ombudsman who may hear complaints and grievances of public employees.

STANDARD 4.3 DEVELOPMENT OF A CORRECTIONAL DATA BASE

The Department of Correction, in the establishment of its information system, should design its data base to satisfy the following requirements:

1. The information-statistics functions of offender accounting, administrative decision making, ongoing research, and rapid response to questions should be reflected in the design.

2. The data base should allow easy compilation of an annual statistical report, including sections on population characteristics tabulated for given points in time, a recapitulation of population movement for the full year, and an analysis of recidivism by offense and other characteristics.

3. The data base should include all data required at decision points. The information useful to corrections personnel at each decision point in the corrections system should be ascertained in designing the data base.

4. The requirements of other criminal justice information systems for corrections data should be considered in the design, and an interface between the corrections system and other criminal justice information systems developed, including support of offender-based transaction systems.

5. All data base records should be individual-based and contain elements that are objectively codable by a clerk. The procedures for coding data should be established uniformly.

6. The integrity and quality of data in each record is the responsibility of the information group. Periodic audits should be made and quality control procedures established.

7. The corrections information-statistics system should be designed and implemented modularly to accommodate expansion of the data base. Techniques should be established for pilot testing new modules without disrupting ongoing operations of the system. Interactions with planners and administrators should occur before introduction of innovations.

8. Data bases should be designed for future analysis, recognizing the lag between program implementation and evaluation.

9. The results of policies (in terms of evaluation) should be reported to

administrators, and data base content should be responsive to the needs of changing practices and policies to guarantee that the all-important feedback loop will not be broken.

10. The initial design of the corrections data base should recognize that change will be continual. Procedures to assure smooth transitions should be established.

STANDARD 4.4 EVALUATING THE PERFORMANCE OF THE CORRECTIONAL SYSTEM

The Department of Correction should begin to make performance measurements on two evaluative levels--overall performance or system reviews as measured by recidivism, and program reviews that emphasize measurement of more immediate program goal achievement. Agencies allocating funds for correctional programs should require such measurements. Measurements and review should reflect these considerations:

1. For system reviews, measurement of recidivism should be the primary evaluative criterion. The following definition of recidivism should be the primary evaluative criterion. The following definition of recidivism should be adopted nationally by all correctional agencies to facilitate comparisons among jurisdictions and completion of national figures:

Recidivism is measured by (1) criminal acts that result in conviction by court, when committed by individuals who are under correctional supervision or who have been released from correctional supervision within the previous three years, and by (2) technical violations of probation or parole in which a sentencing or paroling authority took action that resulted in the revocation of probation or parole supervision.

Technical violations should be maintained separately from data on re-conviction. Also, recidivism should be recorded in a manner to discern patterns of change. At a minimum, statistical tables should be prepared every six months during the three year following period, showing the number of recidivists. Discriminations by age, offense, length of sentence, and disposition should be provided.

2. Program review is a more specific type of evaluation that should entail these five criteria of measurement:

- a. measurement of effort, in terms of cost, time, and type of personnel employed in the project in question.
- b. measurement of performance, in terms of whether immediate goals of the program have been achieved.
- c. determination of adequacy of performance, in terms of the programs value for offenders exposed to it as shown by individual followup.
- d. determination of efficiency, assessing effort and performance for various programs to see which are most effective with comparable groups and at what cost.
- e. study of process, to determine the relative contributions of process to goal achievement, such as attributes of the program related to success or failure, recipients of the program who are more or less benefited, conditions affecting program delivery, and effects produced by the program. Program reviews should provide

for the classification of offenders by relevant types (age, offense category, base expectancy rating, psychological state or type, etc.). Evaluative measurements should be applied to discreet and defined cohorts. Where recidivism data are to be used, classification should be related to reconvicitions and technical violations of probation or parole as required in system reviews.

3. Assertions of systems or programs success should not be based on unprocessed percentages of offenders not reported in recidivism figures. That is, for individuals to be claimed as successes, their success must be clearly related in some demonstrable way to the programs to which they were exposed.

STANDARD 4.5 CLASSIFICATION FOR INMATE MANAGEMENT.

The Department of Correction in operating its institutions for committed offenders, should reexamine and reorganize its classification system as follows:

1. Use of reception and diagnostic centers shall be continued and expanded particularly with reference to community based programs.
2. Whether a reception unit or classification committee or team is utilized within the institution, the administration's classification issuance should:
 - a. describe the makeup of the unit, team, or committee, as well as its duties and responsibilities.
 - b. define its responsibilities for custody, employment, and vocational assignments.
 - c. indicate what phases of an inmate program may be changed without unit, team, or committee action.
 - d. specify procedures relating to inmate transfer from one program to another.
 - e. prescribe form and content of the classification interview.
 - f. develop written policies regarding initial inmate classification and reclassification.
3. The purpose of initial classification should be:
 - a. to secure inmates for safe and appropriate placement and to determine whether these programs will accomplish the purposes for which inmates are placed in the correctional system; and
 - b. through orientation to give new inmates an opportunity to learn of the programs available to them and of the performance expected to gain release.
4. The purpose of reclassification should be the increasing involvement of offenders in community based programs as set forth in Standard Inmate Involvement in Community Programs.
5. Initial classifications should not take longer than one week, except in those cases requiring psychological or medical intervention.

6. Reclassification should be undertaken at specified intervals consistent with the nature of offense and length of sentence.

7. The isolation or quarantine period, if any, should be as brief as possible but not longer than 48 hours.

STANDARD 4.6 MODIFICATION OF EXISTING INSTITUTIONS

The Department of Correction in administering State institutions for adult offenders should undertake a ten year program of re-examining existing institutions to make productive their use consistent with programming needs of resident population. Modification of existing system institutions should emphasize systemwide needs for security, custody, and programs.

1. A collaborative planning effort should be made to determine the legitimate role of each institution in the correctional system.

2. If the average population of an institution is too large to facilitate the progress stated in Standard 4.1, it should be reduced. Consideration should be given to the alternate use of adult institutions in order to meet security and custody levels necessary and to meet programmatic needs.

3. The physical environments of the adult institution to be retained should be modified to achieve the objectives stated in Standard 4.1 as to:

- a. provision of privacy and personal space;
- b. minimization of noise;
- c. reduction of sensory deprivation;
- d. reduction in size of inmate activity space to facilitate constructive inmate-staff relationship;
- e. provision of adequate utility services.

4. Plant modification of retained institutions should also be undertaken to provide larger, more dignified, and more informal visiting facilities; spaces for formal and informal individual and group counseling, education and vocational training, workshops, recreational facilities, and medical and hospital facilities; and such additional program spaces as may fit the identified purposes of the institution.

5. A re-examination of the purpose and physical facilities of each existing institution should be undertaken at least every five (5) years, in conjunction with continuing; long range planning for the entire correctional system.

STANDARD 4.7 CORRECTIONS' RESPONSIBILITY FOR CITIZEN INVOLVEMENT

The Department of Correction should create a multipurpose public information and education unit, to inform the general public of correctional issues and to organize support for and overcome resistance to general reform efforts and specific community-based projects.

1. The Department of Correction should create an administrative unit in each division responsible for securing citizen involvement in a variety of ways within corrections, including advisory roles, direct service roles, and cooperative endeavors with correctional clients.

2. The unit responsible for securing citizen involvement should develop and make public a written policy on selection processes, term of services, tasks, responsibilities, and authority for an advisory or policymaking body.

3. The citizen involvement unit should be specifically assigned the management of volunteer personnel serving in direct service capacities with correctional clientele, to include:

- a. Design and coordination of volunteer tasks.
- b. Screening and selection of appropriate persons.
- c. Orientation to the system and training as required for particular tasks.
- d. Professional supervision of volunteer staff.
- e. Development of appropriate personnel practices for volunteers, including personnel records, advancement opportunities, and other rewards.

4. The unit should seek to diversify institutional programs by obtaining needed resources from the community that can be used in the institution and by examining and causing the periodic reevaluation of any procedures inhibiting participation of inmates in any community programs.

5. The unit should lead establishing an operating community-based program emanating from the institution or from a satellite facility and, on an ongoing basis, seek to develop new opportunities for community contacts enabling inmate participants and custodial staff to develop normal interaction with community residents and institutions.

STANDARD 4.8 UTILIZATION OF VOLUNTEERS

The Department of Correction should begin to recruit and use volunteers from all ranks of life as a valuable additional resource in correctional programs and operations, as follows:

1. Capable and qualified volunteers should be recruited to assist professional staff in meeting the needs of offenders/clients.
2. Training should be provided volunteers to give them an outstanding of the needs and lifestyles common among offenders and to acquaint them with the objectives and problems of corrections.
3. A paid volunteer coordinator should be provided for efficient program operation.
4. Administrators should plan for and bring about full participation of volunteers in their programs; volunteers should be included in organizational development efforts.
5. Efforts should be undertaken to develop insurance plans to protect the volunteer from any mishaps experienced during participation in the program.
6. Honorary recognition should be given to volunteers making exceptional contributions to the Department of Correction.

STANDARD 4.9 REDISTRIBUTION OF CORRECTIONAL MANPOWER RESOURCES TO COMMUNITY-BASED PROGRAMS

Where the Department of Correction has made a determination based on an analysis of the total criminal justice system, mandates or reducing crime, and the physical condition of existing correctional facilities that reducing the use of major institutions and increasing the use of community resources for correctional purposes is warranted or necessary, it should undertake studies to determine proper redistribution of manpower from institutional to community based programs consistent with legislative authorization.

1. This should include the following:
 - a. Development of a statewide correctional manpower profile including appropriate data on each worker.
 - b. Proposals for retaining staff relocated by institutional closures.
 - c. A process of updating information on program effectiveness and needed role changes for correctional staff working in community based programs.
 - d. Methods for formal, official corrections to cooperative effectively with informal and private correctional efforts found increasingly in the community. Both should develop collaboratively rather than competitively.

STANDARD 4.10 UNIFYING CORRECTIONAL PROGRAMS

Each state should enact legislation to unify all correctional facilities and programs. The parole commission may be administratively part of an overall state-wide correctional services agency, but it should be autonomous in its decision-making authority and separate from field services.

1. Programs for adult and youthful offenders that should be within the agency include:
 - a. Services for persons awaiting sentence.
 - b. Probation supervision.
 - c. Institutional confinement.
 - d. Community based programs, whether prior to or during institutional confinement.
 - e. Parole and other aftercare programs.
 - f. All programs for misdemeanants including probation, confinement, community based programs, and parole.
2. The legislation also should authorize the Department of Correction to perform the following functions:
 - a. Planning diverse correctional facilities.
 - b. Development and implementation of training programs for correctional personnel.
 - c. Development and implementation of an information-gathering and research system.
 - d. Evaluation and assessment of the effectiveness of its functions.

- e. Periodic reporting to governmental officials including the legislature and the executive branch.
- f. Development and implementation of correctional programs including academic and vocational training and guidance, productive work, religious and recreational activity, counseling and psychotherapy services, organizational activity, and other such programs that will benefit offenders.
- g. Contracts for the use of non-departmental and private resources in correctional programming.

3. This Standard should be regarded as a statement of principle applicable to most State jurisdictions. It is recognized that exceptions may exist, because of local conditions or history, where adult corrections or pretrial and post conviction correctional services may operate effectively on a separate basis.

STANDARD 4.11 PAROLE POLICY

The Parole Commission should adopt policies (1) authorizing parole for eligible 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.

1. In authorizing parole for all committed offenders the policies should:

- a. Authorize parole or after-care release for adults from specified correctional institutions.
- b. Authorize the parole of an offender at an appropriate time.

2. In establishing procedures for granting of parole to adults the policies should require:

- a. Parole decisions by professional commission of parole, independent of the institutional staff.
- b. Automatic periodic considerations of parole for each offender.
- c. Agency assistance to the offender in developing a plan for his parole.
- d. A written statement by the commission explaining decisions denying parole.
- e. 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.
- f. Each eligible offender to be released on parole no later than 90 days prior to expiration of his actual term.

3. In establishing criteria for granting parole the policies should:

- a. Require parole over continued confinement unless specified conditions exist.
- b. Stipulate factors that should be considered by the parole commission in arriving at its decision.
- c. Direct the parole decision toward factors relating to the individual offender and his chances for successful return to the community.
- d. Require a careful examination of the recommendation by the institutional staff, the court, the police, or the prosecutor before parole may be granted.

4. In establishing criteria for parole conditions, the policies should:

- a. Authorize but not require the imposition of specified conditions.
- b. Require that any conditions imposed in an individual case be reasonably related to the correctional program of the defendant and not unduly restrictive of his liberties or incompatible with his constitutional rights.
- c. Direct that conditions be fashioned on the basis of factors relating to individual offenders rather than the offense committed.

5. In establishing criteria and procedures for parole revocation, the policies should provide that a parolee charged with a violation would not be charged unless there is a hearing at which probable cause to believe that the parolee did violate the condition of his parole is shown.

6. Such a hearing should be held promptly near the locality to which the parolee is paroled.

7. The hearing should be conducted by an impartial person other than the parole officer.

8. 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, if required by the legislation or judicial mandate.

9. Parole should not be revoked unless: there is substantial evidence of a violation of one of the conditions of parole; 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; the parolee is provided with a hearing on the charge of revocation. At the hearing, the parolee should be given an 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, if required by legislation or judicial mandate; the commission or hearing officer provides a written statement of findings, reasons for their decision, and the evidence relied upon.

10. 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, unless revocation was due to an additional criminal conviction.

11. In defining the term for which parole should be granted, the policies should prohibit the term from exceeding beyond the maximum prison term imposed on the offender by the sentencing court and should authorize the parole commission to discharge the parolee from parole at any time.

TO INCREASE PROFESSIONAL SKILLS

STANDARD 5.1 PROFESSIONAL CORRECTIONAL MANAGEMENT

The Department of Correction should train its management staff to provide, at minimum, the following system capabilities:

1. Managerial attitudes and administrative procedures should permit each employee to have more say about what he does, including more responsibility for deciding how to proceed for setting goals and producing effective rehabilitation programs, consistent with departmental policy.

2. Management philosophy should encourage delegation of work-related authority to the employee level and acceptance of employee decisions, with the recognition that such diffusion of authority does not mean managerial abdication but rather that decision can be made by the persons most involved and thus presumably best qualified.

3. Administrative flexibility should allow employees to organize into teams or groups, recognizing that individuals involved in small working units become concerned with helping their team-mates in achieving common goals.

4. Desire and administrative capacity should conscientiously eliminate as many as possible of the visible distinctions between employee categories, thereby shifting organizational emphasis from an authority or status orientation to a goal orientation.

5. Capability of accomplishing promotion from within the system through a carefully designed and properly implemented career development program should be developed.

STANDARD 5.2 EMPLOYEE-MANAGEMENT RELATIONS

The Department of Correction should develop capability to relate effectively to and negotiate with employees and offenders. This labor-offender-management relations capability should consist, at minimum, of the following elements:

1. All management levels should receive in depth management training designed to reduce interpersonal friction and employee-offender alienation. Such training specifically should include methods of conflict resolution, psychology, group dynamics, human relations, interpersonal communication, motivation of employees, and relations with minority and disadvantaged groups.

2. All management personnel in direct, continuing contact with offenders should receive training in psychology, basic counseling, group dynamics, human relations, interpersonal communications, motivation with emphasis on indirect offender rehabilitation, and relations with minority groups and the disadvantaged.

3. Through Department of Correction evaluation systems, all system personnel, including executives and supervisors, should be evaluated, in part, on their interpersonal competence and human sensitivity.

4. Top management should have carefully developed and detailed procedures for responding immediately and effectively to problems that may develop in the labor-management or inmate-management relations. These should include specific assignment of responsibility and precise delegation of authority for action, sequenced steps for resolving grievances and adverse action, and an appeal procedure from agency decisions.

STANDARD 5.3 PROBATION/PAROLE MANPOWER

The Division of Adult Probation and Parole should develop a comprehensive manpower and development training program to recruit, screen, utilize, train, educate, and evaluate a full range of probation personnel including volunteers, women, and ex-offenders. The program should range from entry level to top level positions and should include the following:

1. Provision should be made for effective use of a range of manpower on a full- or parttime (volunteer) basis by using a systems approach to identify services objectives and by specifying job task and range of personnel necessary to meet the objectives. Jobs should be reexamined periodically to insure that organizational objectives are being met.

2. In addition to probation officers, there should be new career lines in probation, all built into career ladders.

3. Advancement (salary and status) should be along two tracks: service delivery and administration.

4. Educational qualification for probation officers should be graduation from an accredited 4 year college.

STANDARD 5.4 PAROLE AUTHORITY PERSONNEL

The qualifications and conditions of appointment of parole commission members should be specified by statute.

1. The parole commission should consist of no less than 5 full time members.

2. Parole commission members should be appointed by the governor from persons whose recognized ability, training, experience, and character qualify them for service on the commission.

3. The term of office of the members of the commission should be for 4 years.

4. Parole commission members should possess a high degree of skill in comprehending legal issues and statistical information and an ability to develop and promulgate policy.

5. Parole commission members should be compensated consistent with levels established by the General Assembly.

6. Parole board members should participate in continuing training on a national basis.

STANDARD 5.5 MANAGEMENT BY OBJECTIVE

The Department of Correction should adopt a program of management by objective in which everyone involved—managers, staff, and clients—shares in identifying problems, finding mutually agreeable solutions, setting goals and objectives, defining new rules for participants, and evaluating effectiveness of these processes.

1. This program should include the following:
 - a. Training and development sessions to prepare managers, staff, and clients for their new roles in organizational development.
 - b. An ongoing evaluation process to determine progress toward meaningful management and role change of managers, staff and clients.
 - c. A procedure for the participation of **other** elements of the criminal justice system in long range planning for the correctional system.
 - c. A change of manpower utilization from traditional roles to those in keeping with new management and correctional concepts.

STANDARD 5.6 PERSONNEL PRACTICES FOR RETAINING STAFF

The Department of Correction should reexamine and review personnel practices to create a favorable organizational climate and eliminate legitimate employee dissatisfaction in order to retain capable staff.

1. Policies should be developed that would provide:
 - a. Salaries for all personnel that are competitive with other parts of the criminal justice system as well as with comparable occupation groups of the private sector of the local economy. An annual cost of living adjustment should be mandatory.
 - b. Opportunities for advancement within the system. The system also should be open to provide opportunities for lateral entry and promotional mobility within jurisdiction and across jurisdictional lines.
 - c. Elimination of excessive and unnecessary paperwork and chains of command that are too rigidly structured and bureaucratic in function, with the objective of facilitating communication and decision-making so as to encourage innovation and initiative.
 - d. Appropriate recognition for jobs well done.
 - e. Workload distribution and schedules based on flexible staffing arrangements. Size of the workload should be only one determinate. Also to be included should be such others as nature of cases, team assignments, and the needs of the offenders.

STANDARD 5.7 COORDINATED STATE PLAN FOR CRIMINAL JUSTICE EDUCATION

North Carolina should establish a state plan for coordinating criminal justice education to assure a sound academic continuum from an associate of arts through graduate studies in criminal justice, to allocate education resources to sections of the state with defined needs, and to work toward proper placement of persons completing these programs.

1. Where a state higher education coordinating agency exists, it should be utilized to formulate and implement the plan.
2. Educational leaders, state planners, and criminal justice staff members

2. Educational leaders, state planners, and criminal justice staff members should meet to chart current and future statewide distribution and location of academic programs, based on proved needs and resources.

3. Award of Law Enforcement Education Program funds should be based on a sound educational plan.

4. Preservice graduates of criminal justice education programs should be assisted in finding proper employment.

5. Each unified state correctional system should ensure proper job advancement or reassignment.

- a. Inservice graduates of criminal justice education programs should be aided in proper job advancement or reassignment.
- b. Rewards (either increased salary or new work assignments) should be provided to encourage in-service staff to pursue these educational opportunities.

STANDARD 5.8 INTERN AND WORK STUDY PROGRAMS

The Department of Correction should begin to plan, support, and implement internship and workstudy programs to attract students to corrections as a career and improve the relationship between educational institutions and the field of practice.

1. These programs should include the following:
 - a. Recruitment efforts concentrating on capable and qualified student interns.
 - b. A careful linking between the academic component, work assignments and practical experiences for the students.
 - c. Collaborative planning for program objectives and execution agreeable to the university faculty, student interns, and agency staff.
 - d. Evaluation of each program.
 - e. Compensation for students.
 - f. Follow-up with participating students to encourage entrance into correctional work.

STANDARD 5.9 RECRUITING AND RETAINING PROFESSIONAL PERSONNEL

The State of North Carolina should develop a policy which entrusts the operation of correctional facilities and programs to professionally trained and qualified individuals.

1. Top level management positions should be protected from political patronage, and designed to attract qualified and capable professionals.
2. This policy should include:
 - a. A Statement of the qualifications thought necessary for each position, such qualifications should be directly related to the responsibilities of the position.

- b. A stated term of office for top level management positions.
- c. A procedure, including a requirement for a showing of cause, for removal of an individual from office during his term.

3. For purposes of this goal and related standards, top level management positions include:

- a. The chief executive officer of the Department of Correction.
- b. Members of the Parole Commission.
- c. Chief executive officers of the major divisions of the Department of Correction.

4. The foregoing policy should authorize some form of personnel system for correctional personnel below the top management level. This system so authorized should promote:

- a. Reasonable job security.
- b. Recruitment of professionally trained and qualified individuals.
- c. Utilization of a wide variety of individuals, including minority group members and ex-offenders.

5. Policy with regard to age, sex, residency, physical, and conviction record requirements should be consistent with the minimum standards provided for in North Carolina General Statute 17A.

1. Qualified trainers are required to develop and direct the program.

2. Training is the responsibility of management and should provide staff with skills and knowledge to fulfill organizational goals and objectives.

3. Training should include all members of the organization.

4. Training should be objective-based and not dependent upon hours spent in the classroom.

5. An educational incentive plan incorporating salary increases and paid sabbatical leaves should be developed.

6. Training should be conducted at designated organizational sites.

7. By 1977, the following training should be provided:

- a. Upper level managers should receive instruction in executive development, budgetting process, management techniques, criminal justice system, and utilization of resources available including personnel allocation.
- b. Middle Managers should receive criterion referenced instruction in management techniques, to include MBO, program budgetting, leadership, motivation, criminal justice system with emphasis on the rehabilitation process, and training and personnel evaluation.
- c. First line supervisors should receive criterion referenced instruction in leadership, motivation, personnel evaluation, goal setting, determination of objectives, tasks performance, criminal justice system, interpersonal communications skills, case supervision, and departmental policies and procedures and the rehabi-

- litative process, as determined by management.
- d. Intermediate level personnel should receive criterion referenced instruction in interpersonal communication, case management, treatment modes, custodial problems, correctional law, client management, and criminal justice system and other areas as determined by management.
 - e. Entry level personnel should receive criterion referenced instruction in tasks as set forth by G. S. 17A in addition to training in interpersonal communications skills, criminal justice system, and correctional law and other areas as determined by management.
 - f. Support personnel should receive professional, conference, and seminar type training for the purpose of maintaining a professional competency in their field of expertise. Selection should be determined by management.
 - g. At least 45% of the Department of Correction personnel should be encouraged to develop a statement in objective form setting forth a plan of educational enrichment involving courses in criminal justice programs.

PART FOUR – THE JUVENILE JUSTICE COMPONENT

PRIORITIZATION OF GOALS AND STANDARDS
BY THE GOVERNOR'S LAW AND ORDER COMMISSION
FOR THE JUVENILE JUSTICE COMPONENT

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CHAPTER I

TO REDUCE CRIME

STANDARD 1.1: PREVENTION

Programs designed to strengthen family relationships, increase positive influence of school or provide constructive peer relationships and other forms of early intervention shall be encouraged for the purpose of preventing juvenile delinquency.

STANDARD 1.2: EDUCATION

In the absence of special circumstances affecting a student's educational or developmental needs, every student should have the right to an education substantially equal to that which is provided other students, with equal access to alternative programs.

1. Schools have an affirmative obligation to provide special services to children with special educational needs without restricting these students access to other programs generally open to all students.

2. Juveniles from the ages of 7 through 15 are required by the State to attend public school or receive equivalent instruction.

3. No student shall be suspended from regular school attendance unless the student's continued presence threatens persons, property or the integrity of the educational process, and that threat cannot be eliminated by other, less restrictive, means. The behavior of the extremely disruptive child should not be allowed to interfere with the rights of other children to their education.

4. When a child is suspended or otherwise excluded from school, perhaps due to the necessity to work or an inability to attend during regular school hours, the school authorities shall provide the student with equivalent education through alternative means. The schools should take responsibility early to provide alternative opportunities for an education to meet each child's special need. Viable solutions may include afternoon or night school sessions and vocational rehabilitation.

STANDARD 1.3: ALTERNATIVE EDUCATIONAL EXPERIENCES

The Commission recommends that schools provide alternative programs of education to students in need of these programs.

1. The programs should be based on:

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

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

- a. Early identification of those students for whom all or parts of the regular school programs are inappropriate; and
- b. Testing for each child to determine those for whom services for learning disabled youths would be appropriate.
- c. Design of alternative experiences that are compatible with the individual learning objectives of each student identified as a potential client for these services.

STANDARD 1.4: LAW-FOCUSED EDUCATION

The Department of Public Instruction and the various school districts should seek to produce significant and lasting changes in students by making studies in law and legal processes integral parts of the curriculum of elementary and secondary school.

1. Major objectives of the program should include the development among elementary and secondary students and their teachers of:
 - a. Increased understanding of the legal, political, and educational institutions of our constitutional democracy and of the fundamental values, processes, and principles on which they are based.
 - b. Increased understanding of the role of a citizen in our constitutional democracy, including an understanding of, and commitment to, the exercise of the rights, privileges, and responsibilities of citizens.
 - c. Increased understanding of the function in a free society of civil liberties and the rule of law.
 - d. Increased understanding of the need for the legitimate exercise of authority in the political system, in the social system, and in the schools.
 - e. Increased understanding of democratic processes and procedures and willingness to use them when participating in the making of decisions and the management of conflict.
2. Teacher training programs should:
 - a. Prepare teachers to teach law studies and use lawyers primarily to train teachers.
 - b. Be an integral part of the project's activities.
 - c. Supply teachers with substantive knowledge about law and appropriate instructional techniques.
 - d. Not restrict teacher training to formal sessions; counsel and assist teachers throughout the school year.
 - e. Offer teacher-training courses through an institution of higher education, if possible.
 - f. Train non-educators who help teach students and train teachers.
3. Educators responsible for curriculum and materials development should:
 - a. Create curricula which strive to fundamentally improve students' understanding of law and the legal process.
 - b. Design curricula for elementary and junior high schools, as well as for high schools.

- c. Strive to present legal issues realistically, acknowledging conflict and controversial issues.
 - d. Consider developing curricula that assist students to learn about careers in law and law enforcement.
 - e. Consider producing supplementary materials to help implement law-related curricula, without over-investing in materials development.
 - f. Make a special effort to provide adequate audio-visual aids.
4. Methods of instruction in law-focused education should:
- a. Encourage the use of the inquiry method of instruction.
 - b. Encourage role-playing exercises.
 - c. Seek to develop and implement field-learning experiences.
 - d. Endeavor to use the governance of the school as a model of justice.
5. The following points should be included in a program of evaluation:
- a. Educational programs should be evaluated.
 - b. The prerequisites for useful evaluation should be present.
 - c. Evaluations should be conducted by independent evaluators.
 - d. Evaluations should measure changes in teachers and gather the opinions of others actively involved in projects.
 - e. Evaluations of teachers and students should be both formal and informal.
 - f. Funding agencies should avail themselves of the services of experts in educational evaluation.
 - g. National funding agencies should consider supporting research into the best means of evaluating programs.
 - h. National funding agencies should consider supporting longitudinal evaluations of programs.

STANDARD 1.5: DEVELOPMENT OF A POSITIVE RELATIONSHIP WITH LAW ENFORCEMENT

Students in the North Carolina school system should be given an opportunity to develop a positive, on-going relationship with law enforcement officers outside of their authoritative or coercive role as enforcers of the law. Efforts should be made, primarily through a strategy such as the police-school liaison officer, to increase the knowledge of youths of law and law enforcement and to improve the image of law enforcement held by youths.

STANDARD 1.6: RECREATION AS A PREVENTIVE EFFORT

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

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

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

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

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

5. Recreation leaders should be required to learn preventive and constructive methods of dealing with disruptive behavior, and they should recognize that an individual can satisfy his recreational needs in many environments. Leaders should assume responsibility for mobilizing resources and helping people find personally satisfying experiences suited to their individual needs.

STANDARD 1.7: EXPANSION OF JOB OPPORTUNITIES FOR YOUTH

Employers and unions should institute or accelerate efforts to expand job or membership opportunities to youth.

1. These efforts should include the elimination of arbitrary personnel selection criteria and exclusionary policies based on such factors as minimum age requirements and bonding procedures.

2. Employers and unions should also support actions to remove unnecessary or outdated state and federal labor restrictions on employing young people.

3. Employers should institute or expand training programs to sensitize management and supervisors to the special problems young people may bring to their jobs.

4. Laws governing eligibility for participation in vocational rehabilitation, community college, and technical institute programs should be lowered to age fourteen.

STANDARD 1.8: AFTER-SCHOOL AND SUMMER EMPLOYMENT

Every community should have after-school and summer employment programs for youth.

1. These programs should include fourteen and fifteen year olds who have been excluded from such programs in the past.

2. These programs should be sponsored by governmental or private groups but should include such elements as recruitment from a variety of community resources, selection on the basis of economic need, and a sufficient reservoir of job possibilities.

3. The youths involved should have the benefit of an adequate orientation period with pay and an equitable wage.

4. Local, state, and federal child labor regulations should be changed wherever possible to broaden employment opportunities for youth.

5. It may be possible for a community to combine its obligation to provide recreational outlets with its desire to create opportunities for youth employment by creating positions for young people in the development or maintenance of parks or recreational facilities, the organization of athletic programs as well as in the supervision of particular sports events.

STANDARD 1.9: EARLY DETECTION OF NEED FOR SERVICES IN JUVENILES

It shall be the duty of teachers and principals to screen and observe all pupils in order to detect signs and symptoms of drug and alcohol abuse, physical or emotional stress or signs of severe behavioral problems and to record and report the result of their findings in accordance with the established policies and procedures.

All rules and regulations regarding screening and observation by teachers and principals and for medical and psychiatric examination of pupils attending the public schools shall be made by the State Superintendent of Public Instruction in cooperation with the Department of Human Resources.

STANDARD 1.10: STATE DRUG EDUCATION PROGRAM

Drug and alcohol prevention education training shall be provided for public school teachers, counselors and administrators by the North Carolina Drug Authority.

Drug abuse prevention education training shall be provided to county agency and organization personnel, private citizens and local community groups.

STANDARD 1.11: DIVERSION

The Law and Order Commission views diversion as a legitimate part of the CJ System. Diversion refers to the process of referring youths to existing community resources outside the juvenile justice system in lieu of further juvenile justice processing. Diversion can take place at any point between investigation and the child's first appearance in Juvenile Court. 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.

1. The process of diversion should not circumvent the constitutional right of each child to a judicial determination of guilt prior to having restraints imposed on his/her freedom.

2. The factors to be used in determining whether a juvenile should be selected for diversion should include the following:

- a. The needs and interests of the juvenile and the victim or society are better served by diversion than by official processing.
- b. Services to meet the juvenile's needs and problems are unavailable within the criminal justice system or may be provided more effectively outside the system.
- c. The apprehension or arrest has already served as a desired deterrent.
- d. The juvenile does not present a substantial danger to himself or others.
- e. The juvenile voluntarily accepts the offered alternative to further justice system processing.
- f. Prosecution toward conviction may cause undue harm to the juvenile or

exacerbate the social problems that led to his delinquent/undisciplined act.

3. Specialized training in the rights and individual needs of youth and adolescents should be provided to all personnel who may have the opportunity to participate in the decision to divert a juvenile rather than refer him to juvenile court. This training is crucial in assuring that discretion will be exercised at all levels on the basis of good judgement and sound reasoning.

STANDARD 1.12: LAW ENFORCEMENT DIVERSION

Every police agency, where permitted by law, should immediately divert from the criminal and juvenile justice systems any juvenile who comes to the attention of police, and for whom the purpose of the 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. Diversion should take place at any point between investigation and the filing of a formal petition.

1. In cases where diversion is exercised, records should be kept to be used only in cases where a child later comes to court on an additional charge.

2. Diversion policies shall address the procedure for referral of mentally ill persons to appropriate resources in a mental health agency.

3. When law enforcement has taken custody of a juvenile prior to disposition, the following guidelines shall be observed:

a. Under the provisions of Gault and Miranda, law enforcement agencies shall first warn juveniles of their right to remain silent while under custodial questioning.

b. After apprehending a juvenile the parent or guardian must be notified immediately.

4. All accused first offender misdemeanants and all other accused misdemeanants who have been free of involvement with the juvenile court for the previous year should be diverted rather than processed in the court.

5. Serious consideration should be given to diversion of all apprehended juveniles taking into account the nature of the alleged offense, the age and circumstances of the juvenile, and recommendations for diversion made by the complainant.

STANDARD 1.13: JUVENILE INTAKE SERVICES DIVERSION

All practical diversion shall be pursued during the initial intake screening process to keep the juvenile out of the judicial system, especially in the case of the undisciplined and first offender. Diversion should take place at any point between arrest and the child's first appearance in juvenile court.

1. In cases where diversion is exercised, a written statement of the fact of, and reason for, the diversion should be made and retained as an informal, rather than a formal, court document. When a juvenile 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.

2. Consideration should be given, but not limited to, the following factors as favorable to diversion:

a. The relative youth of the offender

b. The willingness of the victim to have no conviction sought

c. Any likelihood that the offender suffers from an emotional or mental condition which was related to his crime and for which treatment is available.

- d. 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.
- e. The best interest of the child would be served through diversion. Among the factors that may be considered unfavorable to diversion are:
- f. Any history of the use of physical violence toward others
- g. 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.
- h. The best interest of the child and the community can be served through a decision not to divert.

STANDARD 1.14: PROVISION OF DIAGNOSTIC SERVICES BY THE DEPARTMENT OF HUMAN RESOURCES

It shall be the responsibility of the Department of Human Resources, through its appropriate divisions, to provide interdisciplinary, community based diagnostic services on referral from and in collaboration with appropriate criminal justice agencies or officials.

STANDARD 1.15: SEPARATION OF JUVENILE AND ADULT DETAINEES

No juvenile shall be held in an adult facility that has not been approved as a holdover facility by the Jail Services Branch of Facility Services in the Department of Human Resources.

- 1. In order for a facility to be structurally and administratively approved as a holdover facility, the following requirements must be met:
 - a. Separate quarters for juveniles in which it is not possible to see or converse with adult inmates
 - b. Close supervision of juvenile inmates by attendants of same sex.

2. No juvenile shall be held in a holdover facility in excess of five calendar days while awaiting disposition of case, court hearing or transportation to an approved detention facility.

3. The holdover facility should operate seven days a week, twenty-four hours a day. Records shall be maintained for access by the Division of Facility Services, Jail Services Branch and the Division of Youth Services, Department of Human Resources.

4. Personnel shall be assigned to holdover facilities on the basis of their empathy, personal interest and experience. All personnel shall have received at least 60 hours of training through the Jail Services Branch of Facility Services.

5. Formal or informal contacts should be developed with youth-serving agencies in the community for the purpose of having temporary services available to juveniles confined in these facilities.

STANDARD 1.16: SHELTER CARE FACILITIES AND NON-SECURE PROGRAMS

Shelter care facilities shall be available to every county. The purpose of the shelter care facility is to offer emergency, short term shelter to undisciplined or delinquent children who do not pose a threat to themselves or to the community.

1. Shelter care facilities shall offer temporary, high quality care and shelter to children whose best interest can only be served with this type of placement.

2. All shelter care facilities shall be licensed, certified or approved through the Department of Human Resources. Specific standards are being developed by the Department of Human Resources to cover the operation of shelter care facilities.

3. Additional options for providing non-secure care to juveniles include assistance for emergency foster care services, out-reach or "street workers", subsidies through contracts for programs providing services to youths as an alternative to secure detention, and other appropriate forms of crisis intervention designed to offer shelter and necessary services to runaways or children in family crisis situations.

STANDARD 1.17: SECURE DETENTION

Secure detention shall be instituted on a regional basis. Use of secure detention shall be confined to those juveniles alleged or adjudicated delinquent or undisciplined who pose a serious threat to themselves or to the community.

1. No juvenile shall be held in secure detention without a detention order. A detention order shall be issued immediately after the filing of a formal petition with juvenile court.

2. If a juvenile presents a threat to his own personal safety and it can be determined that a hospital or mental health facility is needed, temporary care shall be available through the Division of Mental Health Services.

STANDARD 1.18: NON-RESIDENTIAL SERVICES

Each county, through its own or private resources, should develop community-based non-residential service agencies as an alternative to juvenile court processing for alleged delinquent or undisciplined offenders and to serve as a deliverer of needed services to juveniles.

1. The primary objective of a non-residential service agency should be to deliver needed services to juveniles. This should not preclude the agency from assisting families as well. The agency should: develop information, referral and diagnostic systems; coordinate existing service resources; develop needed new resources; provide needed direct services; and monitor the provision of services by other agencies.

2. In order to encourage early diversion, the police and the juvenile intake officers should be included in the planning and administration of the non-residential service agency. Formal referral to an agency of this type should represent an alternative to prosecution. Such a referral, therefore, should be accompanied by a formal termination of all legal proceedings against the juveniles. Any juvenile should have the right to request processing by the juvenile court in lieu of formal diversion. Participation in a non-residential service agency should be voluntary.

3. In developing a service system the agency should first evaluate existing community resources and the availability of services to juveniles. Non-residential services provided could include:

- a. Individual and family counseling/therapy.
- b. Athletics and sports programs
- c. Job training and placement
- d. Delivery of or referral for necessary medical, psychiatric and legal services.

4. Staff should include both community residents and former juvenile participants who have demonstrated an interest to work in this area. Training should be available to encourage the development or advancement of those skills necessary to work with young people in a non-residential agency setting. Community volunteers should be trained and used whenever appropriate either as part-time staff or as supplemental staff for special projects.

STANDARD 1.19: COMMUNITY RESIDENTIAL SERVICES

Each county, through its own or private resources, should develop sufficient community-based residential alternatives to incarceration or juvenile court processing for alleged delinquent or undisciplined juveniles.

1. The residential program should provide a setting whereby guidance, counseling, supervision and necessary services are available to each child through a treatment plan developed with participation encouraged by all who may be involved in the plan.

2. Residential programs shall meet all standards and requirements for licensing as developed by the Facility Services Division of the Department of Human Resources.

3. Programs to offer residential services include: group homes, foster-care homes, half-way houses, drug abuse camps, therapeutic or wilderness camps and shelter-care facilities.

4. Staff should be selected on the basis of their educational and communicative skills as well as a demonstrated interest in the problems of young people. Additional opportunities for training in supplementing these skills should be available to all employees. Community volunteers should be encouraged and trained to participate in the residential service program.

STANDARD 1.20: DRUG AND ALCOHOL ABUSE SERVICES

Each county shall insure the availability of counseling and treatment services for drug and alcohol abuse problems of juveniles residing within the county. The county shall further insure adequate mechanisms for transportation and transferral of juveniles in need of these services to locations where they exist.

These services shall be provided by facilities coordinated through the Division of Mental Health Services and/or the North Carolina Drug Commission.

STANDARD 1.21: PROVISION OF TREATMENT SERVICES BY THE DEPT. OF HUMAN RESOURCES

The Department of Human Resources, through its appropriate divisions, should provide appropriate mental health services for emotionally disturbed children in coordination with criminal justice agencies and officials. These services may be provided through programs which include the following:

1. Outpatient treatment services should be provided to offer a range of individual and group treatment services to emotionally disturbed youth and their parents through the community mental health centers.

2. Day or Night treatment services should offer individual and group treatment services for the major part of the day or night (but not total 24 hour care) to emotionally disturbed youth, to include psychological and psychiatric services, education, vocational training, and parent support services, through the community mental health centers.

3. Innovative, therapeutic programs should be encouraged for emotionally disturbed children as alternatives to training schools, group homes or hospital care. Wilderness camping or programs to offer survival skills development may be viable alternatives.

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4. Residential treatment services should provide treatment services in the context of community-based residential care to emotionally disturbed youth to include psychological and psychiatric services, education, vocational training and parent support services, through community mental health centers or regional programs. Individualized community-based residential programs could provide intensive treatment through a behavioral management program for moderately or severely emotionally disturbed children.

5. Intensive treatment services in psychiatric hospitals should be provided to offer intensive diagnostic and treatment services in the four regional hospitals to seriously emotionally disturbed youth to include psychological and psychiatric services, education, vocational training and parent support services.

STANDARD 1.22: INSTITUTIONAL SERVICES

Youth confined in institutions operated by the Youth Services Division of the Dept. of Human Resources shall have all services available to them necessary to their individual growth and development.

1. Services provided shall include the following:
 - a. High quality and prompt medical and dental care
 - b. Supervised social skill-building activities for leisure time that offer opportunities for personal and creative expression and improvement of communication skills through recreation, art, dance and/or drama.
 - c. Educational opportunities equivalent to those available to the students in public schools which may include proper training to teachers within the institution in the identification of under-achievers and diagnosis of problems.
 - d. Special services to those who have been identified through proper testing methods to have learning disabilities. Every committed child should be tested at the first opportunity to insure early detection of learning disabilities.
 - e. Counseling services should be available to the individual, small or large group to facilitate self-discovery and to provide a social-emotional climate conducive to the motivation of behavioral change and interpersonal growth.
 - f. Vocational training shall be provided to prepare the juveniles, where opportunities exist, to accept responsible positions in the labor market upon their release from the institution or upon graduation from their educational responsibilities. The priority should be placed upon education where motivation in this direction exists.
 - g. Work therapy opportunities should be provided to allow each child to experience work as essential to accomplishing goals.
 - h. A concerted effort must be made to provide voluntary drug and alcoholism treatment programs for drug addicts, drug abusers, alcoholics and alcohol abusers who are within correctional institutions.

2. Specialized training of existing personnel should be emphasized in areas where additional skills are necessary to provide these services. The recruitment and training of volunteers is an essential factor in establishing community ties and one-to-one relationships for the children within the institutions.

STANDARD 1.23: EXPANDED JUVENILE COURT JURISDICTION

The juvenile court shall be given expanded authority, including criminal jurisdiction, over the families of undisciplined, neglected and delinquent youths. This shall enable the court to require families to receive treatment when deemed necessary.

Family court counselors shall be used under the jurisdiction of juvenile court to provide needed counseling services to parents and juveniles.

CHAPTER II

TO PROTECT INDIVIDUAL RIGHTS

STANDARD 2.1: JUVENILE LEGAL DEFENSE

The state shall establish, on a pilot basis, a juvenile defender program in two court districts, so that the effects of all youths charged with a delinquent act having access to legal counsel may be determined.

CHAPTER III
TO ACHIEVE JUSTICE

STANDARD 3.1: REVISION OF LAWS RELATING TO JUVENILES

The statutes pertaining to juveniles should be thoroughly reviewed and necessary and desirable changes should be drafted for the consideration of the General Assembly. For this purpose, a juvenile code commission or some other body should be established and provided with adequate staff assistance to carry out its responsibilities.

1. This body should, among other things, consider the following matters:
 - a. The legal definition of juvenile offenses.
 - b. The juvenile jurisdiction of the courts with a possible extension of this jurisdiction over families in need of services and consideration of the present waiver restrictions.
 - c. The undisciplined category as well as the age of the delinquent and undisciplined child.
 - d. The establishing of objective, uniform procedures for exercising discretion in processing juvenile offenders that will result in greater fairness than the procedures presently followed by law enforcement officers and court officials in the State.
 - e. The funding, by the State, of local services affecting juvenile delinquency including such possibilities as probation subsidy, local purchase of services of private organizations with state-granted funds and assumption by the State of the costs of local delinquency-related services now supported by federal funds.
 - f. The delineation of responsibilities for conditional release and aftercare services.
 - g. Consideration of the compulsory school attendance statute.
 - h. The protection of law enforcement and juvenile intake officers in the diversion process.

STANDARD 3.2: DEINSTITUTIONALIZATION OF STATUS OFFENDERS

Juveniles who are alleged or adjudicated undisciplined or in violation of probation due to a status offense should not generally be eligible for commitment to training schools operated by the Division of Youth Services, Department of Human Resources. Each county is encouraged to make residential and non-residential programs available in order to provide needed services to those children for whom incarceration may otherwise be the only alternative. If it can be determined that no further community resources are available to meet the needs of the child and it is in the best interest of the child and the community, a hearing for commitment may be held.

STANDARD 3.3: DISPOSITIONAL CRITERIA

The court should employ the least restrictive category and duration of disposition that is appropriate to the seriousness of the offense, as modified by the culpability indicated by the circumstances of the particular case, the age and prior record of the juvenile as well as those influences having an effect on the situation of the juvenile at the time of the offense.

1. The imposition of a particular disposition should be accompanied by a statement of the facts relied on in support of the dispositions and the reasons for selecting the disposition and rejecting less restrictive alternatives.

2. Juveniles adjudicated delinquent or undisciplined should have access to all publicly funded services to which non-adjudicated juveniles have access and in addition, to those services necessary for their personal growth and development. Services may be provided directly by correctional agencies or obtained by purchase or otherwise, from other public or private agencies.

3. The correctional agency has the obligation to inform the court if all required services are not being provided to juveniles under its supervision. Unless the court can ensure that the required services are provided, it should reduce the nature of the disposition to a less severe disposition that will ensure access, or dismiss the juvenile.

TO INCREASE EFFICIENCY IN THE CRIMINAL JUSTICE SYSTEM

STANDARD 4.1 DEVELOPMENT OF A JUVENILE DATA BASE

The Youth Services Division of the Department of Human Resources and the Juvenile Services Division of the Administrative Office of the Courts, in the establishment of their information systems, shall implement fully the computerized juvenile justice information system. They shall design their data base to satisfy the following requirements, when appropriate:

1. The information-statistics functions of offender accounting, administrative decision-making, ongoing research, and rapid response to questions should be reflected in the design.

2. The data base should allow easy compilation of an annual statistical report, including sections on population characteristics tabulated for given points in time, a recapitulation of population movement for the full year, and an analysis of recidivism of offense and other characteristics.

3. The data base should include all data required at decision points. The information useful to personnel at each decision point in the juvenile system should be ascertained in designing the data base.

4. The requirements of other criminal justice information systems for data should be considered in the design, and an interface between the juvenile system and other criminal justice systems developed, including support of offender-based transaction systems.

5. All data base records should be individual-based and contain elements that are objectively codable by clerk. The procedures for coding data should be established uniformly.

6. The integrity and quality of data in each record is the responsibility of the information group. Periodic audits should be made and quality control procedures established.

7. The juvenile information-statistics system should be designed and implemented modularly to accommodate expansion of the data base. Techniques should be established for pilot testing new modules without disrupting ongoing operations of the system. Interactions with planners and administrators should occur before introduction of innovations.

8. Data bases should be designed for future analysis, recognizing the lag between program implementation and evaluation.

9. The results of policies (in terms of evaluation) should be reported to administrators, and data base content should be responsive to the needs of changing practices and policies to guarantee that the all-important feedback loop will not be broken.

10. The initial design of the juvenile data base should recognize that change will be continual. Procedures to assure smooth transitions should be established.

11. The means for collecting data should be compatible. The juvenile justice information system should be designated for collecting, compiling, and formulating data into usable information.

STANDARD 4.2. STUDY OF RESOURCES AND NEEDS OF THE JUVENILE JUSTICE SYSTEM

Each county, the State as a whole, and where appropriate, each region, judicial district or high crime city, in North Carolina shall conduct an assessment of delinquency prevention and juvenile justice existing resources and services needed.

1. Crime analysis should be used to establish full statistical justification for those programs identified to meet the needs within the state.

2. Each community is encouraged to measure the resources available as well as the degree of acceptance and support which can reasonably be expected from citizens within that community toward the individual programs which are identified to meet the needs of that community.

STANDARD 4.3: RESEARCH

A research capability shall be established in each component of the juvenile justice system for identifying the major social, economic and demographic elements relating to that component and for analysis of the future impact of changes within each of these elements to the juvenile justice system.

STANDARD 4.4: PLANNING

Each youth-serving agency of the juvenile justice system as well as each county, region, judicial district and the state as a whole shall develop a procedure for continuous long-term, intermediate and short-range planning for administrative functions as well as for service delivery.

1. An assessment of future support services and resources required for effective implementation of formulated plans should be developed.

2. A procedure, open to employees and volunteers, should be developed for establishing, reviewing and improving goals, standards and/or objectives at least annually.

3. Planning for juvenile services within each county should be coordinated to prevent duplication of services. Lines of communication should be carefully established during the planning process to allow maximum utilization of services by juveniles in the system.

STANDARD 4.5: EVALUATION

Program plans shall be designed to include a component for the purpose of self-evaluation (an internal assessment of program results) as well as the tools for recovery of appropriate information to enable in-depth evaluation activities where deemed necessary. Each program should evaluate itself as to success or failure, with reasons determined where a program has failed.

1. The capability to monitor each program at least annually, from a programmatic as well as a grants management viewpoint, shall be sought to determine progress toward previously specified objectives and to provide current information on program activities.

2. The evaluation process should provide an effective mechanism for funneling information gleaned from existing programs, relative to success or failure, back into the planning process.

STANDARD 4.6: COMMUNICATION AMONG YOUTH-SERVING PERSONS AND AGENCIES

Efforts to increase communication, coordinate planning and combine resources shall be encouraged among those persons and youth-serving agencies who are involved in the juvenile justice system. Among those relationships which should be encouraged are:

1. Court counselors and teachers should seek a better understanding of their mutual responsibilities in serving youths with learning disabilities and other school-related problems.

2. Police and intake officers should work together in developing policies to govern diversion of juveniles from further court processing.

3. Administrators of the school system should coordinate with the police and courts in efforts to increase the opportunities for positive contact between students and the criminal justice system.

4. State agencies should coordinate efforts to make training available to all youth-serving personnel as well as volunteers with an interest in children.

5. Public and private community service agencies should coordinate planning and combine resources when necessary to avoid duplication of services.

STANDARD 4.7: STATE RESPONSIBILITY TO COORDINATE WITH COMMUNITY SERVICES

State agencies with responsibility for children with behavioral problems shall begin to analyze their needs, resources and gaps in services and to develop a systematic plan with timetables and scheme for encouraging the implementation of a range of community alternatives. The plan should specify the service to be provided directly by correctional authorities and those to be offered through other community resources.

Minimum alternatives to be included in the plan should be the following:

1. Diversion mechanisms and programs prior to trial and sentence.

2. Non-residential 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. Pre-release programs.
6. Community facilities for released offenders in the critical re-entry phase.

STANDARD 4.8: JUVENILE UNITS

Every law enforcement agency having more than fifteen sworn officers shall establish a separate juvenile unit. (The Commission recognizes that the juvenile officer has a separate function under team policing.)

1. Every law enforcement agency should require all juvenile unit applicants to meet rigorous and thorough entry level requirements which may include any of the following conditions at a minimum:
 - a. Four-year degree from a college or university.
 - b. Demonstrated interest in and ability to communicate with children.
 - c. The successful completion of a thorough physical and psychological examination.
2. The specific duties and responsibilities of these positions shall be based upon the particular juvenile problems within the community.
3. The juvenile specialists, besides concentrating on law enforcement as related to juveniles, should provide support to community efforts for the benefit of juveniles.
4. The juvenile specialists shall 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.
5. Each unit should be accessible seven days a week, twenty-four hours a day.

STANDARD 4.9: ESTABLISHMENT OF POLICIES AND PROCEDURES

Every law enforcement executive shall establish written policies governing the agency's involvement in the prevention, deterrence, and detection of delinquent behavior and juvenile crime.

1. Every law enforcement executive shall provide for maximum participation in the policy formulation process.
2. Every law enforcement agency shall establish, in cooperation with the courts, written policies and procedures governing agency action in juvenile matters which stipulates at a minimum:

- a. The specific form of agency cooperation with other governmental agencies concerned with delinquent behavior, abandonment, neglect, dependency, undisciplined offenses and juvenile crimes as well as with those agencies who offer services to the families of juveniles.
- b. The specific form of agency cooperation with non-governmental agencies and organizations where assistance in juvenile matters may be obtained.
- c. The procedures for taking a juvenile into custody and for detention of juveniles.
- d. The policies which would allow for effective alternatives when arrest for certain offenses would be inappropriate.
- e. The procedures for diversion, referral or release of juveniles into parental custody.
- f. The procedures covering use of community alternatives for any juvenile for whom the purpose of the juvenile process is inappropriate or in whose case other resources would be more effective.
- g. The policies and procedures which allow for processing of mentally ill persons who come into contact with the agency and may be in need of services from mental health authorities.

STANDARD 4.10: INVESTIGATIVE CAPABILITIES

Every law enforcement agency shall develop juvenile investigative capabilities. Juvenile officers, when available, or patrol officers should realize that they are preliminary investigators and they should conduct thorough preliminary investigations. However, investigative specialists should be assigned every serious or complex preliminary investigation when delay will not hamper the investigation.

STANDARD 4.11: JUVENILE INTAKE SERVICES

Juvenile courts in each Judicial District shall have a uniform intake system with services available to every county. Guidelines and procedures should be developed through the Juvenile Services Division of the Administrative Office of the Courts and should be reviewed at least annually, with opportunity for internal and external input in the process.

1. No petition shall be filed without having been reviewed by an intake officer.
2. A court contact person shall be easily accessible to the citizens (any time during regular working days). "Court contact person" means whomever a citizen should see regarding the filing of the juvenile petition. He may be an intake worker, a deputy clerk with juvenile responsibility, a court counselor or any other designated person.

3. Intake services shall be expanded to offer more complete services to every county in each judicial district. An intake worker shall be regularly available (at least once weekly) to every county.

4. The intake worker shall begin work on a case no longer than five days after a complaint is filed in a multi-county district or two days after the complaint is filed in a single county district. The intake decision should be completed within fifteen days of the complaint, preferably before.

5. Screening during juvenile intake should include the following responsibilities:

- a. Should identify cases which are technically appropriate for the court, but should not receive formal court recognition.
- b. Should provide an immediate test of jurisdiction at the first presentation of the case and ferret out the contested matters in the preliminary inquiry.
- c. Should provide the machinery for the resolution of cases or the diversion of cases from further court process through referral to other agencies when appropriate and beneficial to the child.
- d. Should give the court an early opportunity to discover the attitudes of the juvenile, the parent, law enforcement, and any other referral sources.
- e. Should help in controlling the court's caseload.
- f. Should operate in the sensitive area of direct confrontation with law enforcement, the school, and other community agencies.

6. Juvenile courts shall be required to consider the following factors at a minimum during intake.

- a. Does child admit to offense.
- b. Nature of the offense.
- c. Age and maturity of juvenile.
- d. Previous history and all available records of the juvenile.
- e. The attitude of the juvenile, his family, his conduct, and the victim.
- f. The attitude of the parents toward the juvenile.
- g. The availability of community alternatives.
- h. Potential harm to himself or others.

7. The intake process shall consist of two phases. In the first phase the child's rights and the purpose of intake and the juvenile court are explained to the child and his parents, along with a summary of the allegations. If the child denies or refuses to participate and the case is technically appropriate for a court, a juvenile petition is filed. If the child admits, the second phase of intake begins which is concerned with the possibility of diversion.

8. The minimum educational requirements for entry level professional staff positions should be a bachelor's degree supplemented by a year of graduate study in social work or the behavioral sciences or a full-year of full-time employment under professional supervision for a correctional or social services agency. Additional training should be available to all staff.

9. Paraprofessionals and volunteers should be trained and utilized to perform a variety of functions ranging from direct provision of services to juveniles to administrative and clerical office work.

STANDARD 4.12: ORGANIZATION AND POLICY DEVELOPMENT OF JUVENILE SERVICES DIVISION

The Juvenile Services Division of the Administrative Office of the Courts should give continuing review to the improvement and strengthening of its organizational structure and the development of policies and procedures to assure that court counselors have adequate support and supervision in carrying out their responsibilities and providing uniform services.

1. To the extent determined to be necessary a system of regional supervisors or coordinators should be implemented.

2. A manual or compilation of policies and procedures to cover intake, probation and aftercare should be developed and distributed to intake workers and court counselors in each judicial district.

STANDARD 4.13: PSYCHO-SOCIAL EVALUATION SERVICES

Expanded psycho-social evaluation services shall be available to every judicial district within the State.

1. Psychological consultation services should be available to juvenile court counselors.

2. Psychological services and psychiatric treatment should be offered to children who are determined to need specialized care while on probation.

3. All youth considered for commitment to the Division of Youth Services should have a complete diagnostic evaluation prior to commitment.

STANDARD 4.14: VOLUNTEER SERVICES IN JUVENILE COURT

Each judicial district shall explore the feasibility of developing volunteer programs for youth placed on probation with the Administrative Office of the Courts.

1. The Administrative Office of the Courts shall provide the services of full-time volunteer coordinators to juvenile courts in each district to insure proper training and supervision of volunteers in their relationships with juveniles as well as with other full-time court counselors.

2. Trained volunteers should be able to increase the amount of exposure of each child served in the district to counseling and adult supervision as well as to reduce the percentage of children returning to juvenile court.

STANDARD 4.15: USE OF EFFECTIVE TREATMENT TECHNIQUES IN JUVENILE COURT COUNSELING

Adequate experimentation should be done by the court counseling system to make the most effective methods of treatment available to youths receiving probation and aftercare services.

Among those methods reviewed should be:

1. Use of volunteers to supplement services.
2. Individual as well as group counseling techniques.
3. Potential strategies for encouraging each youth to become involved in the development and implementation of an individualized treatment plan.

STANDARD 4.16: COMMUNITY SUPPORT SERVICES

All state agencies including the Division of Youth Services, the Division of Vocational Rehabilitational Services and the Juvenile Services Division through its aftercare program shall facilitate the transition of committed youths back to the community through the development of pre-release plans and transitional programs.

1. The Division of Youth Services should provide funds to offer community services, which may meet their needs better than institutional care, to delinquent and undisciplined youth.
2. Services including the following should be considered:
 - a. Group homes, foster homes, half-way houses, shelter-care facilities and therapeutic camping programs.
 - b. Non-residential treatment services, especially for counseling.
 - c. Academic programs, programs for learning disabilities and alternative educational programs.
 - d. Community-based vocational training programs, public or private.
 - e. Community-based diversionary projects to reduce the recidivism rate and transition back into the community.

CHAPTER V

THE INCREASE OF PROFESSIONAL SKILLS

STANDARD 5.1: TRAINING

All juvenile justice personnel shall receive necessary training for the effective delivery of services to children.

1. The juvenile justice system is defined to include state and local law enforcement agencies; the family court counseling system and judicial personnel; the Division of Youth Services; professional staff in detention, residential and non-residential facilities; other personnel with an interest in children such as social services, and the educational system as well as volunteers involved in any youth-serving program.

2. All training shall address "intra" as well as "inter" agency needs.

3. Training shall be addressed to all levels of responsibility from line staff through management.

4. All training, when practical, shall include the utilization of public and private school personnel and private and civic organizations involved with youth.

5. All training, where practical, shall emphasize prevention of delinquency before the act occurs.

6. All training shall, when practical, emphasize diversion of juveniles from the juvenile justice system.

7. Training shall be provided to develop and improve the skills necessary to work with the special needs of children who may be gifted, emotionally disturbed, mildly retarded, physically handicapped, or who may suffer from a learning disability or other behavioral problem.

8. Training shall be provided in the diagnosis and evaluation of abused and neglected children as well as aid to families seeking help for their problems.

9. All training shall promote the continued growth and improvement of job performance of juvenile justice personnel.

10. A uniform system of training shall be developed through the cooperation of all juvenile justice agencies, colleges and universities, community colleges and technical institutes, and the Criminal Justice Training and Education Center.

STANDARD 5.2: TECHNICAL ASSISTANCE

Every youth-serving agency and program shall maximize opportunities for technical assistance from professionals inside and outside of the criminal and juvenile justice systems, who have expertise that can contribute to the effective and efficient performance of agency operation staff and volunteer functions.

1. The purpose of technical assistance is to provide planning and operational agencies and staff with assistance in developing and implementing comprehensive planning and management techniques, in identifying the most effective techniques of controlling specific juvenile crime problems, in implementing new programs and techniques, and in assisting citizens and other groups in developing projects to participate in juvenile crime reduction and juvenile justice improvements.

2. Agencies and programs in the juvenile justice system should receive all necessary and beneficial technical assistance which can be used to improve the system through on-site assistance, workshops, seminars, lectures, audio-visual displays, conferences and publications.

3. Technical Assistance shall be available from or through the Division of Youth Services, Department of Human Resources, in cooperation with other State Departments such as Public Instruction, Administrative Office of the Courts, and the Governor's Law and Order Commission, to each county, municipality or individual child-serving program within the state. House Bill 456, Chapter 929 indicates that the role of the State should be to provide technical assistance, access to funding, program information and to assist local leadership in appropriate planning.

Technical assistance shall be available in at least the following areas:

- a. Planning
- b. Evaluation
- c. Fiscal Resources
- d. Residential Programs
- e. Non-residential Programs

**PART FIVE – THE CRIMINAL JUSTICE INFORMATION
SYSTEMS COMPONENT**

PRIORITIZATION OF GOALS AND STANDARDS

BY THE GOVERNOR'S LAW AND ORDER COMMISSION

FOR THE CRIMINAL JUSTICE INFORMATION SYSTEM COMPONENT

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CHAPTER I

TO REDUCE CRIME

The CJIS does not have a primary impact in this area, although it does have a secondary impact to reduce crime.

CHAPTER II

TO PROTECT INDIVIDUAL RIGHTS

STANDARD 2.1: LEGISLATION/PRIVACY/SECURITY

To provide a solid basis for the development of systems supporting criminal justice, at least three legislative actions are needed:

- a. Statutory authority should be established for planning, development, and operating state level information and statistical systems.
- b. North Carolina should establish, by statute, mandatory reporting of data necessary to operate the authorized systems.
- c. Statutes should be enacted to establish security and confidentiality controls on all systems.

STANDARD 2.2: STATE ENABLING ACT

The General Assembly adopted enabling legislation for protection of security and privacy in criminal justice information system. The enabling statute should establish an administrative structure, minimum standards for protection of security and privacy, and civil and criminal sanction for violation of statutes or rules and regulations adopted under it.

STANDARD 2.3: SECURITY AND PRIVACY COUNCIL

There should be established a Security and Privacy Council. Fifty percent of the members named to the Council should be private citizens who are unaffiliated with the state's criminal justice system. The remainder should include representatives of the criminal justice information systems and other appropriate government agencies. The Security and Privacy Council should be vested with sufficient authority to adopt and administer security and privacy standards for criminal justice information systems. The Council should further have authority to establish rules and regulations in this field and to sanction agencies which fail to comply with them. Penalties should apply to improper collection, storage, access, and dissemination of criminal justice information.

STANDARD 2.4: SYSTEM BENEFITS -VS- INDIVIDUAL INJURY

An item of data may be collected and stored in a criminal justice information system only if the potential benefits from its use outweigh the potential injury to privacy and related protected interests.

STANDARD 2.5: GENERAL LIMITS ON ACCESS

Information in criminal justice files should be made available only to public agencies which have both a "need to know" and a "right to know". The user agency should demonstrate, in advance, that access to such information will serve a criminal justice purpose.

STANDARD 2.6: TERMINAL ACCESS

Criminal justice agencies should be permitted to have terminal access to computerized criminal justice information systems where they have both a need and a right to know. Non-criminal justice agencies having a need or right to know or being authorized by statute to receive criminal justice information should be supplied with such information only through criminal justice agencies.

STANDARD 2.7: CERTIFICATION OF NON-CRIMINAL-JUSTICE USERS

The Security and Privacy Council should receive and review applications from non-criminal-justice government agencies for access to criminal justice information. Each agency which has, by statute, a right to such information or demonstrates a need to know and a right to know in furtherance of a criminal justice purpose should be certified as having access to such information through a designated criminal justice agency.

STANDARD 2.8: FULL AND LIMITED ACCESS TO DATA

Criminal justice agencies should be entitled to all unpurged data concerning an individual contained in a criminal justice information system. Non-criminal-justice agencies should receive only those portions of the file directly related to the inquiry. Special precautions should be taken to control dissemination to non-criminal-justice agencies of information which might compromise personal privacy including strict enforcement of need to know and right to know criteria.

STANDARD 2.9: ARREST WITHOUT CONVICTION

All copies of information filed as a result of an arrest that is legally terminated in favor of the arrested individual within 60 days of final disposition, if a court order is presented, or upon formal notice from one criminal justice agency to another. Information includes fingerprints and photographs. Such information should not be disseminated outside criminal justice agencies. However, files may be retained if another criminal action or proceeding is pending against the arrested individual, or if he has previously been convicted in any jurisdiction in the United States of an offense that would be deemed a crime in the state in which the record is being held.

STANDARD 2.10: DISSEMINATION

Dissemination of personal criminal justice information should be on a need and right to know basis within the government. There should be neither direct nor indirect dissemination of such information to nongovernmental agencies or personnel. Each receiving agency should restrict internal dissemination to those employees with both a need and right to know. Legislation should be enacted which limits questions about arrests on applications for employment, licenses, and other civil rights and privileges to those arrests where records have not been returned to the arrested individual or purged. No shall employers be entitled to know about offenses that have been expunged by virtue of lapse of time.

STANDARD 2.11: ACCOUNTABILITY FOR RECEIPT, USE, AND DISSEMINATION OF DATA

Each person and agency that obtains access to criminal justice information should be subject to civil, criminal, and administrative penalties for the improper receipt, use, and dissemination of such information. The penalties imposed would be those generally applicable to breaches of system rules and regulations as noted earlier.

STANDARD 2.12: CURRENCY OF INFORMATION

Each criminal justice agency must ensure that the most current record is used or obtained.

STANDARD 2.13: RIGHT OF REVIEW INFORMATION

Except for intelligence files, every person should have the right to review criminal justice information relating to him. Each criminal justice agency with custody or control of criminal justice information shall make available convenient facilities and personnel necessary to permit such reviews.

1. Review Procedures:

- a. Reviews should occur only within the facilities of a criminal justice agency and only under the supervision and in the presence of a designated employee or agent of a criminal justice agency. The files and records made available to the individual should not be removed from the premises of the criminal justice agency at which the records are being reviewed.
- b. At the discretion of each criminal justice agency such reviews may be limited to ordinary daylight business hours.
- c. Reviews should be permitted only after verification that the requesting individual is the subject of the criminal justice information which he seeks to review. Each criminal justice agency should require fingerprinting for this purpose. Upon presentation of a sworn authorization from the individual involved, together with proof of identify, an individual's attorney may be permitted to examine the information relating to such individual.
- d. A record of such review should be maintained by each criminal justice agency by the completion and preservation of an appropriate form. Each form should be completed and signed by the supervisory employee or agent present at the review. The reviewing individual should be asked, but may not be required, to verify by his signature the accuracy of the criminal justice information he has reviewed. The form should include a recording of the name of the reviewing individual, the date of the review, and whether or not any exception was taken to the accuracy, completeness, or contents of the information reviewed.
- e. The reviewing individual may make a written summary or notes of his own handwritting of the information reviewed, and may take with him such copies. Such individuals may not, however, take any copy that might reasonably be confused with the original. Criminal justice agencies are not required to provide equipment for copying.

- f. Each reviewing individual should be informed on his rights of challenge. He should be informed that he may submit written exceptions as to the information's contents, completeness or accuracy to the criminal justice agency with custody or control of the information. Should the individual elect to submit such exceptions, he should be furnished with an appropriate form. The individual should record any such exceptions on the form. The form should include an affirmation, signed by the individual or his legal representative, that they are true to the best of the individual's knowledge and belief. One copy of the form shall be forwarded to the Security and Privacy Council.
 - g. The criminal justice agency should in each case conduct an audit of the individual's criminal justice information to determine the accuracy of the exceptions. The Council and the individual should be informed in writing of the results of the audit. Should the audit disclose inaccuracies or omissions in the information, the criminal justice agency should cause appropriate alternations or additions to be made to the information, and should cause notice of such alterations or additions to be given to the Council, the individual involved, and any other agencies in this or any other jurisdiction to which the criminal justice information has previously been disseminated.
2. Challenge to Information:
- a. Any person who believes that criminal justice information that refers to him is inaccurate, incomplete, or misleading may request any criminal justice agency with custody or control of the information to purge, modify, or supplement that information. Should the agency decline to do so, or should the individual believe the agency's decision to be otherwise unsatisfactory, the individual may request review by the Security and Privacy Council.
 - b. Such requests to the Council (in writing) should include a concise statement of the alleged deficiencies of the criminal justice information, shall state the date and result of any review by the criminal justice agency, and shall append a sworn verification of the facts alleged in the request signed by the individual or his attorney.
 - c. Each Council should establish a review procedure for such appeals that incorporates appropriate assurances of due process for the individual.

STANDARD 2.14: CLASSIFICATION OF INFORMATION

Places and things included in criminal justice information systems should be classified by criminal justice agencies in accordance with the following system:

1. Highly Sensitive - places and things which require maximum special security provisions and particularized privacy protection. Items that should be included in this category include, for example:
 - a. Criminal history record information accessed by using other than personal identifying characteristics, i.e., class access;

- b. Criminal justice information disclosing arrest information without conviction disseminated to criminal justice agencies;
- c. Criminal justice information marked as "closed";
- d. Computer, primary, and auxiliary storage devices and physical contents, peripheral hardware, and certain manual storage devices and physical contents;
- e. Security system and backup devices;
- f. Intelligence files;
- g. Additional items that may be included in this category are: computer programs and system design; communication devices and network; criminal justice information disseminated to non-criminal-justice agencies; and research and analytical reports derived from identified individual criminal justice information.

1. Confidential - places and things which require a high degree of special security and privacy protection. Items that may be included in this category, for example, are:

- a. Criminal justice information individuals disseminated to criminal justice agencies;
- b. Documentation concerning the system;
- c. Research and analytical reports derived from criminal justice information on individuals.

2. Restricted - places and things which require minimum special security consistent with good security and privacy practices. Places that may be included in this category are, for example, areas and spaces that house criminal justice information. Each criminal justice agency maintaining criminal justice information should establish procedures in order to implement a sensitivity classification system. The general guidelines for this purpose are:

- a. Places and things should be assigned the lowest classification consistent with their proper protection.
- b. Appropriate utilization of classified places and things by qualified users should be encouraged.
- c. Whenever the sensitivity of places or things diminishes or increases it should be reclassified without delay.
- d. In the event that any place or thing previously classified is no longer sensitive and no longer requires special security and privacy protection it should be declassified.
- e. The originator of the classification is wholly responsible for reclassification and declassification.
- f. Overclassification should be considered to be as dysfunctional as underclassification. It shall be the responsibility of the Security and Privacy Council to assure that appropriate classification systems are implemented, maintained and complied with by criminal justice agencies, within a given state.

STANDARD 2.15: PROTECTION FROM ACCIDENTAL LOSS

Information system operators should institute procedures for protection of information from environmental hazards including fire, flood, and power failure. Appropriate elements should include:

- a. Adequate fire detection and quenching systems;
- b. Watertight facilities;
- c. Protection against water and smoke damage;
- d. Liaison with local fire and public safety officials;
- e. Fire resistant materials on walls and floors;
- f. Air conditioning systems;
- g. Emergency power sources;
- h. Backup files.

STANDARD 2.16: INTENTIONAL DAMAGE TO SYSTEM

Agencies administering criminal justice information systems should adopt security procedures which limit access to information files. These procedures should include use of guards, keys, badges, passwords, access restrictions, sign-in logs, or like controls. All facilities which house criminal justice information files should be so designed and constructed as to reduce the possibility of physical damage to the information. Appropriate steps in this regard include: physical limitations on access; security storage for information media; heavy duty, non-exposed walls; perimeter barriers; adequate lighting, detection and warning devices, and closed circuit television.

STANDARD 2.17: UNAUTHORIZED ACCESS

Criminal justice information systems should remain controls over access to information by requiring identification, authorization, and authentication of system users and their need and right to know. Processing restrictions, threat monitoring, privacy transformation(e.g., scrambling, encoding/decoding), and integrity management should be employed to ensure system security.

STANDARD 2.18: PERSONNEL SECURITY

1. Preemployment Screening:
 - a. Applicants for employment in information systems should be expected to consent to an investigation of their character, habits, previous employment, and other matters necessary to establish their good moral character, reputation, and honesty. Giving false information of a substantial nature should disqualify an applicant from employment. Such investigation should be designed to develop sufficient information to enable the appropriate officials to determine employability and fitness of persons entering critical/sensitive positions. Whenever practicable, investigations should be conducted on a pre-employment basis and the resulting reports used as a personnel selection device.
 - b. Clearance, Annual Review, Security Manual, and In-Service Training: System personnel including terminal operators in remote locations, as well as programmers, computer operators, and other working at, or near the central processor, should be assigned appropriate security clearances and should have their clearances renewed annually after investigation and review. Each criminal justice information system should prepare a security manual listing the

rules and regulations applicable to maintenance of system security. Each person working with or having access to criminal justice information files should know the contents of the manual. To this end, each employee should receive not less than 10 hours of training each year concerning system security.

- c. System Discipline: The management of each criminal justice information system should establish sanctions for accidental or intentional violation of system security standards. Supervisory personnel should be delegated adequate authority and responsibility to enforce the system's security standards. Any violations of the provisions of these standards by any employee or officer of any public agency, in addition to any applicable criminal or civil penalties, shall be punished by suspension, discharge, reduction in grade, transfer, or such other administrative penalties as are deemed by the criminal justice agency to be appropriate. When any public agency is found by the Security and Privacy Council willfully or repeatedly to have violated the requirements and the standard (act), the Council may, where other statutory provisions permit, prohibit the dissemination of criminal history record information to that agency, for such periods and on such conditions as the Council deems appropriate.

STANDARD 2.19: COUNCIL ENFORCEMENT RESPONSIBILITY

The Security and Privacy Council shall also have the responsibility of assuring that a personnel clearance system is implemented and complied with by criminal justice agencies within the state.

1. Personnel shall be granted clearances for access to sensitive places and things in accordance with strict right to know and need to know principles.

2. In no event may any person who does not possess a valid sensitivity clearance indicating right to know have access to any classified places or things, and in no event may any person have access to places and things of a higher sensitivity classification than the highest valid clearance held by that person.

3. The possession of a valid clearance indicating right to know does not warrant unconditional access to all places and things of the sensitivity classification for which the person holds clearance. In appropriate cases such persons may be denied access because of absence of need to know.

4. In appropriate cases, all persons in a certain category may be granted blanket right to know clearance for access to places and things classified as restricted or confidential.

5. Right to know clearances for highly sensitive places and things shall be granted on a selective and individual basis only and must be based upon the strictest of personnel investigations.

6. Clearances shall be granted by the head of the agency concerned and shall be binding only upon the criminal justice agency itself; except that right to know clearances for members of the Council shall be granted and shall be valid for all purposes where a need to know exists.

7. Clearances granted by one agency may be given full faith and credit by another agency; however, ultimate responsibility for the integrity of the persons granted right to know clearances remains at all times with the agency granting the clearance.

8. Right to know clearances are executory and may be revoked or reduced to a lower sensitivity classification at the will of the grantor. Adequate notice must be given of the reduction or revocation to all other agencies that previously relied upon such clearances.

9. It shall be the responsibility of the criminal justice agency with custody and control of classified places and things to prevent compromise of such places and things by prohibiting access to persons without clearances or with adequate clearance status.

10. The Council shall carefully audit the granting of clearances to assure that they are valid in all respects, and that the categories of personnel clearances are consistent with right to know and need to know criteria.

11. Criminal justice agencies shall be cognizant at all times of the need periodically to review personnel clearances so as to be certain that the lowest possible clearance is accorded consistent with the individual's responsibilities.

12. To provide evidence of a person's sensitivity classification clearance, the grantor of such clearance may provide an authenticated card or certificate. Responsibility for control of the issuance, adjustment, or revocation of such documents rests with the grantor. In any event, all such documents must have an automatic expiration date requiring affirmative renewal after a reasonable period of time.

STANDARD 2.20: RESEARCH DESIGN AND ACCESS TO INFORMATION

Researchers who wish to use criminal justice information should submit to the agency holding the information a completed research design that guarantees adequate protection of security and privacy. Authorization to use criminal justice information should only be given when the benefits reasonably anticipated from the project outweigh the potential harm to security or privacy.

1. Limits on Criminal Justice Research. Research should preserve the anonymity of all subjects to the maximum extent possible. In no case should criminal justice research be used to the detriment of persons to whom information relates nor for any purposes other than those specified in the research proposal. Each person having access to criminal justice information should execute a binding nondisclosure agreement with penalties for violation.

2. Role of Security and Privacy Council. The Security and Privacy Council should establish uniform criteria for protection of security and privacy in research programs. If a researcher or an agency is in doubt about the security and privacy aspects of particular research projects or activities the advice

of the Council should be sought. The Council should maintain general oversight of all research projects using criminal justice information.

3. Duties and Responsibilities of the Holding Agency. Criminal justice agencies should retain and exercise the authority to approve in advance, monitor and audit all research using criminal justice information. All data generated by the research programs should be examined errors or omissions have occurred which would affect security and privacy.

CHAPTER III

TO ACHIEVE JUSTICE

The CJIS does not have a primary impact in this area, although it does have a secondary impact to achieve justice.

CHAPTER IV

TO INCREASE EFFICIENCY IN THE CRIMINAL JUSTICE SYSTEM

STANDARD 4.1: DEVELOPMENT OF SYSTEM PLAN

North Carolina should establish a plan for the development of information and statistical systems at state and local levels. Critical elements of the plan are as follows:

1. The plan should specify system objectives and services to be provided, including: (a) Jurisdictional (state, local) responsibilities; (b) Organizational responsibilities at the state level; (c) Scope of each system; and (d) Priorities for development.
2. The plan should indicate the appropriate funding source both for development and operation of the various system.
3. The plan should provide mechanisms for obtaining user acceptance and involvement.

STANDARD: 4.2: DEVELOPMENT/COORDINATION BODY

North Carolina should create an organizational structure for coordinating the development of information systems and for making maximum use of collected data in support of criminal justice management by taking the following steps:

1. Establish a criminal justice information planning and analysis unit that will coordinate the development of an integrated network of information systems in the state that will satisfy information needs of management decision-making for state and local criminal justice agencies as well as satisfying established federal requirements for information.
2. While making provisions for continual review and refinement, prepare a master plan for the development of an integrated network of criminal justice information systems (including the production of data needed for statistical purposes) specifying organizational roles and timetables.
3. Provide technical assistance and training to all jurisdiction levels and agencies in data collection methods, system concept development, and related areas.
4. Arrange for system audit and inspection to insure the maintenance of maximum quality in each operating system.

STANDARD 4.3: PREIMPLEMENTATION MONITOR

Preimplementation monitoring should consist of a continuous review, analysis, and assessment of available documentation and milestone achievement covering system analysis, design, development, and initial steps leading toward actual

implementation. All items should be monitored relative to costs (both dollars and man-hours); milestone accomplishment (time); and quality (response time, scope, sophistication, and accuracy). Both intra- and interagency considerations should be included, particularly with respect to consistency with other planned or operational information and statistical systems.

1. The following items should be considered in this monitoring standard:
 - a. System Analysis Documentation.
 - b. System Recruitment Documentation.
 - c. System Design Documentation including:
 - (1) Functional specifications;
 - (2) Component flow charts;
 - (3) Data base design (or administration);
 - (4) Groupings of files;
 - (5) Structure of data in files;
 - (6) File maintenance;
 - (7) File Capacity;
 - (8) Timeliness of data inputs to file;
 - (9) Data standards;
 - (10) Module interfaces/data links;
 - (11) Edit criteria;
 - (12) Output reports;
 - (13) Response time requirements.
 - d. System Development Documentation including:
 - (1) Module description;
 - (2) Component description;
 - (3) User manuals;
 - (4) Operations description;
 - (5) Data base description;
 - (6) Processing modes description (manual, computer based batch, on-line, real-time).
 - e. System Implementation Documentation including:
 - (1) Component implementation report;
 - (2) Data base implementation report;
 - (3) Test plan report;
 - (4) Hardware requirements report;
 - (5) Software requirements report;
 - (6) Physical site report;
 - (7) Data security and confidentiality reports;
 - (8) Implementation monitoring report;
 - (9) Impact evaluation report;
 - (10) System training report.

STANDARD 4.4: ASSURANCE OF MEETING DESIGN OBJECTIVES

A key consideration in implementing systems is providing maximum assurance that the eventual operating system meets the design objectives. Implementation monitoring should employ a specific series of quantifiable measuring instruments that report on the cost and performance of component parts and the total system. The cost/performance monitoring of an operating or recently developed system should focus on: man-machine interaction, software (computer and/or manual processes), and hardware (computer and/or nonautomated equipment).

STANDARD 4.5: IMPACT EVALUATION

Impact evaluation should begin with an investigation of system outputs at the component level. Once individual components have been assessed as to their capability for supporting users, impact analyses should be conducted for larger aggregations made up first of multiple and then total components. This process permits criminal justice agencies to draw conclusions about the immediate and long-range effects of various inputs. In general, an impact evaluation should determine:

a. What information, communication and decision processes in a criminal justice agency exhibit the greatest positive and negative impact due to the information and statistic system;

b. What relationships exist between specific features of the system and the benefits to the users.

1. Installation of the impact plan. Operations of each component of the system should be evaluated. Quantifiable data that is needed to evaluate an investigative file/data base includes:

- a. Number of inquiries or file searches per specified time period;
- b. Number of investigative leads or clues provided per specified period;
- c. Number of accurate versus erroneous suspects identified;
- d. Number of arrests as a result of identification by the system;
- e. Number of criminal cases cleared as a result of an arrest and/or conviction; and
- f. Dollar value of property recovered.

This should be computered on a per capita basis and cost ratio with the system. Similar formal evaluation should be undertaken of such files as traffic citations, calls for service, case reporting, in-custody, want/warrant, court scheduling, criminal histories, and so forth.

2. Analysis of operational impact over time. Each component of the system as well as the entire system should be regularly analyzed. These evaluations should include the more significant data suggested above and should be focused on how much more effectively an agency is attaining its goals and objectives. For information systems serving multiple agencies, the evaluations should focus on achieving integrated criminal justice system goals.

3. Analysis of attitudinal and behavioral impacts over time. The entire system should be assessed for a change in the attitudes and behavior of the users. This is relatively subjective evaluation but can be quantified by appropriate, periodic user surveys.

4. Analysis of management and planning capabilities. The system should be evaluated to learn if it aids criminal justice managers and planners in achieving coordination of resources. For example, how many criminal justice managers used the system and how often? What degree of support did the system provide the manager? In retrospect, how accurate was the system in planning? Was it

accurate, for example, in predicting the calls for service in a reporting district over the subsequent 12 months? Or how effectively was a court calendar scheduled?

5. Analysis of management decisions as they relate to the cost of criminal justice operations. The system should be designed to report on the ratio of its cost to the expenses of overall agency operations. Cost centers should be established and the expense of the system reported by user and organizational unit. Costs should also be determined for criminal justice programs and processes (e.g., public relations programs, probation programs, the prevention/suppression process, etc.) on regional bases (county, area, state, country) as well as on a user or agency basis. The revenue derived from the service of warrants, cost of the system per suspect arrested, and cost of the system in reducing response time are a few of the possible criteria to be used for a police agency. Similar standards can be generated for court and corrections systems. It may prove worthwhile to allocate a portion of each user unit's budget to support the cost of the information system.

6. Analysis of technology or equipment. The cost of a hardware should be subjected to a tradeoff analysis. For example, if a rotating filing cabinet were installed, what would be the monetary savings and user advantages in terms of more rapid access to warrants or prisoners records, accuracy of filing, and ease of file maintenance? Similarly, for computer systems: What are the savings and advantages? Will the information be available and helpful to more people? Are there some other users for the equipment which would affect the net cost of the system?

7. Analysis of program and policy change. All programmatic and policy changes within the criminal justice agency should be related to the influence that the information and statistical system may exert on them.

8. Evaluation of achievement. Criminal justice personnel, management, and citizens in need of service are best qualified to measure how effectively the system aids accomplishment of the agency's goals. By far, the most challenging requirement is to assess the "worth" of an information system as it relates to a particular set of goals. To illustrate: Does the information system reduce police response time from 4 minutes to 2 on an average per call for service? Or, does the system aid in rehabilitation by predicting effective treatment methods for individual offenders? This analysis will necessarily be more subjective than others.

STANDARD 4.6: STATEWIDE SYSTEM DEVELOPMENT

North Carolina should establish a criminal justice information system that provides the following services:

1. On-line files fulfilling a common need of all criminal justice agencies, including wanted persons (felony and misdemeanor), and identifiable stolen items;

2. Computerized criminal history files for persons arrested for an NCIC-qualified offense, with on-line availability of at least a summary of criminal activity and current status of offenders;

3. Access by computer interface to vehicle and driver files, it computerized and maintained separately by another State agency;

4. A high-speed interface with NCIC providing access to all NCIC files;

5. All necessary telecommunications media and terminals for providing access to local users, either by computer-to-computer interface or direct terminal access;

6. The computerized switching of agency-to-agency messages for all intrastate users and routing (formulating) of messages to and from qualified agencies in other States;

7. The collection, processing, and reporting of Uniform Crime Reports (UCR) from all law enforcement agencies in the State with report generation for the Federal Government agencies, appropriate State agencies, and contributors;

8. In conjunction with criminal history files, the collection and storage of additional data elements and other features to support offender-based transaction statistics;

9. Entry and updating of data to a national index of criminal offenders as envisioned in the NCIC Computerized Criminal History file; and

10. Reporting offender-based transaction statistics to the Federal Government.

STANDARD 4.7: INTRAAGENCY NEED

Every component agency of the criminal justice system (policy, courts, corrections) should be served by an information system which supports its intraagency needs.

1. The component information system (CIS) should provide the rationale for the internal allocation of personnel and other resources of the agency.

2. The CIS should provide a rational basis for scheduling of events, cases, and transactions within the agency.

3. The CIS should provide the agency administrator with clear indications of changes in workload and workload composition, and provide the means of distinguishing between short-term variations (e.g., seasonal variations) and long-term trends.

4. The CIS should provide data required for the proper functioning of other systems as appropriate, and should retain only that data required for its own purposes.

5. The CIS should provide the interface between LCJIS and individual users within its own agency. This interface provision should include telecommunications facilities as necessary.

6. The CIS should create and provide access to files needed by its users that are not provided by the State or local criminal justice information systems to which it is interfaced.

7. The CIS should support the conduct of research and program evaluation to serve agency managers.

STANDARD 4.8: COMMUNICATION ELEMENTS

To establish appropriate communications among local, State and Federal criminal justice agencies, the data elements for identification, offense category and disposition on each offender shall be consistent with specifications prescribed in the NCIC operating manual, or if not covered in NCIC, the Project SEARCH Implementing Statewide Criminal Justice Statistics Systems--The Model and Implementation Environment Technical Report No. 4 and the National Criminal Justice Information and Statistics Service Comprehensive Data System guidelines. There may be a need for additional or translated equivalents of the standard data elements at individual agencies; if so, it shall be the responsibility of that agency to assure that the basic requirements of this goal are met.

STANDARD 4.9: PROGRAMMING LANGUAGE

Every agency contemplating the implementation of computerized information systems should insure that specific programming language requirements are established prior to the initiation of any programming effort. The controlling agency should provide the direction concerning programming language requirements already in force, or establish the requirements based on current or projected hardware installation and programming needs (especially from a system standpoint) of present and potential users.

STANDARD 4.10: DESIGN PHASE

During the design phase of the development of information and statistics systems, each agency must provide sufficient resources to assure adequate teleprocessing capability to satisfy the intra- and inter-agency communications requirements. Attention should be given to another criminal justice information systems (planned or in operation) at the national, State and local levels to insure the design includes provision for interfacing with other systems as appropriate. Additionally, the specific requirements for internal communications must be included in the technical system design.

STANDARD 4.11: USER GROUPS

All criminal justice information systems, regardless of the level at which they operate, must establish user groups. These groups should, depending on the particular system, have considerable influence over the operation of the system, its continuing development, and modifications to it.

1. A user group should be established from representatives of all agencies who receive service from the criminal justice information system.

2. The user group should be considered as a board of directors assisting in establishing the operating policy for the criminal justice information system.

3. The user group should also be responsible for encouraging utilization of the system in all agencies and should be directly concerned with training provided by both their own staff and the central agency.

4. Membership in the user group should include the officials who are actually responsible for the various agencies with the criminal justice system.

5. Technical representation on the user group should be of an advisory nature, should assist in providing information to the user group but should not be a voting or full member of the user group.

STANDARD 4.12: CONSOLIDATION OF SERVICES

In those cases where it is not economically feasible to provide the information support functions at the organizational level specified, these services should be provided through consolidation of adjacent units at the organizational level specified, or by the establishment of a "surrogate" at the next higher organizational level.

1. Agency support should be provided within the agency requiring the support. When economically infeasible, such services should be provided by a consortium of nearby agencies of similar type (e.g., two nearby police departments). Alternatively, such services can be provided by the local CJIS on a "service bureau" basis.

2. Local criminal justice information system services, if economically unjustified for an individual locality, should be provided by a regional CJIS composed of adjacent localities. Alternatively, such services can be provided by the State CJIS on a service bureau basis.

3. State CJIS functions, if economically unjustified for an individual State, should be provided on a regional basis by the collective action of several States. Provision of these services by the next higher (Federal) level of CJIS is not appropriate.

4. Financial responsibility for the provision of services in cases where consolidation or surrogate provisions are carried out should remain at the organizational levels. The basis for establishing the costs of such service, and the quality of performance deemed adequate for the provision of each individual service rendered should be expressed in contractual terms and agreed to by all parties to the consolidation or surrogate relationship.

5. In cases of consolidation or surrogate relationships, a strong voice in the policies and general procedures of the information system should be vested in a user group in which all users of the system are represented.

6. If at all practical, surrogate agencies should provide the same level of data that would be provided if the lower level agencies had their own systems.

STANDARD 4.13: STANDARDS

Any individual systems developed for CJIS funded by Safe Streets Act moneys or other State grant programs, should be predicated on a system analysis and design consistent with the standards developed for the total system.

STANDARD 4.14: IDENTICAL DATA ELEMENTS

Identical data elements should be used to satisfy requirements for similar information to be developed from either an ABTS or CCH system over all areas of the criminal justice system.

1. Advisory committees determining the designs of both systems should have some membership in common to assure data element compatibility. Before completion of the data element list for both systems, conferees from both advisory committees should meet to confirm data element conformity.

2. The coding structure of all overlapping data elements should be developed to guarantee that both statistical and operational information will be available and comparable. Where national specifications and requirements for data element structure exist, they should be considered the minimum acceptable.

STANDARD 4.15: DATA COLLECTION FOR CCH AND ABTS

The collection of data required to satisfy both the ABTS and CCH systems should be gathered from operating criminal justice agencies in a single collection. Forms and procedures should be designed to assure that data coded by agency personnel meets all requirements of the information and statistics systems, and that no duplication of data is requested.

STANDARD 4.16: DATA BASE FILES

Files created as data bases for ABTS and CCH systems, because of their common data elements and their common data input from operating agencies, should be developed simultaneously and maintained as much as possible within a single activity, (Juvenile record information should not be entered into adult criminal history files.)

STANDARD 4.17: VERIFIABLE DATA

With the exception of intelligence files, collection of criminal justice information concerning individuals should be triggered only by a formal event in the criminal justice process and contain only verifiable data. In any case where dissemination beyond the originating agency is possible, this standard should be inviolable.

STANDARD 4.18: METHODS AND PROCEDURES

Agencies maintaining data or files on persons designated as offenders shall establish methods and procedures to insure the completeness and accuracy of data including the following:

1. Every item of information should be checked for accuracy and completeness before entry into the system. In no event should inaccurate, incomplete, unclear, or ambiguous data be entered into a criminal justice information system. Data is incomplete, unclear, or ambiguous when it might mislead a reasonable persons about the true nature of the information.

2. A system of verification and audit should be instituted. Files must be designated to exclude ambiguous or incomplete data elements. Steps must be taken during the data acquisition process to verify all entries. Systematic audits must be conducted to insure that files have been regularly and accurately updated. Where files are found to be incomplete, all persons who have received misleading information should be immediately notified.

3. The following rules shall apply to purging these records:

a. General file purging criteria. In addition to inaccurate, incomplete, misleading, unverified, and unverifiable items of information, information that, because of its age or for other reasons, is likely to be an unreliable guide to the subject's present attitudes or behavior should be purged from the system. Files shall be reviewed periodically.

b. Purging by virtue of lapse of time. Every copy of criminal justice information concerning individuals convicted of a serious crime should be purged from active files 10 years after the date of release from supervision. In the case of less serious offenses the period should be 5 years. Information should be retained where the individual has been convicted of another criminal offense within the United States, where he is currently under indictment or the subject of an arrest warrant by a U. S. criminal justice agency.

c. Use of purged information. Information that is purged but not returned or destroyed should be held in confidence and should not be made available for review or dissemination by an individual or agency except as follows:

1. Where necessary for in-house custodial activities of the record-keeping agency or for the regulatory responsibilities of the Security and Private Council;

2. Where the information is to be used for statistical compilations or research studies, in which the individual's identify is not disclosed and from which it is not ascertainable;

3. Where the individual to whom the information relates seeks to exercise rights of access and review of files pertaining to him;

4. Where necessary to permit the adjudication of any claim by the individual to whom the information relates that it is misleading, inaccurate, or incomplete;

5. Where a statute of North Carolina necessitates inquiry into criminal offender record information beyond the 5- and 10-year limitations.

When the information has been purged and the individual involved is subsequently wanted or arrested for a crime, such records should be reopened only for purposes of subsequent investigation, prosecution, and disposition of that offense. If the arrest does not terminate in conviction, the records shall be reclosed. If conviction does result, the records should remain open and available. Upon proper notice, a criminal justice agency should purge from its criminal justice information system all information about which a challenge has been upheld. Further, information should be purged by operation of statute,

administrative regulation or ruling, or court decision, or where the information has been purged from the files of the Stage which originated the information.

STANDARD 4.19: PROTECTION OF THE SYSTEM DATA ELEMENT

For systems containing criminal offender data, the following protections should apply:

a. All criminal offender record information should be stored in a computer dedicated solely to and controlled by criminal justice agencies.

b. Where existing limitations temporarily prevent the use of a solely dedicated computer, the portion of the computer used by the criminal justice system should be under the management control of a criminal justice agency and should be dedicated in the following manner:

1. Files should be stored on the computer in such a manner that they cannot be modified, destroyed, accessed, changed, purged, or overlaid in any fashion by non-criminal-justice terminals;

2. The senior criminal justice agency employee in charge of computer operations should write and install, or cause to have written and installed, a program that will prohibit inquiry, record updates or destruction of records from any terminal other than criminal justice system terminals which are so designated. The destruction of records should be limited to specifically designated terminals under the direct control of the criminal justice agency responsible for maintaining the files.

3. The senior criminal justice agency employees in charge of computer operations should have written and installed a classified program to detect and store for classified output all attempts to penetrate any criminal offender record information system, program, or file. This program should be known only to the senior criminal justice agency, and the control employee and his immediate assistant, and the records of the program should be kept continuously under maximum security conditions. No other persons, including staff and repair personnel, should be permitted to know this program.

c. Under no circumstances should a criminal justice manual or computerized files be linked to or aggregated with non-criminal-justice files for the purpose of amassing information about a specified individual or specified group of individuals.

STANDARD 4.20: INTERFACE RESPONSIBILITY

The establishment of a computer interface to other criminal justice information systems will constitute the acceptance of responsibility for a control unit for those agencies served by the interface.

1. Each computer interface in the criminal justice hierarchy from local criminal justice information systems through the national systems will be considered a control terminal and allowed to interface if all of the identified responsibilities are accepted by that control unit.

2. Each control unit must maintain technical logging procedures and allow for 100 percent audit of all traffic handled by the interface. Criminal history response loss should be maintained for 2 years--others for 1 year.

3. The control unit must maintain backup or duplicate copies of its files in secure locations away from the primary site.

4. All personnel involved in a system are subject to security checks.

5. The control unit must establish a log checking mechanism where machine-generated logs of other than "no record" responses are compared with manual terminal loss and discrepancies between the two resolved.

STANDARD 4.21: AVAILABILITY OF INFORMATION

The availability of the information system (the percentage of time when the system is fully operating and can process inquiries) should not be less than 90 percent. This availability must be measured at the output device serving the user and may in fact be several times removed (technically) from the data base providing the information.

STANDARD 4.22: LAW ENFORCEMENT SYSTEM COMPONENT

Every locality should be serviced by a local criminal justice information system which supports the needs of criminal justice agencies.

1. The local criminal justice information system (LCJIS) should contain information concerning every person arrested within the locality from the time of arrest until no further criminal justice transactions can be expected within the locality concerning that arrest.

2. The LCJIS should contain a record of every local agency transaction pertaining to a criminal offense concerning such persons, the reason for the transaction, and the result of each such transaction. A transaction is defined as a formal and public activity of a criminal justice agency, the results of which are a matter of public record.

3. The LCJIS should contain the present criminal justice status for each individual under the cognizance of criminal justice agencies.

4. The LCJIS should provide prompt response to inquiries from criminal justice agencies that have provided information to the data base of LCJIS.

5. If the LCJIS covers a geographical area containing contiguous jurisdictions, it should provide investigative field support to police agencies within this total area.

6. LCJIS should provide a master name index of persons of interest to the criminal justice agencies in its jurisdiction. This index should include identifying information concerning persons within the locality under the cognizance of criminal justice agencies.

7. The LCJIS should provide to the proper State agencies all information concerning postarrest offender statistical data as required.

8. The LCJIS should provide to the proper State agencies all postarrest data necessary to maintain a current criminal history record on persons arrested and processed within a locality.

9. If automated, LCJIS should provide telecommunications interface between the State CJIS and criminal justice agencies within its locality.

STANDARD 4.23: POLICE AGENCY SYSTEM

Every police agency should have a well-defined information system. Proper functions of such a system include:

- a. Dispatch information, including the generation of data describing the dispatch operation and data useful in the dispatching process;
- b. Event information, including the generation and analysis of data on incidents and crimes;
- c. Case information, including data needed during followup until police disposition of the case is completed;
- d. Reporting and access to other systems which provide required data for operational or statistical purposes;
- e. Patrol or investigative support data not provided by external systems, such as misdemeanor want/warrant data, traffic and citation reporting, and local property data.

STANDARD 4.24: CRIME ANALYSIS CAPABILITY

Every police department should improve its crime analysis capability by utilizing information provided by its information system within the department. Crime analysis may include the utilization of the following:

- a. Methods of operation of individual criminals;
- b. Pattern recognition;
- c. Field interrogation and arrest data;
- d. Crime report data;
- e. Incident report information;
- f. Dispatch information;
- g. Traffic reports, both accidents and citations.

These elements must be carefully screened for information that should be routinely recorded for crime analysis.

STANDARD 4.25: MANPOWER RESOURCE ALLOCATION AND CONTROL SYSTEM

Every police agency should develop a manpower resource allocation and control system that will support major efforts to:

- a. Identify through empirical means that need for manpower within the department;
- b. Provide planning for maximum utilization of available resources;
- c. Provide information for the allocation and instruction of patrol officers and specialist officers;
- d. Provide for the evaluation of the adopted plan.

STANDARD 4.26: RESPONSE TIME

Information should be provided to users in sufficient time to affect the outcome of their decisions. The maximum allowable delay for information delivery, measured from initiation of the request to the delivery of a response, varies according to user type.

1. For users engaged in unpredictable field activity of high potential danger (e.g., vehicle stop) the maximum delay should be 120 seconds.
2. For users engaged in field activity without direct exposure to high potential danger (e.g., checking parked vehicles) the maximum delay should be 5 minutes.
3. For users engaged in investigatory activity without personal contact (e.g., developing suspect lists), the maximum delay should be 8 hours.
4. For users engaged in postapprehension identification and criminal history determinations, the maximum delay should be 4 hours.

STANDARD 4.27: DATA COLLECTION

For use at the local level, or for State and regional planning and evaluation, data collected concerning an incident regarded as a crime should include as a minimum:

- a. Incident definition, including criminal statute violated and UCR offense classification;
- b. Time, including time of day, day of week, month, and year;
- c. Location, including coded geographical location and type of location;
- d. Incident characteristics, including type of weapon used, method of entry (if applicable), and degree of intimidation or force used;
- e. Incident consequences, including type and value of property stolen, destroyed, or recovered, and personal injury suffered;
- f. Offender characteristics (each offender), including relationship to victim, age, race, sex, residency, prior criminal record, criminal justice status (on parole, etc.), employment and educational status, apparent intent, and alcohol/narcotics usage history;
- g. Type of arrest (on view, etc);
- h. Witnesses and evidence.

The data should be obtained at least for murder, forcible rape, robbery, aggravated assault, and burglary (both residential and commercial).

STANDARD 4.28: UNIFORM CRIME REPORTING

Every police agency should, as a minimum, participate fully in the Uniform Crime Reporting program.

STANDARD 4.29: AUDIT

Every police agency should make provision for an independent audit of incident and arrest reporting. The audit should verify that:

- a. Crime reports are being generate when appropriate;
- b. Incidents are being properly classified;
- c. Reports are being properly prepared and submitted.

STANDARD 4.30: ESTABLISHMENT OF "AUDIT TRAIL"

To establish an "audit trail" and to provide the basic documentation needed by management, the following key characteristics or records should be adopted:

- a. The police response made to every call for police service should be recorded, regardless of whether a unit is dispatched. Dispatch records should be numbered and timed; if the service leads to a complaint, the complaint should be registered on a numbered crime report, and that number also be shown on the dispatch record.
- b. All dispatches should be recorded, indicating time of dispatch and arrival on scene.
- c. Dispatch records should show the field unit disposition on the event, and should be numbered in such a way as to link dispatches to arrest reports or other event disposition reports.
- d. All self-initiated calls should be recorded in the same manner as citizen calls for service.

STANDARD 4.31: GEO-CODING SYSTEM

Where practical, police should establish a geographical coding system that allows addresses to be located on a coordinate system as a basis for collecting crime incidence statistics by beat, district, census tract, and by other "zoning" systems such as schools, planning zones, and zip codes.

STANDARD 4.32: COURTS SYSTEM COMPONENT

A court information system should provide information unique to the defendant and to the case. Required information includes:

- a. Defendant background data and other characteristics needed in decision-making such as defendant's family status, employment, residence, education, past history, indigency information relative to appointment of counsel, and such data as might be determined by a bail agency interview.
- b. Current case history stating the proceedings already completed, the length of time between proceedings, continuances (by reason and source), representation, and other participants.

STANDARD 4.33: CALENDAR MANAGEMENT INFORMATION

Criminal courts should be provided with sufficient information on case flow to permit efficient calendar management. Basic data to support this activity include the following:

- a. Periodic disposition rates by proceeding; these statistics can be used to formulate and adjust calendar caseload limits;

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- e. Incident consequences, including type and value of property stolen, destroyed, or recovered, and personal injury suffered;
- f. Offender characteristics (each offender), including relationship to victim, age, race, sex, residency, prior criminal record, criminal justice status (on parole, etc.), employment and educational status, apparent intent, and alcohol/narcotics usage history;
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- c. Dispatch records should show the field unit disposition on the event, and should be numbered in such a way as to link dispatches to arrest reports or other event disposition reports.
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- b. Current case history stating the proceedings already completed, the length of time between proceedings, continuances (by reason and source), representation, and other participants.

STANDARD 4.33: CALENDAR MANAGEMENT INFORMATION

Criminal courts should be provided with sufficient information on case flow to permit efficient calendar management. Basic data to support this activity include the following:

- a. Periodic disposition rates by proceeding; these statistics can be used to formulate and adjust calendar caseload limits;

- b. An attorney and police witness schedule which can be used to minimize scheduling conflicts;
- c. Judge and courtroom schedule;
- d. Range of time which proceedings consume;
- e. An age index of all cases in pretrial or awaiting trial (by type of trial requested) to determine if special attention is required or the speedy trial rule endangered;
- f. An index relating scheduled cases to whether the defendant is confined, released, rearrested, at large, or undergoing adjudication on a separate offense;
- g. A recapitulation of offenders booked in jail but not released, to determine if special attention is required;
- h. An index of multiple cases pending against individual defendants, to permit consolidation;
- i. An index of information on possible or existing case consolidations;
- j. An index of defendants whose existing probation or parole status may be affected by the outcome of current court action.

STANDARD 4.34: CASE FLOW AND WORKLOAD PATTERNS

For effective court administration, criminal courts must have the capability to determine monthly case flow and judicial personnel workload patterns. This capability requires the following statistical data for both in misdemeanors and felonies:

- a. Filing and dispositions--number of cases filed and the number of defendants disposed of by offense categories;
- b. Monthly backlog--cases in pretrial or preliminary hearing stage; cases scheduled for trial (by type of trial) or preliminary hearing; and cases scheduled for sentencing, with delay since previous step in adjudication;
- c. Status of cases on pretrial, settlement, or trial calendars--number and percent of cases sent to judges; continued (listed by reason and source), settled, placed off-calendar; nolle prosequi, bench warrants; terminated by trial (according to type of trial);
- d. Time periods between major steps in adjudication, including length of trial proceedings by type of trial;
- e. Judges' weighted workload--number of cases disposed of by type of disposition and number of cases heard per judge by type of proceeding or calendar;
- f. Prosecutor/defense counsel workload--number of cases disposed of by type of disposition and type of proceeding or calendar according to prosecutor, appointed defense counsel, or private defense counsel representation;
- g. Jury utilization--number of individuals called, placed on panels, excused, and seated on criminal or civil juries;
- h. Number of defendants admitted to bail, released on their own recognizance, or retained in custody, listed by most serious offense charged;
- i. Number of witnesses called at hearings on serious felonies, other felonies, and misdemeanors;

STANDARD 4.35: CASE MANAGEMENT DATA AND STATISTICS

For the purpose of case management, prosecutors shall be provided with the data and statistics to support charge determination and case handling. This capability shall include, as appropriate, the following:

- a. A means of weighting cases according to prosecution priority, policy, and the probability of success;
- b. Time period between major steps in adjudication;
- c. Daily calendar workloads and dispositions;
- d. Age of cases in pretrial or awaiting trial (by type of trial) to determine in part whether the right to a speedy trial is enforced;
- e. Case schedule index listing police witnesses, expert witnesses, defense counsel, assigned prosecutor, and type of hearing;
- f. Record of continuances by case, number, and party requesting;
- g. Selection criteria for witnesses at court hearings;
- h. Criteria for rating adequacy of investigation and legality of procedure by each police unit.

STANDARD 4.36: RESEARCH AND EVALUATION CAPABILITY

To create the capability for continued research and evaluation, courts should participate in or adopt for their own use a minimum set of data on the transactions between defendants and various court agencies; including the outcome of such transactions. A recommended minimum set of data elements are those related to court processes as presented in Project SEARCH, Implementing Statewide Criminal Justice Statistics Systems--The Model and Implementation Environment, Technical Report No. 4.

STANDARD 4.37: TRANSACTIONAL AND EVENT DATA

Transactional and Event Data Elements shall be recorded for counting purposes as follows:

- a. Data elements using individual defendants as the basic statistical unit shall record action taken in regard to one individual and one distinct offense. The term "distinct offense" refers to those sets of related criminal activities for which, under State laws, only one conviction is possible, plus conspiracy. Under this standard, if two men are charge for the same criminal activities, this is reported as two defendant cases. If two charges for which an individual might receive two separate convictions are consolidated at one trial, it is to be reported as two trials. If a jury trial is held for three men on the same crime, the event should be reported as three jury trials.

- b. Data elements that describe events occurring in the criminal justice system shall record the number of events, regardless of the number of defendant transactions involved. Those data elements may report the number of individual transactions as an additional explanatory item. Under this standard, if two men are charged for the same criminal activities, this is reported as one charge or one charge with two defendants. If two charges are consolidated at one trial, it is to be reported as one trial or one trial on two charges. If a jury trial is held for three men for the same crime, the event should be reported as one jury trial or one jury trial for three defendants.

STANDARD 4.38: CORRECTION SYSTEM COMPONENT

A corrections information system must satisfy the following requirements:

- a. The information/statistics functions of offender accounting, administrative decision making, ongoing research, and rapid response to questions should be supported.

b. The information now used or needed by corrections personnel at each decision point in the corrections system should be ascertained before the information system is designated.

c. The requirements of other criminal justice information systems for corrections data should be considered in the data base design. Interface between the corrections system and other criminal justice information systems should be developed.

STANDARD 4.39: DEFINITIONS

Uniform definitions should apply to all like data in all institutions and decisions of the corrections system. Standard procedures should be established and clearly outline for recording, collecting, and processing each item of statistical data.

STANDARD 4.40: STATISTICS

The corrections information/statistics system should be flexible enough to allow for expansion of the data base and to meet new information needs. A modular system should be designed and implemented to provide this flexibility. Techniques should be established for testing new modules without disrupting the ongoing operation of the system. Interaction with planners and administrators should take place before the data base is expanded or new techniques are introduced.

STANDARD 4.41: OFFENDER DATA

The following types of corrections data about the offender should be collected. Minimum requirements are:

a. Official data, including date of entry into the correctional system, offenses, and sentences, concurrent or consecutive sentences, recommendations of the court, conditions of work release or assignment to halfway houses or other community supervision, and county (court) of commitment or entry into the correctional system;

b. Personal data, including age, race, and sex; marital/family status; intelligence classification; military experience; classification category; other test and evaluative information, job placement, housing arrangements, and diagnostic data;

c. Historical data, including family background, educational background, occupational record, alcohol and drug use background, and prior criminal history. The correctional system may not need all of the information described above for persons involved in short-term custody.

STANDARD 4.42: OFFENDER MANAGEMENT AND MOVEMENT

The corrections information and statistics system should account for the number of offenders in each corrections program and the daily changes in those numbers. Offenders should be identified by the institution or jail in which they are incarcerated or the probation, parole, or other community program to which they are assigned. Movement of an individual from an institution or program to another should be recorded in the corrections information system as soon as possible.

Assignment to special status such as work release or weekend furlough also should be recorded to enable the system to account for all persons under supervision. Sufficient information must be recorded to identify the offender and the reason for movement. Each agency should record admissions and departures and give the reasons for each.

STANDARD 4.43: DATA SUMMARY

Prior to the release of the offender, data describing his corrections experiences should be added to his statistical record. When associated with postrelease outcomes, these data can be particularly valuable in evaluating correctional programs. Such data should include:

- a. Summary of work and training experience, attitude, job placement, salary, etc.;
- b. Summary of educational experience and accomplishments;
- c. Participation in counseling or other specialized programs;
- d. Participation in treatment for drug addition or alcoholism;
- e. Participation in special organizations (self-help groups, civic associations);
- f. Frequency of contacts with corrections staff, attempts to match offenders with corrections personnel, and direct services provided by the staff;
- g. Services provided by other agencies outside the correction system;
- h. Summary of disciplinary infractions in an institution or violations of probation or parole;
- i. Special program exposure.

Much of this information will not be applicable to persons involved in short-term custody. Each system should make an appropriate determination of its information needs concerning short-term detainees.

STANDARD 4.44: PERFORMANCE MEASURES

An information system for corrections should provide performance measures that serve as a basis for evaluation on two levels--overall performance or system reviews as measured by recidivism and other performance measures, and program reviews that emphasize more immediate program goal achievement.

CHAPTER V

TO INCREASE PROFESSIONAL SKILLS

STANDARD 5.1: TRAINING OF SYSTEM PERSONNEL AND PUBLIC EDUCATION

All persons involved in the direct operation of a criminal justice information system should be required to attend approved courses of instruction concerning the system's proper use and control. Instruction may be offered by any agency or facility, provided that curriculum, materials, and instructors' qualifications have been reviewed and approved by the Council.

Minimum course time should be 10 hours for operators, with 15 hours required of immediate supervisors. Each operator or supervisor shall attend a course of instruction within a reasonable period of time after assignment to the criminal justice system. The Council should conduct a program of public education concerning the purposes, proper use, and control of criminal justice information. It may make available upon request facilities, materials, and personnel to educate the public about the purposes, proper use, and control of criminal justice information.