

MODEL COMMUNITY CORRECTIONAL PROGRAM

SAN JOAQUIN COUNTY, CALIFORNIA

Report II
COMMUNITY ORGANIZATION FOR
CORRECTIONAL SERVICES

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INSTITUTE FOR THE STUDY
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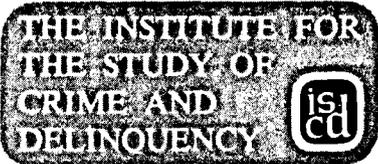
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SPECIAL NOTE

The Policy and Review Council, an advisory and coordinating group of distinguished citizens and governmental officials, has met as a group and in various committees for over one and one-half years. They have influenced the project's organization, findings and recommendations; they have formally endorsed a number of specific program proposals; they have been an invaluable means of communication between the community and the project staff.

The final reports of the project have been provided to the Policy and Review Council (and to various project consultants) in preliminary draft form and many improvements in the reports have been made as a result of individual member's comments and suggestions.

The great scope and length of these reports and limited time allowed for their review has made it impossible for the Policy and Review Council as a group to express overall endorsement of the report contents; neither should it be construed that any individual member is in agreement with the final reports.

The contents of the final reports are the sole responsibility of the Institute for the Study of Crime and Delinquency and the Project staff. On the other hand, the reports reflect in large measure the great deal of assistance provided by members of the Policy and Review Council.

By: M. Robert Montilla
Project Director

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ENVIRONMENT FOR CHANGE

Crime and corrections exist not as independent forces within the community but as manifestations of the community itself. Crime reflects the mores of the community, its missed opportunities, its social, racial, and economic problems, its willingness to tolerate deviant behavior, its ability to absorb the deviants, and its ability to manage itself.

Correctional efforts to reduce the commission of crime by those already identified as delinquents or criminals and to prevent others from turning to crime as an answer to their problems likewise mirror the community's attitudes about itself and its people.

This report is, in part, an examination of the community's perceptions and attitudes about itself, its people, and those certain groups of people who have been labeled as offenders or mentally ill or welfare recipients. These attitudes and perceptions--what I think of you and our society--determine what kind of community San Joaquin County is and will be: what kind of social and economic climate exists.

The report delineates the environment for the community-based correctional organization and programs recommended in Report III and suggests ways for improving that environment.

It is impossible, for example, to change the structure of the public assistance system without changing the community's perceptions of welfare recipients. If the community feels that welfare recipients are just lazy and unwilling to work, public

assistance rules and regulations will be oppressive and services will be nil; if, on the other hand, it believes welfare recipients are victims of social and other circumstances beyond the recipients' control, the rules and regulations will be minimal and the helping services will be maximized.

"...62% of the Stockton churchmen think that the people of lower socio-economic groups are stupid, narrow in view, intolerant, lacking in imagination, lacking curiosity, and lacking ambition. Some people said they were rude, immoral, and dirty. Others said that they were concerned only with their own well being but were not willing to improve their own situation. Among the people who said these things were teachers, professional men, housewives, secretaries, and young people."--Stockton Church Metropolitan Strategies, The Bureau of Community Research, 1965.

In San Joaquin County, the needed environmental improvements can be summarized this way:

1. The community must develop a more positive self-image, a sense of pride in itself and in its ability to solve problems, and a sense of community of interest.
2. The community must develop mutual trust among its people and for its government; government must equally trust its people and share the governmental experience.
3. The community must solve the challenge of racial and economic segregation and accept the challenges against the established order by minorities; there must be no "out" groups, only "in" groups.
4. The community must strive to nurture and develop continuing and stable business and political leadership to provide direction for use of the community's resources.

Perhaps what is most needed is that sense of community expressed by the South Stockton Parish:

We believe that Stockton has the potential to be a model of a true metropolis--reflecting a wide and colorful spectrum of nationality, racial, and ethnic heritages--a true demonstration of the actualization of the American dream and a place of true preparation for living in a world of diversity.*

*A Study Paper on Stockton Schools and Integration, South Stockton Parish, Spring, 1968, pp. 21.

But, these environmental and attitudinal improvements, necessary as they are, will be more difficult to accomplish without scientific management of the criminal justice system. A community that wants effective crime prevention and community-based corrections to help create and implement the improvements suggested above must have or provide the modern management capable of managing toward the community's goals.

Part of the modern management requirement can be met by restructuring local government, eliminating artificial boundaries, creating agencies that group related functions, seeking out the unique talents that exist in any community.

Added to this must be what is known as the science of management. Its dimensions are:

- An information system to provide relevant data for decision making where too little information about offenders, programs and correctional outcomes now exist.
- Application of systems analyses for helping separate effective programs from ineffective ones, for identifying hidden relationships within and without the criminal justice system, for simulating the effect of changes.
- An ability to identify and use cost trade offs, for example, one dollar spent on a new program for absent fathers for a two dollar saving in jail and court costs.
- Budgeting by program with explicit, measurable goals so the effectiveness of a program can be objectively and rationally measured and changes made where necessary.

Scientific management is management by objectives and by performance with respect to those objectives, not promises. And the community, bearing the financial and social burden of crime and delinquency, can demand no less.

How does the community create a climate of optimism? This modern management? This responsive, relevant government? These are a few of the questions this report tries to answer.

Chapter One

SYSTEM ENTRY

The Role of the Citizen

It is the citizen in concert with fellow citizens who largely determine who enters the criminal justice system, first by establishing the threshold of deviant behavior that will not be tolerated, and second, by observing and reporting such activity.

The vast majority of crime that comes to the attention of law enforcement agencies is reported by citizens. The day of the patrolman walking a beat and observing crime is largely over in this electronic age; officers now work from patrol cars, increasing the chances of apprehending an offender because of their ability to respond more quickly than the man on foot. Citizens observe a crime and report it by telephone to police who dispatch patrolling cars by radio.

This report-response system is fast and efficient, especially in terms of utilizing what is at best limited manpower. But no one suggests that it is ideal because it removes and insulates police from the constant person-to-person contact with the public that the walking patrolman experienced.

Police observation still results in many arrests, particularly for the very visible offenses: traffic, drunken driving, and public drunkenness. Many vice arrests result from police observations, independent of citizen complaints; some felony arrests are made as the result of response to burglar alarms and similar devices.

But in the overwhelming majority of cases, especially the serious offenses, arrests are initiated by a citizen who calls the law enforcement jurisdiction in which the crime was committed. This means that in most cases the entire criminal justice process rests on one crucial event--a citizen reporting a crime.

Not only is citizen participation necessary to trigger the processes of the criminal justice system, it is necessary to insure its success. If the citizen is able and willing to identify the offender, the chances of apprehension are substantial; otherwise they are nil. The chances of apprehension are further improved if the offender is also known by the citizen.

The citizen's willingness to participate in this process is almost exclusively a produce of his perceptions of the criminal justice system and the community that created it. If the citizen is black or brown, he often feels that the system works against him and for the status quo; thus he may be reluctant to participate in the system. If he is a middle class white, he usually perceives the criminal justice system as preserving the status quo and the values that he cherishes so he is willing to participate.

It is also a matter of tolerance and life style. What may be intolerable behavior to the middle-class white in North Stockton--the argot of the black militant on the college campus--may be the norm in the community's subcultures and subcommunities.

More study is needed to fully understand this critical link between the citizen and his observation and reporting of crime to police agencies. Obviously, there are differences in the patterns of reporting within the community and from community to community.

Given enough experience and data, these differences in reporting of crime by citizens can be scientifically assessed.

These differences, based now more on empirical than scientific observations, show clearly that although entry into the criminal justice system formally begins with arrest by a police officer, many important correctional decisions are made before this although often they are not thought of as such.

CORRECTIONAL DECISION MAKING

Citizen Tolerance of Inappropriate Behavior

The first, most significant level of correctional decision making is influenced by the variations in citizen, family and community agency tolerance of behavior. Since most crime reports and, therefore, most arrests are directly related to a citizen complaint, it is obvious that citizen attitudes are crucial determinants of police, court, and correctional workloads.

In fact, whether the law enforcement agency is even called to the scene of a crime is a reflection of community attitudes about the kind of behavior the community can tolerate. Behavior it cannot tolerate starts the individual down the rejection route which will expel him from the community by isolating him in an institution.

It is important to understand that the conditions and circumstances which make up what can be termed a "community tolerance level" are very complex and change from hour to hour, day to day; they are different from community to community and in parts of the same community.

The Treatment, The Services, and The Community Resources Available

The second most significant correctional decision takes place before an offender is brought into contact with the formal criminal justice process.

"Each community, through the creation of certain social welfare agencies and the exclusion of others, defines for itself those kinds of offenders which it is willing to sustain in the community."¹

The basic function of any organization in society--family, school, business, church, government--is the continuing improvement of the human condition. Organizations are formed to meet the needs of people; they exist primarily to enrich the lives of people.

It is consistent with this view that public and private social welfare organizations have developed. These agencies along with other community resources are a natural expression of peoples' interest in others and of their desires to be of service.

The kinds of services the community has developed play an important part in determining what kind of offenders the community is able or willing to keep and treat in that community and which offenders need to be isolated in jail or prison.

In this sense, the treatment and services that are available in the community are a measurable expression of a community attitude about people who need the services. Obviously, some communities have more highly developed services for people in need than do others, and some communities are willing to marshal far more of their existing financial and personnel resources than are others.

In San Joaquin County, the level of services available, who receives them, how they are dispensed are measurable manifestations of community attitudes about juvenile and adult offenders, the mentally ill, the retarded, the migrant farm laborer, the "skid-row" alcoholic, the school child in a segregated school, the elderly, the welfare recipient, etc.

Community attitudes about alcoholism provide the most common example of double standards of community tolerance: the "common drunk" is a nuisance to some people and not to others; he is much more of a nuisance if he is a man than if he is a woman--about 20% of all alcoholics are women but only about 2% of the drunk arrests are women. Apparently, community conventions and practices create conditions whereby women are exposed to arrest less frequently than men, and the community is more willing to provide alternatives to arrest for women than men. In the same way, some communities have supported substantial levels of private shelter and care facilities for the homeless alcoholic and, as a result, there are less drunks arrested, prosecuted, and sentenced to jail.

Examples of variations in community agency tolerance and their effects are most plentiful in the juvenile delinquency area:

The schools have a tremendous effect on whether or not a youth will be entered into the juvenile justice system. The school may, on one hand, be reluctant to reject or expel a classroom disciplinary problem. They may assign counselors, work with the family, establish special classes, and so on. On the other hand, they may be overly ready to get rid of a problem by making it another agency's--the juvenile court. The odds against the youth and for society change sharply for the worse with the exercise of such an option.

To a great extent, the recent community panic about narcotics and dangerous drug use has forced the schools into what is probably the worst possible alternative: the premature referral to police of all suspected marijuana and dangerous drug users. As Milton Luger, Director of Youth Services, New York State, said recently:

". . . with the exception of a relatively few youths, it is probably better for all concerned if young delinquents were not detected, apprehended or institutionalized. Too many of them get worse in our care."²

Mr. Luger was referring to the fact that most delinquency including marijuana experimentation is self correcting; the ones who are entered into a youth correctional system are, in perhaps half of the cases, being directed into a long-- and to society, an expensive--career of extended delinquency and crime.

The great disparity in patterns of official response at every major decision point of the juvenile justice system provides startling testimony of the variation in community agency tolerance.

-- "In 1967, police referred approximately half of all juvenile arrestees to probation in California but in the jurisdiction of highest referral some 95% were turned over to the probation department while at the opposite end of the spectrum only one-third were referred."³

-- "Of those referred to probation statewide, an average of 36% were subject to the filing of a petition in juvenile court. The range was from a high of 100% to a low of 7%"⁴

A study of crime and delinquency in two cities in Contra Costa County--a county contiguous to San Joaquin County--discusses these variations in community tolerance in terms of "absorption."

". . . absorption may be defined generally as the attempt of parents, schools, neighborhoods, indeed, the communities, to address the problem of delinquent and deviant youth by minimizing referral to one of the official State or County agencies designated to handle such youth; or, if there has been a referral to one of these agencies, the attempt to remove the offender from the official process by offering a solution, a technique, or a method of dealing with the offender outside of the usual agency channels. Prior to the initiation of the project, it appeared that the agencies themselves, including law enforcement, probation and the courts, seemingly had been not only tolerant and supportive of this approach, but had encouraged it. Absorption by the community, except for the most flagrant law violations, appeared as the normal method for handling youthful offenders in the middle-class community. However, in recent years, this pattern had suffered a decline and an exploration of its restoration became a major object in the . . . research."⁵

It follows from this viewpoint that a rising incidence of reported crime, increases in arrest, or increases in criminal commitments to correctional programs may reflect more of a disintegration of a community's ability to absorb its delinquency than it is an indication of increased criminal activity. If this is the case, it is desirable to help revive those community processes which once were able to handle the problem.

It may be that these very processes are weakened by having the official agencies of the criminal justice system assume increased responsibility for disposition of cases brought to their attention.

"It may appear to some that the absorption process is 'undemocratic' since lower socio-economic classes do not generally enjoy the advantages of the informal handling of deviance described above. Our initial data suggest that middle-class absorption, rather than being an instance of privileged consideration is, in fact, a condition of engaging and treating delinquency which should be extended to and strengthened among the less advantaged. This observation can be supported by a demonstration of the effectiveness of the informal handling of delinquents through absorption."⁶

Formal Agencies of the Criminal Justice System

The third most significant level of correctional decision making determining entry into the criminal justice process involves the formal agencies of the criminal justice system itself--the police, the courts, and probation, parole, and other correctional agencies.

Law enforcement, judges, probation personnel, parole officers, and intake workers of the public and private agencies of the community make important correctional decisions.

The gross evidence is that heretofore the San Joaquin County community has been operating with a relatively low order of community correctional alternatives and that its ability to absorb crime and delinquency with its informal and formal alternatives to incarceration is limited.

Nowhere is this phenomenon seen more clearly than in the pattern of the overuse of detention for both adults and juveniles and, subsequently, patterns of court misdemeanor and felony sentencing to jail. As a result, the San Joaquin County Jail has at least twice--more likely, thrice--the inmate population that the county population and level of crime would produce in most other counties in California.

This is evidence of an overused rejection route for expelling nonconforming individuals from important segments of community life. And it is a route that is clearly marked.

Consider this all-too-familiar route drawn on the earlier example of removing a student from school:

1. A student is expelled from school and referred to police and probation authorities because of persistent truancy and running away from home; school officials say they have neither the programs nor the personnel to retain him in school.

2. The youth, no longer a student, is placed in juvenile hall because he violated the terms of his probation by running away from home again; probation authorities have "labeled" him as a probationer but say they have neither the programs nor the personnel to retain him in the community.
3. The youth, who repeatedly runs away from home despite repeated weekend and longer commitments to juvenile hall, is committed to the California Youth Authority; the Youth Authority says it has neither the programs nor the personnel to retain him in the community.

The succeeding stops along this route are often jail and then prison. There may be detours along the way but this is a route straight out of society. And it may be that no where along this route did anyone attempt to find and treat the causes of the deviant behavior; they treated the symptoms first by locking him out and then locking him up.

Possibly this youth was started along the rejection route at birth because he was black or brown. Possibly the first labeling came in school. But whenever it occurred, it facilitated the process of sequential removal from the community. Even though he may return physically to the community from which he came, his membership in that community will never be the same.

Probationers and parolees, youth and adult, have a higher recidivism rate in on San Joaquin County than do comparable parolees and probationers elsewhere in California.

A community that is "tough" on its first offenders and its juveniles produces people with more severe criminal records. If the individual appears in court again, this more severe record becomes a factor in deciding disposition of the current offense. This appears to be a significant factor in the escalation of the criminal records of San Joaquin County offenders.

Because the "absorption process" functions more consistently with the middle class, it is often the poor who become labeled and,

subsequently enter into these rejection routes. And, because the official agencies of the criminal justice system administer the rejection route, it is often the poor who become the clients of the official agencies of the system. Once labeled or identified as a client of the system, the offender is in a sense "tracked" and it is then more difficult to get back into the mainstream of the dominant social circles of the community--if he was ever there in the first place. The fact is that the communities of San Joaquin County are economically and ethnically segregated communities. The agrarian background of the area places certain ethnic and economic groups at the very bottom of the social ladder--people who are easily identifiable by reason of their language, skin color, foreign birth, occupation, or habits.

This makes it appear as if the criminal justice system is undemocratic--one system for middle-class people who avoid formal official agency involvement or receive suspended sentences, releases on bail, fines and restitution orders, and a second system for the poor who, lacking funds to post bail, employ counsel, or to pay fines, are sentenced to jail. While the services of the public defender are technically available to those who request this service, social alienation of this population coupled with subtly enticing court arraignment procedures produces an exceptional rate of guilty pleas with the right to defense counsel being waived.

These factors partially explain why the San Joaquin County Jail has more than twice the number of inmates than the county population and level of crime would produce in most other counties in California.

Creating a greater ability for the community and its agencies to absorb inappropriate behavior by its citizens will depend upon

the development of more informal and formal community based alternatives to incarceration. A number of these have been recommended in the Model Community Correctional Program:

- Medical treatment for the alcoholic
- Misdemeanant probation
- New strategies for dealing with the absent father in Aid to Families With Dependent Children cases
- Shifting dependent and neglected children from children's home (a children's jail) to foster and group homes
- Utilizing the highly favorable cost trade-offs involved in avoiding incarceration of welfare recipients
- Police use of citation in lieu of arrest
- Pre-trial and pre-sentence release-on-own recognizance
- Community-wide job development with increased employment opportunities for minorities in both private and public agencies
- Utilization of community agencies in performing correctional program services for the formal correctional agencies

But, in developing programs of public reorientation, merely prescribing and presenting a blueprint for action is not enough. The necessary changes in the criminal justice system are as much a change in attitude as they are a change in processes or new program proposals. Further, these changes will only take place as the local public and private agency power structure recognizes a major shift in the public's attitude and demands. This means that change must be triggered by informed and active citizen advocacy for change. Judging from the very difficult experiences of the Model Community Correctional Project Policy and Review Council, this process can be filled with difficult conflict for a community's citizens and its officials. The value of change must outweigh the discomfort of such conflict and, therefore, the value has to be substantial to a

large number of citizens as well as compatible with the needs of those in power before it results in a shift in actual practice.

The Public's Role--Expectations of Law Enforcement

The public, the great mass of the law abiding, tax paying public must share if not assume the burden for the failures of the criminal justice system. The public through its lawmakers in effect tells police to enforce the law and then cries out in anger and despair when enforcement does not control crime. This places unrealistic demands upon the police, and later upon the courts and corrections agencies.

The President's Commission on Law Enforcement and Administration of Justice said it eloquently--and considered it so important that it is on the first page of the Police Task Force Report. The Commission declared:

"Because the police have the responsibility for dealing with crime hour by hour, where, when, and as it occurs, there is a tendency on the part of the public, and often of the police themselves, to think of crime control almost exclusively in terms of police work. . . . The fact is, of course, that even under the most favorable circumstances the ability of the police to act against crime is limited. The police did not create and cannot resolve the social conditions that stimulate crime. They did not start and cannot stop in the convulsive social changes that are taking place in America. They do not enact the laws that they are required to enforce, nor do they dispose of the criminals they arrest. The police are only one part of the criminal justice system; the criminal justice system is only one part of the government; and the government is only one part of society. Insofar as crime is a social phenomenon, crime prevention is the responsibility of every part of society."⁷

"Crime prevention is the responsibility of every part of society." The words, the concept, cannot be too strongly emphasized.

The Stockton Board of Education, for example, may not feel that it has a role in crime prevention. But if the education provided by the Stockton Unified School District is not relevant to the needs of its students, if it does not solve the social problems inherent in de facto school segregation, if it does not do these and scores of other things, then it has, albeit indirectly, contributed to the social conditions, the social convulsion that causes deviant and delinquent behavior.

The same can be said of the Housing Authority of San Joaquin County, the Stockton City Council, the County Board of Supervisors, and every other governmental and quasi-governmental agency.

And, it can be said of the individuals who make up the law-abiding tax-paying public that assigns to police a role that police cannot possibly fill.

The employer who discriminates in his hiring practices, the merchant who takes everything out of the ghettos and puts nothing in, the real estate man who battles open housing, the churchman who ignores the problems of the society around him, all these and more have a crime prevention role. For some, it is a matter of taking positive, rather than negative, action; for others, it is merely a matter of getting involved with the world around them.

Again, the President's Commission, which made one of the most detailed studies of police ever undertaken, puts it eloquently:

". . . In communities and neighborhoods where the other instrumentalities of society whose success bears directly on controlling crime have failed--families, schools, jobs, markets, and welfare agencies--the police must handle an enormously increased volume of offenses, both serious and petty.

"It is when it attempts to solve problems that arise from the community's social and economic failures that policing is least effective and most frustrating. For, while charged with deterrence, the police can do little to prevent crime in the broader sense of removing its causes. On the whole, they (police) must accept society as it is--a society in which parents fail to raise their children as law-abiding citizens, in which schools fail to educate them to assume adult roles and in which the economy is not geared to provide them with jobs.

". . . The adjustment of conceptions of what can be expected of the police is particularly difficult for people who are themselves law-abiding and who live in a law-abiding community. For them, the phenomenon of crime seems far simpler than in fact it is. The voluntary controls of society work well for them and, since they have no desire to violate the criminal law, their supposition is that crime must be a choice between right and wrong for all men, and that more effective policing alone can determine this choice. Thus, public concern about crime is typically translated into demands for more law enforcement, and often into making the police scapegoats for a crime problem they did not create and do not have the resources to solve."⁸

Alternatives for Crime Prevention and Control

It is not enough to merely point out that the community has unrealistic expectations of what enforcement alone will accomplish, nor to just caution that the present over-investment in enforcement and increasingly severe penalties may be aggravated by proposing even more enforcement as the traditional solution. The blind faith in increased enforcement must be reassessed and new, more effective approaches must be found to complement and supplement the necessary levels of enforcement.

First, it must be recognized that 90 percent of the activity of local law enforcement agencies is non-criminal; most of the activity is providing services--answering the how, what, when, where, and why of urban living.

Law Enforcement Function as an Emergency Service Delivery System

Because they are highly visible to the public and easily identified by uniform or squad car, police agencies are forced to pick up the work left undone by other existing governmental agencies that only serve clients from 8 a.m. to 5 p.m. As the visible symbol of government, police agencies respond to this need. This response takes up a significant part of the law enforcement expenditure of time and resources.

The Model Community Correctional Project studies have identified a number of symptoms that indicate problems with the service delivery system in the community.

1. Inter-agency squabbles results in police workload.

Where inter-agency cooperation has broken down, police may have to temporarily provide emergency services while attempting to reconcile the differences of the two or more agencies involved.

2. Efforts to get the responsible agency to respond with the needed services are sometimes unsuccessful.

3. Law enforcement follow-through may not be consistent.

Law enforcement may not consistently take the steps necessary to follow through and see that the service is provided or the problem involved in the breakdown of the service delivery system is corrected. This is especially important when gaps in services are identified. Law enforcement must bring the situation to the attention of agencies which can possibly deliver the service.

4. Inadequate or make-shift services.

Law enforcement occupancy of the helping role is often makeshift, inadequate, or inappropriate. Law enforcement cannot be expected to be expert in all fields. Under the pressure of being all things to all people, law enforcement can do little more than provide the initial attention which should be followed by an agency more equipped to diagnose and treat social and medical illness as needed.

5. Unnecessary arrest, detention and commitment.

In Metropolitan Stockton, as well as in outlying cities of the county, it is not uncommon for a family or individual crisis to occur where services can be provided only if arrest or commitment takes place. In San Joaquin County certain counseling, medical treatment, and welfare services are not available unless the citizen is a client of an agency of the criminal justice system.

"Is it possible that the proliferation of service agencies may serve to militate against the past personalized approach by police personnel, thus making them appear only as unfeeling cops in the establishment machinery of control and suppression?" Comment offered by a businessman on the Project Policy and Review Council.

6. Law enforcement's helping role can prevent development of needed services.

The good will law enforcement receives from providing services may slow the transfer of this responsibility to the appropriate agency, even when that agency has the resources to provide the service and is willing to do so. This may result in a substitution of repeated first aid when what is needed is continuous goal-oriented treatment by specialized staff.

7. Services are said to exist but people needing the services are not receiving them.

This condition is often the result of "over-sell" on the part of an agency representative. A number of programs exist only on paper or in annual reports. More importantly, however, is the finding that the manner in which many public services are organized make it difficult for the poor to make use of them.

Over-centralization in one large building which serves the entire county, poor location of facilities, and inappropriate office hours exist. As a result, even when services exist, they are sometimes not used and an emergency situation results. The conclusion is obvious:

The service delivery system must be reorganized to accept the life styles of the poor and the minorities and to correct the imbalances that exist.

Consider that:

The poor and the minorities, often but not always the same people, definitely get second rate services for the reasons outlined earlier;

The symptoms of their problems are usually more advanced than those of the more advantaged before they seek help;

They have few means and little chance to make their complaints known.

As Anselm L. Strauss notes in "Medical Ghettos" in Trans-Action magazine:

"The reason the medical systems have not reached the poor is because they were never designed to do so. The way the poor think and respond, the way they live and operate, has hardly ever (if ever) been considered in the scheduling, paperwork, organization, and mores of clinics, hospitals, and doctors' offices. The life styles of the poor are different; they must be specifically taken into account. Professionals have not been trained and are not now being trained in the special skills and procedures necessary to do this."⁹

Substitute "criminal justice system" for "medical systems" and "police station, jail, and courts" for "clinics, hospitals, and doctors' offices" and Strauss could be describing the principal focus of this report.

Some of the common problems that blunt the effectiveness of the present service delivery system in San Joaquin County include:

1. Wide range of law enforcement commitments effecting direct crime prevention and apprehension activities may lead to a lack or inadequacy of services.

An example of this situation is the enormous amount of police time and energy that could be used more profitably now directed at the arrest, rearrest, detention, prosecution, and incarceration of public drunks. This activity would not be necessary if the community had a detoxification center, treating the drunk as a medical, not a criminal, problem.

Similarly, fewer juveniles would need overnight detention in the juvenile facilities if absorption or other alternatives were available.

Provided with these resources, police could offer better services to the total community.

2. Frustration over inability to obtain services.

Long waiting lines, large caseloads, bureaucratic indifference, public disinterest, and arbitrary eligibility requirements for public services are constant annoyances to persons in low income, high delinquency areas who may be already carrying enormous personal and family responsibilities as well as the stigma of being from such an area.

"I don't think this is much different for middle class who wait for doctors, in line at the bank, barber shop, etc.

The services you speak of are to combat emergencies, not to cultivate a sense that the ultimate in good living is through such services."

. . . Comment offered by a lay citizen representative on the Policy and Review Council.

3. Ignorance of available services or how to use them.

A job, a hot meal, a place to stay, medical help, transportation, financial emergencies, companionship-- these are some of the needs that commonly have been at the root of a criminal offense. Being unaware that employment, medical, and other services are available in the community or how to get them can create the criminal problem with which police will have to deal. It is a matter of matching the individual's needs with the services that exist and showing the individual how and where to get them.

The Police Role--Expectations of Law Enforcement

The rejection of police in high delinquency areas stems as much with dissatisfaction with the quantity and quality of all public services as with the detention-apprehension-arrest functions of the law enforcement agencies. Obviously, some of this rejection, both in low income, high minority areas and high income, low minority

areas, stems from the basic enforcement of the laws--no one wants to be arrested or have a friend or relative arrested.

This latter phenomenon cannot be changed unless society is willing to forego arrests and other enforcement activities, and no one would suggest that. However, as discussed elsewhere in the Model Community Correctional Project reports, increased use of citations, station house releases, and other programs directed toward incarcerating only those who would be a hazard to themselves or others might minimize some of this rejection.

"Much of the less than desirable image our police now have is caused by a direct effort by some elements of our society to create disrespect for police, law and order, and the establishment in general. Perhaps a useful step toward creating a better public attitude regarding law and order would be to appropriate funds for the purpose of exploiting the favorable aspects of law enforcement activities, and law and order, generally."--Comment offered by a citizen representative on the Policy and Review Council.

In no other field of endeavor can it be said--as it can of law enforcement--that police are respected most where they do the least and respected least where they do the most.

This lack of respect is not limited to the big city ghettos or the college campuses where confrontation is increasingly a way of life. Almost one-third of the 1,529 Metropolitan Stockton residents queried in the City of Stockton-County of San Joaquin-California Division of Highways transportation study in 1967 rated the protection provided by the Stockton Police Department and the County Sheriff's Department as fair, poor, or very poor. Most of the adverse ratings came from areas of high police activity.

It is obviously encouraging for law enforcement agencies to know that two of every three persons they serve rate police protection as good or very good. But police and the community must also be concerned with the one of every three who disagrees.

The table below reflects the distribution of the community's ratings of its police protection:

RESPONSE	SOUTH	EAST	NORTH EAST	NORTH WEST	CEN-TRAL	NORTH * CENTRAL	WEST	FRENCH CAMP*	TOTAL*
Good or Very Good	46%	51%	63%	69%	74%	83%	74%	54%	69%
Fair, Poor, or Very Poor	54%	39%	37%	31%	26%	18%	26%	47%	32%

*Do not add to 100% because figures rounded. Sample of 1,529 persons.

What should be of deep concern to local policing agencies is the fact that in the southern section of the metropolitan area where there is a large concentration of racial, ethnic, and economic minorities and a high rate of police activity, more than half (54%) rate police protection no better than fair. This is in sharp contrast to the high ratings (83% good or very good) given by residents in the north central city, and area characterized by a largely Caucasian population of above average personal income.

In other words, the survey and countless empirical evaluations disclose that satisfaction with police service is lowest in the very areas where most of the law enforcement manpower is being thrown into enforcement activity, where the level of patrol and arrest activity is several times that of some areas of the metropolitan urban area.

It must be noted that other public services also received unfavorable ratings in the southern metropolitan area; thus the poor police ratings may be related more to perceptions of total services than to actual police performance. There is no intent on the part of the Model Community Correctional Project to blame the police agencies for this condition, only to report how public services are perceived, some of the reasons for these perceptions, and some corrective measures since it is essential to achieve police and minority community rapport.

The complaint is not, as some would have us believe, too much police activity but too little police protection.

This creates the dilemma for police: what is appropriate in middle class areas of the community may not be appropriate from either an enforcement or public image viewpoint in the lower class, higher delinquency areas of the community.

In the more affluent, largely Caucasian areas of a community where there is little reported crime and little arrest activity, police enjoy a good reputation. Increased enforcement in these areas is viewed positively and results in an even better image of the police. Over the years, this has led to a strengthening of the belief that providing highly visible evidence of increased enforcement acts as a deterrent to would-be offenders, and there is some evidence that it has.

But increased activity in low income, high delinquency, largely minority areas of a community is not necessarily accompanied by an increase in feelings of police protection by residents in the area. In fact, as the Metropolitan Stockton survey suggests, an increase in highly visible police activity may only increase the citizen's feeling of peril.

It must be emphasized that there is insufficient evidence to postulate that highly visible enforcement activity in these high delinquency areas actually is a deterrent, particularly if it results in a lessening of the image of the police agency. In fact, there is evidence that such activity increases the tension in some areas and incidents involving police officers have often sparked civil disorder and unrest.

In view of the overriding reliance on citizen reporting of crime and citizen cooperation in identifying offenders, the local law enforcement image is a crucial ingredient in crime deterrence and prevention.

This in no way is meant to suggest that such a high delinquency area should be turned into a no man's land without police protection and law enforcement. It is meant to suggest that the traditional response of more uniformed men, more patrol cars, more visible police activity may be inappropriate or inadequate.

Stockton Police Chief Jack A. O'Keefe, for example, recognized this during racial disturbances in the Sierra Vista public housing project during the summer of 1968 when he directed his officers to respond only to verified complaints and make only perimeter patrol of the area. Chief O'Keefe recognized that the mere presence of a red and white patrol car with uniformed officers responding to a prank--or crank--call or patrolling the streets could escalate tensions to incendiary proportions. There is every indication that this policy worked--tensions eased.

There were, of course, critics of the policy, both within and without the Police Department. Many believed a show of force was necessary with more force available if trouble--even if it was caused by the police presence--occurred.

This perhaps points up that public expectations of what police can accomplish through the enforcement function are often totally unrealistic. The public all too often is willing to overlook the responsibilities of the other institutions and assign the entire burden for correcting urban ills to police.

The criminal justice system is heavily dependent upon citizen reporting of crime and citizen cooperation in the prosecution process. Without this "trust"--a trust closely tied to the law enforcement image--the law enforcement agency cannot enforce the law, protect the public, nor prevent crime.

Law enforcement agencies can do a great deal to improve this image by enlarging their role to include correction of the community's system of delivering services to its citizens as well as correction of the offender. This does not mean that law enforcement should provide the services themselves. Law enforcement must help correct the system so the responsible agency begins to provide the service. To do this, law enforcement must occasionally become an advocate for the poor and an advocate for programs which will improve the community's ability to provide better ways of delivering needed services to its citizens. The growing interest in a model cities project for Stockton is an example of such a program.

In San Joaquin County, law enforcement agencies can do more to improve the service delivery system to the high delinquency areas: identifying those who are having trouble obtaining public services, identifying breakdowns in the system and initiating action to correct these breakdowns, identifying services that need to be developed and helping get people to the services they need. This is an essential element of any police crime control and prevention program.

In particular, identifying these problems and working toward solutions in high delinquency areas are appropriate functions of the community relations staff of the local police agencies. Such efforts improve the police agency image in these high delinquency areas and, therefore, should help reduce crime as the community perceives that the police role is truly one of helping and protecting.

This police role, ages old in practice but new in definition, must be consciously established and maintained less it revert into intelligence unit activities or other manifestations of the enforcement mold.

It is equally imperative that the community relations staff reflect racially the minority community with which it primarily deals. This need has been recognized in San Joaquin County by both Stockton Police Chief O'Keefe and Sheriff Michael N. Canlis, who have purposely included Negroes and Mexican-American on their community relations teams.

SOME RECOMMENDATIONS

To meet the many and varied responsibilities, police agencies should consider among other things:

- "Corrections" involves correcting the system of delivering services as well as correcting offenders.
- Structural and organizational changes to eliminate the artificial barriers created by city, county, and other political subdivision boundaries.
- Emphasizing the police role as communicators and brokers, serving as what one observer terms "all purpose ombudsmen" to match people and their needs to available services and to insure that those services are provided by the appropriate agency.
- Recruiting personnel from the minority communities so that the police agency better reflects the community with which it deals.

- Using former offenders and others from the minority communities as community liaison aides to help bridge the communications gap.
- Better training and retraining of personnel to make them aware of the problems of the minority subcommunities and of their own biases.

"Don't blow your cool and be the one who starts an incident. One man who allows his bigotry to enter into a police decision can do more damage than a hundred men can do good."--Former Los Angeles Police Chief Thomas Reddin in a department newsletter.

- Establishing area councils with membership drawn from both those sympathetic and antipathetic to police to solve mutual problems.
- Increasing formal crime prevention programs and decreasing response time to complaint calls to provide better protection.
- Participating with welfare, educational, and other agencies in multi-service centers on the neighborhood level.
- Increasing use of citations in lieu of arrests, warnings in lieu of citations.

Underlying all of these recommendations and the scores of others that could be made is the necessity for the officer in the field to realize that community relations in all its myriad forms makes his job easier, increasing the community's trust and confidence in him, and reducing the crime and delinquency that is fostered by distrust and alienation.

That police feel uncomfortable in many of the suggested roles is understandable. They generally perceive of their roles in quasi-military terms--fighting crime, warring on vice, etc.--and consider community relations, in military terms, as pacification.

They are expressing the dichotomy that exists in law enforcement today. As James Q. Wilson observes:

"In effect, municipal police departments are two organizations in one serving two related but not two identical functions. The strategy appropriate for strengthening their ability to serve one role tends to weaken their ability to serve the other. Crime deterrence and law enforcement require, or are facilitated by, specialization, strong hierarchical authority, improved mobility, and communications, clarity in legal codes and arrest procedures, close surveillance of the community, high standards of integrity, ... maintenance of order, on the other hand, is aided by departmental procedures that include decentralization, neighborhood involvement, foot patrol, wide discretion, the provision of services, an absence of arrest quotas, ..."10

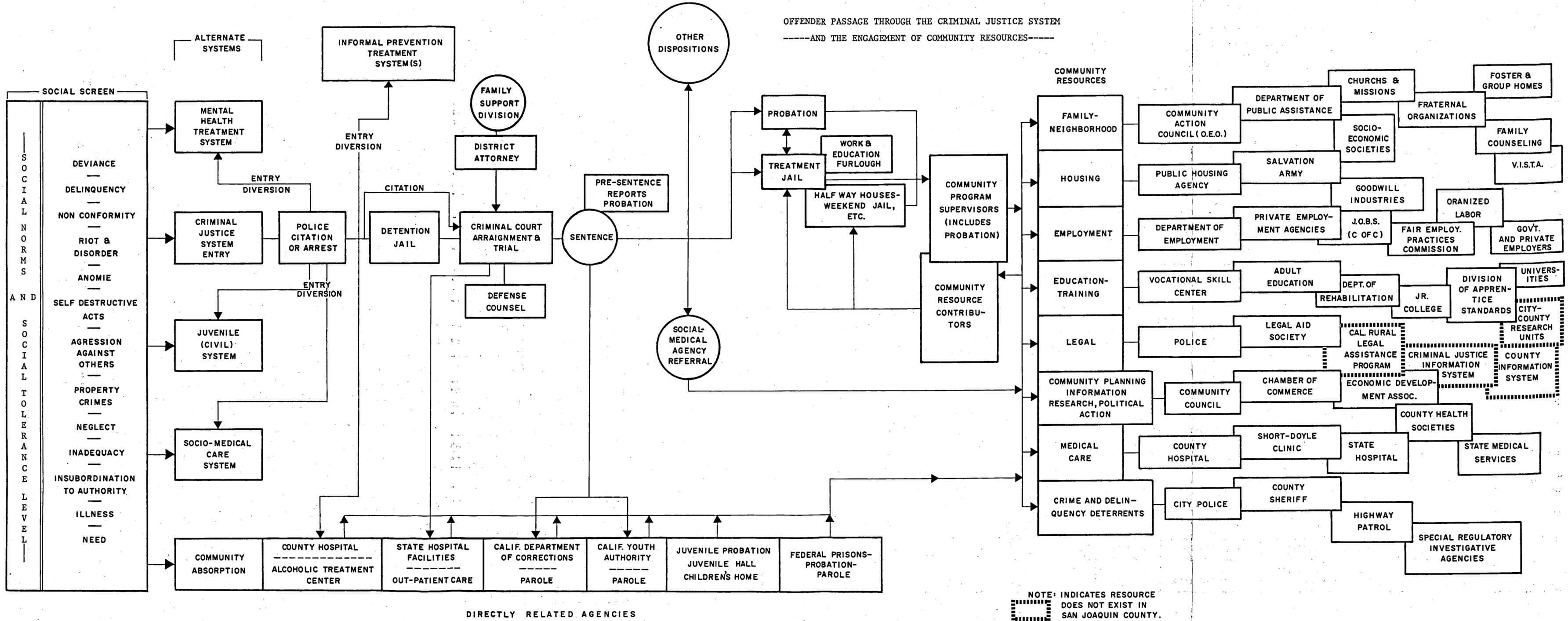
There is obviously a need for a balance between these two competing objectives. And finding that balance is the challenge of not only the police agencies but the community as a whole.

As the President's Commission on Law Enforcement and the Administration of Justice observed:

"Crime is a social problem that is interwoven with almost every aspect of American life; controlling it involves changing the way schools are run and classes are taught, the way cities are planned and houses built, the way businesses are managed and workers are hired. Crime is a kind of human behavior; controlling it means changing the minds and hearts of men. Controlling crime is the business of every American institution. Controlling crime is the business of every American."11

Until the whole community, its citizens and its institutions, realize this, crime will not be controlled. In all too many situations, the root problems that produce crime and delinquency have been ignored and the responsibility for suppressing the symptoms has been assigned to law enforcement agencies.

OFFENDER PASSAGE THROUGH THE CRIMINAL JUSTICE SYSTEM
 -----AND THE ENGAGEMENT OF COMMUNITY RESOURCES-----



NOTE: [Dotted Line] INDICATES RESOURCE DOES NOT EXIST IN SAN JOAQUIN COUNTY.

The chart on the previous page was drawn to illustrate a number of correctional program features. First we call attention to the existence of three formal alternate systems to the criminal justice system: (1) Mental Health, (2) Juvenile, and (3) Socio-Medical Care. These are either direct inputs or result from police/court referral after apprehension or arrest. A fourth alternative system is indicated as "community absorption"--the informal arrangements which allow the family, the neighborhood, the schools and churches, etc. to deal with various forms of deviance or delinquency without assistance of the other more formal criminal justice agencies.

The input to these various systems is so that cases processed by one system are not handled by another. Since the formal criminal justice system should be the alternative used as the last resort and it is the most expensive of the alternative systems, every effort should be made to improve or optimize use of these other systems.

Examples: (1) Divert alcoholic to socio-medical care system, (2) divert more of the 18 to 21 year old non-drunk misdemeanants--21% or over 1100 of all non-drunk misdemeanants broked in 1967--to the juvenile justice system.

Secondary diversions are indicated (1) after arrest by the line shown as "citation" which by passes the detention jail or (2) court referral to State Mental Hospital (or back to Juvenile Court). Increased police use of citations in lieu of arrest or after booking will drastically reduce detention jail population, expense of movement to court and even out court workload.

On sentencing, the court has a vast range of alternatives some of which include referral to State correctional systems. (Department

of Corrections and Youth Authority). The State agencies, plus the local juvenile justice system, and the U. S. Prison System must-- as does the local probation-jail system for adults--end up utilizing to some degree the varied community resources displayed at the right hand side of the chart. As a principle, the more local, non-criminal justice community resources are utilized in corrections and community reintegration programs, the better the outcome. Note, however, that only local correctional services--jail and probation--can fully utilize these services while the offender is in some degree of incarceration.

THE RESPONSIBILITY OF THE CITIZEN

The responsibility of the individual citizen is both singular and collective. It is singular in the sense of triggering the criminal justice processes and collective in the sense of establishing and changing the criminal justice processes and services. The exercise of these responsibilities is the result of the individual citizen's perception of what part he plays in the local criminal justice system.

"I Like Stockton" buttons and "Support Your Local Police" bumper strips may be manifestations of these perceptions, but they fall far short of what is needed.

"To reduce crime in their communities citizens must be prepared to back up their police forces with more than slogans," emphasizes the President's Commission on Law Enforcement and Administration of Justice.

What, then, can the citizen do?

First, he must recognize that if he as an individual does not exercise prudent personal measures to prevent crime, if he is unwilling to lend his own expertise to aiding the criminal justice system, if he does not report crime--and one need only recall the 38 persons who heard and ignored the screams of Kitty Genovese as she was hacked to death on a New York sidewalk in 1964--then the system cannot succeed and crime cannot be controlled or prevented.

The public does not expect fire departments to single handedly discover and extinguish the fires they cannot prevent; the public willingly serves as the fire departments' eyes and ears, reporting conditions that could lead to fires and sounding the alarm when fires occur. But crime, it seems, is another matter; too few want to get involved.

Second, the citizen must recognize that he has a collective burden shared with every other citizen because the criminal justice system is an instrument of government and government is the creature of the citizenry. If the citizen works collectively, he can make the reforms, the changes, the innovations in government that are needed. If he then elects competent officials, provides these officials with the funds and resources they need, and rationally supports their activities, he can expect and demand a responsive, responsible criminal justice system.

Formal and Informal Roles

The citizen can and should have formal, structured roles within the criminal justice system and informal, unstructured roles outside it. The formal roles are those assumed in serving on advisory or planning bodies and on citizen crime commissions. The informal roles involve personal service and efforts and those of private organizations outside the system. Each is important in its own way, providing the criminal justice system with the understanding, support, and innovative ideas it needs.

There are many ways the criminal justice system can get this support, understanding, and innovation, but one of the prime means is organizing the participation of citizens on advisory or planning bodies that aid legislative bodies, not shield or insulate them from problems. Such lay planning or advisory bodies are particularly necessary in the criminal justice system because the clients of this system--the offenders--have absolutely no special interest lobby on their behalf, no watchdog group insuring that their needs and the needs of the total community are being met.

Crime Prevention Bodies

San Joaquin County has generally been inhospitable to citizen advisory bodies although it has had a number that existed more on paper than in fact. And their efforts have had little co-ordination, and less impact on the criminal justice system.

Some of these advisory bodies such as the now defunct Citizens Welfare Advisory Committee or the Metropolitan Sewer Study Committee may seem far removed from crime prevention, the focus of this report. But this is because the committees and the legislative bodies that created them fail to perceive the larger problem, the larger role.

As the President's Commission on Law Enforcement and Administration of Justice observes:

Crime prevention can be built into almost every aspect of community planning. Unfortunately it is too often ignored because of the compartmentalization of municipal and county agencies. Crime is looked upon as the exclusive province of the police department and not the concern of those in charge of education, housing, urban renewal, health, welfare, or streets and highways. Both the police themselves and the other municipal agencies are guilty of this type of myopia.¹²

This compartmentalization is particularly evident in San Joaquin County where the six cities, whose functional role in the criminal justice system is largely limited to providing their own police departments, have allowed the county to assume almost total responsibility for crime and delinquency prevention planning.

But the county is no less compartmentalized or fragmented in its approach: there is a Juvenile Justice Commission but no advisory body for adult correctional services; there is a Delinquency Preven-

tion Commission but it has no relationship to the Juvenile Justice Commission.

Sections 4300 through 4305 of the California Penal Code provide for the creation of an Advisory Committee for Adult Detention, but none exists in San Joaquin County although the 1968 edition of the California Sheriffs Association "Jail Manual" sees such a committee as "both a public service and as a means of securing public acceptance and direction." Moreover, the manual says, "law enforcement must always be responsive to suggestions of lay persons in areas concerning detention programs."

Such a committee obviously has merit. It would, however, be far more preferable to create a committee with an overview of adult detention and probation, complementing the Juvenile Justice Commission and the Delinquency Prevention Commission which have similar overviews of juvenile detention and probation.

But far more preferable yet would be creation of a single advisory body encompassing the entire criminal justice-community correctional system. This body should also serve as the local planning agency required to secure federal matching grants under the Safe Streets and Crime Control Act of 1968 and be provided with a competent, paid staff.

This act is directed in part toward what a local crime and delinquency prevention and corrections advisory committee should be doing: "prepare and adopt comprehensive plans based upon their evaluation of state and local problems of law enforcement."

The planning work for funds under the federal law is, unfortunately, being attempted on a multi-county basis at the direction of the California Council on Criminal Justice. A number of local

officials have objected to this, but little corrective action can be taken immediately because of the deadline for the first round of applications for planning grants.

This does not, however, obviate the need for a county planning and advisory body. In fact, it reinforces the belief that such planning must be done on a local basis with regional and state coordination of local plans.

The comprehensive statewide crime control plan prescribes procedures and policies for local grants under the Safe Streets and Crime Control Act; these grants should provide the funds to strengthen and improve local law enforcement, which includes police, courts, and correctional agencies.

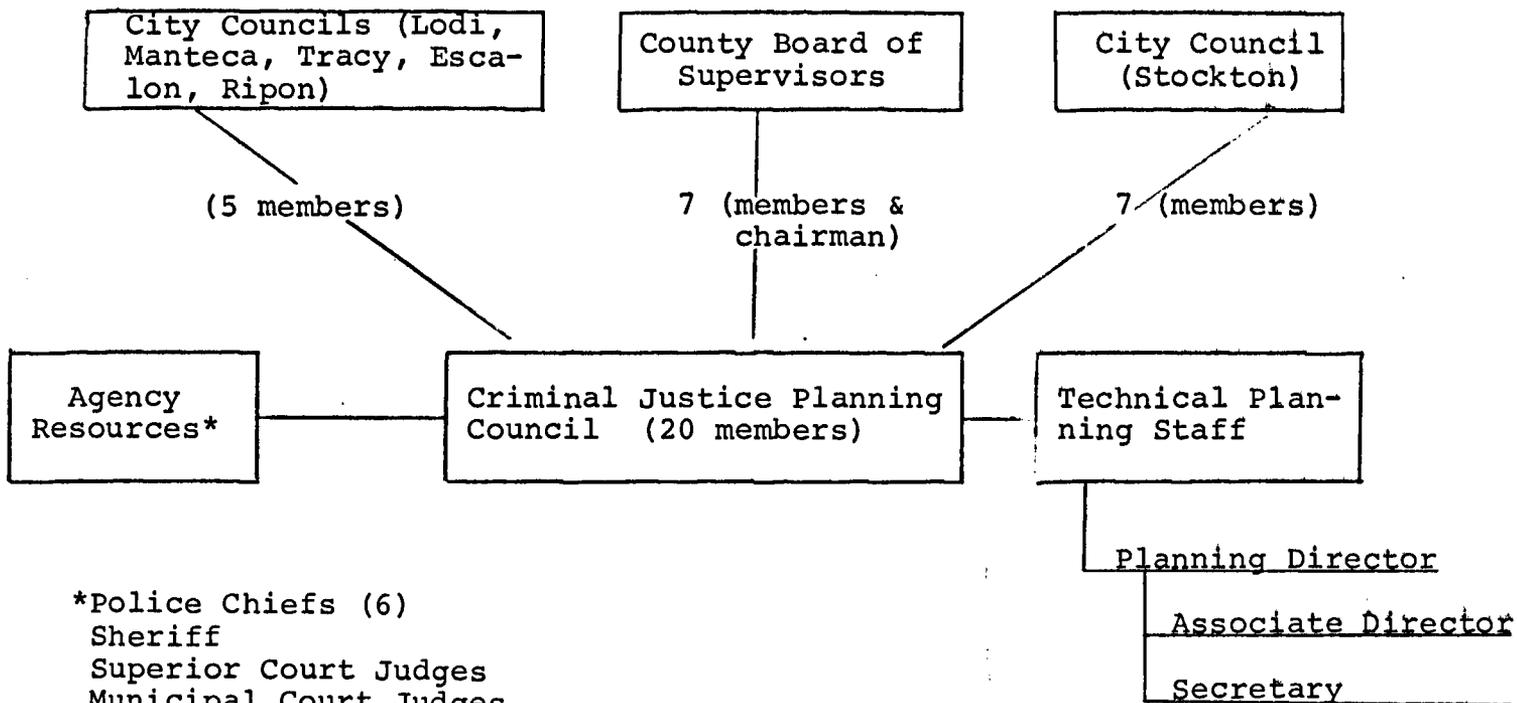
The law basically provides that the federal government will pay 60% of the cost of innovative programs in law enforcement. Local agencies would provide the remaining 40%, although nothing in the law precludes the state from contributing any part or all of the required 40%. State funds allocated for a probation subsidy program could, if used for an innovative program, constitute the local share for a matching federal grant.

The ideal model for the organizational structure of a local planning body under the act is shown on the following page. This structure places the citizen in the prime policy making role as he is on a city council or a board of supervisors and avoids the dominance by system professionals that often results in maintenance of the status quo.

A lay citizen planning body is needed because no existing legislative body has the time to cope with the welter of inputs involved in a system that cuts across so many agencies, jurisdictions, and separate branches of government.

"The term for serving as a representative could be set at whatever length of time appeared suitable; however, terms should be arranged so that continuity of a majority of the membership is retained from one month to the next. The organizational structure looks good but twenty members on the Criminal Justice Planning Council appears to create an unwieldy group. Would it be practical to trim the group to a representative from each City Council including Stockton's and a single representative from the Board of Supervisors?"--Comment offered by a representative of the business community who served on the Policy and Review Council.

PROPOSED ORGANIZATIONAL MODEL
FOR A COUNTY CRIMINAL JUSTICE PLANNING AGENCY



- *Police Chiefs (6)
 Sheriff
 Superior Court Judges
 Municipal Court Judges
 Justice Court Judges
 Probation Officer
 District Attorney
 Public Defender
 District Parole Supervisors (3)
 Employment Manager
 Vocational Rehabilitation Manager
 Welfare Director
 School Superintendents
 C.A.C. Director
 Public Health Director
 Hospital Administrator
 Data Processing Manager
 County Administrator
 City Manager
 Etc.

There is no question, however, that such a lay body needs the advice and counsel of the system experts and these experts must be given full opportunity to state problems and propose solutions. At the same time, the citizen must be provided with a technical staff such as that provided every policy making body to aid in evaluation and synthesis of proposals. This synthesis and evaluation must cut across many agencies and disciplines because the problems do and, funds should go where the need is greatest and to the program that is most responsive to that need.

A lay citizen advisory body should be one whose members have had broad experience and demonstrated skills in the organization, assessment, planning, and management of complex programs. Specifically, such a body should draw its membership from business and industrial executives, local legislators, members of existing advisory bodies such as the Redevelopment Agency, civic leaders such as the chairman of the League of Women Voters, labor leaders, professional society leaders, racial minority leadership, and youth leadership such as a college student body president.

The Businessman

Business and industrial leaders have three roles in community corrections and the criminal justice system: first, providing appropriate correctional and other "housekeeping" services on a contract basis;* second, offering their expertise to the lay planning body; and third, developing in themselves a sense of community.

*Chapter 2 pages 21-25 for detail.

This third role may seem far removed from crime and corrections, but as Daniel P. Moynihan, head of President Nixon's new Council for Urban Affairs, observes, "The millionaire who owns a plant and pours soot into the air does so because he doesn't know who you are and doesn't feel he has to act as if it matters to him. He doesn't have a sense of community. He's no different from the half-crazy kid snatching purses in the ghetto."¹³

Unless this sense of community, this sense of being part of a greater whole is developed within the business community, the billions spent on crime prevention, education, welfare, and other programs will go for naught.

One of the ideal ways to develop this sense of community is to get the businessman involved, but that involvement must be meaningful and not mere window dressing.

It has become the fad for government today to seek the involvement of the so-called private sector of the economy without really knowing what kind of involvement is needed or what to do once it is available; representatives of business and industry are equally at a loss to know what is expected of them.

But this should not be, because both public and private sectors should be operating from the same basic management philosophies of predicting and measuring the outcomes of administrative decisions and taking appropriate corrective actions. Unfortunately, what should be is not what exists: the private sector generally practices scientific management; the public sector to a large degree does not.

Simply put, businessmen are far more scientific than most professionals in government and the criminal justice system in particular: businessman assess results and then selectively modify the processes producing those results to produce the optimum results. It is a rational, objective, pragmatic, and systematic approach. To do otherwise means bankruptcy.

Lack of a feedback system by which to assess the results of decisions--decisions, it must be noted, that vitally effect the lives of its clients and the stability of the community--plagues the criminal justice system and hampers community corrections. But such a system is an absolute necessity if the system and its agencies are to use results as the basis for modifying processes and programs to produce better and better results.

And this is where the private sector, the businessman and the industrialist, should come in.

Business can help provide the management techniques to help the administrative units of the criminal justice system with the process of defining goals and objectives and managing toward them. The fractionated approach now taken by the various agencies within the system needs to be corrected and it is unlikely that the agencies themselves can do the job without the aid of advisors.

Men whose very livelihood depends upon the successful application of modern management techniques can provide the criminal justice system with direction in terms of budget models; for example, an understanding of the use of program planning and budgeting. The managers of the criminal justice system could well learn something from this orientation as well as other business techniques that contribute to management success.

Business leaders also can provide an immeasurable commodity that the criminal justice system desperately needs--public and political understanding and support.

The business community as a whole does not back many losers; it cannot afford to. Thus influenced by an informed Chamber of Commerce and trade and professional organizations, businessmen can produce the impetus for desired change within the system. Often the mere inertia of the system is all that needs to be overcome; providing the proper information to decision makers or requesting that studies be made of troublesome areas can help overcome this inertia.

But, it must be emphasized that the businessman and industrialist should assume these roles in the criminal justice system only from their own perspective and discipline. The special talents of the managers in the private sector should not be neutralized by placing them in the role of pupil, by forcing them to become amateur social scientists or criminologists, or by requiring them to accept on blind faith what the practitioners in the criminal justice system say and do.

Unfortunately, the criminal justice system has a history of wanting, perhaps unknowingly, its advisors to assume the role of pupil at the knee of the all knowing "professional". It is a subtle system maintenance device in which the system managers play teacher and force the advisors into the role of pupil, minimizing their ability to insist upon answers to questions, especially those relating to costs and results, that they might otherwise ask.

Advisory bodies must not be allowed to deteriorate into a political-personal influence tool or a bland rubber stamp that an agency head summons when he is threatened by budget cuts or criticism.

Free of such shackles, the businessman can protest those system accommodations that needlessly cost money. The professionals within the system cannot, unfortunately, do so without great jeopardy.

Even if the professionals favor certain system changes, they are often prohibited, psychologically if not in fact, from appearing before a Board of Supervisors or a City Council to suggest change or to criticize another official's program. Nor are the subordinates of these officials, often the most knowledgeable about an issue, able to publicly suggest change and thus embarrass their superiors. The professional is trapped in a deadend maze: unseen, unsigned, unstated contracts saying, "Don't criticize me and I won't criticize you" develop and thrive to protect the status quo.

The businessman, the industrialist, and the other lay advisors to the criminal justice system can lead the way out of this maze of accommodation. They, in fact, may well be the only ones who can. Grand Juries and other supposed citizen watchdog groups have been notably lacking in this ability or the willingness to exercise it.

Specialized Roles

Citizen crime commissions and planning bodies are--or at least should be--concerned with the broad scope of crime and corrections. There is in addition a wide range of specialized roles for the citizen and the citizen businessman.

The burglary prevention program undertaken in 1968 by the Stockton Police Department, the San Joaquin County Sheriff's Department, the Greater Stockton Chamber of Commerce, the Independent Insurance Agents Association of San Joaquin County, Cecil's Security Systems, and the Schlage Security Institute is typical of the specialized program that can be initiated.

That program--called Home Security Month--is credited with preventing more than 75 burglaries during a three-month period and saving the community some \$50,000 in direct and indirect costs. The program started with the concern of Police Chief Jack A. O'Keefe and the Model Community Correctional Project staff. It evolved into an intensive information campaign aimed at alerting residents to potential home security risks, home security checks by law enforcement agencies, and recommendations from locksmiths and hardware dealers for correcting the deficiencies uncovered in the home checks.

It was an experimental program and a successful one. The fact that it was a short, one-time program points up the need for a citizens crime commission because, to again quote the President's Commission on Law Enforcement and Administration of Justice, "Too often a crash campaign produces short term reductions in certain kinds of crime and then loses momentum. ...they need to be coordinated to insure complete coverage and continuing vigor."

There are scores of other specialized citizen roles:

- Police reserves, sheriff's auxiliaries, and junior cadet programs. One midwestern sheriff's department has a "junior posse" of more than 25,000 youngsters who distribute crime prevention literature to homeowners and apartment dwellers.
- Citizens band and other "ham" radio operators providing law enforcement with additional eyes and ears on the street. Stockton has made extensive use of the mobile radio enthusiasts, especially to minimize vandalism and mischief at Halloween.
- Neighborhood street patrols in cooperation with law enforcement agencies. This again has proven valuable in Stockton, especially in curbing violence in the Sierra Vista public housing project during the summer of 1968. It is impossible to become an anonymous member of a mob when a friend or neighbor is patrolling an area.

- Newspaper reward systems for information on criminal activity. Many persons are unwilling to report information to police for fear of "getting involved," but are willing to let a newspaper act as a middleman, especially when a reward may be involved.
- Co-operative educational programs involving law enforcement agencies and private clubs and organizations. The American Association of Federated Women's Clubs and the National Auto Theft Bureau have conducted auto theft prevention campaigns with police in several cities; the General Federation of Women's Clubs has vigorously campaigned for better street lighting as a deterrent to criminal activity.

The list of actual and potential specialized roles for the citizen working with law enforcement is almost endless. In every case, law enforcement is able to take advantage of the specialized interest and expertise of particular groups of its citizenry to aid in crime prevention.

Community Corrections

There is an equally endless list of roles that the citizen can perform in the field of corrections, which embodies all of the preceding as well as the control and correction of the offender.

The basic concept of community corrections is to provide the offender with the services he needs by utilizing the services that already exist within the community: delivering the offender to the service, or, if conditions require, delivering the service to the offender. The correctional system under this concept does not provide the services but merely matches the services to the offender's needs.

This not only requires the services of volunteers in the various public and private agencies, it also requires that the citizens insist on these agencies providing the same services to offenders as they do to the rest of the population.

Throughout the Model Community Correctional Program there is a need for citizen participation: in the release on own recognizance program, in misdemeanor probation, and in one sense or another, in every element of the total program. The failure of corrections can in large part be blamed on the failure of the citizen to be concerned, to take part, to understand; its success to a large measure will require just the reverse.

Non-System Roles

Outside the criminal justice and corrections system, there are again scores of roles and functions for the citizen. It is largely a matter of the individual realizing that his every activity has an influence on crime: his failure to properly safeguard his home and car aids the criminal; his support of public education and better housing helps prevent crime by removing some of its causes.

In its report on juvenile delinquency, the President's Commission on Law Enforcement and Administration of Justice offers more than a score of specific recommendations for curbing deviant and delinquent behavior that do not directly involve the criminal justice system; the list could be repeated as recommendations for San Joaquin County.

Those recommendations include:

- Expand efforts to improve housing and recreation.
- Develop methods to improve minimum family income.
- Revise welfare regulations to aid in keeping families together.
- Insure availability of family planning assistance.
- Expand counseling and therapy services to families.
- Provide assistance in problems of domestic management and child care.

- Develop activities that involve the whole family together.
- Involve youth in community activities.
- Employ young people as subprofessional aides.
- Establish Youth Service Bureaus to provide and coordinate programs for delinquents and nondelinquents.
- Increase involvement of religious institutions, private social agencies, and other groups in youth programs.
- Provide residential centers.
- Provide financial support for needed school personnel and facilities.
- Improve the quality of school personnel and facilities.
- Reduce racial and economic segregation.
- Compensate for inadequate preschool preparation.
- Develop better means for dealing with behavioral problems.
- Use instructional material in schools more relevant to inner city life.
- Encourage capable students to pursue higher education.
- Revise programs for students not going to college.
- Expand job placement by schools.
- Increase contacts between the school and the community.
- Prepare youth more adequately for employment.
- Provide easily accessible employment information.
- Eliminate irrational barriers to employment.
- Create new job opportunities.

Those are but a few of the areas that require citizen involvement--citizen participation in just a single area of concern outside the formal criminal justice system.

"Control of crime requires three very basic emphases: Preventing delinquency before it ever becomes a matter for the criminal justice system to deal with; providing the agencies of justice with adequate resources; and pushing forward the search for better knowledge about crime and how best to handle it. ...legislatures--and the public--must also be willing to spend a great deal more to secure safety and justice. And officials and citizens must be willing to undertake often difficult reforms. ...Private groups and individuals can join in--indeed lead--the process of change through activities ranging from doing volunteer work to employing released offenders. And the support of every citizen is crucial to all other progress in controlling crime."¹⁴

FOOTNOTES

- ¹Allen Breed, "Significance of Classification Procedures to the Field of Corrections", Consultant's Report to the President's Commission on Law Enforcement & Administration of Justice, 1967, p. 1.
- ²Milton Luger, testimony before the U. S. Senate Subcommittee on Juvenile Delinquency, March, 1969.
- ³California Council on Criminal Justice, "Patterns of Juvenile Justice in California", Report of the Task Force on Juvenile Delinquency, April 1, 1969, page 4.
- ⁴Ibid., page 4.
- ⁵Robert L. Carter, "Middle Class Delinquency, An Experiment In Community Control, " University of Calif.: School of Criminology, April 1968, page 22.
- ⁶Ibid., page 23.
- ⁷The President's Commission on Law Enforcement and Administration Task Force Report: The Police, Washington, D. C.; U. S. Government Printing Office, 1967, page 1.
- ⁸Ibid., page 2.
- ⁹Anselm L. Strauss, "Medical Ghettos," Trans-Action, May, 1967, p. 8.
- ¹⁰"What Makes A Better Policeman," James Q. Wilson, Atlantic Monthly.
- ¹¹The President's Commission on Law Enforcement and the Administration of Justice, Task Force Report: The Police, Washington, D. C.; U. S. Government Printing Office, 1967.
- ¹²The President's Commission on Law Enforcement and Administration Task Force Report: The Police, Washington, D. C.; U. S. Government Printing Office, 1967, page 225.
- ¹³Newsweek Magazine, March 17, 1969, page 41.
- ¹⁴President's Commission on Law Enforcement and Administration of Justice, Challenge of Crime in a Free Society, Washington, D. C.: U. S. Government Printing Office, 1967, page 301.

Chapter Two

LOCAL GOVERNMENT ORGANIZATION

The citizen, as suggested in the previous chapter, plays the major role in determining the environment--physical, social and economic--of the community. And, it is the government that he theoretically created that is primarily involved in execution of his perceptions of what the community is and what it should be.

This government--the agencies, commissions, councils and other bodies that are its mechanism--can be required to lead the way despite inevitable dissent, diversity of opinion and conflict. Or, this government can tag along as an inconsistent and hesitant appendage. It can serve as a scapegoat where action is frozen by petty bickering among vested interests, where low expectations of public officials exist, and public apathy presides.

Success at reducing crime and delinquency is determined largely by the performance of this local government, its organizational structure, and the manner in which it copes with all the problems of urban living--not just the problem of crime and delinquency. The improvement of the criminal justice system, therefore, is highly dependent upon the quality of performance of local government in San Joaquin County.

Making Community Corrections Effective

To make community corrections more effective San Joaquin County must proceed much as it would attack any urban problem.

The community from the neighborhood level to the city to the county must establish objectives, set goals for action, and then

insure that steps are taken to meet these goals and objectives.

Specifically, the community must be more adequate and effective in:

1. Identifying and removing the root causes of social disorder, crime, and delinquency.
2. Creating a more concerned citizenry to improve law enforcement at both the citizen and police levels. Citizen tolerance toward non-conforming behavior determines outcomes far more than police observation and detection of offenses.
3. Providing resources to both prosecution and defense so that the practice of the adversary system of criminal justice approaches the theory.
4. Offering increased information and new alternatives for judicial sentencing of offenders.
5. Developing correctional programming to provide not only a new array of services but drastic changes in organization, management, and manpower.
6. Utilizing public and private community resources for increased support of the criminal justice system and encouraging the resource agencies to become more goal oriented and less concerned with protection of bureaucratic and professional territoriality.
7. Creating competent, responsive and, above all, unified political leadership so that the entire urban area can make policy decisions and establish priorities for action.

In order to change the system and to improve its performance and results, there are a number of obstacles to overcome, myths to dispel, objections to meet. Consider:

- Among the public officials and the public they serve there are deep philosophical conflicts between those who would rehabilitate offenders and those who favor harsh punishment and retribution. The latter groups find it difficult, if not impossible, to accept the concept of probation despite the evidence that the public receives better protection at less cost than if the offenders were imprisoned. The facts rarely correct the myths.
- A substantial segment of the general public still regards increased investment or any other change in the criminal justice system as leniency or coddling of criminals despite evidence of economies and improved results.

- Public officials often draw less criticism, or even public interest, by defending the status quo, despite evidence that it is inadequate or unacceptable, than by championing change.
- The total criminal justice system (involving city, county, state executive and judicial branches) is not subject to overall management control to any meaningful degree. Broad program plans can be created but responsibility for their execution is so diffused as to be non-existent. Coordinated action is so complicated that it is discouraged.
- Virtually every local institutional correctional service is over used and under provided.
- Resistance to change is often related to basic management capacity: many legislators and administrators are too involved and too burdened with today's tasks to devote time and effort to planning for new approaches for the problems of tomorrow.
- Public administrators, in the main, are woefully unprepared for a management system and the planning, programming, and budgeting it entails. These skills have not been required of administrators in the past nor has any appreciable effort been made to develop them, largely because of the peril a modern management system creates for administrators: they are judged on results and outcomes with such systems. Good management or technical administrative reform has little political charisma.
- Most public officials want to acquire power and status, not lose or share it; their staffs want to protect their "territories". Thus, most resent changes that would alter the status quo or imply that they are less than efficient because they have not made the changes on their own initiative.
- Political leadership, in California and in San Joaquin County in particular, is as fragmented as the criminal justice system itself, further discouraging change. No member of the San Joaquin County Board of Supervisors, for example, is elected countywide, but the sheriff, the district attorney, and others are. Thus, supervisors, although they have tacit budgetary and other controls over the district attorney's office, the sheriff's department, and similar agencies are reluctant to aggressively pursue a line of planning and action that cuts across the artificial boundaries of those agencies and those other departments such as public assistance and the public defender over which they have complete executive control. This lack of management control creates a sort of administrative limbo in which administrative inefficiency can flourish.

Thus, it appears that the criminal justice system and the political and governmental system that supports it are demonstrably ill-equipped and ill-organized to deal with change or even to recognize the need for change.

State-Local Government Relationships

California state and local government has a long record of successes in meeting its obligation to the people. These successes are typically associated with the ability to recognize shortcomings in organizational structure and to correct them as conditions change. The creation of the State Youth and Adult Corrections Agency in 1961, the organization of the Association of (San Francisco) Bay Area Governments, the transfer of the San Francisco Port Authority from State to City control in 1969 are but a few examples.

The findings of the Model Community Correctional Project call attention to a number of areas where state and local cooperation in criminal justice system programs need to be re-examined.

First, four general needs of local government, including but not limited to those agencies of the local criminal justice system, should be considered:

1. The need to come to grips with the changing nature of home rule.

In the United States there has been a long tradition of a belief in home rule; it would be folly for those involved in governmental planning to contemplate an organization which does not recognize this basic factor in American life. On the other hand, problems of the twentieth century are problems which transcend many earlier established jurisdictional boundaries. This study contemplates the necessity for extensive changes in state and local government organization which can deal with the larger problems within the home rule

tradition. In particular, the project concludes that to the extent home rule has failed to produce effective solutions to local problems, more effective solutions must involve more effective application of legitimate home rule concepts and not the transfer of local government functions to higher, necessarily less responsive government.

2. The need to bring government close to the people.

There are a great number of layers to government. To city, county, state and federal jurisdictions, there have been added a wide assortment of units designed for specific purposes. At times these entities are advisable to bring government closer to the people. In many cases, however, these jurisdictions constitute just another layer through which to try to coordinate and cooperate. One of the more important requirements for bringing government and its people closer together is to reduce the number of layers and to strengthen each layer from the bottom up.

3. The need to coordinate and cooperate.

Coordination and cooperation between governmental units has become ever more important as societal problems increasingly reach across jurisdictional units. Most of the problems facing government in California can only be solved through the effort of more than one of these units. Recognizing this, the Model Community Correctional Project staff kept in mind the possibility of changing state and local government organizational forms to help stimulate more effective relationships including reallocations of functions as well as revenues.

4. The need to recognize the rights of the individual.

Because of large bureaucracies, the rights of the individual may easily be lost in specialization, "red tape", and over attention to specific client groups. Thus, the people frequently ask for safeguards to be built into the very structure of government. Though these safeguards must be provided, their provision should not so burden the structure that there is a breakdown in the ability to launch cooperative action. In this study, the project has looked for a balance of safeguards to best serve the people. That balance is primarily achieved by broadening the participation of citizens in governmental planning, policy decision making, and program assessment.

Problems symptomatic of local government's rapidly developing needs, while not unique to San Joaquin County, are obviously evident: Crime is a major problem; the central city is deteriorating; urban sprawl is covering prime agricultural land; ghettos are building

(both those inhabited by underprivileged and the "white ghettos" in North Stockton); there is a high unemployment rate among unskilled and uneducated workers; transportation is inadequate; migration is continuing; etc. The tax base for local government is not growing sufficiently to meet the needs for tax dollars.

With all of these needs and all of these problems, one must ask, "What can local government do as a part of total government to fulfill a useful role, a role that cannot be filled better by either the State or Federal government?"

Though government in San Joaquin County is not large, it can as part of the state system be more acutely aware of and responsive to the citizen's needs than can a distant, impersonal state government. The county government of San Joaquin County can fulfill a leadership role to be emulated by other counties and make unnecessary a buildup of centralized power by a stronger but beneficent state or national government. It should be the philosophy of those having the stewardship of State government to do those things the State can do best and guard against incursion into local government except in those matters that can be done best on a statewide scale. The State must delegate those things to local entities that can be done best at the local level and assist where necessary in the development of local government capacity to execute such delegated functions and authority. In other words, this delegation to local government should be generous and supportive.

In responding to these general problems of State-local government relationships, especially as they relate to the administration of criminal justice, the Model Community Correctional Program proposals are intended to accomplish:

1. A streamlining of local government organization to produce greater efficiency and effectiveness.
2. A strengthening of local government to provide more rapid response to emerging needs.
3. A government which is closer to the people it serves.
4. A new and more productive relationship among local, state, and federal jurisdictions.
5. A clearer assignment of responsibility and accountability in local government.

Project findings indicate that certain aspects of the state-local government relationship, while well intentioned, weaken local government's ability to handle its problems of crime and delinquency and responsibility for preventing crime and delinquency:

1. Wide variations in county criminal commitments to state correctional agencies exist. The state allows too many counties to shift the responsibility and the cost of caring for these prisoners to the State levels. Localities need to be encouraged to see crime and the conditions which aggravate it as a local problem which needs local action and must be met by local responsibility. State government can provide money, support, and advice, but it only weakens the local correctional apparatus of counties when they are allowed to over use state programs.
2. The State Probation Subsidy Plan has served to partially correct this practice; however, it does not allow local government wide flexibility in the use of these funds, or even the opportunity to spend the probation subsidy unwisely and learn from the experience.
3. Once committed to State corrections, the local viewpoint is that the offender is a State inmate or a State parolee; in other words, someone else's responsibility. Conversely, State officials retain possession by referring to State commitments as "our inmate" or "our parolee." This is a barrier to the necessary processes of physically and psychologically returning the individual offender to the local community. The community reintegration process becomes one of State responsibility and not local responsibility.

Further, state and federal agencies now seek to extend their correctional territory into the community via State and Federal "half-way houses" or "community correctional centers."

An obvious alternative would be to use the funds devoted to developing these centers to help develop special programs at local jails and thereby upgrade local correctional resources, rather than sidestep them. Not only is there an implication that mixing "our" inmates with "your" inmates will undo any rehabilitation that has taken place, but there is an assumption that state and federal officials can do a better job of integrating the offender back into the local community than can local correctional programs.

4. There is a strong case for the development of short-term return units for parole violators in local jails, rather than re-committing them to prison. Such programs offer a fine opportunity for state and federal government to help upgrade local correctional facilities, resources and programs.
5. The community correctional process, as described in these reports, requires a political engagement and struggle at the local level, with local citizens including racial-economic minority groups, and administrative agencies as the major players. This concept of community corrections is not well understood by most State and Federal officials, and if it were many would probably wish to avoid the involvement that such a process requires. It should be sufficient to state that merely placing a correctional program in the community may make it a "community based program" but state and federal correctional administrators should not assume that because they have merely located the program in the community they are involved in community corrections.

The lack of success in reducing crime and delinquency lies with the structure, not the individual agencies and their staffs who are diligently endeavoring to decrease the future criminality of their charges, albeit with little success.

The task of improving correctional services is at once complex and simple. It is simple because to merely improve it there is no need to invent new programs such as probation or new services such as public assistance. Nor is there any need for new medicine like tranquilizers nor new hardware such as the computer. The fundamental tools and the knowledge exist; they are just not being used.

While all authorities decry the lack of knowledge and research in the field of criminal justice, the simple fact is that the system in most places, San Joaquin County included, operates more than a generation behind our present knowledge. It is akin to building the interstate highway system with pick and shovel.

The obvious implication is that the problem is not so much learning better techniques of treatment as it is one of changing community attitudes and providing champions of change with the political leverage to do the job. The complexity comes in convincing the participants in the criminal justice system that changes can be made within the system itself so that it is more successful in achieving its objectives. (See the Summary Report for a further discussion of correctional objectives.)

Local Government Organizational Problems--The City

The government of San Joaquin County and its cities is a labyrinth of boards, commissions, councils, special districts, and agencies, each with limited interest, scope, authority, and responsiveness. No single readily identifiable and visible entity is responsible for providing the urban services. Stockton with its slightly more than 150,000 metropolitan area residents is no exception.

Nearly one-third of the population lives outside the contiguous, incorporated City of Stockton and, thus, is unrepresented in city government; those who live within the city's corporate limits are represented by a part-time city council and its titular mayor who have no direct responsibility for most of the governmental functions that affect the quality of urban life--and the quality of criminal justice administered in the city.

The ills of local government may be most visible in the criminal justice system and its supportive agencies. The departments of employment, mental hygiene and rehabilitation, for example, serve the residents of Stockton but are solely state administered; other welfare, medical and health services for city residents are provided by the county, again administered without the direct participation of city government. There are six separate and distinct probation and parole services within the city--state adult parole, California Youth Authority parole, county probation, federal probation and parole, county jail parole and the district attorney's informal probation in non-support or failure-to-provide cases. Each goes its own way. (Incidentally, in no other field of governmental service is there the performance of essentially similar services as probation and parole by Federal, State and County government. They do not complement each other as does a state university complement a junior college system; they duplicate and compete with each other as they independently seek to engage the community in providing the necessary reintegration assistance a former offender needs.)

Stockton, of course, has its own police department. But the San Joaquin County sheriff runs the jail, offers a number of supportive police services, and provides the basic police services in the 40 percent of the urban metropolitan area that is not within city limits. Ironically, most of these unincorporated areas that most need a highest level of police service have the lowest.

The situation is no less fragmented in education. Stockton is served by three school districts, each with its own school board or board of trustees. Stockton Unified School District, the

largest, has nearly all of the minority population; Lincoln and Lodi Unified School Districts are nearly 100 percent Caucasian. Although the City Council has been used as a forum for discussion of school problems--elimination of de facto segregation, for one--city government has no voice in the decisions involving public education in Stockton. There may be overriding, cogent reasons against establishing city control over public schools, but there is little reason to perpetuate these separate and unequal school districts and the burden, financial and social, that they place on city residents.

Stockton is one of a handful of cities in the state that is chartered by the State Legislature, thus, theoretically able to exercise home rule. But it is obvious that under the present structure, city government cannot really influence the city's future.

Local Governmental Organization Problems--The County

County government has its own problems and it also compounds those of the city. Through scores of special assessment and special purpose taxing districts, San Joaquin County attempts to provide urban services, thus, discouraging annexation to the central city that could and should provide the services.

In contrast to the City Council, the Board of Supervisors is virtually full time and is heavily involved in minor administrative matters. But due to the county administrative structure, diffused, often uncoordinated local government administration and policy making are the result.

The major problem of county government is, again, fragmentation. The major functions of the criminal justice system--the jail and

related custodial services, the courts, the district attorney, the public defender, probation, public assistance, juvenile hall and the county hospital--are county responsibilities. These functions are largely beyond the control and direction of the San Joaquin County Board of Supervisors and its counterparts in the 57 other California counties because the judges, the sheriff, and the district attorney are elected, the probation system is directed by the superior courts, and the public assistance system is virtually beyond local influence due to pervasive state and federal regulations.

The chart on the adjacent page illustrates the fragmented jurisdictional structure of the criminal justice system at the community level.

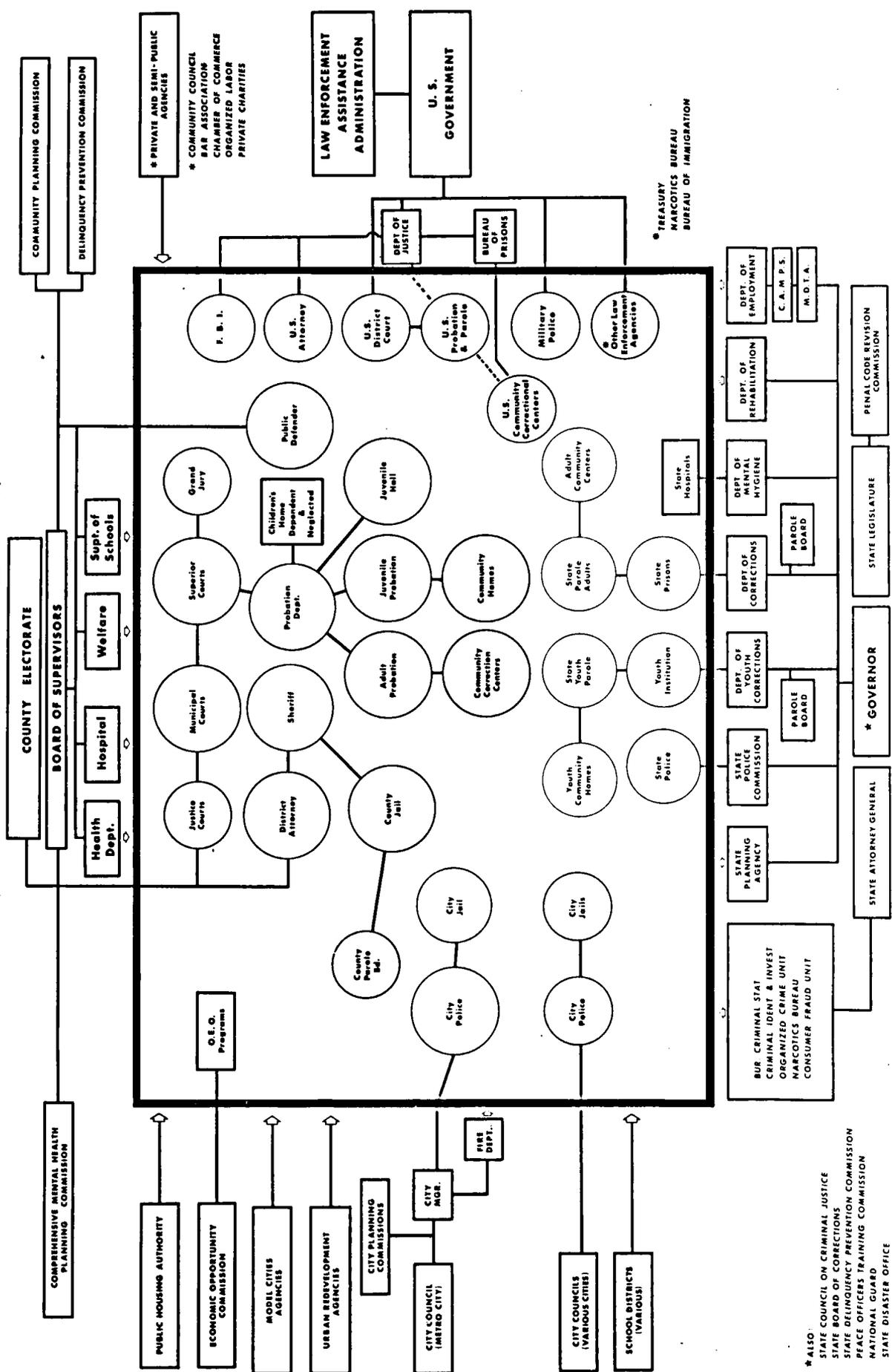
All of the encircled programs, functions, and agencies are related to each other, but:

- There is no mechanism to coordinate the four separate jurisdictional levels;
- The County Board of Supervisors does not have the clear and direct line of authority over county criminal justice agencies that the President has over federal agencies, the Governor over state agencies, and the City Managers and City Councils over city agencies.
- There is obvious overlapping and duplication of effort between community correctional programs of probation, parole, correctional centers, and community or group homes.

The chart also attempts to indicate the specific other governmental and semi-public agencies which influence or are influenced by the criminal justice system--and their fragmentation.

The costs of this fragmentation in both human and monetary terms are staggering. Some of the financial implications are discussed in detail in Chapters 3 and 4. The overlapping, repetitive nature of local government is wasting untold thousands of dollars

JURISDICTIONAL STRUCTURE OF CRIMINAL JUSTICE OPERATIONS AT THE COMMUNITY LEVEL (TYPICAL COUNTY GOVERNMENT BOUNDARIES)



* ALSO:
 STATE COUNCIL ON CRIMINAL JUSTICE
 STATE BOARD OF CORRECTIONS
 STATE DELINQUENCY PREVENTION COMMISSION
 PEACE OFFICERS TRAINING COMMISSION
 NATIONAL GUARD
 STATE DISASTER OFFICE

that could be used for improved services and new programs that could ultimately reduce the total cost of government and produce far better results, especially in the criminal justice system.

Systematic Discrimination

In most of the nation, the Negro and, to a lesser degree, the Mexican-American, is systematically excluded from virtually all administrative and political government.

San Joaquin County with its 5 percent Negro population is little better--token representation on the County Grand Jury, the County Housing Authority, the Stockton Redevelopment Agency, the Stockton Planning Commission; one Negro elected to the Stockton Board of Education; no minorities on the County Board of Supervisors, the Stockton City Council, the Juvenile Justice Commission, or in any of the countywide elected offices.

Thus, it is not surprising that Negroes comprise but 1% of the nearly 500 persons in the sheriff's department and the police departments of the county's six incorporated cities. Obviously, such discrimination permeating local government has a tremendous influence on the effectiveness of county correctional programs.

Not all of the discrimination is overtly racial, although the end result is. The probationer, the parolee, the man with a criminal record, for example, are systematically excluded from local government employment despite the fact that government is the fastest growing employer, providing 17 percent of all jobs in the area and 30 percent of all new jobs in 1967. But because the number of Negroes on probation and on parole or with a criminal record is far out of proportion to their total number, another chance to participate is denied them.

These job-racial discrimination problems develop in part from the rigidity of the existing civil service systems and the vigorous self-interest protection of these systems by various employee associations. There are some notable exceptions, the federal civil service system and the administration of Sharpe Army and Tracy Defense depots among them. However, the overall pattern is such that official policies must be established to add, say, 30 Negro police officers in a given period of time and to do so without compromising the merit principles of the civil service system. If this were not so difficult it would have been done already. That it is difficult and important should make it a high priority matter to resolve.

It should be emphasized that the discrimination that exists is not the act of an individual, rather it is the fault of a system that was conceived to be fair.

Some efforts to overcome these largely racial barriers to public employment can create more alienation and distrust than they cure. Public administrators must consider the psychology of the black, brown, and other minority communities in dealing with the problem. Token employment--the "house" or "showcase" Negro--often is worse than no employment at all because the black employee is rejected by his own community as a readily visible symbol of accommodation, an "Uncle Tom", and that further contributes to the alienation that exists. Minorities must be employed, especially in the criminal justice system, in a large enough number and at one time so that the individual can, in effect, lose himself within that group and the group itself can have some respectable visibility within its own community.

The balkanization of local government into single purpose agencies also discriminates against minorities. The Community Action Council, dealing with both financial and racial minorities as it directs the San Joaquin County anti-poverty programs, struggles almost independently of city and county government. The San Joaquin County Housing Authority and the Stockton Redevelopment Agency, again dealing with the poor and minority communities, similarly exist as independent agencies without the benefit of coordinated policy making or direction.

Unemployment

Even with the reforms that could and should be made in public employment, unemployment appears to be a near insoluble problem and one that contributes substantially to the problem of crime and delinquency. While it is impossible to prove a direct relationship between unemployment and criminality because many unemployed are able to conform to acceptable behavioral norms, the indignity and frustration of unemployment is, nevertheless, obviously a causative factor.

The unemployed are obviously poor, and arrest and conviction statistics amply demonstrate that it is the poor who are arrested and fare the worst in the adjudication and post-adjudication processes.

As indicated, increased employment opportunities should reduce the incidence of criminality. Equally important is the role of employment in recidivism. The importance of job placement in the community reintegration of the offender is still grossly neglected and cannot help but contribute to recidivism. In particular, where government employment provides 17 percent of all jobs in the area

and is increasing at nearly twice the rate of private employment, government discrimination towards the offender is hypocritical and intolerable. Curiously, it is the local business leaders who are approached by state and county employees and urged to hire state parolees or county probationers.

Considering employment on a countywide, metropolitan basis, the total number of new jobs created is constantly far below the supply of manpower. Thus, the irony and contradiction of the ever increasing attention to occupation skill training and retraining: if all the unemployed were to acquire superior job skills, they would merely displace a nearly equal number with marginal skills who are now employed.

Here is where regional, state and federal efforts are needed to plan, promote and arrange support for a combination of three programs: long term minimum income provisions for the unemployed; acceleration of economic and industrial growth to create new jobs; and, relocation of surplus labor to areas where employment is available.

A cautionary note must be added. The lack of educational and employment opportunities in past years has caused a consistent emigration of young workers from San Joaquin County. In effect, the county has been exporting a substantial number of persons in the crime prone 18 to 29 year age group. Creating more job or educational opportunities for young adults might reverse this population movement of young adults.

Employment--Some Recommendations

There is no panacea for the employment and vocational training problems that exist in San Joaquin County, but there is substantial

evidence that the present fractionated approach does not and will not succeed. If anything, a score of individual agencies involved with individual aspects of employment and vocational training and individual "solutions" compounds the problem; one program may well cancel out another.

The major need is for a community-wide or regional plan for employment and vocational training services with definite priorities. Development of such an action plan should involve the State Department of Employment, welfare agencies, schools, private employers, and the various trade and labor organizations at a minimum; the lay citizen and City Councils and County Board of Supervisors should also be involved in the planning process.

Implementing such a plan will involve well over 100 separate, readily identifiable public and private agencies and organizations in San Joaquin County alone. And, it emphasizes the need to free the department of Employment from its legislative and policy restraints on job referrals and information gathering.

It is imperative that the Department of Employment become the central repository for information on employment, vocational training, counseling, and, in general, the economic and social conditions of the community. Moreover, it must share this information with the public and private agencies that need it for their individual planning to carry out an overall community master plan.

The recommendations and goal statements of a Joint Vocational Training and Placement Conference convened by the Model Community Correctional Project in cooperation with county and state agencies and area school districts indicate the direction in which the community must go.

The more than 300 participants concluded:

1. The community must help business and industry expand stable, year round employment and aid local schools, vocational programs, and placement services to prepare local residents to take these jobs.
2. An organization is needed to work toward stabilizing the work force in San Joaquin County and move persons who work only part of the year toward year-round employment.
3. An inventory and listing of available programs and resources in the community--expanding the Cooperative Area Manpower Planning System--is needed.
4. Improved measurement of the results of vocational training and placement programs is needed in terms of the relationship of costs to placement of trained workers to separate successful programs from unsuccessful ones.
5. Contacts with employers must be coordinated to avoid employer rejection of all programs when faced with a number of competing programs.
6. Educators must become more closely involved in business and industry, and business and industry must give more attention to the schools.
7. Any program aimed at preventing school dropouts should be encouraged and schools and parents should impress students with the importance of completing high school.
8. Entry and completion dates of vocational programs should be arranged so the student completes his training during a period when employment is most assured.
9. The skills of presently employed personnel should be upgraded to open up new entry level positions and to lessen the need to import workers to fill the more skilled jobs.
10. An inter-agency coordinating council should be established to encourage public and private employers to review entry level requirements and to sponsor intensive education and vocational classes to qualify persons for these jobs.
11. Unions should establish entry level positions other than apprentice, creating a category such as helper.
12. Government must modify civil service regulations that now make entry into public employment far more difficult than into most private employment.

13. Government must provide a subsidy of some sort to private employers who hire marginal workers; the more marginal the worker, the greater the need for subsidy.
14. Government should seek the advice of business and industry when vocational training and placement programs are being studied or developed.
15. Vocational training should involve not only technical skills but social skills and should consider the attitudes of the disadvantaged.
16. Workers should be trained for specific tasks as vacant jobs are identified; centralized information is needed to match available jobs to people needing work.
17. Relocation of workers to where jobs are available should be encouraged; areas where employment is available should be identified and qualified, unemployed workers should be encouraged to move to them.

These recommendations and goal statements clearly indicate that creating new jobs, training people for these jobs, and establishing an aggressive placement program are the joint responsibilities of government and the business community. They also show that one program alone will not succeed.

Vocational training of the unemployed without the other programs would result only in the displacement of marginal workers now employed because there is a shortage of jobs and an abundance of poorly skilled workers to fill those that are available.

Again, creating new job openings without training and other programs is unsuccessful because the new jobs will merely attract skilled workers from outside the community.

Training, creation of new jobs and placement are a troika; one cannot succeed without the others.

Model Cities

The need for a coordinated, multi-agency approach to the problems of crime and delinquency--and the need to recognize that

crime and delinquency are largely manifestations of a greater problem in the urban environment--emphasized throughout this and other Model Community Correctional Project reports has been acknowledged in the Model Cities program authorized by Title I of the U. S. Demonstration Cities and Metropolitan Development Act of 1966.

Model Cities provides the ideal vehicle for executing and implementing much of the Model Community Correctional Program: It offers the theoretical and philosophical base for coordinated community corrections and further provides a financial incentive for such an approach.

But, if for political, financial or other reasons, the City of Stockton and the County of San Joaquin cannot establish a Model Cities program, the multi-agency cooperation and study that has been undertaken in consideration of Model Cities provides the framework for a local level "model neighborhood" program.

Model Cities is basically a five-year program to concentrate public and private resources in a comprehensive attack on the social, economic and physical problems of the community. It is human and physical renewal and it is an attempt to attack causes, not symptoms, of urban human and physical blight and decay by substantially raising levels of housing, education, health and medical care, employment, job training and, of course, income.

The Model Cities approach explicitly says that no single agency can deal effectively with the physical and social problems of an area. As former Stockton City Manager Frank Fargo observed:

"The mission-oriented objectives of the Model City approach focus on problems which extend beyond the functional boundaries of agencies with their programs and budget authority. If we are going to deal with the causes of urban problems, then our combined program objectives must go beyond separate, independent, and uncoordinated efforts into a total system approach."

Model Cities is less a new program and more a coordination of existing programs. It contains many of the elements of scientific management described in Chapter 4 and it recognizes that there is a relationship, for example, between the availability of public transportation and unemployment, between poor housing and poor health. And, as the Model Community Correctional Program proposes, it calls for widespread citizen participation, participation that gives citizens direct access to the decision making process.

The criminal justice system and its agencies obviously are but one part of the Model Cities program. The role of the criminal justice agencies cannot be determined until a Model Cities plan is developed, but they should have a major role in developing such a plan.

The impact of Model Cities on the criminal justice system can be indicated, however, by examining what might be a typical project--developing neighborhood multi-service centers. Such centers would have police, parole, and probation community workers as well as employment, education, welfare, health, housing, and other specialists under a single roof, in effect providing one-stop service for the neighborhood. The criminal justice agencies' share of the cost of such a center might be \$100,000 and the agencies might initially get \$60,000 of this under the 60-40 matching grant program under the U. S. Omnibus Crime Control and Safe Streets Act of 1967. These agencies would also qualify for additional federal Model Cities funds equivalent to 80 percent--or \$32,000 in this case--of the local contribution. This bonus or incentive money is for programs in which the federal government does not

participate and could be used for possibly an in-service retraining program to help police, parole, and probation better deal with the problems of the target area.

Thus, Model Cities not only provides for a coordinated approach to urban problems but also offers "seed" funds for local programs in which the federal government would not otherwise participate financially.

Model Cities is not, however, an exclusively governmental program. It demands and requires the active participation, support, and knowledge of the business community, private institutions, and the wide range of quasi-public social welfare agencies.

It is perhaps no exaggeration to say that many of the requirements for developing community corrections in San Joaquin County, and particularly in metropolitan Stockton, are requirements which will be furthered by a Model Cities program. The basic approach and the goal is to create a better urban environment and this, hopefully, will be an important factor in reducing, controlling and preventing crime and delinquency.

Private Enterprise in Corrections

Private enterprise--the business community--must work hand in glove with government in solving the urban problems that exist today, taking an active part in the development and execution of Model Cities' programs, employment and vocational training programs, crime and prevention programs, and scores of others.

In the field of community corrections, private enterprise cannot only aid in solving employment problems but also can relieve government and the criminal justice system of some of its other burdens.

Private enterprise has some obvious roles and functions in community corrections and the criminal justice system; it employs former offenders on work furlough or after their release from jail and prison; it helps prevent crime and delinquency by eliminating discriminatory hiring practices and through positive efforts to train, employ and advance the so-called "hard core" unemployed.

It also has a role of taking the leadership in economic development of the separate communities, the metropolitan area and the region. It should help correct the lack of job growth or its one-industry distortion, which is more of a problem in San Joaquin County than most areas of California as indicated in the Appendix Report, "A Socio-Economic Investigation of San Joaquin County." In San Joaquin County, private enterprise must concentrate its efforts on a persistent high rate of unemployment and the wide seasonal fluctuations in employment.

To a large degree, private enterprise is meeting this challenge in partnership with local government. The various Chambers of Commerce in the county, for example, and the County Board of Supervisors formed the San Joaquin County Economic Development Association, which has had a high degree of success in attracting new industry. The Greater Stockton Chamber of Commerce, the Stockton City Council, and the County Board of Supervisors jointly founded and funded the Job Opportunity Betterment Service (JOBS), which has found permanent employment for more than 500--many of them "hard core" unemployed and welfare recipients--in its first year of operation.

New Roles For Private Enterprise

These efforts of private enterprise are mere starting points, however. Many correctional activities can be shifted in whole or in part to the private sector of the economy.

It is a generally accepted truism that private business operates more efficiently than government. But even at equal levels of proficiency and economy, there are several factors that favor shifting as many correctional activities as possible to the business and industrial community:

- The former offender is more likely to respond favorably both in a therapeutic and an emotional sense to a private citizen than to the direct authority of the criminal justice system's employees.
- When paid work by the offender is involved, employment in private enterprise provides not only pay but the important fringe benefits of Social Security and unemployment compensation. (See also p. , "The Older Offender and Social Security.")
- Program change is more feasible if government is able to shop among competing private businesses for the best services under the most favorable terms.

These conclusions are drawn in part from observations of state and private agency operation of half-way houses for former offenders returning to the community. Private operators in the business for profit seem to provide a more effective service in terms of reintegrating the offender into the community and at less cost than do the state-operated community residential centers or half-way houses. Additional evaluation and cost analysis is needed to fully document this conclusion, but the evidence of success appears to exist.

Private Contract Possibilities

Based upon these findings, there are at least seven correctional service areas that appear highly amenable to contract with private firms or individuals. They are:

1. Group homes or half-way houses providing both short and, in some cases, relatively long term shelter and care of former offenders during their physical and psychological movement from total custody to total freedom in the community. The relative absence of such facilities in San Joaquin County is a gap in the correctional service resources needed for both adult and juvenile offenders.
2. Foster homes for juvenile offenders to provide a better--and lower cost--correctional placement resource than the alternative of correctional agency institutionalization. Foster parents should be recruited, provided better training, offered increased remuneration, and supported with volunteer or other service aides to relieve them periodically (afternoons, evenings, weekends, vacation periods) and assist them in special areas of need such as family counseling, remedial tutoring, and recreation supervision.
3. Use of paid probation aides and other volunteers to provide high level but sub-professional supporting services to the professional correction, probation, parole, and social workers within the criminal justice and related systems. Projects including the San Joaquin County Community Action Council's Foster Grandparents program at the California Youth Authority's Northern California Youth Center show there is a large, untapped source of skilled and empathetic manpower available in older, retired persons who are interested in meaningful work at the nominal compensation allowed by Social Security.

(Business and industry have already recognized the potential of older, retired executives and have used these skills in aiding minorities to develop businesses, providing consulting services to depressed areas, etc.)

The Peace Corps and the Volunteers in Service to America (VISTA) programs have demonstrated that desire, not age, is one of the keys to success.

4. Purchasing data already available for the verification of residence, job, family, and other community ties needed in release on own recognizance and pre-sentence investigations. Such data are often available from highly efficient credit reporting agencies at far less

cost than gathering the data independently. Probation officers could develop the additional data and additional verification that might be required.

One caveat must be added: the reliability of the data provided by some credit reporting agencies has been questioned by a number of persons in the field of consumer protection. Spot checks on the accuracy and relevance of the information supplied by such agencies would appear to be a mandatory requirement for its use.

5. Contracting for culinary, laundry, inmate canteen, and other jail, prison, or similar custodial institution housekeeping services. The terms of the contracts with private business would require or provide a cash incentive for employment of jail inmates or former inmates who might keep their jobs after discharge or parole from jail.
6. Similar contracting for the same basic housekeeping services at juvenile facilities, including, in the case of San Joaquin County, an examination of the feasibility of having the jail serve as the nucleus of central feeding and laundry services.
7. Contracting for vehicle service and repair, particularly, for sheriff's patrol vehicles, at the County Jail or at a community vocational center where inmates could attend classes on educational furlough during the day. Private business would give inmates training and experience in the field of vehicle service, maintenance, and repair thus providing generally good post-release employment prospects.

There are obviously a number of other areas in community corrections in which private business and industry could provide better service at less cost with certain "fringe benefits" such as providing Social Security coverage for older inmates, job training, etc.

If private agencies can provide the service at a profit and at a cost the same or less than government, it is imperative that they be encouraged to do so. In many cases, the employment the private sector provides, the taxes it pays, the new concepts it offers justify contracting for services when the immediate cost to government appears even higher than the government's cost for providing the same services on its own.

The Service Delivery Concept

The Model Community Correctional Program is designed as a service delivery system: the community should deliver needed services to the offenders being detained or, where possible, the offender, or more properly, the former offender, should be guided to the treatment resources within the community as a probationer, parolee, work furlougher, or an inmate on educational furlough.

The concept is that the correctional system should not provide or duplicate services that are available within the community.

For example, school teachers should not be hired by the jail administration as jail employees to teach jail inmates; educational resources exist in plentitude in the community and should be available, on a contract basis if necessary, for the jail inmate as well as other citizens of the community.

The benefits of the private business contract approach are many. It provides a corrections-private business approach to the creative use of the jobs in the laundry, culinary, canteen, and other service areas. Inmates hired by the private contractors for these services--and any contract should stipulate or provide incentives for the hiring of inmates--can learn employable skills, qualify for Social Security coverage, and earn money to help them in the often painful process of returning to the community and finding employment. There are also possibilities for the development of sheltered workshops with private industry to aid the handicapped inmate in developing skills and, more importantly, qualifying for aid to the disabled under Social Security.

All of these proposals require that commercial interests be willing to contract to provide the services. There is every reason

to believe that private business would be willing to enter into such contracts; if not, the jail has no choice but to continue to supply the services under civil service employee supervision and assigned inmate labor.

Inmate Wages

The inmate, whether he works for a private contractor or under county employee supervision, should expect to receive fair wages, the same as if he were on work furlough and working outside the jail and its immediate supervision.

The principle is clearly that inmate labor should not be exploited for governmental or private gain.

The questionable practice of using San Joaquin County jail inmates to do routine maintenance work in county parks, at Stockton Metropolitan Airport and elsewhere is a case in point. These inmates are paid \$1 per day, a fraction of what the cost would be if the work were done by private contract or by county employees; that in every sense of the word is exploitation. If the work is not worth the resulting cost of paying fair wages, then the work simply should be abandoned.

It is almost mandatory that a wage and salary rating board be established to set minimum compensation rates for jail work and work furlough to prevent any abuses by private or public employers. The board should include the Sheriff, an employer representative, a labor representative, the manager of the local California Department of Employment office, and the district manager of the California Department of Vocational Rehabilitation. The board should meet at least semi-annually and should follow the criteria of prevailing

wages based upon Department of Employment job referrals and related information in setting minimum pay scales.

The question of "union scale" is a delicate problem but one that can be solved, preferably by having the wage rating board set the minimum wage in proportion to the number of union and non-union employees in the county in the particular occupational category. Organized labor, especially in California, has demonstrated leadership and responsibility in assisting former offenders in skill training and union employment. There is little doubt that organized labor will be equally responsive to the need to assist inmates to obtain work at fair wages in occupational areas not covered by collective bargaining agreements.

The wage rating board, representing as it should the labor, management and job counseling resources of the community, must also initiate plans for the post-institutional adjustment of the individual inmate. The inmate may be unable upon his release to fully compete in the workaday world and because this is or can be a major factor in his delinquency, the board must help the community find means to help the former offender secure a place in that community.

The Handicapped Inmate

One exception to the concept of paying inmates the prevailing rate of private enterprise involves the handicapped prisoner. Such an exception is necessary to permit the employment of inmates whose physical or mental condition limits their potential productive output.

In these cases, a proportionate rate based upon the extent of the disability should be established. If the inmate is 50 percent disabled and able to produce only 50 percent of the output of a healthy inmate, he should be paid 50 percent of the established wage.

The handicapped inmate cannot be ignored except at great psychological cost to the individual and great monetary cost to county, state, and federal governments. The handicapped inmate can become a productive member of society in every sense of the word and can improve his own self-image with what should be a resulting decrease in deviant or delinquent behavior by learning a skill in a sheltered workshop or in a job where he is paid on the basis of his productivity. As noted previously, such employment will help qualify the inmate for Social Security coverage and the disability provisions of Social Security, thus reducing the direct financial burden on county, state and federal government.

Inmate Payments

Under any of the employment conditions mentioned--work furlough, jail and county work crews, private contract employment, and sheltered workshops--the inmate would pay for jail care services such as feeding and laundry but not custody or depreciation of the facilities. Inmates participating in work furlough now pay \$5 per work day to the county and this more than covers the county's direct room and board costs.

Inmate earnings from any source should also be subject to charges for family support and restitution orders of courts. However, court use of jail sentences with the expectation that the offender will be placed on work furlough as a means of forcing family support payments is questionable from a cost viewpoint as well as a moral viewpoint. The courts have no means of assigning an inmate to work furlough; this is the prerogative of the Sheriff. Thus, there is no assurance that the offender will have any work

furlough earnings to aid his family, there is a potentially high county cost of incarcerating the offender, and there is the stigma of a jail sentence that may limit the offender's future ability to find and hold a job that would allow normal family support payments.

The Older Offender and Social Security

One of the major benefits of involving private enterprise in corrections is the potential of aiding older offenders to qualify for Social Security coverage. And, in helping the older offender, the counties and the State of California can help themselves save between 68 and 130 million dollars during the lifetimes of these older offenders.

There are substantial savings in monetary and human terms in helping non-offenders qualify as well and these are discussed in Chapter 3.

Social Security eligibility is based on earnings--generally a minimum of \$50 per calendar quarter--and duration of contributions to the Social Security trust fund. The number of quarters needed for coverage varies with age so that a man reaching age 65 in 1969 needs 18 quarters of coverage while a man reaching age 65 in 1979 will need 28 quarters. (See Chart in Chapter 3)

There are a number of reasons why jail and prison inmates fail to qualify for Social Security coverage. Among them are:

- Men and women who are arrested repeatedly are usually inadequate persons who have difficulty in many areas of their lives including regular employment. This alone increases their chances of reaching retirement age without acquiring minimum coverage.
- Once incarcerated, men and women lose access to employment that would give them wage credits toward Social Security coverage. Repeated short term jail or long term prison sentences reduce an offender's chances of gaining the needed coverage.

-- Inmates who receive pay for their institutional work cannot be covered for Social Security purposes under federal regulations although they may earn enough to otherwise qualify.

-- A criminal record is a handicap to obtaining employment, especially at wages offenders previously could command.

There is another part of the total jail population--the public drunk--who cannot qualify for some Social Security benefits even if he has the needed coverage.

The public drunk--the largest single group of offenders--is almost automatically excluded from Social Security disability benefits as he literally drinks himself into physical disability and ultimately death. Disability benefits cannot be granted for alcoholism alone under federal regulations, so the drunk must develop brain damage, a liver ailment, tuberculosis, or some other physical disability before he can receive Social Security disability benefits--assuming he has the coverage. If he does not, he becomes a county charge under one program or another.

The Model Community Correctional Project's proposal for treating the public drunk as a medical, not criminal, problem (see Appendix Report, "Model Community Alcoholism Treatment Program") provides a partial solution to these problems. Helping these alcoholics qualify for Social Security coverage treats another dimension of their problems, which are often a combination of physical, social, economic, and psychological factors.

The aging alcoholic and the older criminal offender are almost locked into the criminal justice system by their inability to get Social Security coverage and their families, if any, become captives of the welfare system: without Social Security benefits they cannot purchase the services they need outside the criminal justice system; they must be in jail--or on welfare--to be served.

Alternatives obviously must be developed. A program for the aging jail or prison inmate without Social Security coverage should include:

1. A concentrated effort to use the existing community resources including the older worker specialist of the State Department of Employment; short term, intensive instruction to prepare older inmates for specific unskilled jobs; and increased job placement and related services to help the inmate get and hold a job when he is released from custody.
2. Arrangements for inmates to be hired by private business while incarcerated by contracting with private business for operation of correctional industries such as furniture making and for such basic institutional operations as laundry and food preparation and service.
3. Creation of sheltered workshops on or adjacent to the jail-hospital complex, possibly operated by Goodwill Industries or the Salvation Army, to assist more handicapped inmates and hospital patients to work to their capacity and thus qualify more easily for Social Security. The combination work and training program used by Goodwill Industries, which now pays Social Security for its employees, and the Salvation Army, which does not, might be ideal.
4. Extending the work furlough program under which an inmate works for private business during the day and returns to the jail, or prison, at night and on weekends, to other than the more employable inmates, possibly by offering incentives to the private employer. This could involve those who can only be expected to find employment in a sheltered workshop situation. Incentives could include a direct subsidy of up to \$28 per month to the employer (the potential county-state savings per month in public assistance payments when the worker receives Social Security); waiving the \$5 per day charged inmates participating in the program so that he could work for a reduced wage more in proportion to his productivity; or providing direct tax credits for the employer's costs of employing and training the marginal workers.
5. Bolstering parole and probation programs to identify the persons who are having difficulty in their progress toward fully insured status for Social Security benefits and to aid and encourage them to work in jobs, even part time, where they can earn coverage.
6. Converting low skilled jobs such as groundsman, laundry checkers, and shop janitors in both public and private employment into four or five part time jobs to help

older inmates and those released on probation or parole to earn the few quarters of coverage they may need to complete their Social Security coverage.

Financial Incentives

The financial incentives for the county and the state to develop programs for Social Security coverage for the older offender can be measured in the millions of dollars. The financial burden for the aging indigent can, in effect, be shifted from county and state tax sources to the Social Security trust fund to which both the employer and the employee--in this case, the aging offender--have contributed.

The man who is 65 or older and without Social Security coverage is likely to be receiving aid under the Old Age Assistance public assistance or welfare program, funded 49.2% by the federal government, 43.4% by the state and 7.4% by the county.*

If this same man qualifies for and receives even the minimum Social Security retirement benefit of \$55 per month, his OAS grant is reduced by this amount. Thus, the county and the state save within pennies of \$28 per month for each OAS recipient who becomes eligible for Social Security benefits at the minimum level and even more for those who receive greater retirement benefits.

The life expectancy of a 65-year old man is 12.9 years so that the savings based on that minimum \$55 per month accumulate to an average of \$4,334 for each potential OAS recipient who earns Social Security coverage.

*Based upon the 1968 cost sharing formula, which is subject to change. Other statistics in this section are based on the latest available data.

Assuming that only 10 percent of the 157,400 adult offenders in custody or under community supervision in California are programmed to earn Social Security coverage they would not otherwise get, the savings would be \$68,223,456. These are conservative estimates: It is reasonable to assume that the California criminal justice system has supervision or custody of more than 200,000 adult offenders in any year and that 15% of these will reach age 65 without obtaining coverage. This would boost the potential savings to more than \$130,000,000.

These calculations do not include the potential savings that would result from providing disability benefits to the former offender under Social Security instead of the Aid to the Disabled welfare program, funded like OAS by the county, state and federal governments. Nor do the calculations reflect the savings that would result by eliminating or reducing public assistance aid to wives, widows, and dependents who would qualify for Social Security benefits.

Immediate Concerns

The immediate concern must be with the group of older county jail inmates--the estimated 50 percent who are age 40 or older. During any given year, about 60,000 persons over 40 are sentenced, providing a large group with which to work.

The percentage of this group of older offenders who will reach age 65 without attaining Social Security coverage is unknown, but the savings--based on a life expectancy of 77.9 years and OAS savings of \$28 per month for the county and the state--can be calculated this way:

% of inmates age 40 or older made eligible for Social Security	Public Assistance Savings Achieved
10% eligibility	equals \$26,006,400 savings
15% eligibility	equals \$39,009,600 savings
20% eligibility	equals \$52,012,800 savings
25% eligibility	equals \$65,016,000 savings
30% eligibility	equals \$78,019,200 savings
35% eligibility	equals \$91,022,400 savings
40% eligibility	equals \$104,025,600 savings
45% eligibility	equals \$117,028,800 savings
50% eligibility	equals \$130,032,000 savings

The Model Community Correctional Project estimates that between 20 and 40 percent is a reasonable estimate of the number of offenders age 40 and older who can be helped to become eligible for Social Security. This means a statewide savings of \$52,012,000 to \$104,025,600 if only this one group is involved.

Chapter Three

INTERACTION OF THE SOCIAL WELFARE SYSTEM

Background

The Model Community Correctional Project has been concerned with the identification of relationships or "system interfaces" between the criminal justice system and other public and social systems in the community. The list of such interfaces is far longer than anticipated, and the constraints of time and cost have made it necessary to concentrate on only a few of them. The welfare system --the County Department of Public Assistance--was selected for the most intensive study because its relationships are somewhat more obvious and because of the excellent cooperation to the project offered by the Department Director and his staff.

We are convinced, however, that equally significant and cost/effective alternatives exist in other agencies or program areas--especially education, medical-public health services, and the employment services. The following section, therefore, should be read with realization that the program relationships and cost trade offs reported are only indicative of the "gold that lies buried in these hills."

The Role of Welfare

A well conceived, well executed social welfare program is a prime tool in both preventing crime and rehabilitating the former offender; a poorly conceived, poorly executed program has the contrary effect.

The social welfare system, both private and public, is a prime adjunct of the criminal justice system. Directly and indirectly, many caught up in the maze of the criminal justice system are or will be--and possibly should be--the ultimate responsibility of the social welfare agencies: the County Public Assistance Department, San Joaquin General Hospital, or some other public or private agency. The role of the social welfare system in relationship to the criminal justice system is supportative, both literally and figuratively.

Its role is to help people cope financially and socially with altered circumstances--old age, abandonment, neglect, physical disability, etc. It does this through direct financial aid, casework counseling services, and various rehabilitative programs. In many areas, it works closely with other agencies: the Community Action Council, the countywide antipoverty coordinating agency; Stockton Unified School District and its Manpower Development and Training Act programs; the State Department of Employment; the County Probation Department; Stockton State Hospital (Department of Mental Hygiene); and private organizations such as the Family Service Agency and the Community Service Organization.

The evidence in San Joaquin County indicates that a reallocation of services and expenses and establishment of new priorities are necessary if the Public Assistance Department is to perform its services at the lowest cost with the greatest benefit to its clients, to the taxpaying public, and to the police, parole, probation, and judicial segments of the criminal justice system.

The problem is here and now. Nearly one out of four of San Joaquin County's elderly is receiving Old Age Assistance grants; one of every 10 children is receiving Aid to Families with Dependent

Children. Three-fourths of the population growth in San Joaquin County in the 1950-1960 decade was in the under-18 and over-65 age groups, the two groups most likely to be economically dependent and receiving aid. The dimensions of the problem are staggering.

Stockton and San Joaquin County are no different than any other metropolitan area although the problems may be aggravated by the largely agricultural economy and its dependence upon unskilled, low income labor. The county ranks 15th in population among California's 58 counties, but in terms of overall welfare costs, the State Department of Social Welfare ranks it 5th.

How then can San Joaquin County do more for its people, both its taxpayers who bear the financial burden and its disadvantaged, aging, and infirm who bear the social burden?

It could start by:

1. Initiating modern management techniques such as program budgeting and cost-benefit analysis so realistic system goals can be established and management toward these goals can be implemented.
2. Maximizing participation in the Social Security system among those who do not now qualify for benefits. If undertaken on a statewide basis, it could result in the freeing up three-quarters of a billion dollars now committed for public assistance programs in the next decade-and-a-half. These freed funds could be used for new programs and services or for tax relief.
3. Developing alternatives for jailing public assistance recipients so that they can remain within the community with shared county-state-federal financial support instead of being placed in jail where they are an exclusively county financial burden.
4. Shifting the emphasis on collecting funds from absent fathers under the Aid to Families with Dependent Children public assistance program so that the county derives the most advantageous financial and social results.
5. Transferring prime responsibility for abandoned, abused, neglected, and otherwise dependent children from the County Probation Department to the Public Assistance Department to provide better preventative and corrective services, to free the Probation Department and Juvenile Court to spend more effort on delinquent children, and to get shared county-state-federal financing.

The first recommendation is discussed in detail in Chapter 4; the last four recommendations and the reasons for them are discussed below.

WELFARE AND JAIL

When a welfare recipient is jailed, he is "paying" for his crime. But the county is also paying--and far more than it would if the offender remained within the community under some alternative rehabilitation-correction program.

Public Assistance programs are county administered but are funded jointly by county, state, and federal governments. The sharing varies:

In the Old Age Security program, the county's largest in terms of recipients, the federal government pays 49.2 percent, of the monthly cash grant paid to the public assistance recipient, the state 43.4 percent, and the county 7.4 percent; for Aid to the Disabled, the federal share is 47.8 percent; the state, 44.6 percent; and the county, 7.6 percent; the county's share of the Aid to Families with Dependent Children program is 17.4 percent, the state's 33.4, and the federal government's 49.2.*

The amounts of the monthly welfare payments vary according to need and other income. In January 1968, the average grant to the 7,042 Old Age Security recipients was \$103.74; to the 3,067 Aid to the Disabled recipients, \$108.86; and to the 3,495 families receiving Aid to Families with Dependent Children, \$165.21.

*These statistics and others are based on 1968 data. Cost sharing is subject to change by Congress, the State Legislature, and the U. S. Department of Health, Education and Welfare.

But when any one of the 14,000-plus public assistance recipients in the county are in jail or in Juvenile Hall or the public shelter for dependent children, the entire costs are borne by the county-- \$131 per month for each person in jail, nearly three times that for each juvenile in Juvenile Hall or the children's home. And this does not include the costs of arrest, investigation, prosecution, court costs, transportation, and budget changes required within the County Department of Public Assistance.

The county, in effect, pays 15 to 30 times as much to keep a welfare recipient in jail or in Juvenile Hall than to keep him in the community on welfare.

Male Alcoholics and Old Age Security Public Assistance

It costs county taxpayers \$7.86 to support an Old Age Security public assistance recipient. This is the County share of the \$103.74 average cash grant, mostly State and Federal contributions, the recipient is entitled to each month.

If the public assistance recipient goes to jail, all State and Federal funds cease and the county is left to assume full support of the inmate--\$131 per month. It is obvious that \$131 in county money is a lot more than \$7.86; the question is: Is it worth \$131 to County taxpayers to jail a man or woman arrested on public drunkenness charges, when the Federal and State government are willing to assume most of the support costs if he or she remains in the community? If the County is now willing to pay \$131 rather than \$7.86 to jail the public assistance recipient, could the county develop a program in the community which would allow the State and Federal share of the public assistance grant to continue and use the savings

(\$131 minus \$7.86 equals \$123.14) for an improved treatment program in the community?

For a number of these aging alcoholics whose only offense is being intoxicated in public, better services can be provided at less cost in the community with at least a comparable level of public protection.

This is not to suggest release of those who need the control incarceration provides; obviously only the better risks would be selected to participate in any program that is implemented.

The present program of jailing drunks and absent fathers and institutionalizing children with dependent tendencies and neglected children appears to benefit no one but costs everyone.*

The major problem is coordination and cooperation of the various agencies involved. Just as no one knows how many of these older offenders could be helped to achieve eligibility for Social Security, no one really knows how many are receiving public assistance either.

There can be no doubt that a substantial number of Old Age Security public assistance recipients move in and out of the State's county jails each year. The earlier discussion of the Older Offender and Social Security (see Chapter II, pp. 30-32) clearly establishes that a substantial number of older public dependents reside in the State's county jails. And Report III clearly describes in statistical terms the substantial volume of older alcoholics moving repeatedly--and expensively--through the San Joaquin County criminal justice system.

*Note that while juvenile hall and the county home for dependent and neglected children are not technically jails, the distinction de-facto is difficult to perceive--except that the juvenile institutions cost more to operate.

The San Joaquin County Public Assistance Department now has a full time Social Worker at the jail to help identify these cases. In other California counties and other states, it is not uncommon for welfare recipients to be jailed for short terms that their social workers are unaware of. This compounds the county's expense because the welfare recipient is incarcerated at county cost and then returns home to find his welfare check waiting.

Aid to Families with Dependent Children

In the case of the mother receiving Aid to Families with Dependent Children (AFDC), the cost to the county is even greater.

When such a mother is arrested, her children are usually placed in Mary Graham Hall, the county's shelter home for dependent children. The father cannot step into the breach because his continued absence from home is the prime reason for the AFDC grant. The county pays \$28.75 of the average monthly AFDC grant, but when the mother is in jail and two children are in Mary Graham Hall, the county's costs increase to more than \$800 a month--\$131 a month for the mother in jail and \$350 a month for each child in Mary Graham Hall.

If the children get into trouble and are placed in Peterson (Juvenile) Hall, the burden again shifts solely to the county. The mother, no longer eligible for AFDC aid because the children are not with her, may have to be supported from the county's general relief or general assistance budget, a budget totally funded by the county.

These are the monetary costs. The human costs in terms of disrupting normal family life are also very great.

The conclusion is obvious--if the public assistance recipient is going to be dependent upon some public agency within the community, there is substantial financial benefit to the community to provide alternatives that will keep the individual or family within the community rather than in an institution.

The county, for example, could save a substantial portion of the additional \$803 a month it costs to place an AFDC mother in jail and her two children in the public shelter by preventative, corrective, and rehabilitative programs in the community.

This \$803 could be reallocated to provide dramatically increased services to the family in the form of intensive supervision in the home, homemaker services, therapy, counseling, or whatever else is needed. This reallocation or trade-off frees more than \$800 to help this family, not new money but money that is already being spent.

There are exceptional financial incentives to develop alternatives to incarceration for welfare recipients which provide needed controls in the community and, provide the services that in many cases can prevent the need for detention.

San Joaquin County already leads the state in innovative programs in many respects. Its work furlough program--freeing prisoners to work at normal jobs during the day--gets men back into the community sooner and on a firmer financial basis as well as returning cash dividends to the county. A planned detoxification center at San Joaquin General Hospital* will decrease the expense of processing and jailing those arrested for public drunkenness and substitute treatment for punishment.

Note that putting the alcoholic in a hospital rather than a jail enables the county to recover some costs from the state "Medicaid" system, private insurance plans, and direct payment from those with financial means. None of these charges can be collected for the alcoholic while he is in jail.

*See MCCP Appendix Report, "The Model Alcoholism Treatment Program."

The Department of Public Assistance has developed special case-loads of recipients of Aid to the Disabled with alcoholism problems and has assigned a social worker to the jail. The list could go on and on.

Development of viable alternatives to jailing of welfare recipients for minor offenses will require the active participation of the courts, law enforcement, welfare and probation departments, and other public and private agencies. To win public acceptance, the alternatives must be attractive from both a financial and a community security point of view. Both incentives exist in abundance. The benefits to the local economy from taking advantage of already existing state and federal funding programs are enormous and they involve far more than reducing the reliance on the property tax and its burden on property owners:

The Arthur D. Little Inc.¹ economic base study of Metropolitan Stockton indicates that every \$1 brought into the local economy generates \$2.75 in purchasing power as it passes from hand to hand, cash register to cash register, bank to bank.

This multiplier effect and the pensions, public assistance payments, Social Security grants, and other similar expenditures are responsible for more than 9 percent of the local purchasing power, according to the Little report. San Joaquin County's 33,800 Social Security beneficiaries alone received \$2.7 million in 1968. State and Federal Public Assistance dollars exceed 22 million dollars.

Using the various state and federal financial resources that are available for public assistance and related programs expands the local economy, generating economic activity that in the long run means more jobs, more business, more stability, and more opportunity for the poor of today to become the middle income citizens of tomorrow. It also frees county funds for new services and programs--or tax reductions--to better serve the public.

WELFARE AND ABSENT FATHERS

The Aid to Families with Dependent Children (AFDC) program administered by the County Public Assistance Department is aimed primarily at providing families with minimum financial support in the absence of the principal wage earner, usually the father. It is a large and costly program--3,495 families receiving an average monthly grant of \$165.21 in San Joaquin County in January 1968.

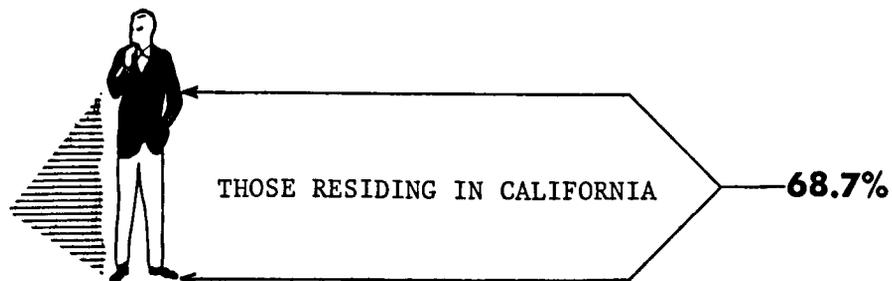
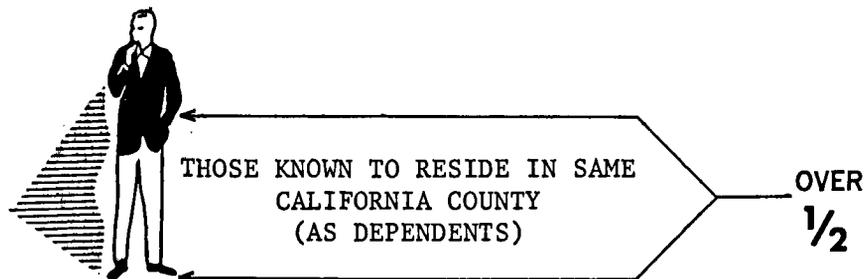
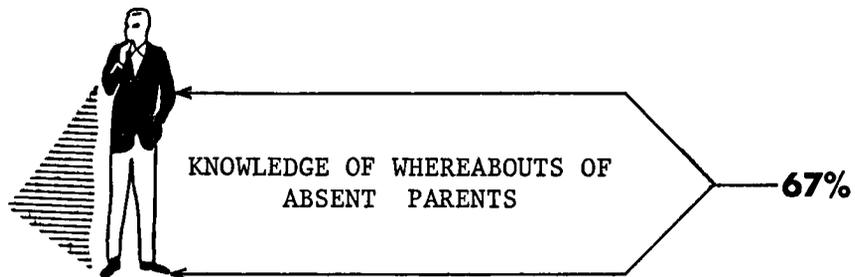
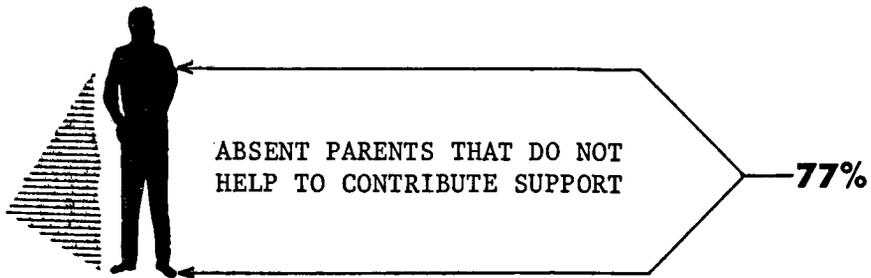
To help offset these costs, the Public Assistance Department and the Family Support Division of the District Attorney's Office attempt to locate and secure at least partial reimbursement from the absent parent.

When a woman applies to the Public Assistance Department for AFDC, the Social Worker attempts to determine the location of the absent father and his ability to contribute to the support of his family. If the father is located and agrees in writing to support payments, these payments are normally made directly to the department. If the father is not located, if he refuses support, if he fails to abide by a support agreement, or if paternity is in question, the case is referred to the Family Support Division, District Attorney's Office.

That division, using information provided by the social workers and after discussing the conditions of non-support with the mother, attempts to locate and secure a support agreement from the absent father. If the division is successful, payments are made to the division and forwarded to the Public Assistance Department as reimbursement for the AFDC grants to the family.

When a financially able father refuses support, he can be prosecuted for failure to provide under Section 270 of the California Penal Code. More than 190 men were prosecuted on that charge in San Joaquin County in 1967. After conviction and the resulting jail sentence or probation, the father is in effect placed on probation to the Family Support Division and makes payments through the division.

SUPPORT OF ABSENT PARENTS ON STATEWIDE BASIS



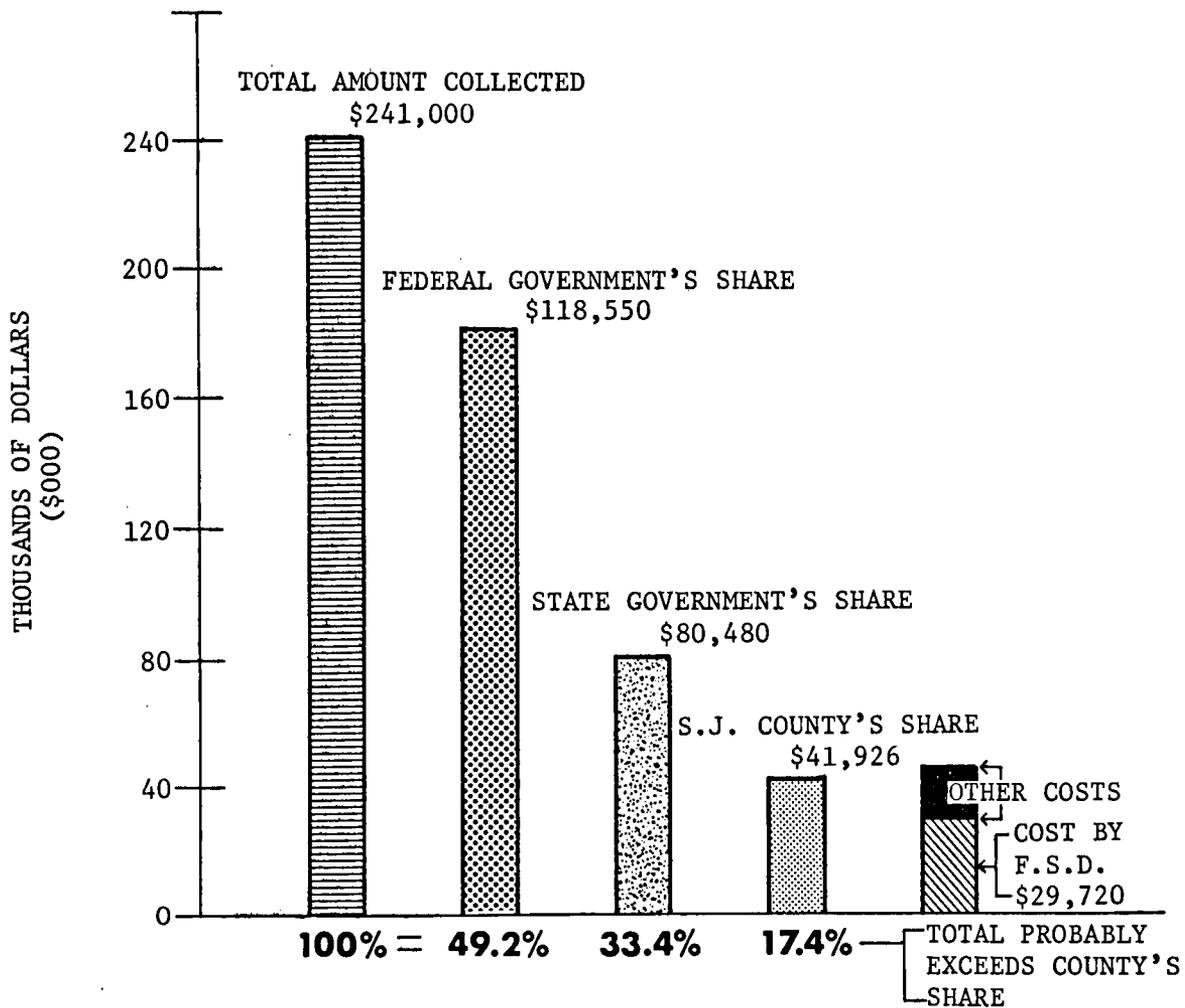
The AFDC grants from the Public Assistance Department are made independent of these attempts to get some financial support from the absent father--the family's needs are met immediately.

These processes are a seemingly economic, efficient means of insuring that the county does not totally assume an obligation that should be borne by the absent father. The evidence, however, indicates it is anything but that.

Statewide, for example, 77 percent of absent fathers do not contribute even a token amount to the support of their children although the residence of 67 percent is known--and half of those are in the same county as their families.² For any number of reasons, including the inability to contribute, support payments are not being secured from three out of four absent fathers in California.

In San Joaquin County, the cost of collecting support payments from absent fathers has exceeded the county share of the payments because the AFDC grants are financed from county, state, and federal resources while collection costs have been exclusively a county expense.

REIMBURSEMENT OF MONEY COLLECTED



This was supposed to have been corrected by the 1967 amendments to the Social Security Act and enabling legislation subsequently enacted by California Legislature. But as of May 1969, San Joaquin County had not received any information from federal officials on how much, if any, of the collection costs would be borne by the federal government. The state and federal government, in any case, will continue to collect more than 82.6 cents of every \$1 contributed by the absent father before the county's expenses are deducted. And the county cost of collection now exceeds the 17.4 cents of the \$1 left for the county.

The state and federal government have been taking at the same rate they have been giving--49.2 cents of every \$1 as the federal share; 33.4 cents as the state share. San Joaquin County has borne the entire collection costs from its 17.4 cents share.

No one would argue the county's right to spend more administering the collection program than it in fact collects from absent parents. Even though the cost of collection exceeds absent parent contributions, the expenditure may be justified in terms of its social value --but this is doubted.

The more important factor is that the county has an obligation to know where its break even point is--where the cost of collection equals the amount collected from absent parents. Then it can rationally decide to increase this expenditure or not, and when considering the additional expenditure, consider how much more money the social value of the program justifies.

Because the absent parent support program is shared by several County departments, the complete cost-benefit relationship has generally been unknown. Costs for collection therefore have continued on an upward trend.

Neither the County Board of Supervisors nor the public was aware that collection costs were exceeding absent father contributions. The 1966-67 fiscal year is a case in point.

In that 12-month period, the Family Support Division spent less than \$30,000 to collect more than \$214,000 from absent fathers. But the county was able to keep only \$42,000 as its share. From this \$42,000, the county had to pay the \$30,000 costs of collecting through the Family Support Division plus the indirect costs of court prosecutions, jail, the time of social workers, and the accounting changes necessary in the Public Assistance Department. These indirect costs are certain to have exceeded \$12,000 so the county literally lost money in collecting from absent fathers.

Thus the paradox that the new Social Security legislation will only partially alter--the more diligent the county is in obtaining support payments from absent fathers, the more it is penalized financially.

There are also some large hidden financial penalties in terms of the total local economy. In effect, federal and state regulations create unhealthy incentives to ignore the absent father's potential financial contribution to his family.

The community is deprived of \$4 for every \$1 collected because up to 83 cents of every \$1 contributed in support payments by the absent father is exported to repay the state and federal governments. If that \$1 were spent locally by the father, it would generate \$2.75 in local purchasing power as it passed through the economy and it would also insure that extra money--the 83 cents--would flow into the local economy as the state and federal share of the AFDC grant. This 83 cents would in turn generate an additional \$1.75 in purchasing power.³

This adds up to a more than \$4 purchasing power loss to the local economy for every \$1 collected from an absent father. Or a

\$796,000 loss of local purchasing power from the \$214,000 collected in 1966-67.

Added to the financial paradoxes of collections from absent fathers is evidence that the contributions rarely if ever result in an overall increase in the family's income and in only a small percentage of cases eliminate the need for the AFDC grant.

The absent father's contribution--unless it is an unreported "under the table" payment concealed by willful fraud on the part of both parents--is considered income and reduces the family's total grant, although in practice it reimburses the three levels of government that finance the grant. The family is better off from a moral and social point of view in having the absent father assume some responsibility by contributing support money. However, with the present AFDC system contributions by an absent parent does not increase the family's monthly income and the father is actually economically coerced to not contribute to the support of his family.

The exception, of course, is when the absent father's contribution, alone or combined with other family income, boosts the total family income to a point where the family is no longer eligible for public assistance. But the Public Assistance Department reports that this was a major factor in less than two percent of the 1,620 AFDC cases closed in 1966-67. Reconciliation was three times as important as the contributions of the absent father in eliminating the need for AFDC.

Current AFDC rules encourage fraud and cohabitation--marriage or reconciliation with a financially marginal worker creates the financially crushing penalty of eliminating the AFDC grant, but cohabitation provides many of the same benefits and none of the financial penalties of such a marriage.

The father must share his often meager earnings if he stays with his family. If he deserts his family, he retains his own income and the family receives AFDC so that financially the entire family may have two or three times the income separated than it does together.

The Absent Father--Some Solutions

Considering all of the problems, hidden and visible, in the present program of obtaining contributions from absent fathers, new programs and new concepts are needed.

All the incentives are missing from the present program; the absent father sees little purpose in contributing when it does not increase his family's income; the program is largely investigative and coercive in nature and little activity is directed toward providing training, job placement, and other services that might lead to an increase in the absent father's ability to contribute or result in reconciliation with his family; financially, the existing program penalizes the conscientious local community and its government.

RECOMMENDATION: A four-part program could provide the desired results.

1. New budgeting and cost analysis methods so that the County Board of Supervisors, the County Public Assistance Department, and the District Attorney's Office can measure the cost-to-benefit relationship of the present programs and alternatives.

The present problems are inherent in line item budgeting--the line-by-line, department-by-department listing of personnel, fixtures, fixed expenses, etc. Social welfare problems and the AFDC program at the county level in particular do not recognize departmental lines or budgets; a program in the Public Assistance Department may have financial implications in the budgets of the District Attorney, the jail, the courts, the Probation Department, etc.

What is needed is program budgeting--a statement of the program and its goals, the personnel and expenses necessary to achieve those goals, and a feedback system of measuring and monitoring the success in reaching those goals. If the goal, for example, is reducing the costs of the AFDC program by achieving greater financial contributions from absent fathers, the county could quickly determine the total costs of the present program and then monitor the cost and effectiveness of such alternatives as increasing reconciliation through marital counseling. The county cannot measure the success of any program until it can readily see all of the costs involved and the costs of the alternatives. (Program budgeting is discussed in more detail in Chapter IV)

2. Concentrating efforts on absent fathers who have the potential for greater earning power, a current ability to contribute a larger amount, or a potential for reconciliation with their families, or a combination of such potentials.

Many of these fathers are now under the jurisdiction of various county, state, and federal agencies. At any one time, according to the Public Assistance Department social worker at the jail, about 15 percent of the jail population has families receiving AFDC grants. Total jail bookings are about 20,000 a year, indicating about 3,000 men are involved annually.

In addition, there are an undetermined number of absent fathers supervised by the County Probation Department and a significant number of state prisoners and parolees are absent fathers. These men are required to maintain employment as a condition of their probation or parole and are expected to engage in treatment or counseling designed to clarify if not stabilize their family relationships. Marital counseling for groups at the jail, for probationers, for parolees, and for groups within the community would be one means of aiding these absent fathers to become more responsible to their families.

Funds allocated for such services would need to pay only part of the costs since the other participating agencies--those with the prime responsibility--could be reasonably expected to contribute staff time, effort, and money.

3. Reallocate some of the funds now committed to investigation and prosecution of fathers who fail to support their families to mandatory marital counseling programs and other counseling aimed at relieving the antagonistic feelings that in many cases contribute to the failure to provide. Reconciliation would be a prime goal. If such counseling fails, jail sentences coupled with the work furlough program might then be an available alternative.

Jail sentences for failure to provide often compound rather than eliminate the problem. The jail prisoner adds to the county's costs--the county must provide not only for the prisoner but also for his family. And the father may find problems in securing employment when he is released because of his criminal record.

4. State and federal legislation to allow counties to deduct the total cost of obtaining support payments before reimbursing those two levels of government, providing the incentive for counties to establish imaginative, vigorous programs aimed at obtaining support contributions from absent fathers.

Consideration should also be given to enabling legislation that would allow some visible, spendable increase in actual family income when absent fathers contribute to the support of their families. This would provide some of the incentive now lacking for both the family and the absent father.

Prevention cannot be overlooked, either. AFDC families are producing a certain number of future welfare recipients. Treatment directed at stabilizing family life can keep men, women, and children from entering the welfare system. Any increase in local economic activity producing new and higher paying jobs and any increase in family purchasing power has a similar preventative affect.

"Would it be practical to set up a support program whereby matching money would be paid to families based in part on payments made by absent fathers? In other words, possible some minimum payment would be made which could be increased depending on the contributions by the father."--A businessman member of the Policy and Review Council.

WELFARE AND SOCIAL SECURITY

Most people in prosperous California work long enough and in the right kind of employment to qualify for Social Security, the federal old age, survivors, and disability insurance program. But the small percentage who reach retirement age or become disabled without minimum Social Security protection add up to a significant number of citizens and they place a substantial burden on the state's taxpayers.

This small percentage is virtually overlooked despite California's expanding economy and high wages, its sophisticated array of government programs to educate, train, and place people in jobs. They have failed and are failing to get the meager earnings necessary to qualify for even minimum Social Security benefits.

Social Security eligibility is based on earnings--a minimum of \$50 per quarter of a calendar year in most types of employment--and duration of contributions to the Social Security system. Substantially all types of employment except that of federal civil servants and self-employed physicians have been covered under Social Security since 1956; prior to 1956, much farm work was not covered and today coverage still cannot be acquired if the farm worker works for a number of employers during the year. The number of quarters needed for retirement and disability benefits varies according to age so that a man reaching 65 in 1969 needs 18 quarters of coverage while someone reaching age 65 in 1978 will need 27 quarters of coverage. (See Table 1).

TABLE 1

Number of Quarters of Coverage
Necessary for Fully Insured Status

<u>Year attained age 62 for women or age 65 for men</u>	<u>Quarters required for fully insured status</u>
1957	6
1958	7
1959	8
1960	9
1961	10
1962	11
1963	12
1964	13
1965	14
1966	15
1967	16
1968	17
1969	18
1970	19
1971	20
1972	21
1973	22
1974	23
1975	24
1976	25
1977	26
1978	27
1979	28
1980	29
1981	30
1982	31
1983	32
1984	33
1985	34
1986	35
1987	36
1988	37
1989	38
1990	39
1991 and thereafter	40

NOTE: The definition of Quarters of coverage can be found in the Social Security Handbook, paragraph 201, p. 26. The term, "Calendar Quarter" means a period of three calendar months ending March 31, June 30, September 30, or December 31 of any year in which a person has been paid \$50 or more in wages for employment covered under the Social Security Law.

TABLE 2

MINIMUM MONTHLY SOCIAL SECURITY CASH BENEFITS*

	<u>Per Month Benefit</u>	<u>Cumulative Over 10 Years</u>
<u>The Retired or Disabled Worker</u>		
at age 65 retirement	\$55.00	\$6,600
minimum disability payment	55.00	6,600
retired at age 62 instead of 65	44.00	5,280
<u>Workers' Wife or Widow</u>		
Wife 65 or older	27.50	3,300
Widow at 62 or older	55.00	6,600
Widow at 60, no child	47.70	5,724
Disabled widow at 50, no child	33.40	4,008
Wife at 62, no child	20.70	2,484
<u>Wife, Widow and Child</u>		
Wife under 65 and one child	27.50	3,300
Widow under 62 and one child	82.50	9,900
Widow under 62 and two children	82.50	9,900
<u>Children Only</u>		
One child of retired or disabled worker	27.50	3,300
One surviving child	55.00	6,600
Maximum family payment	82.50	9,900

*SOURCE: Recent Improvements for your Social Security, 1967, Social Security Amendments, U. S. Department of Health, Education and Welfare, Social Security Administration, SS1-1961-1 1-68. U. S. Printing Office, p. 6.

San Joaquin County and the state--like counties and states across the nation--are spending literally millions of dollars for public assistance grants because many elderly persons do not have the needed quarters of coverage. Some may have only one quarter of coverage, others may be just one quarter shy of eligibility.

The State Department of Social Welfare reports that 101,850 of the state's 291,000 recipients of county-state-federal financed Old Age Security do not now receive Social Security benefits. If these 101,850 senior citizens did qualify for only minimum Social Security, the state-county savings would be \$2,851,000 a month. (Over the nearly 13 year life span of the average 65 year old man, this means statewide savings of \$442,029,000--seven times San Joaquin County's 1968 budget for all county operators.)

The State saves \$23.87 and the county \$4.07 for every recipient of Old Age Security and slightly more--\$24.53 for the state and \$4.18 for the county--for each Aid to the Disabled recipient who qualifies for the minimum \$55 Social Security grant and has his monthly public assistance benefit reduced by that amount. The federal government which pays 49.2 percent of the Old Age Security grants and 47.8 percent of the Aid to the Disabled grants, also saves as the basic burden is shifted from the Federal public assistance budget to the Social Security system and its trust funds. (See Table 3).

TABLE 3

SOURCE OF FINANCING CASH GRANT*

OLD AGE SECURITY AND AID TO THE DISABLED
PUBLIC ASSISTANCE IN SAN JOAQUIN COUNTY

<u>Source</u>	<u>Old Age Security</u>	<u>Aid to the Disabled</u>
Federal Government	49.2%	47.8%
State Government	43.4%	44.6%
County Government	7.4%	7.6%
Combined State and County	50.8%	52.2%

STATE AND COUNTY SAVING THROUGH REDUCTION OF**
CASH GRANT BY \$55 (Minimum Social Security Benefit)

<u>Source</u>	<u>Old Age Security</u>	<u>Aid to the Disabled</u>
State Government	\$23.87	\$24.53
County Government	4.07	4.18
State and County	27.94	28.71

*Note that technically the Federal Government also saves money because Federal Social Security funds are held in a trust fund and are contributed by employees and their employers. Furthermore, the federal budget would show a reduction in federal expenditures for public assistance grants to states.

**San Joaquin County, as of January 1968, had 7,034 Old Age Security cases (average grant \$103.74) and 3,067 Aid to the Disabled cases (average grant \$108.86). These figures were provided by San Joaquin County Department of Public Assistance.

San Joaquin County and the state, for example, are saving \$22,904 a month because San Joaquin County has 12 percent more recipients of the county-state-federal Old Age Assistance program receiving Social Security than the state wide average. That is equivalent to nearly 10 cents on the county's tax rate.

Based on average life expectancy, state and county savings range from \$3,159 to \$4,966 for each public assistance recipient who qualifies for Social Security benefits.

The state and its 58 counties are in effect paying a penalty of more than three-quarters of a billion dollars--not million, but billion--because some 200,000 California residents did not and will not qualify for minimum Social Security benefits.

"Today, universal (Social Security) coverage has been nearly reached. More than 90 percent of the people who are employed are earning future social security retirement protection. Ninety-two percent of the people currently reaching age 65 are eligible for cash benefits; 87 percent of the people aged 25 through 64 have protection in the event of long term disability; and 95 percent of all children under 18 and their mothers have survivors protection."⁴

But what of those not covered by even minimum Social Security protection? Some idea of their plight can be gained by looking at the characteristics of persons who do barely meet requirements.⁵

- 16 percent of the benefits paid in 1964 were at the then minimum of \$44 per month, indicating average monthly earnings during the working life of that individual were less than the prevailing minimum wage in 1964.
- 98 percent of those qualifying for minimum benefits earned less than \$2,400 in their year of highest earnings in the 13 years preceding their retirement and 71 percent earned less than \$1,200 in their highest year--less per year than the average public assistance grants in California.

- 16 percent of the women and 22 percent of the men entitled to minimum benefits had not worked in covered employment for at least 13 years.
- Nonwhite workers were twice as likely as white workers to qualify for only minimum benefits; 24 percent of nonwhite men and 52 percent of nonwhite women received the minimum benefits, indicating that many of those not meeting the minimum eligibility requirements are nonwhite and probably female.
- Two thirds of the retired workers entitled to minimum benefits were women.

The statistics show a clear correlation between recency of employment and the size of the monthly benefit--the more recently you have worked, the more likely you are to qualify. And workers who continued working until they are eligible for Social Security are less likely to have a drop in their annual earnings as they approach 65.

Target Groups For Program Action

There are two large, readily identifiable groups in California who do not qualify for even minimum Social Security benefits--many of the more than 160,000 in jail, prison, or on probation, discussed in Chapter II, and some 175,000 recipients of the Old Age Security and Aid to the Disabled public assistance programs and their dependents.

Public Assistance Cases

The State Department of Social Welfare reports that 35 percent of the 291,000 recipients of the county-state-federal financed Old Age Security program do not receive even minimum Social Security benefits.⁶ And many of those who do receive the current \$55 a month minimum benefit need the additional assistance of Old Age Security grants to meet their minimum needs.

The problem, contrary to popular belief, is not inherited from other states--the average residency of Old Age Assistance recipients in California is 35 years. Their average age is 76 and they have been retired for 12 years without Social Security.⁷

In the case of Aid to the Disabled, again a county-state-federal aid program, 73 percent of the 120,000 recipients in the state do not receive any form of Social Security benefits. And again, most are long time California residents--60 percent were either born in California or have lived in the state for at least 24 years.⁸

The average age of the Aid to the Disabled recipients is 53, considerably lower than the average age of the Old Age Assistance recipients largely because most of the disabled transfer to the Old Age Assistance program at age 65.⁹

Jail and Prison Inmate Coverage

The other sizable group that will reach retirement age without minimum social security coverage is the 14,000 to 30,000 in jail and prison or who are unemployed, often in ill health, or working in uncovered employment after release from jail or prison. Specific recommendations for this group are contained in Chapter 2.

Welfare and Social Security--Some Recommendations

The county and the state can afford to invest up to \$28 per month to assist each of these ineligible persons to qualify for Social Security benefits because this would be the direct state-county savings for each person once he is eligible.

It is unreasonable to expect that all of the present public assistance recipients can be helped to become eligible for Social Security. Many are too old or too infirm to resume working even part

TABLE 4
 REDUCED BENEFIT VS. FULL BENEFIT
 SOCIAL SECURITY FOR MEN AND WOMEN;
 STATE AND COUNTY SAVINGS

Age First Apply for Social Security	Life Expectancy of Beneficiary at Indicated Age ^a	Minimum Monthly Social Security Benefit ^b	Total Social Security Payment for Expected Life	Monthly Savings to State & County ^c	Total State-County Savings Beginning at Age 65 ^{d*}
MEN					
62	14.7 yrs.	\$44	\$7,762.00	\$22.35	\$3,159.46
65	12.9 yrs.	\$55	\$8,514.00	\$28.00	\$4,334.40
WOMEN					
62	16.81 yrs.	\$44	\$8,875.68	\$22.35	\$3,703.84
65	14.78 yrs.	\$55	\$9,754.80	\$28.00	\$4,966.08

^aSOURCE: 1968 Standard ordinary table of mortality.

^bApplying for Social Security benefit at age 62, rather than working until age 65.

^cState-County savings differs when beneficiary applies for reduced Social Security benefit.

^dCalculated from age 65 because citizens are not eligible for Old Age Security until age 65 and therefore, no public assistance savings can be realized.

*Savings computed at life expectancy at 65.

time and there would be serious legal and moral questions involved should they be required to work.

But programs can be developed to assure near universal eligibility in the future. And that should be the goal.

There may be 10 to 15 percent of the present recipients of Old Age Security and Aid to the Disabled grants who may need only a few quarters of coverage to become eligible for Social Security and are willing to work part time. If just 10 percent of the Old Age Security recipients qualified, the savings for the county and the state would amount to \$285,100 a month.

Old Age Security recipients are allowed to earn up to \$20 a month without a reduction in their grants. This \$20 a month meets the Social Security minimum for coverage-- \$50 per quarter in most employment. Arranging for employment of a 65 year old Old Age Security recipient, even if it requires a subsidy to the employer, is financially sound because it would help many qualify for Social Security benefits.

If the 65 year old man needs 10 additional quarters of Social Security coverage, two and one-half years of employment will make him eligible for at least the minimum Social Security benefit by age 67 1/2.

Every month after that the state would save \$28 or a total of \$3,494 over the remainder of the man's expected life term. This makes it practical to even subsidize the employer where necessary. For example, if a \$28 State-County subsidy per month to the employer were required as an incentive, it would cost the State-County \$840 over the two and one-half years.

Even deducting the \$840, on an actuarial basis the state will break even when the older worker turns age 70, and stands to gain \$2,654 in savings from the time the older worker reaches age 70 until his death as computed by actuarial tables.

Similar subsidized employment, sheltered workshops, or protected employment is possible for recipients of Aid to the Disabled grants, most of whom transfer to the Old Age Assistance program when they

reach 65. Only 26 percent of the Aid to the Disabled recipients receive any Social Security benefits. As in the case of the Old Age Assistance program, the savings from helping disabled persons qualify for Social Security will more than pay for the subsidized employment or rehabilitative services required.

The aim for the Aid to the Disabled recipients should be to help them qualify for reduced Social Security benefits at age 62, shifting the financial burden to the Social Security system three years earlier than if they wait for slightly higher benefits at age 65.

In both Old Age Assistance and Aid to the Disabled programs, the number of quarters of coverage needed for Social Security eligibility and the life expectancy predict the amount of subsidy, if any, that is needed and can be justified on a cost-to-benefit basis.

Obviously, there must be two approaches to maximizing Social Security coverage--one aimed at qualifying those who have already reached 65 and another aimed at identifying and qualifying those who may reach 65 without coverage.

The chief concern should be locating the men and women who are approaching 65 and who, if their status is not changed, will need Old Age Security grants because they will not qualify for Social Security. Early identification of these people provides an opportunity to help them attain eligibility while they are more readily employable and more motivated to prepare for retirement. It may also help them qualify for more than the minimum Social Security benefits and it also produces immediate savings to the state and county when they reach age 65.

Locating and identifying these older, now ineligible persons is not difficult--census tract data clearly identifies the areas of the county with a high density of aging poor who should be canvassed; others can be located through their dealings with the San Joaquin General Hospital, the County Jail, the County Probation Department,

the County Public Assistance Department, the State Department of Employment, and other public and private agencies. But it is not a job for any one agency or any single group.

Programs, in increasing order of level of effort and community commitment, for locating, identifying, and aiding those who are ineligible or potentially ineligible for Social Security, are:

1. Encouraging senior citizen groups to reach out in a personal, educational, and publicity campaigns to help others verify their Social Security status and seek ways of correcting any deficiencies.
2. Creating a centralized, coordinated program among local agencies--County Public Assistance Department, San Joaquin General Hospital, County Jail, State Department of Employment, State Department of Vocational Rehabilitation, and other public and private organizations, including labor unions, who may deal with the aging--to identify those who are or will be ineligible and to develop a program to help them become eligible.
3. Developing a master plan for attacking many of the problems of the county's low income residents approaching retirement under Title IV (Community Grants) of the Federal Older Americans Act through the California Commission on Aging.
4. Establishing a Federal Office of Economic Opportunity funded program through the Community Action Council to employ older workers or aides in poverty target neighborhoods to identify and help older workers become eligible for Social Security through various existing programs in public agencies, to provide liaison with those agencies, to develop sheltered workshop and protected work situations, to educate and motivate the poor to ask for Social Security coverage, and, in conjunction with other agencies, to see that coverage is included in farm employment.
5. Developing and implementing a plan for an even broader range of services for older workers approaching retirement age, broader in approach than those programs aimed solely at maximizing eligibility. Such a program could be modeled on the prototype Project FIND (for Friendliness, Isolated, Needy, and Disabled) of the National Council on Aging, and would seek out the aging who are in need of help and do not know where to find it and would attempt to involve them in self-help programs.

These programs would also apply to the disabled and to those whose physical condition is deteriorating to the point where they may need disability benefits.

One of the keys to the success of any of these programs is determining the eligibility status of those approaching 65 as provided under Social Security regulations. The regulations say:

"Every Social Security number holder may check his earnings record once a year. Since the law has a time limit after which certain corrections cannot be made, every number holder should check his earnings record at least once every three years."¹⁰

It also should be remembered that most of those not now eligible for Social Security benefits have contributed to the system but not long enough to receive even minimum benefits. Since their contributions and those of their employers cannot be refunded, it is only fair and logical to help them complete their eligibility as the law provides. Many, possibly a majority, worked in farm labor and similar employment that only recently came under Social Security.

With the great mobility of workers in the nation today, the financial burden of their care in retirement or disability is more of a national than a local problem and the Social Security system was established in recognition of this. To fail to use the system fully and effectively is not unlike failing to deduct a legal exemption on an income tax return.

THE COUNTY HOME FOR DEPENDENT CHILDREN

Mary Graham Hall, San Joaquin County's shelter home where 24-hour care is provided by the County Probation Department for non-delinquent children who are temporarily homeless or in need or

protection, is a supportive service whose cost could be reduced and effectiveness increased by designing alternatives to the present program.

It is costly to keep a child in Mary Graham Hall--\$350 per month compared to \$105 to \$250 per month for care in a foster home or in private group homes caring for those whose problems preclude their immediate placement in foster homes.

This means that there is a potential savings of \$7,700 to \$14,250 a month if Mary Graham Hall's average population of 50 children was placed in foster or group homes. But the savings would be even greater for the county if these children were under the jurisdiction of the County Public Assistance Department instead of the Probation Department.

When children are under the jurisdiction of the County Probation Department, all costs--staff and other support expenses--are borne from county general funds. If these same children were under the care of the County Public Assistance Department, in foster care or group homes, staff costs and considerable operating costs would be shared by the State.

There are also compelling social reasons for a shift of responsibility for dependent children from probation to public assistance, and ample evidence from experts to support such a change.

The protective custody in Mary Graham Hall is theoretically short term--the Probation Department must file a petition for custody with the Juvenile Court if the child cannot be placed with a parent or relative within 48 hours.

"They remain only until more permanent plans can be made for their care,"¹¹ the Probation Department says.

In practice, however, the protective custody is often long term. One 19-month-old child spent 303 days in Mary Graham Hall; a nine-year-old girl and her two-year-old brother spent 448 days in the facility while waiting placement in a foster home. The shortage of foster homes often creates an overcrowding crisis in the hall.

A distinguished report on this problem in California has expressed grave concern about long term use of such facilities as Mary Graham Hall.

"The removal of a child from his home is a disturbing and dangerous experience for any child. Therefore, community services should be organized and carried out in such a way as to avoid such removal if at all possible and to carry it out planfully and constructively if it becomes necessary."¹²

Section 600 of the California Welfare and Institutions Code specifies that when a child is removed from his parents, public agencies should provide "custody, care, and discipline as nearly as possible equivalent to that which would have been given by his own parents."

Does San Joaquin County do this? The California Department of Social Welfare has its doubts.

The problem, the Department says, is "far deeper and broader than too many children remaining too long in Mary Graham Hall. That is merely what the community sees and talks about because it is easily visible like the top of an iceberg."¹³

"The basic problem has been many years of inadequate financial assistance and social services for children and deprived families. These lacks have contributed to serious family disintegration and child neglect. General relief and the categorical aid programs, mental health clinics, and private social agencies together constitute the first line of defense against child neglect, which, if uncorrected, results in placement in Mary Graham Hall. None of these resources has been consistently adequate and strong. The services to neglected children that have existed have been fragmented and sometimes wastefully duplicative. Though previous studies and consultation have clearly pointed out the need for an overall program in the Department of Public Assistance of child welfare services to any child in need thereof, long-range planning for this with sufficient staff and county funding has not yet been done. However, the department and the board of supervisors cannot develop such a program alone. It will require close coordination and integration with other public and private agencies in the community, and especially with probation, law enforcement, and the juvenile court. Unless all local agencies involved and county government can work together to develop sounder preventive and protective social services to children, more children will continue to flow into Mary Graham Hall than can be placed in foster homes."14

The Juvenile Court is charged under the California Welfare and Institutions Code with acting in the place of the parent in cases where the parent is unable or unwilling to do so. The Probation Department assumes the responsibility of assisting in the discharge of these duties as an adjunct of the court.

Most authorities in the field of child welfare agree that the dependent, nondelinquent child should be dealt with exclusively by agencies other than those associated with the criminal justice system--other than the Juvenile Court itself. They also assert that institutionalization of these children should be the last alternative for care. In fact, they say, it ought to be an explicit objective to program all of these children completely into situations that avoid institutionalization.

The San Joaquin County Board of Supervisors itself recognized this in November, 1963, when it transferred the responsibility for some 300 dependent, nondelinquent children receiving welfare aid (then Aid to Needy Children; now Aid to Families with Dependent Children) from the Probation Department to the Department of Public Assistance.

Supervisors acted on the recommendation of management experts--the Ernst and Ernst reports on the efficiency of county government submitted in 1961--and welfare experts--Catherine M. Dunn, a Pasadena welfare administration consultant.

Miss Dunn wrote at the time that "the basic responsibility for child welfare rests in local government through a welfare department with a variety of services financed by county funds, supplemented and matched by state and federal money."¹⁵

"It is also an established principle," she added, "that responsibilities for the care of dependent and neglected children is more a welfare than a probation function."¹⁶

Writing before the Welfare Department was renamed the Department of Public Assistance, Miss Dunn concluded by recommending among other things:

"That a treatment oriented program of services to the problems and needs of dependent and neglected children and their parents be established in the Welfare Department, and operated so as to strengthen family life and to provide adequately for the care and supervision of children who are removed from natural parents by voluntary means or by court action, or are placed for purposes of their protection and treatment or their parents, and whose needs are of an economic, social, or emotional nature, and that thereupon much of the responsibility for the care, treatment, and supervision of dependent and neglected children now in the Probation Department can and should be relinquished by the Probation Department and assumed by the Welfare Department.

"That the shift of responsibility gradually and ultimately from probation to welfare for the care of dependent and neglected children will proportionately reduce county money (expended) since salaries of probation staff are now paid 100 percent from county funds while the majority of the jobs in the county welfare (department) are matched by state funds and some child welfare jobs can be paid for almost entirely from state and federal funds.

"That by having the needs of dependent and neglected children met more by the Welfare Department than by the Probation Department when court action is not necessary for the protection of the child, the cost of court processes, involvement of police and the like can be considerably reduced and monies used to strengthen the program of services for the benefit of the child.

"That justifiable expenditures to prevent and rehabilitate beyond what is now being done will save money and human beings in the long run."¹⁷

The confusion over which agency is responsible for a child only adds to the problem. As the National Study Service report suggested: "What is everybody's business is nobody's business, so responsibility both for community and planning and for the provision of individual service must be clearly placed if action is to occur."¹⁸

Strengthening the Probation Department

The Probation Department should also be strengthened. It is of direct importance in safeguarding children and plays an important crime preventative role.

"The most voluminous, most important, and most urgent service of the county probation departments is in the field of delinquency and in the treatment and planning for young offenders...Although it is not always true, many of the young persons who come to the attention of the court for reasons of delinquency have come out of families which neglect, mistreat, and misunderstand them. The causes of delinquency are of course many and varied and differ from case to case. In some instances of minor delinquency, it may be concluded that the major problem is family inadequacy and that service to deal with this problem could more appropriately be provided by the welfare department instead of

by probation. Under any arrangement, of course, probation departments will also be serving many thousands of delinquents whose families have neglected, failed, or misunderstood them. It becomes obvious then...the service of probation departments must also be greatly strengthened. Skills must be increased and caseloads lowered."19

It should be obvious that preventative and protective services provided by both the Probation and Public Assistance departments are the long range answer to the problems of Mary Graham Hall. Unfortunately, the cooperative service program does not exist.

The California Department of Social Welfare takes note of this, reporting:

"No well-integrated planning exists between agencies in San Joaquin County for careful social work evaluation of neglect complaints to determine if removal of the child from his home is really necessary. When someone in the community complains that children are being neglected or are alone, law enforcement officers must make on-the-spot decisions--usually placement in Mary Graham Hall. Under the circumstances, this is justified. However, many of the officers realize that most neglected cases need social services rather than legal action. Few parents deliberately neglect and abuse their children. Usually neglectful parents are emotionally or physically ill, alcoholic, or mentally retarded. Some never had opportunity to learn how to care adequately for children and a home, or lack financial means to do so. Such problems call for medical-social-economic services rather than legal prosecution. If the Department of Public Assistance had a protective services program operating on a 24 hour, seven days a week basis, many cases could be screened immediately and receive appropriate services. Costly placements in Mary Graham Hall and costly court action often could be avoided and chances of preserving families increased."20

The Recommendations

Based on the foregoing facts and views of acknowledged experts, it seems clear that a reallocation of resources and responsibilities would permit San Joaquin County to do a more effective job in preventing, protecting, and providing for neglected and abused children. These services could be provided more effectively and at less cost by:

- Assigning responsibility for all operating programs for preventative services including operation of Mary Graham Hall or similar facilities required for the care of these children to the Department of Public Assistance, and by
- Establishing a coordinated, comprehensive plan to provide alternatives to admission or detention in such care facilities as Mary Graham Hall.

The alternatives should include:

1. Arrangements for police referrals of problem situations to professional social workers in the Department of Public Assistance on a 24-hour, seven days a week basis. If, for example, police are contemplating the arrest of one or both parents, the social workers could provide for the care of the children at their own home with responsible relatives or trained, county employed homemakers on an interim basis. The homemaker would be a "mature, specially trained woman with skills in homemaking and child care who goes into the home as a team member under the supervision of a social worker."²¹
2. A concerted effort to develop and maintain the home capacity to care for neglected children, using the assistance of social workers, homemakers, or both to help. If this fails, other alternatives then can be considered.
3. Establishment of neighborhood group homes--privately or publicly managed homes in residential neighborhoods for six to 10 children of like age and sex--for children who are not prepared for the more intimate family relationships of a foster home. The county's need could be met by four such homes in the Stockton area and one each in Tracy, Lodi, and Manteca. Each would care for an average of five children at a monthly cost of \$250 for each child.
4. Initiating a more aggressive program for establishing and retaining foster homes, the basic means of care for neglected children outside their natural homes. Additional staffing in the Department of Public Assistance is needed to recruit, license, and develop new foster homes and to prevent loss of existing foster homes that need services at times of crisis. It should be feasible to find some satisfactory foster homes among mothers now receiving Aid to Families With Dependent Children, but the foster home payments should not be considered as income to reduce the AFDC grants.
5. Upgrading the quality of foster homes by increasing the compensation from the present maximum to approximately \$150 per month per child, deliberately seeking out home situations or foster parents who already have an economic

status above the deprived level; by making homemaker assistance available to foster parents; and by increasing the professional services available from the Department of Public Assistance. In licensing foster homes, it is realistic to recognize that a would be foster parent may expect to break even or make a small profit.

Effectuation of these proposals could bring about the eventual closure of Mary Graham Hall and substitution of better and less costly means of care for neglected children. This will require development of some new services and closer coordination with existing services and other programs, such as the day care centers operated by Stockton Unified School District under grants from the U. S. Office of Economic Opportunity. It would also be desirable, if not imperative, for the Department of Public Assistance to assume responsibility for preparing and presenting cases directly to the Juvenile Court when such action is necessary.

The Community Action Council, the community wide anti-poverty agency funded by U. S. Office of Economic Opportunity, can play a key role because the majority of children admitted to Mary Graham Hall come from the economically depressed areas where the Community Action Council is concentrating its efforts. The Community Action Council has indicated an interest in developing cooperative programs for the care of neglected children using Office of Economic Opportunity funds. The Community Action Council and the neighborhood associations that are its backbone could operate group homes or form nonprofit corporations for their operation. In addition, the Community Action Council and the neighborhood associations could make effective use of paid trainees and volunteer workers in providing such services.

The Community Action Council and the neighborhood associations have the resources to locate potential homemakers and foster parents within the neighborhoods and from the social-economic-cultural group from which the neglected children are coming. These resources are as yet untapped.

The problems are complex and confusing, but better alternatives must be found. Undoubtedly there may be legal barriers to a shifting of responsibility from the Probation Department to the Public Assistance Department. Changes in state laws to permit this occurred in 1968 but as of May 1969, the organizational change has not been made.

"Confusion may still exist as to division of responsibilities for neglected children," the State Department of Social Welfare says, "However, if all professions concerned really want to help children, keep up to date on practices, and focus on how best to help without wasteful duplication of effort, agreements can be reached and ways found to do so more effectively."²²

It hardly needs to be stated that the dependent neglected children of today are prime candidates for the adult criminal justice system within a decade. Prevention programs and services to this group are lacking and untreated symptoms will continue to rise to the surface in the form of the behavior of tomorrow's adult offenders.

Again the problem of attitudes becomes significant--community attitudes about welfare, dependency, and about children and their need for "attention" or in this case their need for "detention". There is a public willingness to permit the over use of Mary Graham Hall and the under utilization of very badly needed services, especially after repeated professional recommendations have been prepared and presented.

CONCLUSIONS

There is no question about the theory of social welfare: it exists to help provide for those who are unable to provide for themselves because of illness, disability, age, abandonment, neglect, or scores of other reasons. The five social welfare program areas discussed indicate that it is in the application that theory gives way to community attitudes--about the life styles of its minority members, about fathers who abandon their families, about drunkenness, illegitimacy, and the other manifestations of the urban crisis of today.

Community attitudes mold the content, depth, and direction of local social service programs. However, the point at which these programs break down is often the same point in time that the criminal justice system is called upon to perform the impossible task of finding a solution--usually at an almost inordinate county expense. The manifestation of these community attitudes is of course not limited merely to the five examples from the local social service system. These attitudes show up in the lack of community coordination, the dysfunctionality of supposedly existing programs, the lack of other necessary programs, and the fractionization of the entire social service and criminal justice systems. The result is a non-system, a group of disparate agencies, impotent to solve the problems alone and unwilling to exert the energy necessary to bring themselves together into a functional system that is capable of solving the communities' problems, not merely the symptoms of the problems. The President's Commission on Law Enforcement and Administration holds out the hope, though:

"It (the commission) has no doubt whatever that the most significant action that can be taken against crime is action designed to eliminate slums and ghettos, to improve education, to provide jobs, to make sure that every American is given the opportunities and the freedoms that will enable him to assume his responsibilities. We will not have dealt effectively with crime until we have alleviated the conditions that stimulate it."²³

"The Correctional and Supportive Services Committee can report to the MCCP Policy and Review Council that the project staff recommendations on the working paper (this chapter) are basically sound. The analysis presents important cost/benefit trade-offs which should be brought to the attention of any community seeking to provide better services with improved economic efficiency. The Committee cautions that some of the ideas that are presented in the paper are long-range goals. The solutions that are proposed are not a quick panacea. The clients that are concerned have many deep-seated and conflicting problems and often show little response to casework services. Another practical problem is that trained caseworkers are short in supply.

"...These are suitable areas for further study and analysis.

"...The paper is a good example of the fact that the absent parent support program is involved with many agencies and at all levels of government. In some respects, it is doubtful the program accomplishes what it is designed to achieve.

"The Committee thinks that the paper is possible untimely because of the intensity of feeling by the general public and official attitudes that absent parents should support children to the maximum extent possible, regardless of cost of enforcement. We are concerned that any factual analysis would not be able to penetrate the intense feelings the community has in this regard. An inordinate amount of public education is needed, and controversy would surround any attempts to make major changes in the present program. However, we do not recommend that we abandon the search for as many facts as possible to guide wise determination of public policy."

From a report of the Subcommittee
to the MCCP Policy and Review
Council 10/17/68.

After the conclusion of the Model Community Correctional Project study period and as this report was being readied for printing and distribution, the County Board of Supervisors culminated eight years of discussion--and a number of professional recommendations including that of the Model Community Correctional Project--and transferred responsibility for Mary Graham Hall, the shelter for dependent children, from the County Probation Department to the County Department of Public Assistance.

FOOTNOTES

- ¹Little, Arthur D. Inc., Metropolitan Stockton Economy, Analyses and Forecast, Department of City Planning, Stockton, October 1964, p. 36.
- ²Social and Economic Characteristics of AFDC Families; July 1962, State Department of Social Welfare, July 1963.
- ³Op. Cit., p. 36.
- ⁴U. S. "Social Security Administration 1967 Amendments Charts Booklet" Division on Employee Development, Office of Administration, Social Security Administration, Washington, D. C., 1967, Chart II.
- ⁵U. S. Social Security Bulletin "Workers Entitled to Minimum Retirement Benefits Under ASPHI," Social Security Administration, Washington, D. C., Vol. 30, No. 3, March 1967.
- ⁶"Public Assistance and Welfare Services in California," California Department of Social Welfare, Sept., 1966.
- ⁷Ibid.
- ⁸Ibid.
- ⁹Ibid.
- ¹⁰Social Security Handbook, U. S. Dept. of Health, Education, and Welfare, U. S. Government Printing Office, Oct. 1966; Section 1420, p. 247.
- ¹¹Digest of Activities Performed by San Joaquin County Probation Department, by F. S. Frederick, Chief Probation Officer; undated; page 10.
- ¹²Planning for the Protection and Care of Neglected Children in California, final report of the National Study Service for the Joint Study Committee on Children's Services of the State Social Welfare Board and the California Delinquency Prevention Commission; August, 1965; page 60.
- ¹³Study of Child Welfare Problems in San Joaquin County, by California Department of Social Welfare; March, 1968; page ii.
- ¹⁴Ibid., page ii.
- ¹⁵Report on Agency Responsibilities for Dependent and Neglected Children in San Joaquin County, by Catherine M. Dunn; June, 1962; page 5.
- ¹⁶Ibid., page 7.

17 Ibid., pp. 37 and 38.

18 Planning for the Protection and Care of Neglected Children in California, op. cit., page 129.

19 Ibid., pages 154 and 155.

20 Study of Child Welfare Problems in San Joaquin County, op. cit., page 9.

21 Ibid., page 12.

22 Ibid., page 12.

23 The President's Commission on Law Enforcement and Administration of Justice; The Challenge of Crime in a Free Society, United States Government Printing Office, Washington, D. C., February 1967, p. 15.

Chapter Four

THE DEVELOPMENT OF A MANAGEMENT SCIENCE

The quality of public administration of the criminal justice system must be improved if the Model Community Correctional Program is to move forward. A management model, complementing the organization model, must be developed whereby:

1. Objectives of the criminal justice system components are specified, and various methods for their achievement are evaluated in terms of the relationship of cost to results.
2. Necessary information is provided to decision makers, and all decisions reviewed in light of subsequent experiences or outcome.
3. Planning and budgeting is for the system as a whole and by specific programs rather than on a line-item basis and administrators are expected to achieve specified program objectives at authorized costs.
4. Management success is measured in terms of program performance and realization of the goals and objectives established for the criminal justice system.

The problem essentially is one of providing the legislators, policy makers, and administrators of the criminal justice system with the informational tools to identify effective and ineffective programs, both existing and proposed; to alter or eliminate ineffective programs; and to discover and utilize the expenditure trade-offs --the spending of one dollar in one program to save two dollars in another--suggested in part in the preceding chapter.

Through the management tools and techniques described in this chapter, it is possible to make all existing programs more effective, to curtail ineffective programs, to encourage the implementation of innovative programs, and to systematically expand existing knowledge

and experience to improve the performance of the total system of criminal justice and the social welfare, educational, and other systems to which it relates.

AN INFORMATION SYSTEM

The key to developing a truly modern, effective management system is complete and relevant information. As the President's Commission on Law Enforcement and Administration of Justice forcefully observed:

"Probably the single greatest technical limitation on the (criminal justice) system's ability to make its decisions wisely and fairly is that the people in the system often are required to decide issues without enough information. A policeman who has just set out in pursuit of a speeding and suspicious looking car should be able to get immediate information as to whether or not the car is wanted; a judge about to sentence a criminal should know everything about him that the police know; and the correctional authorities to whom the criminal is delivered should know everything about him that the judge knows. . . . Existing procedures must be made more efficient; and new procedures must be devised so that information can flow more fully and swiftly among the system's many parts."¹

The present data systems in use by criminal justice agencies in San Joaquin County are primitive in terms of the modern demands suggested by the President's Commission. The systems, if they can be called that, largely involve the manual manipulation of large amounts of paperwork--some of it relevant, much of it not.

Generally, the existing criminal justice information system:

- Lacks the capacity to receive and process large volumes of data.
- Functions so slow in updating files that much filed data is relatively useless.
- Contains unnecessary cross references and duplications.
- Cannot easily and quickly accept and deal with partial or fragmented data of significance to the system.
- Fails to mesh with the information systems of allied agencies.

But this is only one dimension of the problem. In terms of the use of this information, the system:

- Seldom permits direct random access to data.
- Does not provide real-time access to data.
- Fails to permit adequate dissemination of information to and from remote locations in terms of time and need.
- Does not furnish data adequate in form, content, or point of time to assist in administrative decision making.
- Fails to provide sufficient feedback of information to aid administrators in evaluating the results of previous decisions.

Obviously some of the limitations--the demands for large numbers of clerical help, the problem of changing or reorganizing the system because of these manual demands, etc.--could be alleviated by computerization. But at the moment, this would result in providing much inadequate, irrelevant, outdated data much faster.

THE NEED--What is needed in San Joaquin County is a criminal justice information system that:

1. Incorporates data necessary to make effective client--oriented decisions regarding optimal treatment programs from among many community program alternatives; this should start with the law enforcement officer in the field.
2. Interrelated and interfaces the data requirements needed to satisfy the various agencies and municipalities within the county and the county itself.
3. Eliminates the difficult, costly, and inefficient manual handling and processing of data.

As pointed out in the Summary Report (Chapter 4) rather than referring to the development of an information system as a "step" in the implementation plan of the model, the development of an information system should be considered an activity to be expanded with each and every stage of the implementation plan.

Data collection begins with the officer in the field. Information produced by the citation-summons and station house release program (Step eight) are added to the police officer's report to provide the information to begin a case record. The release-on-own recognizance report (Step six) and presentence probation report (Step ten) are systematically added so the judge has a cumulative report on which to base his decisions. Later, the probation officer can also provide additional data over the period of time the probationer is being supervised.

This data base can provide a "feedback system" to the court and correctional agencies so that there can be an increasingly more scientific assessment of the sentencing process.

San Joaquin County now offers an excellent opportunity for careful and systematic design of a modern information system precisely because the present information system is only minimally committed to any large scale electronic data processing doctrine.

It is on this positive note that a system design and development effort is proposed; one which over a time-phased period will culminate in a total information system, arrived at module by manageable module.

OBJECTIVES

The objectives of a modern information system design for the criminal justice process of the county are:

- a. To make available a design concept based on present generation electronic data processing capability.
- b. To provide, within the system design concept, a modular, evolutionary development of the information system.

- c. To involve present and potential system users in active participation of the system design by incorporating their requirements.
- d. To prepare system users for a readiness to use the system when it becomes available, by a regular systematic program of training and orientation, as a part of the system design process.
- e. To provide clear, understandable documentation for each design requirement providing thereby full involvement of the system user for key design decisions.
- f. To evolve a design concept which fulfills the needs of a criminal justice system at the county level, and, which also accounts for interfacing needs with other counties and with the State of California Criminal Justice Information System and Correctional Decisions Information Project.
- g. To evolve a design concept which accommodates the decision-making needs of the criminal justice system as the latter interfaces with the other social system agencies in order to make optimal resocialization decisions.

It is important that San Joaquin County management consciously encourage programs of information system development which will, over the next several years, restructure the present information handling procedures of the criminal justice system to make effective use of computers and the associated technology of information processing. No less important is the requirement for a system which co-exists efficiently with the computerized information systems being developed for various county and state departments and agencies.

USER COMMITTEE--In the initial stages of the system design, a committee representing the probable users of the criminal justice information system must be established to guide the system design group, organization, or consultant. The function of this committee is twofold: first, to describe the criminal justice system's requirements for specific information elements and configurations of data (reports, etc.), and second, to evaluate potential information system outputs proposed by the system designers.

It is the nature of information systems that they are deeply imbedded in the fabric of the organizations they serve. Procedures for handling and using information are intimately involved with habits, preferences, and the unique needs of people and organizations.

Only with the participation and cooperation of people at all levels can a practical system be developed. When management recognizes the basic principle of information system development and provides the necessary encouragement and support, rapid progress can be made toward achieving system goals.

Once the long-range plan outline and configuration has been generally agreed upon among the criminal justice agencies, it will be important to consult with representatives of other departments and agencies with which the criminal justice agency information system should or must interface. This may or may not be a committee function.

There are certain other basic considerations which the user requirements committee and county and city government management will need to consider. These considerations will significantly affect the development and implementation of a criminal justice agency information system. The most important of these are:

1. Anticipated changes in methods of operation based on recommendations of the Model Community Correctional Project and the President's Commission on Law Enforcement and Administration of Justice.
2. Anticipated increase in caseloads of the criminal justice agencies on the basis of their own forecasts.
3. Anticipated personnel shortages in certain skill categories.
4. Plans for modernization and expansion of facilities-- e.g., law enforcement, camps, juvenile halls, and field offices.
5. Anticipated changes in the mix of services provided-- e.g., increased community-centered care and increased use of intensive probation services.

6. Anticipated increased accountability demands and requirements for evaluational data accompanying greater involvement of the Federal and State Governments in supporting local community correctional activities.
7. Greater application of cost-effectiveness, benefit-cost analyses of program services to facilitate the selection of those services within a system of priorities tied to a program budget.

INFORMATION SYSTEM RESULTS--A fully operational criminal justice information system with the necessary ties to allied systems and with the necessary remote terminals and other hardware will in and of itself cause major changes and reforms in law enforcement and corrections. And it could result in yet unimagined changes in the structure of government itself.

Basically, emotional, intuitive decision making will be--or should be--replaced by rational, logical decision making based on facts and information.

The patrolman in the field, for example, will be able to get information immediately on a suspect. On the basis of that information as well as his own first hand observations, the officer can determine if the suspect is sought on other charges or in other jurisdictions, if he has a history of behavior that would indicate he should be arrested instead of cited, if he has any mental or physical condition that would account for his behavior or require professional attention.

Adding the information he has gathered to the computer file, the officer can take appropriate action.

If the decision is to arrest and jail, jailers will have a computer output or printout to guide them in identifying any conditions, any medical or mental diagnoses, any other factors that will dictate appropriate custodial conditions.

They will also have the necessary information to alert social welfare, education, probation, and other agencies of the detention and the need to aid the suspect and, equally important, his family.

The courts will have data on which to make sentencing decisions; the correctional agencies, in turn, will have the data they need for appropriate treatment programming.

The gathering of information is endless. Each agency, each person who has contact with the offender will both add to and draw on the stored data.

Definite safeguards to prevent misuse of this "people" information must be built into the information system. Access to this information must be on a need-to-know basis and the person on whom the information has been gathered and stored must have the right to inspect the information and require corrections where it is in error. An information system cannot be allowed to become a 1984ish thought and behavior control mechanism; it must be what its design implies-- a decision making tool providing accurate, relevant data to decision makers at all levels from the patrolman on the beat to the Superior Court Judge to the corrections administrator.

The data, of course, can cause permutations in government as we know it. It can reveal hitherto unknown relationships between education and crime, welfare and corrections, public transportation and unemployment. Once these relationships are known, government and its various systems will have to make adjustments, providing that the systems and their clients are change oriented and that change agents of the various public interests who would benefit from such changes are represented in the system.

This latter need, discussed in detail in Chapter 5, "The Strategy for Change," cannot be overemphasized. It will do no good, for example, for an information system to disclose that a dollar spent on improving the public transportation system will do more to increase employment than two dollars spent on the traditional approaches of the State Department of Employment if government is unwilling to abandon the traditional for the innovational. The same can be said of probation vs. jail, citation in lieu of arrest, and scores of other innovations that an information system can prove worthwhile. Proving the desirability of change is one thing; getting that change is another.

SYSTEMS ANALYSIS AND DESIGN

An information system is only one facet of a management model, albeit a key one and one on which the total model must be built. Without relevant data, any management model or system is doomed to failure.

Systems design in the sense of an overall management system is rapidly gaining a reputation for possessing broad applicability in the organization and planning functions involved in the solution of the increasingly complex social problems of today.

The systems approach first requires that the existing system be described; that the boundaries, the objectives and the requirements of the system be established. It is especially important that the goals and objectives of the system be understood and subject to measurement.

The system of criminal justice includes the following organization components and the activities of these components collectively provide the boundaries of the basic system:

Superior Court - Criminal Court
Juvenile Courts
Municipal Courts
Justice Courts
Police
Sheriffs
California Highway Patrol
Probation: Adult and Juvenile Probation and juvenile
detention and treatment facilities
District Attorneys - Public Defender - Grand Jury
State Correctional Agencies (prison and parole)
Federal Courts
Federal Probation and Parole
Federal Correctional Agencies
Other agencies with arrest or adjudication functions:
Fish and Game, Health,
California Department of Justice

PREDICTABILITY--The ability to accurately predict the outcome of change is an important component of a management system.

What happens when the various operational features or policies of the criminal justice system components enumerated above are disturbed or altered? The systems approach will eventually allow management to construct theoretical situations or simulations to determine this and to then assess the probable or logically predictable effects of these theoretical changes. In this manner, several alternate approaches to a problem can be examined and the results compared for selection of the best solution.

Getting the "absent father", for example, to support his children may be more successful if some of the effort now directed to enforcement only is redirected to help absent fathers (1) obtain better jobs so they can afford to support their children; (2) reconcile with the mother of the children.

As described in Chapter 3 and in the later section on program budgeting, the systems analysis approach is particularly powerful when it involves questions which can be measured with a common denominator such as money.

Systems analysis is equally useful in predicting the effect upon a total system when only one part of that system is changed.

Consider that in fiscal year 1965 and 1966 only 4.5% of the 562 felony cases disposed of by the Superior Court went to trial by jury in San Joaquin County, contrasted with 8.6% for the state as a whole. Any significant increase in the number of cases going to jury trial could, without effective planning, seriously disrupt the judicial system and, therefore, the entire criminal justice system in San Joaquin County. For example, a backlog of cases awaiting trial causes immediate increase in jail population. This simply illustrates how the organizational components of the criminal justice system, while functioning in a relatively independent manner, have an interrelation whereby the action of one component organization can change the complexion (and cost) of the whole system. An increase or decrease in number of arrests, the number of requests for public defender assignment, and a slow-down in foster home licensing causing an immediate increase in the population of Mary Graham Hall, the San Joaquin County children's home, are other examples of one component dramatically influencing another.

In order to manage an effective, model community correctional system--a system which views "corrections" in terms of a total array of community resources within and without the criminal justice system--there must be an understanding of the intermeshing of all the parts of the system and the relationship these parts have to one another. A systems analysis technique can produce an understandable replica of the network of all correctional resource alternatives and each decision point in the client's flow through the criminal justice process, then

make these explicit and visible to each practitioner of the expanded structure of a community correctional system.

The need, then, is to provide system decision makers with ready access to the information needed to treat offenders both with criminal justice and with social justice.

The organizational components of the criminal justice system are bordered by other social and governmental systems which must also be considered because it is apparent that one of the major contributors to the development of criminals (or the lack of successful correction therapy) is the action of society and its government.

'INTERFACE' SYSTEMS--The systems that adjoin and mesh with the criminal justice system--generally known as the "interface systems"--are primarily the social welfare, educational, and public health systems.

These systems are independent in theory but in fact they are intricately interwoven with the criminal justice system. Consider that the welfare department, or, in the case of San Joaquin County, the Department of Public Assistance, must deal with the dependencies created by arrest and incarceration of parents. It also, as of the end of 1966, had financial responsibility for many of the 700 juveniles who were under the supervision of the County Probation Department not as delinquents but as nondelinquent dependent children (abandoned, orphaned, etc.)

The various public health, hospital, and mental health agencies are equally involved. Which offenders are sick and who should treat them? The question cannot be answered by the criminal justice system or the public health system alone.

A major program recommendation of the Model Community Correctional Project nearing implementation--creation of a detoxification center for the public drunk--will have a major impact on both the criminal justice and public health systems. The man arrested for public drunkenness will be treated for an illness, not a crime. This will increase the costs of the public health system while substantially reducing those of the criminal justice system where about two-thirds of all misdemeanants convicted are committed for drunkenness or disorderly conduct; overall, costs should be reduced.

This is just one of many cases in which a management system must consider the impact on not one group of agencies but on a number.

Scientific management must also consider the employment, education, and related interfacing systems to plan improvements in the functioning of the component organizations of the criminal justice system. It must, for example, consider:

1. Poverty: 1 out of every 5 San Joaquin County families earned less than \$3,000 according to the 1960 census. About 60% of the persons arrested come from the poverty group.
2. Employment: (Under-employment, discrimination, lack of skills for employment). One in every 4 workers in 1959 drew pay for half a year's work or less. Annual unemployment since 1960 has consistently averaged between 7,000-8,000.
3. Education: Over 90% of the adult criminal offenders have not completed high school and have no employment history involving a generally acceptable vocational skill. Approximately 20% of this population over 18 years of age is functionally illiterate.
4. Economic Growth: There is a need to develop more than the 2200 new jobs created in San Joaquin County last year or there will be no reduction in unemployment no matter how much training of the poor or disadvantaged is provided. It appears that a 1% increase in the statewide annual unemployment rate is consistently associated with a statewide increase

of 500 new commitments to the State prisons. A similar relationship undoubtedly exists in terms of the jail population.

Budgeting, Planning and Definition of Objectives

With few exceptions around the country, and the governments operating within San Joaquin County are no exception, existing local government budgeting practices are the antithesis of good planning and management.

Budgeting is basically a planning process resulting in the conversion of all activities to money terms. In theory, each year every agency is justifying its total program in terms of the budget request. In practice, existing programs are seldom rejustified but, instead, the process is concerned with justifying increases for next year's workload.

Managing Toward Objectives

One clearly identifiable problem revolves around the difficult task of identifying objectives.

Budget planning and preparation go hand in hand with "management by objectives" concepts because only if the objectives of an agency can be clearly defined, can the degree of effectiveness be determined. Unfortunately, the system of criminal justice is not guided by any clearly enunciated, well understood set of objectives and this presents a crucial barrier to effective budgeting.

Ultimately the definition of these objectives depends upon public leadership and upon citizen participation in the formulation of broad policy objectives. As long as objectives are ambiguous and inconsistent, the criminal justice system will reflect this condition; without definition of objectives, the criminal justice system is destined to remain fragmented, inefficient and ineffective.

For example, in asking local police administrators and officers, "What is your objective?", too often the response is vague, such as, "promote law and order," "to keep the peace," or "to apprehend offenders."

The primary objective of a police department is, of course, to prevent crime; however, it is obvious that the objective chosen by the chief of police has a great deal to do with how personnel are deployed, what they do, and other basic management decisions. It also has a bearing on what kind of results can be said to be effective and which are not. For example, as crime increases more police are added. This usually results in more arrests, and may also result in more crimes reported. The response most readily proposed to such an outcome is still more police personnel. Under these circumstances the police departments are increased when it does not achieve its objective of crime reduction.

This management by objective process can be used to evaluate the activity of units as well as whole departments or agencies. For example, the local police in many communities are called upon to pay particular attention to school crossing zones at times of the day when they are in heavy use. The objective is clear enough--get Johnny safely from one side of the street to the other.*

But what is the policeman actually doing?

Too often he parks his car in a spot that is least obvious to an oncoming car. When the vehicle speeds through the area, or fails to stop for a child in the crosswalk, an offense has been committed

*Whether the use of police manpower to perform this function is proper can be debated; however, the policemen in many communities are performing this function and the mission is clear.

and the policeman commences pursuit, apprehends the violator, and issues a citation. His actions have relatively little to do with his stated objective. He is apprehending violators, not preventing violations.

Two other examples are common: ask the personnel man, "What is your objective?" He will usually reply with some standard answer about recruiting workload, classification of positions, the examining process, etc. Actually, he is doing a very poor job if he is primarily concerned about the technical aspects of the job and spends nearly all his time creating and administering personnel regulations and rules. His function is to provide the operating department the manpower it needs, when it needs it; the highest quality for the price the department is able to pay. The only reason for the existence of a staff function like a personnel unit is to service the operating department. If the tail wags the dog, something is wrong.

Purchasing is another example. Its function is to get the material the operating department needs when needed, and at the best price. When the effectiveness of purchasing is measured, it is in terms of the time lag between need and delivery, and the quality of the merchandise. Purchasing and personnel are especially apt to act as control agencies to make sure equipment is not being misused or to tell an agency head when he can have staff.

These examples are presented because they are so common and because they demonstrate how adept management can become at avoiding definition of objectives.

Most law enforcement, judicial and correctional agencies take their objectives too much for granted. And public agencies within the criminal justice system have become particularly adept at stating

one objective but carrying on activities which defeat that objective or are completely unrelated to the stated objective.* However, most agencies operate without defined objectives, leaving the administrator, employee, and public free to assume independent, conflicting, sometimes unrealizable objectives.

The process of defining objectives should involve employees as participants. As they gain a better understanding of their functions, they can help the agency "manage" toward a more well defined, agreed upon goal. The process is an excellent method for discovering the divergence between stated and unstated objectives in an agency. It tends to uncover long established methods which prevent, rather than promote, attainment of agency objectives.

With the importance of establishing objectives in mind, it is important to realize that local criminal justice agency administrators have neither defined their objectives nor developed any plan for public discussion of what the problems will be 2, 5, and 10 years from now, and how they should be dealt with. The problem can be traced to public philosophy, or more accurately, the lack of a clear public policy which administrators can formulate into objectives for the criminal justice system. In other words, there is no overall,

*It is important to point out that cost/benefit analysis can deal only with that which can be quantified. Many of the aspects of the criminal justice system are not quantifiable and, therefore, judgment will always be a very important ingredient in decision making.

There are disturbing signs that some so vigorously wish to protect the boundaries of the territory served by "judgment" that appropriate information is ignored.

publicly enunciated philosophy of what the role of the criminal justice system is and what its goals should be. Often, as these do begin to become defined, objectives can be seen to be clearly in conflict with one another.

Since it is difficult to define objectives and to relate the various programs to these objectives, most are happy to let objectives be assumed. This lets everyone "off the hook" and allows budget review activity to be centered on "line items": specific positions, equipment, supplies, travel, etc.

Peter L. Szanton observed in a paper in the Science and Technology Task Force Report for the President's Commission on Law Enforcement and Administration of Justice:

"Budgets traditionally have been broken down by organizations-- offices or bureaus--and by categories like 'salaries and expenses', 'office building equipment', and so forth. Such formats display who is spending the money and on what, but they say nothing about what for. For many purposes, such budgets are adequate. For the analysis or management of systems, however, they are not."²

In San Joaquin County, it is rare that new programs are reviewed with a determination of what specific results are to be obtained from the expenditure, at a given level of service, over a given period of time. It is even less common to find old programs re-evaluated in this manner. One reason this is not done is that in the face of unclear public policy, the administrator will not allow himself to be subject to accountability or measurement the next budget year for achieving a multiplicity of unclear or conflicting objectives. A second reason related to the first is that city and county management have not given enough thought to predicting what results are to be expected of the administrator. Agency heads are normally allowed to report "workload"--number of cases, miles traveled, number of arrests,

type of crimes reported and people processed--and pass these off as results. Because workload seems to increase, the City Councils and County Board of Supervisors increase the budgets irrespective of performance. The operating budgets of the criminal justice agencies in San Joaquin County increase almost a uniform 10% per year. (See Chart I next page for San Joaquin County criminal justice agencies' budgets for 1957-58, 1966-67, and 1967-68.)

As indicated elsewhere in these final reports, criminal justice agencies operate--and public policy seems to support the practice-- as if there are no fiscal constraints. Examples are almost countless, but to name a few:

1. The level of enforcement of "absent father" support payments bears no sensible relationship to results; yet when confronted with the uncomfortable facts, officials cite the fear of loss of deterrence (e.g., more fathers would not support their children) if enforcement level or techniques were changed.
2. A homemaker or foster parent could care for a child for about \$100 per month but the system seems to prefer to place these children in juvenile hall or children's home at a cost of about \$350 per month.
3. At least several thousand persons are arrested, booked into jail, escorted and transported to court at considerable expense that could be completely avoided by citing the offender to court.

A clear determination of philosophy and goals combined with budgeting that reflects actual program involvement, not age-old departmental lines, would provide a system whose costs are easily measured and monitored and whose results can be weighed against those costs.

Cost/Benefit Analysis Systems Analysis and Local Corrections

In San Joaquin County, the Model Community Correctional Project staff made initial examination of the jail by developing a program budget to describe the County Jail-Honor Farm complex.

San Joaquin County Criminal Justice System Costs
(Includes Juvenile Justice Sub-system)

<u>Law Enforcement</u>	Fiscal Year	Actual Expenditures		
		1957-58	1966-67	1967-68
San Joaquin County Sheriff-Coroner		531,653 ^a	1,272,228	1,472,595
Stockton Police Department		906,000	1,782,000	2,586,296
Tracy Police Department		150,000 (est)	191,000	287,037
Lodi Police Department		180,000	392,000	422,040
Manteca Police Department		108,648	140,000	212,973
Ripon Police Department		20,000 (est)	50,000 (est)	62,230
Escalon Police Department		15,000 (est)	40,000 (est)	52,342
POLICE SUB-TOTAL		1,911,301	3,867,228	5,095,513
<u>Courts^b (Criminal, Traffic, Juvenile)</u>				
Grand Jury ^c		20	6,440	9,119
Superior Court (est. on 2 courts)		35,354	74,488	68,866
Stockton Municipal Court (est./2 courts)		91,913	152,995	171,154
Lodi Justice (Municipal) Court ^c		11,626	21,687	39,164
M-R-E Justice Court ^c		13,893	23,676	25,923
Tracy Justice Court ^c		9,022	16,882	22,352
Stockton Judicial District Marshal ^c		18,144	28,328	29,354
Lodi Judicial District Constable (Marshal) ^c		4,788	8,488	11,096
M-R-E Judicial District Constable ^c		5,200	8,609	8,742
Tracy Judicial District Constable ^c		4,877	8,495	8,821
COURTS SUB-TOTAL		194,837	350,088	394,591
<u>Prosecution and Defense</u>				
District Attorney		190,681	383,013	417,928
Public Defender		21,100	98,370	139,778
PROSECUTION AND DEFENSE SUB-TOTAL		211,781	481,383	557,706
<u>County Detention Facilities</u>				
County Jail		424,250	897,004	997,755
Juvenile Hall		203,246	554,292	709,748
DETENTION SUB-TOTAL		627,496	1,451,296	1,707,503
<u>County Probation Services</u>				
Probation		149,959	432,826	495,643
Special Supervision Unit		Not applicable	44,977	100,579
COUNTY PROBATION SERVICES SUB-TOTAL		149,959	477,803	596,222
ESTIMATED TOTAL		3,095,374	6,627,798	8,351,535

^aSheriff does not include coroner in 1957-58

^bDoes not include superior court clerks and jury commissioner in County Clerk's budget.

^cEstimate 1/2 of costs to criminal procedures

The budget narrative begins by merely describing that in fiscal year 1967-68, San Joaquin County purchased 309,350 man-days of incarceration for \$1,217,078.79.

Thirty percent of these man days were spent by unsentenced prisoners and 70 percent were spent by sentenced prisoners. It becomes theoretically possible then for the principals of the local criminal justice system--the Sheriff and other law enforcement officials of the community--to get together with the judges and discuss this mix. Perhaps if an increased use of citation was made, the same number of detention days could be altered from 30%-70% to 25%-75%, with the result that for the same amount of money the county could provide more program for sentenced prisoners. Or, the savings might be used to implement a release on own recognizance project which would cut more deeply into the time served by unsentenced prisoners, freeing up to \$95,000 per year that is spent holding persons in jail who cannot post bail.

Carrying this analysis further, if the \$95,000 saved could be captured and used to start up a misdemeanor probation program, it would generate substantial court cost savings. A model alcoholic detoxification program may come next. With each step, better services could be extended. The idea is to parlay one program on another with each program reinforcing another.

Thus, the system approach is especially compatible with this planning and cost/benefit budgeting approach.

Pricing Strategy to Encourage Desired Cost/Benefit Trade-Offs

Another important consideration is developed under the concept that the community is a dysfunctional price system. This idea is

well presented by Wilber Thompson in the August, 1968 issue of "Psychology Today."³

He believes that there is a price system in public administration and public finance that operates very much as it does in the free enterprise market:

Products and services are selected; the frequency and duration of their use is determined by price considerations. Within this framework, if we wish to implement a specific public policy, the policy can often best be implemented by a pricing strategy.

Where the price is "fixed" as it sometimes is by law or regulation, a dysfunctional price system can occur. The criminal justice system has some aspects which can be described as a dysfunctional price system.

The county detention facilities--the jail, juvenile hall and children's shelter for dependents--receive admissions from city as well as county law enforcement agencies. This, in effect, means the cities can transfer the cost of care to the county. Even though city taxpayers are also county taxpayers, it is the county budget which reflects the cost of administering these facilities. Yet, it is the policies of the city councils and city police departments that lead to the vast majority of the detention.

One way to make the result of city detention policies more visible would be for the county to charge a monthly fee directly to each city. This amount should be equal to but in lieu of the tax the county collects from city residents for this purpose. Such an arrangement would place the responsibility for payment of costs of pre-trial detention more squarely on the shoulders of those who are making the policy decisions which lead to such detention. The city should also then be allowed to reduce or increase its use of county detention for boys, girls and adults and have its fee reduced or increased proportionately.

Such a pricing strategy would probably bring about a realignment in those cities who now overuse the county's detention facilities. Visibly tying responsibility for the expenditure of public funds to those elected bodies whose policies predict that expenditure is sound public administrative practice--to do otherwise is to invite the creation of a dysfunctional price system.

Let us look at the State of California probation subsidy program as an example of a pricing strategy intended to implement a specific public policy--motivating counties to reduce commitments to State correctional institutions.

This two-year-old program uses a pricing strategy that pays the counties \$4,000 per case for reductions in commitments to the State adult and youth correctional departments.

Unfortunately, there are several problems with the subsidy as a pricing strategy: (1) By law, the proceeds of this subsidy can only be used to develop and operate reduced caseload supervision of probationers; (2) it provides program enrichment to only those offenders

commitable to the State--misdemeanants and minor level juvenile delinquency cases are not benefited; (3) the subsidy proceeds are not available for use in improved pre-sentence diagnostic services, or for jail programs although many felony case sentences involve jail sentence as a condition probation.

The result is that the subsidy, as a pricing strategy, helps the part of the system that deals with those with poorest prognosis while encouraging continued neglect of misdemeanor programs since they are not committable to the state, i.e., the least amenable felon receives more funding than the most treatable or amenable misdemeanor. The State seems to be more interested in buying surveillance than rehabilitation of misdemeanants.

In order to alter this situation--to provide more local awareness of the need to reduce crime and as a healthy incentive to provide more diversified innovation and experimentation at the county level--an appropriate pricing strategy would be:

1. Charge the county \$4,000 for each case they commit to the State, and
2. Match all county jail and probation costs with state money.

This would reward the county that prevents crime rather than the county that keeps an offender in an under programmed jail instead of sending him to prison. The present system is not tied in with the reduction of crime--only with reduced commitments to the state.

The new pricing system would provide state subsidy without elaborate conditions and regulations. It would nearly eliminate the need for State costs to administer the subsidy. It avoids the resentment that is created when the State requires counties to use specific

program techniques such as 50 men caseloads which our state of knowledge does not really justify.

The new subsidy strategy provides a "price choice" for the county but one which clearly favors reduced crime as a public policy.

Further, it lets the county make a "price choice" and most important, it allows the county to choose its own tactics through which it will achieve its results. The diversity of experimentation that this will produce is invaluable.

This choice is essentially one of weighing costs against benefits. As such, cost/benefit analysis is not a distinct management technique but rather is the result of the more fundamental process of defining objectives and measuring their achievement. Before you can really apply cost/benefit analysis, you must apply the measurement of objectives to a planning and budgeting system most commonly called "program budgeting." To complete the process, management must be able to compare a given activity or process with one or several alternatives. This calls for some rather sophisticated resources such as an information system and research capability. In addition, the requirement for even applying cost/benefit analysis is a political-administrative-social environment which tolerates experimentation.

Cost/benefit analysis provides a visible, highly rational means for measuring and accurately determining what services are being purchased, what they cost, and what they accomplish.

Any agency that does not have well defined objectives and does not wish to look at its output (either because the output indicates little success or because it is not their habit) cost/benefit analysis will produce discomfort. Choices and alternatives become more sharply defined. This makes it more difficult to make the same old decisions in the same old ways for the same old reasons. Decisions will be forced to become more rational.

It stands to reason then that cost/benefit analysis will be most accepted by those who are willing to improve their ability to make rational decisions and to assess the results of these decisions.

The Problems of the Line Item Budget

At present, the line item budget process and the accompanying management techniques kill the incentive for implementing the results of cost/benefit analysis. This is particularly prevalent at the local level where a significant cost trade-off may be identified but program managers may be required to automatically turn back any savings to the general fund, rather than using them for improved programming. Poor managers who run short of funds, in effect, absorb what could be called the "seed money" for local government's more productive administrators.

In San Joaquin County, the Sheriff has established the largest work furlough program in the country. There is no doubt that better correctional programming at reduced cost has resulted from the efforts of his department. The work furlough program returned \$240,000 to the county general fund in 1967-68. This was money paid by work furlougees to cover their \$5 per day room and board charge. Unfortunately, no advance arrangements were made to "capture" any of this money to improve jail services everyone realizes are deficient. The money automatically went to the county general fund, later to be distributed to some other county agency head for some other purpose.

The biggest fault with the line item budget is its absolute failure to link together county departments that have developed their budgets independently but share operational parts of a program.

For example, in San Joaquin County there are two departments involved in providing protective services for children: (1) the Department of Public Assistance which is responsible for developing

and licensing foster homes and making placements, and (2) the Probation Department which administers the public shelter for dependent-neglected children. The interrelationship can be described as follows:

A recent licensing study by the State Department of Social Welfare and requested by the local Department of Public Assistance called attention to the fact that more licensing staff was needed to provide the foster homes which would keep children needing placement from backing up in Mary Graham Hall, the public shelter. In addition, the study recommended an increase in staffing and service capability for foster home social workers to avoid any attrition of the number of existing foster homes. It should be noted that these social worker positions, if added, would be partially federally funded, while the whole county probation costs come from county funds (including the \$350 per month per child cost in the public shelter).

Part of the result of the understaffing at the Department of Public Assistance was a buildup of children who were awaiting foster-home placement in the public shelter.

The county's solution was to appropriate \$80,000 to open an annex to the public shelter. Meanwhile, there has been no improvement in the staffing situation of the Department of Public Assistance and additional monies have again been requested to support the children's shelter.

There are literally dozens of examples of this type that have been observed, many of which are described in other sections of this report.

The following case is more unusual but provides a classic glimpse of how the parts of the "criminal justice system" work together:

A middle-aged divorcee with three minor children was convicted of issuing a \$20 non-sufficient fund check against an account that had a \$17 balance. She was jailed pending trial, convicted, given a six months' jail sentence which was suspended, and ordered to make restitution. She made restitution, probably out of her welfare check of \$258 per month. The judge, however, also ordered her to pay the county \$75 for Public Defender services. When she later told the court she could not pay this charge, she was jailed. This action set in motion referral of the children to the juvenile court and their detention in the county children's shelter at a county cost of \$1,050 per month for the three children plus jail costs for the mother.

Newspaper accounts of this case and vigorous protest by the Public Defender finally brought about the release of the woman.

Clearly, these agencies were not working together even though the action of any one agency had important impact on the others. The line item budget process seems to emphasize this tendency toward agency self-centeredness as opposed to coordinated approaches to shared programs.

In summary, part of the reason even local government agencies do not work well together can be traced to the line item budget processes. Program budgeting may hold some promise of overcoming these disadvantages. Certainly, if cost/benefit analysis is to be considered, it implies that new budget processes come in the package.

These cost/benefit analysis techniques when combined with systems analysis techniques and backed up by adequate information systems provide the scientific management capability for planning, evaluating, and for better decision making at all levels of operation --from police officer to judge and from judge through correctional programming.

The job of utilizing the systems approach involves three basic steps: first to describe and evaluate the existing system; secondly, to re-allocate financial and material resources in more efficient cost-effectiveness relationship to agreed-to objectives; and thirdly, evaluate outcome or results to provide a businesslike form of feedback to let the system know how it is doing and what next steps are indicated.

Evaluation of Results

What happens to offenders once they are arrested? What are the costs? Are the correctional objectives being met? What kinds of treatment have been successful for what kinds of offenders?

In San Joaquin County, few of these questions can be answered. The expense of the community is willing to undertake to change the behavior of one of its members or to merely control him so that he will not repeat the behavior should be somewhat related to the danger that person represents to the community.

Society should not pay an inordinate amount of money to change or control a drunk, and a minute amount of money to change or control a robber yet:

- 1) In San Joaquin County, it appears that the major increase in arrests and correctional activity in the period 1960-1967 has been in the detention of juveniles for delinquent tendencies--runaway, truancy, and other acts which if committed by an adult are not even criminal.
- 2) Space General Corporation in 1965 found in their study of criminal career costs that city, county, and state government combined spend in career costs: \$16,900 per forger or bad check writer, \$2,700 per each assault offender, and \$800 per each juvenile delinquent.

How can this be? Because persons who write bad checks are typically alcoholics who write checks to get money for more drink. Jail or prison punishment has almost no effect on their recidivism,

except, of course, that the offender is not committing these offenses while he is in prison--at a cost of approximately \$2,700 per year. Since a check writer will spend an average of 18 months in prison, the State alone spends approximately \$4,000 to control and treat him each time he is sentenced to prison. The costs of prosecution and correctional services for bad check writers exceeds the losses of all bad checks. While no one advocates this solution, it is a fact that the State could pay off the face value of all bad checks and save money by not incarcerating such offenders.

The design of a model correctional system must operate under the constructive elements, minimizing or eliminating the relatively inefficient elements.

Project Management

Program budgeting provides the opportunity to mobilize manpower, money, and resources for project or program management, which is basically the assembling of resources from many disciplines or agencies to accomplish definitely stated objectives that cannot be met by any single discipline or agency.

Project management in effect is a tool to reach objectives that cannot be achieved through the traditional hierarchical management organization. It is sufficiently new not to be recognized by the management hierarchy in many public organizations, but mature enough to have been thoroughly tried and its merits demonstrated.

Under the guise of task forces, ad hoc committees, and other extra-organizational devices, project management is already being used to a degree by many levels of government. The concept is growing rapidly because it provides a logical way in which to engage problems

that require a variety of specialists to work together to achieve common purposes. That such an approach is needed in the criminal justice system has been emphasized repeatedly in this and other Model Community Correctional Project reports. The best example is the proposed Model Community Alcoholism Treatment Program (Appendix Report) whereby a comprehensive operating plan was established involving the County Hospital, the County Health District, the Department of Rehabilitation, the police departments and the lower courts.

Effective program or project management has many of the same requirements as program budgeting or the planning, programming, and budgeting system.

Those requirements include:

1. A statement of need and origin of the project, whether by executive order, legislative mandate, or statutory authority exercised by an administrator.
2. A projection of the results that can be expected in terms sufficiently explicit that it can be readily determined if the project, at its conclusion, has achieved those results.
3. A statement of the functions performed by the project team, such as planning, budgeting, social work, etc.
4. A work program describing the activities required to achieve the expected results; the kinds of personnel, materials, services, and supplies needed; estimated costs; and a time schedule. Five years is considered a reasonable outside time limit although nothing in the concept of project management precludes a project from being reconstituted for an additional number of years for achievement of new results.
5. An outline of alternatives to accomplish the same results.
6. Evaluation criteria by which programs or projects will be judged.

Project management is not a panacea for all of the ills of a fractionated government. But it does provide a means for organizing governmental work for the greatest responsiveness and provide a means for the government and its people to develop an overview that will be useful to the entire community rather than for the benefit of particular establishment or client groups.

Certain safeguards are inherent in project management: there can be no perpetuation of obsolete or unproductive activities because project management by definition provides for a beginning and end to activities. It permits government to assemble the kinds of talent to do a particular job while requiring a clear explanation of the functions and work program, criteria to measure accomplishment, and a time limit on activities. Moreover, it pinpoints responsibility, grants authority, demands accountability, and speeds both the work and decision processes.

The impact of project management might be measured in relation to the decisions that the county must make regarding its Juvenile Hall as discussed in the following section.

Juvenile Hall

An imminent decision on the need for construction of a new juvenile hall facility in San Joaquin County presents another major programming decision calling for system evaluation. The existing Juvenile Hall is overcrowded and old and there is universal agreement this is a poor situation. It tends to leave things wide open for abuse of children who are brought in for even a few hours before being released to their parents. The cure sometimes seems worse than the disease.

The practice of weekend commitments to the facility aggravates the overcrowding at the time of the week when intake is highest anyway. There is no demonstration that weekend commitments are more effective than any other reasonable disposition and one only need visit the facility to see the potential for harm that exists. To correct this situation, many people wish to see an honor farm or children's ranch built. There are reasons to suspect that perhaps this is not the best available alternative.

First, there appears to be a relationship between overcrowding at Mary Graham Hall, the public shelter for dependent children which has been described earlier. In that situation, also involving the Probation Department, the solution to overcrowding was to increase the facility's capacity when other alternatives existed: (a) development of homemaker services, (b) increasing resources being applied to recruit and retain foster homes. An under-utilization and under-development of community resources is in evidence.

Second, as Table 2 shows, juvenile hall admissions, as a percent of juvenile arrests, have increased dramatically in San Joaquin County. This is a sharp departure from the state trend and indicates an overuse of detention.

Table 2

Admissions to Juvenile Hall
As A Percent of Total Juvenile Arrests
In San Joaquin County and California, 1960-1967

YEAR	SAN JOAQUIN COUNTY			CALIFORNIA		
	NUMBER OF ADMISSIONS	NUMBER OF ARRESTS	PERCENT	NUMBER OF ADMISSIONS	NUMBER OF ARRESTS	PERCENT
1967	2,990	4,635	64.5	127,814	323,427	39.5
1966	2,437	4,052	60.1	112,772	303,020	37.2
1965	2,290	3,938	58.2	101,050	277,649	36.4
1964	2,500	3,792	65.9	97,637	269,584	36.2
1963	1,985	3,979	49.9	83,836	244,312	34.3
1962	1,717	4,205	40.8	74,058	210,590	35.2
1961	1,672	3,776	44.8	70,647	189,424	37.3
1960	1,672	4,059	41.2	71,556	160,730	44.5

SOURCE: BUREAU OF CRIMINAL STATISTICS, DELINQUENCY AND PREVENTION IN CALIFORNIA (1960-1967)

Third, conditions one and two exist despite the fact that (a) the very inadequacy of the juvenile facilities contributes to a juvenile court disposition outcome which is favorable towards use of probation, (b) the lack of available bed space forces the probation department to seek and develop other non-custodial alternatives. This is preferred to over use of new but over used and inadequately programmed honor farm.

Predictably, however, like many, many other communities across the country, unless the juvenile correctional system decision makers are more acutely aware of their decision outcomes, of cost effectiveness alternatives, the county will probably construct a new multi-million dollar facility with meager programming which within two or

three years will be overpopulated, inadequately programmed, and with no improvement in correctional outcome.

What is particularly disturbing about this is that the California Youth Authority's Community Treatment Project could serve as a prototype of how San Joaquin County might solve its problem. The Community Treatment Project has received national attention in correctional literature. It has made the costly construction of at least one Youth Authority institution unnecessary. And it is operating in San Joaquin County. But the application of this concept by San Joaquin County for juveniles who are not committed to the state may not occur.

Fortunately, the county, realizing there is a need to investigate other alternatives to the overcrowding and the need for additional information, has retained a consulting firm to work with the Probation Department and to study the problem and make some recommendations.

The Criminal Justice System--What Have Been the Results so Far?

Objectives: Simply put, the objective of the law enforcement-judicial-correctional process is to prevent or, at least, reduce crime. Various combinations of what are referred to as "treatment" and "punishment" are used to achieve this objective. What about the present effectiveness of the criminal justice system?

"It may well be that our proportion of failures in dealing with the offender population is not due so much to a lack of dollars as to our persistence in spending many of these dollars in demonstrably ineffective ways. We cannot discover more effective ways to spend the available correctional dollar without having the courage and the ingenuity to innovate, to demonstrate, and to evaluate new programs not hitherto tested or even to alter old ones or scrap them altogether if they don't work."⁴

Using some of the scientific management techniques that have been described there are some important assessments that can be concluded with respect to the California Criminal Justice System.

FIRST, the system does not effectively deter crime nor does it have much success at apprehending criminals and prosecuting them.

- a. The President's Crime Commission has reported that only about 25% of U. S. FBI Index crimes reported to the police are cleared by arrest. About 10-20% of those go to jail or prison. The jail terms average far less than a year and nationally, prison terms average about 1-1/2 years.⁵
- b. In California, of the 408,165 felony property crimes reported in 1967 only 20% were cleared by arrest or some other reasonable explanation. 12,291 adult felony convictions were obtained--3% of the offenses reported.⁶
- c. During the same year 67,670 crimes of personal violence were reported in California. 49% of these were cleared. 5,856 adult felony convictions were obtained--8.6% of the offenses reported.⁷

SECOND, the system does little to help change offenders.

Considering San Joaquin County's professed concern that the process of criminal justice result in help for citizens, especially children, it is surprising that there is not more hard data revealing what treatment-punishment techniques work with which offenders and which do not work. There is a startling absence of research by hard-headed pragmatists which shows what results are being accomplished by differing methods of treatment or punishment.

No scientific way has yet been found and applied to establish experimental and control groups to verify the theoretical bias of the present system: that the rehabilitation or resocialization of criminal or delinquent offenders will increase by use of incarceration either prior or subsequent to trial and sentence. Neither is there

evidence that jail or prison sentences have any deterrent effect on others. In fact, most evidence is to the contrary.

There is no absence of people, however, who justify commitment of youth and adults alike to local and state detention facilities "for their own good" and believe that the system accomplishes a treatment objective. All available evidence indicates that not only have most correctional facilities utterly failed in their treatment objectives, but that incarceration is inescapably a regressive experience with extended destructive after effects both in regard to the inmate's self image and in his attempts to reintegrate himself into society.

The methods the criminal justice system uses to achieve its objectives are reactive. In the main, they are retaliatory and, as such, they are set into motion as response reactions. Some of these responses are patterned so as to be nearly as predictable as the knee reflex. (If such and such happens, you get 10 days; if you do so and so, you get 180 days, etc.)

One problem with a system that only reacts is that it is always one step behind the person or event that acts as a stimulus. This often produces a spiral staircase illusion of stimulus-response, stimulus-more-severe-response reaction.

A second problem with a system geared only to react is that it loses the initiative to introduce truly preventative action.

In California, persons in poverty groups contribute about 70% of the delinquent and criminal arrests. This is not a population that is difficult to identify. In fact, much of the client population of the criminal justice system can be identified at an early age.

The criminal justice system may have actually defined truly preventative activity as outside its area of responsibility. Certainly, precious little time is spent in preventative activity.

THIRD, the various parts of the criminal justice system--law enforcement, the judiciary and corrections--cannot seem to get together.

"Police, courts and corrections officials all share the objectives of reducing crime. But each uses different, sometimes conflicting methods and so focuses frequently on inconsistent objectives. The police role, for example, is focused on deterrence. Most modern correctional thinking on the other hand, focus on rehabilitation and argues that placing the offender back into society under a supervised community treatment program provides the best chance for rehabilitation as a law-abiding citizen. But community treatment may involve some loss of deterrent effect, and the ready arrest of marginal offenders, intended to heighten deterrence, may by affixing a criminal label, complicate rehabilitation. The latent conflicts between the parts of the criminal justice system may not be apparent from the viewpoint of either subsystem, but there is an obvious need to balance and rationalize them so as to achieve optimum overall effectiveness."⁸

It is probably improper to refer to the criminal justice system as a "system." It is more accurate to refer to it as a "non-system" because there is little to link the various legal and financial subsystems together. A cynic might say the client is about all they have in common. The parts operate independently, without any central coordination. Law enforcement, the judiciary and corrections do not seem to be able to organize around any common sets of purpose. This means that serious imbalances exist within the larger system and even when identified, there are few mechanisms to turn to to correct the problem. This means wasted money and wasted resources.

Some of the ways the system seems out of balance can be described as follows:

- In California, 25¢ of the combined State and County correctional dollar is spent on supervising probationers and parolees in the community. 75¢ then is spent on those in institutions, yet 2/3rds of the offenders are being supervised in the community. This is a serious imbalance. the least money is spent on the most amenable offenders nearest the most available community resources.⁹
- About two out of every 100 persons entering the criminal justice system go into a state program of some kind where over 120 million dollars a year is spent to control and rehabilitate the most difficult offenders the state can produce. The other 98 persons are handled at the local level and we spend about 110 million on them.¹⁰
- Court systems are dependent upon a high rate of guilty pleas. Of all prosecutions only about 5% go to jury trial. A mere increase of 1% would be tremendously disruptive. The high use of guilty pleas coupled with waiver of defense counsel is indication of the breakdown in the adversary system to the detriment of the poor who are most in need of its benefits.
- In California, 44% of the convicted offenders are incarcerated, the rest are on probation or on parole. The national average is 33% in institutions. This indicates a severe over use of incarceration in California.¹¹ Of course, our belief is that more than half of the persons incarcerated should not be, so that there should be no comfort with the 33% level of incarceration anywhere.

Reallocation of these financial resources could buy considerably more services: A better cost/benefit relationship can be attained.

- In California, the cost of maintaining one adult prisoner in an institution (1966-67 F.Y.) totalled \$2,628. If the man were on parole the annual cost would be \$572 per year. The obvious trade-off is to attempt to develop community-based treatment which will be at least as effective as prison and cost less than \$2,056 (\$2,628 minus \$572).¹²

This is the basis upon which the California County probation subsidy is administered. It is also the basis for a number of parole and probation projects around the country. Normally, these involve an increase in services and decreased caseloads to permit earlier releases from prison or local facilities.¹³

Four additional examples show the kind of cost trade-offs that are possible--trade-offs that progressive states are beginning to

undertake. They also serve as further evidence that states are incarcerating when it may not be necessary to do so, at least for so long a period of time. Finally, they call attention to the reluctance the criminal justice system has to provide for the feedback of results, then to look at these and learn from them.

- a. Gideon case:¹⁴ A 1963 Supreme Court case decision caused the immediate release of more than 1,200 Florida inmates. These men were indigents who had been tried for felony offenses without benefit of counsel. After 28 months, only 13.6% of Gideon releases had been re-arrested while 25.5% of a control group that had served their full term of incarceration had been re-arrested.
- b. California Women inmates:¹⁵ California reduced the median time served by State women inmates from 24 months in 1957-1959 to 12 months by 1965. The prison return rate in 1959 for women released in 1957-58 was 35.3%. The prison return rate in 1964 for 1962-63 releases was 28.8%. The first group served 24 months, the second from 17-20 months.
- c. Washington State:¹⁶ In just three years (1958-1961) Washington State reduced the median time for prisoners from 30 months to 20 months. The recidivism rate has not changed appreciably since 1961.
- d. California Parole Violators:¹⁷ 315 parole violators were permitted to serve county jail terms rather than return to prison as a result of parole violation.

A group placed in jail spent an average of 7 months incarcerated. A comparable group returned to prison spent 20 months. There was no significant difference in the subsequent recidivism rates of these two groups.

This example is particularly important because it involves the cooperation of two levels of government. Based on county jail costs in San Joaquin County, the project study area, the savings that could have resulted from such an experiment would have involved a total trade-off of \$288,855 for 315 inmates for an average of 7 months in county jail compared to \$1,379,700 for 20 months of state care and custody.

County Criminal Courts

The court system presents some severe imbalances and inconsistencies.

County by county comparisons indicate there is no generally accepted and applied criterion by which the courts make their sentence dispositions.

And, the future holds an interesting promise: the number of sentencing alternatives available to judges will increase. As these alternatives increase, the present disparity of inconsistencies in sentencing practices probably will become greater.

A person arrested for a felony offense in Stanislaus County, California, is 7.6 times as likely to be committed to prison than if he were arrested in San Francisco County. Furthermore, commitments of convicted felons to prison ranged from 11.1% in San Francisco County to 39.6% in Kern County. Only the counties with populations over 100,000 were considered here and it should be noted that an even greater disparity exists when the remaining 31 smaller counties are considered.

In 1967, 30% of the adult felony arrests made in San Diego County resulted in the filing of a felony complaint. At the other end of the scale, in our study area, San Joaquin County, 87% of adult felony arrests proceeded to felony complaint filings.¹⁸

To summarize, the points made so far are:

1. The criminal justice system does not effectively reduce crime.
2. The system does little to rehabilitate offenders.

3. The system is imbalanced, objectives are obscure, resources are being wasted, money is being wasted, and the lives of people who could be helped are being wasted.
4. "More of the same" is not likely to produce improved results.

Managing Change

Identifying and solving the kinds of problems described in this chapter will require superior management talent, better organization and the use of more scientific management techniques: systems analysis, information feedback systems, the cost/benefit analysis and pricing strategies of program budgeting, and operational research to name a few. All of these are interrelated but none are really used in San Joaquin County--or in most other jurisdictions.

The most perplexing problem is, however, that even when supplied with the information that a given program is a failure, is too expensive, and that demonstrably better programs exist, too often no changes result. Why have local agencies, within and adjacent to the criminal justice system, been so limited in their ability to observe, evaluate and adopt the obvious?

The reports of the President's Commission on Law Enforcement and Administration of Justice are full of project successes. These projects have received national attention and broad circulation. Why haven't they caught on in jurisdictions other than where they were developed; (and why were innovations so often developed by groups not part of the formal system); and why were so many of the ideas of recent years, if successful, allowed to die? The next chapter considers this problem.

FOOTNOTES

- ¹The President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, Washington, D. C.: U. S. Government Printing Office, 1967, p. 13.
- ²Peter L. Szanton, The President's Commission on Law Enforcement and Administration of Justice, TASK FORCE REPORT: Science and Technology, Washington, D. C.: U. S. Government Printing Office, 1967, p. 83.
- ³Wilbur Thompson, "The City As a Distorted Price System," Psychology Today, Communications/Research/Machines, Del Mar, California, Vol. 2, #3, 8/68.
- ⁴Richard A. McGee, Address to 37th Annual Conference, California Probation and Parole Association, June 1, 1967.
- ⁵Op. Cit., Peter L. Szanton, TASK FORCE REPORT: Science and Technology, p. 53.
- ⁶California Department of Justice, Bureau of Criminal Statistics, Crime and Delinquency in California, 1967, Sacramento, California, 1968, pp. 33, 65, 102.
- ⁷Ibid.
- ⁸Op. Cit., Peter L. Szanton, TASK FORCE REPORT: Science and Technology, p. 53.
- ⁹State of California, Youth and Adult Corrections Agency, The Organization of State Correctional Services in the Control and Treatment of Crime and Delinquency, May 10, 1967, p. 65.
- ¹⁰Ibid., p. 2
- ¹¹Ibid., p. 94
- ¹²Robin Lamson, Carol Crowther, et. al., Crime and Penalties in California, The Assembly Office of Research for the Assembly Committee on Criminal Procedure, March, 1968, p. 50.
- ¹³Stuart Adams, "Is Corrections Ready for Cost/Benefit Analysis?" Paper presented at 98th Congress of Correction, San Francisco, August 28, 1968.
- ¹⁴Op. Cit., Robin Lamson, Carol Crowther, et. al., Crime and Penalties in California, p. 25. (See also, Florida Division of Corrections, Research and Statistics Section, Research Monograph #2, Impact of Gideon Decision, 5/66.)
- ¹⁵Ibid.

¹⁶Ibid., p. 26.

¹⁷Ibid., p. 28.

¹⁸Op. Cit., Bureau of Criminal Statistics, Crime and Delinquency . . .,
pp. 292, 295, 301, 303.

Chapter Five

STRATEGY FOR CHANGE

The conditions described in this report cry out for change; the program proposals seemingly demand immediate implementation. But neither proposal nor implementation plan is enough. The necessary changes in the criminal justice system--necessary if the system is to reduce crime and delinquency--are as much changes in attitudes as changes in programs or processes.

Changes in the criminal justice system alone will solve only a part of the problem. What is needed is change in the fundamental institutions of the community, its organizations, its methods of delivering services, its governmental operations, and the attitudes of its people. This change must occur within the context of the democratic process, not by revolution.

The problem is simply that crime and delinquency in San Joaquin County cannot be reduced without most of these changes and thus correctional efforts must reach beyond the confines of the formal criminal justice system apparatus. In the framework of a democracy, changes occur only as the local private and public agency power structure recognizes a major shift in the public's attitude.

"The problems of promoting change are independent of the particular maladies with which reform is concerned . . . One issue especially recurs again and again--the question of legitimacy. Where does the right to direct change lie in a diffused democracy, whose power of veto has overwhelmed the enforcement of collective actions? If reform depends upon a democratic mandate, who are the authentic spokesmen of the people's wishes? If it depends, too, on a rational argument, how is the scientific analysis of social problems to accommodate the intellectually disreputable reasons of political life? Is it really possible to demonstrate, experimentally, the validity of reform: who waits in scientific humility to see the outcome?"¹

These are among the questions this chapter attempts to answer in developing a strategy for changing the criminal justice system and the community itself so that the community and its institutions produce fewer offenders and do a better job of reintegrating, resocializing those that it does produce.

PERCEPTUAL MODELS

It should be noted at the outset that there is not universal agreement on what the necessary changes and reforms should be. There is, however, consensus that corrections cannot be optimized--that is, made as effective and efficient as possible in terms of its objectives --without turning to a broader definition of corrections that involves community action and social reform.

Community action and social reform are equally dependent upon an understanding or at least perception of crime and delinquency.

Social scientists, for example, have long maintained that an offender's family, his neighborhood, his city, everything around him contributed to the deviancy and maintenance of that deviancy.

Others would disagree with this perception; law enforcement generally perceives crime and delinquency one way, psychiatrists another, and sociologists a third.

Thus, these perceptions of crime and delinquency and the disagreement over them contribute to the lack of change and reform in the criminal justice system and the community as a whole.

There are generally three schools of thought on the nature of crime and delinquency and the changes needed. The first is largely legalistic and generally numbers law enforcement, the judicial system, legislators, and many public administrators among its supporters.

The second is dominated by the philosophy of treatment--the approach of the psychiatrist, psychologist, and professional social worker. The third is an approach most compatible to the disciplines of sociology, anthropology, and the emerging "urbanology."

Imperfect as these perceptual, conceptual models are, they provide the foundation for almost every recent recommendation and reform within the criminal justice system. The Organization for Social and Technical Innovation,² for example, identified these three models as underlying every recommendation of the President's Commission on Law Enforcement and Administration of Justice.

The Regulatory Model

The first model leans heavily on the legal process itself to maintain order. As the model generally favored by the professionals in the criminal justice system, it may best be described as a regulatory model in which the process of criminal justice is perceived as detection, apprehension, trial, and punishment. The purpose of punishment is viewed as deterrence and the entire system is seen as a mechanism of formal control by law.

This model suggests reforms that might include:

- Changing laws, adding new laws, and adopting new legal procedures to curb crime. Traditionally, this has involved increasing penalties, lengthening prison terms, and attempts to eliminate restrictions on police investigative methods.
- Strengthening the police response. It can be demonstrated, for example, that a "50 percent increase in the apprehension probability of the police system will generally result in a decrease in the average number of offenses an individual commits before apprehension of between 17 percent and 50 percent."³

- Innovation aimed at increasing efficiency. This might include centralizing all county correctional functions under state control, streamlining court procedures, acquisition of more efficient equipment, systems analysis, and construction of an information system.
- Closer supervision of parolees and probationers, limiting the ability of known offenders to commit new crimes.

The 'Patient' Model

The second model, usually that of psychiatrists, psychologists, and professional social workers, perceives crime as a symptom of an illness and the offender as a troubled patient. This model perceives the system of criminal justice as detection, apprehension, trial, and treatment in the form of appropriate therapy in an environment which will provide appropriate control while treatment is taking place.

Crime in this model is viewed as a form of acting out of personal pathology and corrections as treatment of emotional, social, educational, and psychological deficiencies usually in a large state institution. The offender becomes a patient, not a prisoner; the involuntary civil commitment of narcotics addicts is an example of this approach.

Changes suggested by this model include:

- Providing diagnostic and treatment resources.
- Providing training, education, and other treatment aimed at increasing the offender's ability for self-control.
- Determining the sentence of an offender not by the seriousness of his offense but by a diagnosis of his needs.
- Returning the offender to an institution for additional treatment if post-release relapse occurs; establishing a strong after-care treatment program.

The 'Community Disintegration' Model

Sociologists, anthropologists, and the new urban specialists tend to view crime as a form of social alienation that is a symptom

of something wrong in the total community. Thus this third model perceives the criminal justice system as a form of community rehabilitation and attempts to improve the community as a whole-- treating both the offender and the community. The community becomes a patient, too, and must be helped to find ways to allow the offender to integrate himself into the life opportunity systems of the community.

This model suggests such changes as:

- Developing alternatives to incarceration.
- Decreasing the alienation of certain groups and individuals from community life.
- Developing community organization for utilizing non-criminal justice agencies, particularly social service agencies, in crime prevention and control.

Most recent recommendations for change in the criminal justice system can be traced to the philosophy underlying these perceptual models. Each of the models has had its period of philosophical predominance and each is linked to particular professional disciplines that have supported and encouraged change in the methods being used to solve the problems of crime and delinquency.

Other models can be constructed using features and philosophies of each of the three described; none of the models is mutually exclusive but often the change suggested by one is necessarily incompatible with the change proposed by another.

The call for education and in-service training in the field of corrections is often a call for the allegiance of correctional workers to one of these disciplines and this creates a struggle over method, over means to an end, rather than the end itself--reduction of crime and delinquency. The struggle over means and methods is basically a political struggle and thus has obvious relevance in plotting a strategy for change.

MORE THAN A PLAN NEEDED

As is obvious from the preceding section, merely presenting innovative, even cost reducing, ideas to improve the functioning of the criminal justice system will not result in their implementation. Even where new programs have been demonstrated successfully, many have not been funded beyond the demonstration phase. Nor have programs of proven value spread and been adopted.

Release on own recognizance projects present a case in point:

Studies completed in the last few years have revealed how poor persons arrested and unable to raise bail for release from jail have a substantially higher conviction rate than comparable persons released on bail prior to trial. Moreover, those who were released on bail and then convicted had nearly a 30 percent higher rate of probation as a sentencing disposition. No one plans it this way--"It's the system," they say. In New York City where the first of the studies was made, judges were horrified to discover they were a part of a process that resulted in differences in guilt or innocence and severity of punishment where the only variable was economic status.

From this evidence grew the release on own recognizance project--releasing carefully screened defendants on their promise to appear in court for trial or sentencing. About 50 such projects are now intermittently functioning in the nation. San Joaquin County, unfortunately, is not among the 50.

The Model Community Correctional Project staff proposed very early in its studies that San Joaquin County establish such a project, citing the successful experience in other areas. A number of local administrators were critical of the proposal, pointing out that it was nothing new. The proposal lay dormant until the project staff operated a demonstration project for nearly two months.

Heartened by the success of the demonstration, the municipal court judges then petitioned the County Board of Supervisors to provide a probation officer for permanent operation of a release on own recognizance program. The request was denied. No one, it seems, really wants such a program--a program almost guaranteed to reduce costs as well as to reduce the injustice of the bail system to the poor.

Proposals are not enough. Demonstration projects in San Joaquin County will not be enough. This, in effect, is what the community is saying.

"I don't know how the proposed Release on Own Recognizance program was presented to the County Board of Supervisors. We know that the fact that something is obvious does not necessarily insure that people will recognize that fact nor be motivated if they do. Most people need to be sold."

Comment by a member of the business sector serving on the Policy and Review Council

This situation is not unique to San Joaquin County. The effects of the reports of the President's Commission on Law Enforcement and Administration of Justice provide compelling evidence of the difficulty in expecting change in the criminal justice system by merely presenting good plans and programs.

The Commission's reports constitute the most comprehensive examination of every facet of crime and law enforcement ever assembled. They are well organized and easily read, directed intentionally at a lay audience. The reports are a virtual compendium of ideas, of reports about successful innovations, of recommendations, of proposals about how communities can begin to improve the local criminal justice system and the larger national criminal justice structure.

The reports have been widely disseminated, widely read, and often quoted. They have caused some stirring of activities but little actual change in existing practices. This is as true in San Joaquin County as it is in the nation as a whole.

PRESENT STRATEGIES

This lack of action prompts questions that demand answers. Why no change? How can this inertia be overcome? What strategy for change can be adopted?

The answers involve a number of judgments about present change strategies and dynamics:

First, too much faith has been placed in educational and informational techniques as a method of changing law enforcement, judicial, and correctional practices and preventing criminal conduct;

Second, reform and innovation has ignored the fact that the criminal justice system is embedded in and a part of a larger system; and,

Third, changes in the criminal justice system will largely occur as a result of political processes ranging from accommodation to confrontation.

These are simply the facts of life that must be recognized if a strategy for change is to be plotted.

'Faith' in Education

There is an overpowering faith in the United States that education can solve all problems, but as a stimulus for change within the criminal justice system it is not the panacea that all too many are seeking.

The approach of the President's Commission on Law Enforcement and Administration of Justice was primarily informational and educational. Many of its recommendations supported the national belief

in education as a cure-all by recommending more education and more training for those involved in the administration of criminal justice, as well as offenders, as the answer to a number of criminal justice system problems.

There are a number of reasons to question the expectation of the educational-informational approach:

- Experience of the Model Community Correctional Project and reflection upon past use of this approach provide ample evidence that it has not, is not, and probably will not alone produce the results that have been anticipated. San Joaquin County's rejection of release on own recognition is mute testimony to this. However, this is not to suggest that education and training should be abandoned; it is merely to point out that it has been overly relied upon. It cannot be demonstrated to have the success its proponents have expected or predicted.
- Education and information that supports, reinforces, or adds to preconceptions is accepted and used; that which does not tends to be rejected. Wide distribution of material by the National Council on Crime and Delinquency, the American Correctional Association, and other groups as well as the widely disseminated reports of the President's Commission on Law Enforcement and Administration of Justice indicate that information is available to those who wish to make change; but much of this information rejects cherished beliefs and thus is rejected itself. Development of Mace--tear gas in an aerosol container--was heralded across the nation and quickly put into use because it reinforced the widely held belief that such devices are an effective crime control tool. It is simply a matter of selective vision--we see and hear what we want to hear, we ignore what we don't want to see or hear.
- As Bernard Diamond suggests, some of the reasons for the criminal justice system's difficulty in observing and then adopting techniques that have been demonstrated successfully elsewhere may be traced to the very logic of Plato and Aristotle. Diamond suggests that the law predates scientific man and that prescientific man refused to use his powers of observation "even when he possessed the ability."

"One fact is clear: the ancient Greeks did not believe that important predictions, that is, significant discoveries about the nature of the universe and the operation of its forces, were to be derived from simple observation. Instead, they were convinced that truth could be discovered through the instrument of pure reason. . . . such mystical notions reached their ultimate development in the idealism of Plato and the logic of Aristotle, and they now permeate much of modern legal theory. . . ."

"One of the biggest differences between science and mysticism is that science utilizes the instrument of feedback, mystical systems, including the law, do not do this. They, like Plato, deduce what ought to be and how things ought to be done. They proceed, as an act of faith, and then in order not to shatter their faith and create doubts and uncertainty, they carefully avoid feeding back their results into the process by empirical observation of the output . . ."4

Diamond also suggests that the training of the legal profession may inhibit the ability to learn from experience:

"The advantages of such a mystical system are clear, the system is not subject to challenge or dispute . . . (it) allows the participants . . . to sleep well at night. That is, the belief in the value and righteousness of the process reduces the level of anxiety, that something desirable is happening. Especially, it contributes to a teleological view of life that one is doing something for a purpose transcendental to one's own selfish needs of the moment . . .

"Such a system has a high capacity to survive unchanged irrespective of the value of its output . . . the output is not entirely illusory; the output (can) become a self fulfilling prophecy to a certain degree . . ."5

"The mystical nature of the legal application of punishment is apparent when it is realized how carefully the law has avoided subjecting its punishment output to empirical test. When faced with the empirical observation that punishment may not deter crime, the law simply refuses to feed back that observation into the legal process, thereby refusing to modify the basic belief that punishment does deter and obstructing the possibility of the development of new methods of influencing criminal behavior . . . but the law, when it does acknowledge that its punishment output does not deter crime, has only one remedy; increase the severity of punishment."6

The Larger System

The fact that the criminal justice system is only part of a much larger system cannot be ignored. As the Organization for Social and Technical Innovation observed in a report to the President's Commission on Law Enforcement and Administration of Justice, the Commission's approach assumes that:

"It is possible to treat the formal criminal justice system in isolation from the rest of society. Such an assumption seems to underlie all of those recommendations which would look towards improved operations of the formal criminal justice system without taking into account the effects of these changes on other systems or on our society as a whole."⁷

"We, (OSTI), begin by seeing crime and the formal system of criminal justice intimately interlinked with the society as a whole and with its other institutions. Prevention of crime, or its control, therefore goes hand in hand with modification of other institutions."⁸

Truly effective change within the criminal justice system is unlikely if attempted on a piecemeal basis; its relationships to the educational and social welfare systems, for example, must be considered and changes in those systems made.

Although opportunities may arise whereby successful changes in the system can be accomplished piecemeal, the change strategy must be concerned with the total system.

A member of the Project Policy and Review Council poses the critical question:

"Who in Stockton would be expected to be the guiding hand directing changes toward an ultimate total system change?"

The Political Processes

In a democratic system, changes in the criminal justice system will occur largely as a result of political processes that run the gamut from confrontation to accommodation. As has been noted, change is less involved with learning new and better methods than with providing the advocates of change with political leverage or "clout"; this political leverage in turn is triggered by an informed and active citizen advocacy for change.

It is also a matter of communications: as community attitudes shift, changes will occur only as the local private and public agency power structure recognizes this shift and the fact that change is a public expectation. Realization of this expectation is also dependent upon the balance or interrelationship between the motivation and activity for change, the size and nature of the obstacles to change, and the available human and monetary resources for overcoming these obstacles.

The political leadership for change can come from within government or from the private community. But where government, and particularly the formal criminal justice system, does not lead, it will follow.

"All too often, law is used as an excuse for maintaining an unjust status quo. . . . But no form of law is ever necessary or inevitable. Law is the servant of social policy, not a determinant of it."⁹

OTHER CONSIDERATIONS

The preceding judgments about the dynamics of change provide much of the foundation on which to construct a strategy for change. They indicate that such a strategy must mobilize a substantial political force for action both within and without the public bureaucracy and involve the participation and involvement of citizens representing broad community interests.

Moreover, they shed new light on the criminal justice system's resistance to change. The inertia of the internal mechanisms of bureaucratic organizations has generally been well recognized as a significant factor in preventing change. But the experience of the Model Community Correctional Project indicates that a more important

factor may be the anticipation of power shifts within the community which will change agency power positions, territories, and functions.

Local political and administrative officials are particularly sensitive to any changes that result in or occur as a result of shifts in the power structure of the community. They are, it should be remembered, beholden to the power structure for their own personal power or office; participatory democracy and the changes it would cause and require are often a personal threat.

The war on poverty, the transfer of responsibility from one agency to another, reorganization of services, and citizen participation all carry this message for the political establishment. They challenge not only the establishment but its values.

". . . change . . . in corrections is most certain to be resisted actively by many elements of the social and political establishment. Corrections itself is, of course, part of this establishment. Supported by their particular professional associations and related interest groups, many sectors of the field are inevitably going to resist change for a variety of reasons, some expressed and some not expressed."¹⁰

Role Perceptions and Role Conflict

There is yet another dimension that must be considered in plotting a strategy for change--the question of roles, their perceptions, and their conflicts. The Model Community Correctional Project itself provides evidence of the confusion and conflict over roles that can virtually stymie change.

Conceived and conducted as an experimental marriage--a marriage of necessity, not convenience--between comprehensive planning and community action, the project sought to involve much of the criminal justice system bureaucracy along with lay community leaders in the

planning process, hopeful that such involvement would provide meaningful and effective action toward implementation of the recommendations that evolved.

The project staff initially perceived itself in the roles of "impartial organizers," "consultants," and "brokers of new ideas and techniques," and the project itself as a resource to the community in the form of specialists to help in planning and evaluating long range and systematic approaches to the treatment and prevention of crime and delinquency. It attempted to perform four staff functions:

1. Describe in comprehensive terms the existing criminal justice system components, their problems, their clientele, their services, and their costs.
2. Evaluate the system's performance in terms of outcomes, alternatives, and cost/benefit effectiveness.
3. Examine the findings of pertinent research and demonstration projects and evaluate the advantage of introducing them in San Joaquin County.
4. Cooperate with the community in implementing pilot programs recommended by the project staff and approved by the project's Policy and Review Council of criminal justice system and lay leaders.

In short, the project staff perceived its role as developing a model correctional program that could be substantially implemented in San Joaquin County..

But, it also perceived the necessity to test features of the model in the community and devoted activity to obtaining community commitments for such pilot programs and seeking federal, state, and private foundation financing for developing certain follow-on demonstration programs.

It was in this latter activity--considered by the staff as part of its planning function but viewed by the political and criminal

justice system bureaucracy as something else--that the seeds for role conflict were sown.

The project had neither the means nor the desire to impose its recommendations for solutions on the community, but the establishment--undergoing the project's scrutiny as part of the description-evaluation phase--construed the activity less as planning for action or planning for change as outright advocacy for change.

The staff first was suspected of having a hidden agenda or secret purpose of permanently taking over a portion of the existing local correctional establishment. Later, it was suspect because it would leave the community at the end of the project, leaving others to face the backlash of their participation in irreverent system evaluations and project proposals that threatened political or bureaucratic territories.

It is almost axiomatic in government today that if you cannot control outside consultants, you attempt to discredit them. The Model Community Correctional Project is and was no exception: rather than being perceived as consultants, the project staff was seen in an activist role, concerned with forcing change or manipulating the local power structure.

The Roles Defined

When the Model Community Correctional Project staff attempted to assume the role of broker by proposing, for example, initiation of a local release on own recognizance program, the community did not necessarily perceive the role as that of a broker. The perception of the role varied depending upon the community group involved and the organizational proximity of the group to the change proposed.

Still different role perceptions occurred in the one case in which the project staff actually left the broker role and assumed an operational function--the demonstration release on own recognizance project.

The role perception of the Model Community Correctional Project as a change agent is graphically shown in the following chart:

MODEL COMMUNITY CORRECTIONAL PROJECT
AS A CHANGE AGENT

ROLE PERCEPTION

ROLE	Law En- force- ment	Courts	Politi- cal Leaders	Agency Head	Civic Leader (Establi- sh- ment)	CAC*
1) Parent (Philanthropist) STATE LEAA					X	
2) Reporter of Facts (Researcher)						
3) Enabler - Impartial Organizer						
4) Expert - Outsider, Doctor, Consultant				X		
5) Broker - Liaison of ideas, techniques						X
6) Catalyst - Brings conflicting interests together		X				
7) Advocate - (Meddler) Partisan-local power manipulation	X					
8) Politician - (discreditors) Unrestrained joining with subcommunity			X			
9) Activist - interests						

Law and Order

← Conventional Order Area →

← Conflict Area →

Maximum feasible participation →

Revolution

Note: X provided to illustrate how group in each column may perceive any project activity.

*Community Action Council

Significantly, it was through personal experience and analysis of these roles that the Model Community Correctional Project staff evolved the basic change strategy. Although the project had organized to work almost exclusively through conventional order roles with the established political, governmental, and citizen leadership, there was a constant problem of the project and its staff being viewed as occupants of the "conflict" area roles delineated in the chart.

It is useful, using theories developed by Martin and Shattuck,¹¹ to identify those roles that the project staff could occupy and still maintain a harmonious relationship with the majority of the community power structure with which the staff was working to influence change. Certain roles were not tolerated; others were accepted.

Generally, the roles of parent-philanthropist, researcher, impartial organizer, consultant, and broker are compatible with the conventional order and power structure; the roles of catalyst, advocate, reform politician, and activist are not. The basic difference between the two groups of roles is the degree of conflict they produce over the control of change--the issue of power. In the second group of roles, the conventional order is threatened and challenged and its ability to control change is jeopardized.

It is obvious that in San Joaquin County very few persons fill the roles of catalyst, advocate, reform politician, and activist although these are key elements in the change process.

And, it is equally obvious that a change strategy must concern itself with developing constructive leadership to occupy these conflict area roles.

This leadership undoubtedly must come from that part of the community that has not previously participated in government to any

degree. Local government and its processes now reflect the attitudes of the dominant community; the change process will challenge the values and perceptions of this dominant community and, thus, if such a challenge is to occur, it must come from those who are now part of the subordinate subcommunities--the "out" groups. These groups are many and varied but basically are those parts of the total community with which a person identifies himself and is identified by reason of race, language, ethnic background, age, economics, or other factors. All share one thing in common--they are on the outside looking in at a government and a community in which they have little voice.

CHANGE MODELS

The change models of Martin and Shattuck help explain this process of change in terms of order and conflict:

In the order model,

"The implicit rationale . . . is that on the one hand stands a united society with its laws prohibiting criminal misconduct, and on the other, stands the individual wrongdoer, who, because of his personal maliciousness, avarice, passion, or psychopathology, commits a prohibited act of crime for which he is punished, rehabilitated, or restrained."¹²

This contrasts with the conflict model that views the law enforcement process not as a confrontation between a united society and an individual wrongdoer but as a process

". . . operating in the interest of a dominant community to maintain its integrity, interests, conventions, and boundaries against the encroachment of contending, even conflicting subcommunities . . . Corrections is a systems maintenance structure . . . which operates to defend and preserve the interests of one group against another. . . . (Considering the social groups from which corrections receives the preponderance of clients) corrections does not represent the interests of offenders and the social and political collectives from which they are drawn, but

represents instead the established policy making segments of the larger community which presently dominates the legislature, judicial, police and correctional agencies."13

Both the order and conflict models emphasize the maintenance of the status quo, particularly within the leadership of the political life of the community. This reinforces the earlier judgment that merely presenting a blueprint for action is unlikely to be a successful method for innovation or change.

Martin and Shattuck also suggest that one of the most widely used--and possibly least recognized--means of maintaining the status quo is "caretakerism."

They observe:

"From the point of view of maintaining the position of the dominant community, both models are boundary maintenance devices. Caretakers are those people, social workers, medical treaters, etc., who run programs intended to help their users. From the perspective of the conflict theorist interested in social reform, the benefit is always offered in a particular way and for a particular and limited purpose . . . the assimilation or integration of the individual receiver into the dominant community."14

CHANGE IN SAN JOAQUIN COUNTY

The order model--that which operates to maintain law and order--seems to offer little possibility for change in San Joaquin County with its geographically, socially, and racially isolated communities and subcommunities. The order model assumes that there is consensus about what is permitted and what is not and that society is in agreement in this perception of the law, why it exists, and why it should be obeyed.

This obviously is not true where there are geographically, socially, and racially isolated communities and subcommunities as

there are in San Joaquin County. The order model presupposes a continuous interchange and dialogue in the total community to develop consensus; this does not exist and the order model thus must be based on the dominance of one subcommunity over others. Those in the dominant community may well believe, because of their isolation, that consensus exists. No better example of this may exist than the isolation of the white middle class in North Stockton; their very isolation makes it easy for North Stocktonians to assume that there is consensus* about societal norms.

The conflict model appears to offer more opportunity as a vehicle for change in San Joaquin County because of the very nature of the county. The model assumes that groups or subcommunities holding different beliefs confront each other, conflict results, and change occurs as an accommodation to the conflict.

This conceptual model is an inherent, integral part of the democratic process. It is how laws are usually made, Presidents nominated, national priorities set. Sometimes the edges of the model are fuzzy and the process clouded by rhetoric, but the political arena is where confrontation-conflict-change occurs.

*A member of the Policy and Review Council asks: "Don't you mean 'majority approval' instead of 'consensus'?" Project response: Consensus is used here to mean group solidarity in sentiment and belief; unanimity; collective opinion. There is a subtle but very important difference between this and "majority opinion." Majority opinion implies that one recognizes there are a significant number of people who may think differently about an issue; that consensus does not exist. Those persons in the North Stockton population who operate as if consensus exists--that "just about everybody feels and thinks the way I do about this"--are culturally isolated and may not really realize that the order model, at least in San Joaquin County, must be based upon the dominance of one or more community interests over others--on majority opinion, not consensus. The issue is not whether the majority should carry the vote, it is more a problem of mistaking "majority approval" for "consensus."

It is almost axiomatic that to support active change is to support conflict because it is through conflict that change and accommodation occur. Accommodation can take many forms: compromise, concessions, etc. It can be immediate or it can occur as an evolutionary byproduct of more frequent and meaningful social interaction between subcommunities that diminishes their differences.

Conflict without mutual accommodation can be destructive. It can result in polarization, a stiffening of the resistance to change through accommodation. It can be violent.

Conflict, then, must be managed within productive boundaries. Conflict without the possibility of productive results will create over-reaction, polarization, and a climate in which accommodation and change cannot occur. Removing the opportunity for accommodation is akin to over-inflating a balloon--sooner or later the balloon will have no further elasticity. Problems, too, can get larger and larger until they burst into the urban upheavals that are plaguing the nation.

The dominant subcommunity and its system of imposing order and delivering services must, in other words, accommodate to the need for change and must keep open the avenues by which such accommodation can occur.

How can change be managed? This is the central question. How can an effective and orderly dialogue be kept within the productive boundaries upon which the conflict model is based; how can enough pressure be placed upon the dominant community to cause it to accommodate and change; how can all this be accomplished without destroying community relations and moving back, not forward?

These are the questions that the Model Community Correctional Project has attempted to answer in its design of a strategy for change.

DESIGNING THE STRATEGY FOR CHANGE

The Model Community Correctional Project's strategy for change--drawn from the evidence and experiences discussed in the preceding pages--basically involves modification and correction of the patterns and processes by which accommodation can occur between the dominant power structure and the subcommunities in San Joaquin County.

The key to the strategy for change is the deliberate development of the capacity of the subcommunities to produce leaders who can fill a broad variety of roles through which the dominant power structure and the subcommunities can communicate, negotiate, and accommodate.

The chart on pages 196 and 197 suggests some of these roles, defines them, and notes some of those playing or occupying these roles.

The chart, in effect, establishes the boundaries for productive conflict--the conflict that produces accommodation and change. The role of parent is largely that of law and order, protection of the status quo; the role of activist at the other extreme is only once removed from revolution. Generally, the role of parent, reporter, enabler, expert, and broker are compatible with the order model of change; the remainder, with the conflict model.

The change strategy, it must be emphasized, requires an increase in the subcommunities' ability to produce leaders to fill all these roles and thus act as agents of change. But it must be recognized that the power structure may see the subcommunity leader playing one role while the leader and his community perceive him in another. The militant Negro spokesman, for example, may believe he is a reporter of facts while the power structure perceives him as an activist; in truth he may be neither of these, both of these, or somewhere in between, possibly in an advocate's role.

CHART 2

ROLE	DEFINITION OF ROLE	TYPICAL ROLE OCCUPANT
Parent	Provides financial or psychological support; may use vocabulary and gestures of parent; may assume parent-child relationship; function as a tribal elder.	Philanthropist; state or federal government; private foundations, statesmen, caretaker (per Martin and Shattuck); elected officials; elders.
Reporter of facts and events	Objective presentation of factual data; may be done in fictional form such as novelist; role of clarification; generally non-threatening approach is used.	Newspaperman; researcher; certain novelists; students; ombudsman.
Enabler (Impartial Organizer)	Solution finding; helpful expeditors who hasten desirable developments; impartial organizers; "The traditional role of the community organizer who, stressing impartiality, helps to focus discontent, encourage organization, nourish good interpersonal relationships, emphasize common objectives, and develop cooperative work within his community." ¹⁵	League of Women Voters; Chamber of Commerce; civic-minded citizens; government official or administrator.
Expert	Experienced, trained consultant services; emphasis on trusted opinion and expertise in field; must be persuasive.	Consulting firm; outside advisors; educators; governmental specialists.
Broker	Agent of the community; liaison between idea and action; present and exchange ideas; attend conferences; observe projects and programs elsewhere; "The liaison role familiar in real estate, and the stock market; the broker in community organization serves as a guide to his community, so to speak, through a new kind of civilized jungle, but with the component of collective action and solutions added, bring a new potency to the process." ¹⁶	Community Council; some social welfare agencies; Council of Churches; government officials attending conferences or conventions.

Characteristic of Order Model of Change

(continued)

ROLE	DEFINITION OF ROLE	TYPICAL ROLE OCCUPANT
Catalyst	Brings conflicting interest groups together; creates change without becoming part of the change.	Subcommunity church leadership; neighborhood associations; improvement clubs; subcommunity presentations to political bodies
Advocate	Partisan sympathizer; defender; supporter;	Minority group leaders; advisory commission members; attorneys; lobbyists.
<p>"A more direct and partisan role than that of broker, co-opted from the field of law in which the community worker by providing leadership, information, argument and challenge becomes a participant in social conflict on the side of his community against social institutions and groups opposed to the self-interests of his community."¹⁷</p>		
Reform Politician	Represents subcommunity in struggle for realization of goals and interests within power structure; requires official recognition via democratic representation; legislates to legitimize change.	Elected official; legislator; lobbyists to a degree.
Activist	Mobilizer of community support for change; actively recruits supporters;	Ethnic group leadership; student leadership; minority group political organizations; the so-called "militants."
<p>"unrestrained joining with interest groups; dropping all pretense of the neutrality traditionally associated with the service profession, the community worker chooses to be on the side of his community in what is basically a partisan situation; through various techniques of collective action, while at the same time encouraging the independence of the various social units in his community, he works toward the attainment of their self-interest."¹⁸</p>		

↑
Characteristic of Conflict Model of Change
↓

As noted earlier, under the existing socio-economic and political conditions in San Joaquin County, the subcommunities have little representation in the parent, reporter, enabler, expert, and broker roles; further, their assumption of roles as catalysts, advocates, politicians, and activists are frustrated by the dominant power structure's perception of these roles as illegitimate. The result is that the subcommunities are isolated from the change process and the power structure is isolated from the need for change.

Such alienation promotes militancy on both sides; the subcommunities insist upon change, the power structure sees no need for change. In the subcommunities, the militancy is characterized by a sense of helplessness in seeking accommodation through the existing system; there is a feeling of being cut off, of being disenfranchised. This is the stuff of which our urban unrest, our riots, our college disorders are born.

Again--and it cannot be emphasized too strongly--unless the dominant subcommunity, the power structure, recognizes the legitimacy of the catalyst, advocate, politician, and activist roles, the total community will continue to lack any effective mechanisms for accommodation and the community will experience repeated confrontation and intense conflict. Moreover, unless there is some visible progress toward subcommunity membership in the "legitimate" roles of parent, reporter, enabler, expert, and broker, the feeling of despair, discouragement, and group and individual alienation that characterize the isolated subcommunity will continue.

THE CHALLENGE THEORY OF CHANGE

Once subcommunity leadership begins to step into the establishment roles of parent and reporter, enabler, expert and broker, the efforts of the subcommunity can be united with those of government and not remain separate. The emphasis can shift from confrontation and conflict to what George Romney, Secretary of the U. S. Department of Housing and Urban Development, calls the "challenge theory of change."

This theory suggests setting and then reaching specific, limited goals. This challenge followed by achievement provides a sense of victory and accomplishment and helps the subcommunity shed its real or imagined "loser" image.

The challenge theory contrasts sharply with the confrontation-conflict approach favored by such community organizers as Saul Alinsky. The challenge theory is a positive approach; the confrontation-conflict approach is often negative. Romney perceives groups organizing to achieve community goals through self-initiative, self-development, and cooperative efforts;

"their goal is to build, not force the establishment to give. Their focus is on the problem and mastering the know-how to solve it, rather than perpetuating the illusion that somewhere there is someone who can just give it to them if enough pressure is exerted."¹⁹

The challenge approach presents optimistic alternatives whereby the people themselves can be united with those of government authorities and agencies--not separate from them.

But as repeatedly emphasized, these benefits will accrue and change will occur only as the subcommunities are actively encouraged to participate in all change agent roles.

The subcommunity can be the young or the old. It can be poor. It can be black, brown, or white. No matter what its makeup, the benefits are the same.

"As . . . people can begin to understand, use, and make demands upon government, their capacity to cope with an urban environment will increase. Their lives can be enriched individually, and as a community, if they know how government can assist them."²⁰

Helping create and sustain this kind of urban environment has many important ramifications for the criminal justice system and community corrections:

- It could overcome the refusal or failure of the subcommunities to perceive the criminal justice agencies as existing to serve them.
- It could result in an increase in the participation of subcommunity members in the key observation-report process that triggers the criminal justice system.
- It could aid in improving the image of the law enforcement agencies and directly and indirectly aid in better police protection and crime prevention.
- It could increase the ability of the subcommunities to absorb delinquency and for the larger community to tolerate behavior it now cannot permit.
- It should reduce the conditions of despair, alienation, prejudice, and discouragement that so often accompany individual acts that are in violation of the law.

ENCOURAGING PARTICIPATION

Converting these theories and evaluations into a detailed blueprint for action is beyond the scope of the Model Community Correctional Project and this report.

The project can, however, suggest that the subcommunities initially concentrate their efforts to change the detection-apprehension-

arrest-arraignment processes that the evidence shows are heavily weighted against San Joaquin County subcommunities.

Since the system retains so many who enter, the strategy should be directed first at minimizing arrest and entry into the system and, second, at maximizing pre-trial releases and use of defense counsel, the two factors that the evidence suggests make a difference in exit from the system. The person who is arrested, who is not afforded pre-trial release, and who is without defense counsel is found guilty in excess of the 81 percent average of all court cases.

This is not evidence of judicial discrimination against any race or socio-economic group. It is part of the abundant evidence of the system's inability to cope with the poor and their unique problems. The poor, of course, include a preponderance of racial and ethnic minorities of the very young and the very old, of alcoholics, and of most of society's "out" groups.

"The point is simply that a law may be consistently and evenly applied, yet systematically work a hardship on a particular class. In our society, the law has worked a hardship on those least able to withstand it. Rather than helping the poor surmount their poverty, the law has all too frequently served to perpetuate and even exacerbate their despair and helplessness. And now we are reaping as we have sown. The civil disorders which have racked our cities demonstrate an alarmingly widespread disrespect for law among those ghettoized in the inner city."²¹

The subcommunities could best serve their own interests and those of the community as a whole by diverting people from the formal criminal justice system and by insuring that the criminal justice system provides a number of system exists prior to the actual judicial

process. Within the San Joaquin County system, it is pointless to focus on discrimination once guilt has been established because the evidence suggests that the rich and poor, black, brown, and white, young, and old are treated virtually the same once they are found guilty.

Specifically, the subcommunities should direct their efforts at:

- Absorbing and correcting on their own what might be considered delinquent or deviant behavior in the larger community; in effect, preventing entry into the criminal justice system.
- Increasing law enforcement community relations efforts to reduce the feeling of alienation and frustration that is often at the root of criminal behavior.
- Eliminating the vestiges of racial and ethnic prejudice and discrimination that may remain in the criminal justice system.
- Insuring that law enforcement agencies make use of citation in lieu of arrests, warnings in lieu of citations, when and where realistic.
- Seeking wider use of police station house and post-overnight detention release of offenders who need custody only for a cooling off or sobering up period.
- Implementing a release on own recognizance program for persons who would otherwise remain in jail while awaiting trial or sentence.
- Providing public defenders to interview and informally advise every person jailed of his rights and options.

The need to provide the services of the public defender for all who cannot reasonably retain private defense counsel cannot be stressed too strongly. Without counsel, the defendant has no opportunity for plea bargaining; without counsel, he will more likely plead or be found guilty; without counsel, he may lose opportunities for modification of sentence--restitution and probation in lieu of jail sentence for theft, for example.

Defense counsel must be provided the defendant in a felony case, but there is no such provision for misdemeanor cases which account for 93 percent of the adult court cases in San Joaquin County. And these misdemeanor cases in municipal courts provide the subcommunities with their first real contact with the judicial processes of the criminal justice system.

Judge J. Skelly Wright of the U. S. Court of Appeals discusses the national problem but could be describing San Joaquin County:

"Despite the presumption of innocence, the defendant in these . . . courts is, prima facie, guilty. The burden is placed upon him to give a satisfactory answer to the question, 'What have you got to say for yourself?' He is almost always uncounselled . . . Often no records are kept of the proceedings and in the overwhelming majority of cases these courts are, in practice, courts of last resort. The careful provisions for appeal, certiorari and habeas corpus, which look so fair in the statute books, are almost a dead letter as far as indigent misdemeanor defendants are concerned . . . And of course, these . . . courts--not the Federal or State Courts--are those with which the poor are most likely to come into contact. Consequently, it is these courts that form the image the poor will have of our system of criminal justice. This is why the criminal law is perceived by the poor not as protection for life and property, but as the establishment's tool of oppression, designed to keep them shackled to their poverty . . ."22

Guidelines

Some guidelines can be offered to aid those in the subcommunities who must develop and execute a plan of action. This is something no one else, no matter how well meaning, can do for the subcommunities although an interested citizenry can provide well timed and badly needed assistance.

Generally, the subcommunities should consider:

1. Coalitions with the more responsive members of the dominant community may be necessary to help the subcommunities assume a place on governmental committees, commissions, and planning bodies. Many individuals in the dominant community recognize that the positive approach of the challenge theory offers no solution to groups that identify goals but meet resistance

in including their change agents in the governmental decision making process. Alliance with such individuals who recognize the need for change may be necessary for the subcommunities. Hopefully, such individuals would be included in the County Criminal Justice Planning Agency discussed in Chapter 2 of this report.

2. Internal, interpersonal improvements are as necessary as external, intergroup, and intercommunity development.

"The majority of social welfare programs presently in operation," it has been noted, "deal with problems of external isolation: for example, getting subcommunity members more jobs and overhauling the educational system to be more responsive to the needs of low income persons. But attention must also be focused on means for restoring the internal social structure of the subcommunity. It is the degree of strength among primary groups, i.e., within families, between friends, associates and neighbors, which, in large part, determines the ability of a community to deal with its problems and to meet its needs."²³

This internal development results in an improved ability to absorb delinquent behavior--deal with it within the subcommunity--mentioned earlier.

3. Both internal and external subcommunity development are community corrections in the context of the Model Community Correctional Program. It is through developing the capacity of the subcommunities that the criminal justice system can prevent crime and delinquency; this capacity is directly related to assisting the dominant community accommodate to the needs of the low income and minority subcommunities which are so heavily over-represented as "clients" of the criminal justice system. This is a form of community corrections which the agencies of the criminal justice system have been reluctant to engage.

The criminal justice system also can continue this pattern by viewing the Model Community Correctional Program merely as a series of programs--halfway houses, model alcoholism treatment programs, and other programs presented in these reports. But the criminal justice system and its component agencies cannot, by adopting each and every one of these programs, conclude that it is then involved in community corrections. Community corrections requires engaging the community in corrections.

4. Professional participation and leadership in the change process can be well intentioned but poorly conceived and suspect in motivation.

"The process by which some social agencies are seeking to organize residents of deprived communities (sub-communities) to create social change are often ill-conceived attempts by guilty professionals to participate in the civil rights movement. The posturing of Alinsky-type conflict programs; the militant and daring stance applied by some social actionists to other types of programs, attacks upon the "welfare colonialism" of established social agencies often do little more than foment agency-baiting heroics that lead nowhere. These attempts may be of great psychic value to the professional. Now he can feel he is doing something 'meaningful.' But they are of little value to many needy people who may only want more and better service--who may not want to organize or to protest--but who may want alternatives to fighting city hall and the bureaucracies."²⁴

5. The conflict model can maintain the status quo as well as produce accommodation and change. Those community interests determined, for example, to maintain the status quo in the criminal justice system can consciously or unconsciously encourage conflict at critical times and at critical decision points and turn public opinion against a proposal or innovation. They can fragment the development of coalitions between dominant subcommunity representatives and subcommunity leadership, shut off citizen participation of any kind, and prevent the community development discussed above.

SUMMARY

In the opening paragraphs of this chapter, it was noted that changes must occur both in the criminal justice system and in the fundamental institutions of society itself. The strategy for change developed here has largely been directed at those fundamental institutions which directly and indirectly influence the criminal justice system.

The change strategy really consists of two parts:

1. Implementation Strategy

There is a strategy inherent in the program implementation plan which is basically a set of systematic program changes and improvements, one built upon another--the Model Community Correctional Program elements presented in the Summary Report and mentioned in this and other project reports.

The implementation plan strategy is simply to use the spontaneous support for one program to implement that program and use the savings and benefits from that program to initiate another.

2. Change Strategy

The overall change strategy is directed at the change process itself and considers how change is to be accomplished. It is less important to develop specific program elements than it is to create an organization and environment that is adaptive to change.

It is the marriage of these two concepts, the implementation plan and the strategy for change, which is presented as the Model Community Correctional Program. It is an overall attempt to provide a strategy for the development of a model which is well organized, properly coordinated to provide offenders with a widely diversified assortment of treatment alternatives at the earliest possible point in their passage through the criminal justice system and to intercept and treat would-be or minor offenders before they enter the formal system.

Such a model is the goal of the Model Community Correctional Program; it is, like the change models described earlier, the latest "successive approximation" and like the others can be improved with new knowledge.

There is, however, a need to realize that more must be done, that the total community may, through no specific design or intent, be incapable of bringing the subcommunities into the democratic process, that funding from private foundations or other non-governmental sources may be needed to establish pilot projects that will help prepare them for assumption of roles in the democratic process.

These pilot projects could take many forms. Potential projects include:

1. Developing subcommunity change agents by providing a thorough education in the processes of local government through which change occurs. This would include a study of the provisions of the City Charter and the state laws that govern the county; how boards and commissions are formed and operate; election laws and processes; who's who in government and how they stand on issues; what facts and figures are available and where. The change agents would also be familiarized with the techniques of community

organization, voter registration drives, and rules and regulations of various public agencies. Participants in the program would be selected on ability including public speaking, and demonstrated leadership in the subcommunities.

2. Developing independent facts and figures for the public through a research or public relations firm. The firm would:

- a. Directly conduct or subcontract to appropriate, objective agencies the function of taking public opinion polls in subcommunity and neighborhood areas on key issues on which the political structure will be acting.
- b. Disseminate the results of such polls publicly so that the issues are in clear focus.

The objective is to crystalize issues on which there are clear differences of opinion and to publicly establish any disparity between what residents of an area want and how their elected officials vote or otherwise respond.

The public relations firm further would act as a lobbyist or legislative advocate to gain widespread public support for the subcommunities and needed changes especially when injustices, particularly repeated, systematic injustices, appear. Its aim would be to reach the isolated but dominant power structure and to make the entire community aware of the views of the subcommunities, their needs and problems, and the need for accommodation.

3. Developing subcommunity awareness of governmental activity through radio and television. Meetings of the City Council, County Board of Supervisors, Board of Education, and other decision making bodies would be broadcast and televised to allow a great many more people to be participant-observers in the governmental processes. Videotapes of these meetings should be available for use in schools and by civic and community organizations. Radio time would be purchased at regular hours and regular intervals to discuss key subcommunity issues, especially the material developed by the public relations-public opinion firm.

These are but examples. But it is obvious that such projects cannot be funded by government. They require grants from private foundations and other non-governmental sources. Government ironically cannot take these steps to make participatory democracy a reality.

But it can and must take other steps as outlined in this report. San Joaquin County is now at a juncture point. The choice of which way it goes is its own. It can continue to exclude the subcommunities from the democratic processes and become totalitarian; the subcommunities can destroy the democratic process with anarchy as the result.

FOOTNOTES

- ¹Peter Morris and Martin Rein, The Dilemmas of Social Reform, Atherton Press, 1967, p. 93.
- ²The Organization for Social and Technical Innovation (OSTI), Implementation, 1967, p. 8. Report submitted to the President's Commission on Law Enforcement and Administration of Justice.
- ³Space General Corporation, Prevention and Control of Crime and Delinquency, Final Report prepared for Youth and Adult Corrections Agency, State of California, July 29, 1965, p. 131.
- ⁴Bernard Diamond, "Scientific Method and the Law," The Hastings Law Journal, Vol. 19, #1, November 1967, pp. 191-192.
- ⁵Ibid.
- ⁶Ibid., (Emphasis added)
- ⁷Op. Cit., The Organization for Social and Technical Innovation (OSTI), Implementation, p. 6.
- ⁸Ibid., p. 9.
- ⁹J. Skelly Wright, "The Courts Have Failed the Poor," New York Times Magazine, March 9, 1969.
- ¹⁰John M. Martin and Gerald M. Shattuck, Community Intervention and the Correctional Mandate, 1967, page 47. Report submitted to the President's Commission on Law Enforcement and Administration of Justice.
- ¹¹Ibid.
- ¹²Ibid., p. 2.
- ¹³Ibid.
- ¹⁴Ibid., p. 10.
- ¹⁵Adapted from Charles F. Grosser, "Community Development Programs Serving the Urban Poor," Social Work, 10:15-27 (July 1965).
- ¹⁶Ibid.
- ¹⁷Ibid.
- ¹⁸Ibid.
- ¹⁹Harry Specht, Community Development In Low Income Areas: Its Relevance to Problems of the Negro Community, Publication 3104, Contra Costa Council of Community Services, 2717 North Main Street, Walnut Creek, California, February, 1966, p. 26.

²⁰George Romney, Secretary of the U. S. Department of Housing and Urban Development, quoted in The Wall Street Journal, January 22, 1969.

²¹J. Skelly Wright, Judge, U. S. Court of Appeals, "The Courts Have Failed the Poor," New York Times Magazine, March 9, 1969.

²²Ibid.

²³Op. Cit., Harry Specht, Community Development In Low Income Areas: Its Relevance to Problems of the Negro Community.

²⁴Ibid., p. 9.