

The Change Agent

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The Change Agent in the Criminal Justice System

A Selection of Papers from the Proceedings
of the Orientation Program for Community-Based
Law Enforcement Science Advisors,
March 11-22, 1974, McLean, Virginia

September 1974

ABSTRACT

This report provides edited transcripts of six papers selected from the proceedings of the Orientation Program for Community-Based Law Enforcement Science Advisors. The program, sponsored by the National Institute of Law Enforcement and Criminal Justice of the Law Enforcement Assistance Administration, was held at The MITRE Corporation's Washington Offices in McLean, Virginia, March 11-22, 1974.

The areas of the criminal justice system addressed by the selected papers include the police, the courts, juvenile justice, and the state planning agency. Unedited transcripts of the entire proceedings are on file at the National Institute.

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Sterling I. Solomon, General Chairman
David P. Cox, Police Sessions
Timothy Crowe, Community Involvement Sessions and
Criminal Justice Planning Sessions
Sol J. Gems, Urban and Regional Government Sessions
Norman H. Mines, Juvenile Justice Sessions
Howard W. Williams, Corrections Sessions and
Court Sessions

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A special note of appreciation is extended to the program speakers, all of whom are listed in the Appendix.

Howard W. Williams
Howard W. Williams
Editor

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INTRODUCTION

The Orientation Program for Community-Based Law Enforcement Science Advisors (LESA's) was held at the Washington Offices of The MITRE Corporation in McLean, Virginia, on March 11-22, 1974. It was sponsored by the National Institute of Law Enforcement and Criminal Justice of the Law Enforcement Assistance Administration. The program was conducted by MITRE's Criminal Justice Analysis Department.

During the two weeks of intensive sessions, 40 speakers from industry, government, and academia addressed an audience of 45 MITRE staff members who were candidate LESA's on how to bring about needed change in the criminal justice system. The program was structured around the concept of the criminal justice change agent: namely, how LESA's should channel important new research and development information to criminal justice professionals in the field as well as identify potentially fruitful areas for further research.

The program covered seven topics: courts, corrections, police, juvenile justice, criminal justice planning, local and regional government, and community involvement.

Under the LESA program concept, science advisors were to be assigned to local criminal justice agencies in selected communities across the country. Although the LESA program was subsequently deferred, the techniques addressed during the conference for maximizing the transfer of sound ideas, procedures, equipment, and facilities are relevant to any efforts involving the use of change agents to effect change in the criminal justice system.

It is not currently planned to publish the remainder of the program proceedings. Copies of the transcripts are available from The MITRE Corporation's Criminal Justice Analysis Department. The Appendix to this document contains a list of the speakers who participated in the Orientation Program.



THE CLERK'S OFFICE - A (RELUCTANT)
CANDIDATE FOR CHANGE

by

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Everyone who is familiar with our judicial system agrees that the clerk's office is a good place to start when improvements to the system are being considered. But tradition, politics, and personalities make changes difficult to implement. Formerly the first clerk in the recently created Temporary Emergency Court of Appeals for the United States, Mr. Whittaker discusses the reasons why not all clerks are receptive to change, and what an innovator can do to improve the clerical process given a reasonably receptive court.

I am one of those (expletive deleted) court clerks you have been hearing about for the last two days. I want to apologize for not having brought my green eye-shade and sleeve garters, but, having retired from being a court clerk a year or so ago, I framed them and they are hanging on my wall in Aspen.

Before I start, let me use a lawyer's typical device, known as a caveat. I would like to state, as a general introduction to my remarks, that I am going to deal with generalities. Some very wise person - I think it was Oliver Wendell Holmes - said: "All generalities are worthless, including this one."

I am going to be talking about courts, describing some of my experiences, things that I have seen, concepts that I think may be helpful to you; but don't necessarily expect to find any or all of them in any specific system.

History of the Court Clerk

Since court clerks are near and dear to my heart, I want to start with them. To begin, what are they? First, they are an anachronism. The position of the court clerk is almost as ancient as the antecedent of our American justice system. The word "clerk" comes from the same stem as "cleric." In very early times - the eighth or ninth century - the clerk was in fact a cleric. The legal processes at that time, as you may know, were almost entirely in the hands of the ecclesiastical courts, that is, church courts.

The clerk was a priest or cleric and the main qualification for the job was that he know how to write. One of his major functions was to take controversies that were brought to the ecclesiastic court and write them out in the appropriate form and the proper language with which the ecclesiastical court would be willing to deal. In a time of great illiteracy it was a very important function. You didn't get to the court unless you went through the clerk.

The job continued down through the ages and into England. At one time in England it was a sinecure. You either paid for the position or you were granted the clerkship of a court by the king in return for services. The clerk became a fee officer; that is, the clerk charged in accordance with a schedule for each service he performed. If he issued a subpoena, there was a specified fee; if he filed a complaint, a different fee. That is how the clerk earned his living.

This system came to the United States during the colonial period. The clerk continued as a fee officer for at least 100 years until various government authorities began to find out that he was making a lot of money. They didn't change the process. Litigants still paid set fees for given activities: fifteen cents to issue a subpoena, twenty-five cents to file a complaint, twenty-five cents to record a judgment, and so on. But they put the clerk on a salary, and the governmental agency that was funding the court took the proceeds of the fee system. This, naturally, upset the clerks and a number of

law suits developed. Even the Supreme Court of the United States, before the Civil War, found it necessary to address itself to fee problems of its clerk's office.

The point of this brief history is that in his presentation* Larry Polansky talked about a record in the court that he referred to as a "docket." Every court that I have ever been in has a record like this. It is basically an index to the case file. It contains a listing of every paper that has been filed in a case and every action that has been taken by the court.

If you talk with court clerks, they will tell you that the docket is their most valuable record. But what most of them are not aware of is that the docket sheet started out as the fee-clerk's ledger sheet so that he knew how much money he was making. He had to enter each activity because he had to record the fee opposite it.

If you doubt that this is true, look at the docket sheets that are still in use in many courts today and you will see that they still have a column for entering the amount. If you ask the clerk what that column is for, he will say that he doesn't know. It was originally intended to provide a record of his income; presently, it serves no purpose whatever.

Diversity of Clerk Functions

Today, in most jurisdictions, there is practically nothing in the way of statute law or other means to establish a clerk's duties and responsibilities; rather, they are liable to be anything that the court wants to make them or anything that the clerk himself wants to make them.

As a result, you find some court clerks who are serving in an administrative capacity. They take care of the court's budget, the court's personnel program, the court's EDP program, and so forth. In other courts the clerk doesn't do anything. He sits and collects his

* Larry Polansky, Chief Deputy Court Administrator, Court of Common Pleas, Philadelphia, PA

pay check. That is why I started out by saying that I think the position is an anachronism. It was designed for a legitimate reason some years ago. Although those reasons have disappeared, the office has not. And so we have court clerks all over the country, but if you take one from the East Coast and one from the West Coast, and have them talk to each other, you would find that they hardly speak the same language because they are doing entirely different things.

You can add one more complication to the situation in the majority of jurisdictions in the United States. Most court clerks throughout the country are elected rather than appointed. Here you have a position that bears a strong relationship to the day-to-day functioning of the court but you are quite liable to find a court clerk who says to the judge: "My responsibility is not to you, but to the voters; therefore, don't tell me how to run my office. I will run it the way I see fit in accordance with the mandate given me by the voters." I suspect that the movement for professional court administrators got a great deal of impetus from the fact that the elected court clerk was not responsive to the needs of the court.

Furthermore, the position of court clerk is usually established by the state constitution, so to abolish it would require a constitutional amendment. That is a pretty overpowering chore. I suspect that some far-sighted court figured out: "Let's leave the clerk there, but create a new office of court administrator that is within our power to control and which will provide us the administrative services we need."

As a general statement of the responsibilities today of a court clerk, I think the closest you can come to anything that is meaningful is to say that he is the records custodian of the court. If you were to go much beyond that, you would have to consider that in some jurisdictions, he is liable to do almost anything. In some jurisdictions, for example, the court clerk has the responsibility of issuing marriage licences and in others, the responsibility of collecting local property taxes.

Larry Polansky, do you know of any duties that the Philadelphia Court Clerk has that don't bear any relationship to the court?

MR. POLANSKY: Our clerk now believes that he is the ombudsman for the criminal defendants of Philadelphia. He may very well be. I don't know whether that is his statutory function, but he does other things, like fine collection.

MR. WHITTAKER: That is probably another thing that you can add as a generality. The clerk usually handles and is responsible for all the money that passes through the court, whether it is fines, cash bonds that are deposited, or money that is left with the court awaiting the court's decision of who ought to get it.

Possibility of Eliminating the Clerk

I guess that everyone who addresses you has an axe to grind so I will grind mine now. It seems to me that perhaps one of the ways of reaching some degree of improvement in the courts is to abolish the position of the clerk and create a new administrative structure that is responsive to the needs of the institution. It seems to me so fundamental that I hesitate to even say it, but I don't see it being done or even seriously considered any place in the country.

QUESTION: Would you see this person reporting to the Chief Judge, and where do you see his responsibility emanating from?

MR. WHITTAKER: Depending upon the complexity of the court, you could end up with a variety of relationships. In terms of the courts which I have considered, I usually come up with a three- to five-branched set of service organizations, each of which reports to whoever is appropriate. For example, you have one branch that is responsible for scheduling and processing cases. If it is a court that is on the master calendar, it would probably report and be responsible to the calendar-assignment judge. If it is an individual calendar court, it probably would report to the Chief Judge or the committee of judges that has responsibility for the cases. You might also have a court

services branch whose responsibility it is to staff the courtrooms, to see that they are set up when a trial is supposed to begin, to take responsibility for getting the witnesses there, and to issue notices in relation to a particular trial. Their responsibility at any given time would be to the judge or judges whom they are serving. This really reaches a point at which I don't think I can generalize much more without a specific court and a specific set of facts in mind.

Nature of Records Management

Let's talk about records management for a minute, since the clerk is the records custodian. Court records are the most abominable collection of garbage that you have ever seen in your life. I don't know how to characterize them any stronger than that.

Let me give you a few descriptions, in the event that you haven't seen any court records. A typical court record is a leather-bound book, 16 by 22 inches, and anywhere from two to four inches thick. It is permanently bound and, because it is permanently bound, all the entries have to be made in longhand. Because these books are so big and heavy, the court has to have specially made racks to file them in. If you have ever been in a court clerk's office, you have undoubtedly seen big cabinets going up to the ceiling with rollerskate wheels on them so you can slide the books in.

Interestingly enough, because of these handwritten records, one of the major qualifications to become a deputy clerk is that you have good handwriting. With all the entries in longhand, if your handwriting is bad, someone may collect \$2,000 instead of \$200.

One court that I was in a few years ago had shown a great degree of innovation. At some deep, dark time in the past, it had begun using these big 16- by 22-inch books, but some brilliant person had the idea of getting, instead of the permanently bound books, post binder books so that the pages could be taken out to type the entries. I suppose since innovation is slow and has to go step by step, it shouldn't be

too surprising, but it never occurred to them to reduce the size of the paper. So as you walk through the clerk's office you notice every typewriter has an oversize carriage on it so that they can stick these huge 16- by 22-inch pages into the typewriter. The court was very proud of its innovation. It was the only court in the state which had gone to the post binders; most of the other clerks around the state accused it of violating the constitution, the Mosaic Code, and God only knows what else.

That will give you some idea of the shape of records management in the courts.

Let me talk about something more important, that is, the contents of those 16- by 22-inch binders. In this day and age in every trial court of general jurisdiction that I am familiar with, every court proceeding is taken down verbatim, or close to verbatim. There is a court reporter who uses a stenotype machine, a stenomask, or maybe handwritten shorthand. In one way or another, everything that occurs in the courtroom is taken down verbatim.

There is also a deputy clerk who sits in the courtroom and takes voluminous notes of everything that happens in the courtroom. These are called a variety of things, but probably the most common term is "minutes." In addition to that, in many courts the judge keeps voluminous notes on the file jacket containing the case papers. The purpose of these notes is to provide a record in the clerk's office of what happens in open court. A typical entry would be like an entry written down by the deputy clerk to record the fact that a jury was selected. The notes will say, "March 15, 1974," and give a list of the names of the jurors who came in and a notation to the effect that this panel was called into the court. Check marks will be beside some of the names, with another note: "Those with check marks were selected to serve on the jury and the oath was administered to them." That doesn't sound too bad, assuming that this is a necessary record in the first place, which may get us into some other problems, but

that isn't the end of it. At the end of the day the deputy clerk takes his minutes sheet, goes dashing into the clerk's office with it, proceeds to a typist, and has that typist do what usually is referred to as "expanding the minutes." By the time the typist in the clerk's office gets through expanding the minutes, it sounds something like this: "Now on this 15th day of March in the year of our Lord 1974 in the 180th year of the creation of the state of X, this case came on to be heard in the matter of John Smith v. Mary Jones, John Smith appearing in person and by counsel, Henry Brown, Mary Jones appearing in person and by counsel, Fred Green, and thereupon a jury panel was summoned; and the names of those jurors are as follows, to wit: ..."

Then the list of all the jurors who were selected is typed. The courtroom deputy was smart enough to put check marks beside the names of those who were actually selected to serve, but the little gal on the typewriter has never been allowed to do that, so the order proceeds: "And thereupon counsel conducted their voir dire examination, Henry Brown examining for the plaintiff, and Fred Green examining for the defendant, and thereupon each exercised his peremptory challenges and challenged the following jurors." Then the ones that were thrown off are listed. But I am not through yet: "Thereupon" - this is a good word - "the court having noted that the peremptory challenges were duly exercised, proceeded to direct the clerk of the court to administer the oath to those following-named jurors who are selected to serve, to wit: ..." And they are all named again. I could go on, but I guess I won't. I think I have made my point.

We might just talk a minute about why all of this verbiage. You will remember earlier that I said that the clerk was a fee officer? One of the factors that determined what his fee was was the number of words that he wrote. One hundred years ago I would be hard put to criticize some poor clerk for putting in all these "thereupons, to wits, as follows," and so on. He is trying to get rich.

We have done away with the fee system, but the activity of the clerk of 100 years ago has gained a degree of magic. These words are now mystical. If we don't use them, justice somehow won't be done. And so we continue to use all of these old forms that had no substantive value originally, but had the very pragmatic purpose of helping the clerk to increase his standard of living.

Court records management really should be called records "non-management." Another very innovative court of my experience had purchased a patented manual soundex indexing system. This is a system in which you eliminate all the vowels so that "Smith, Smyth, and Smythe" all end up being spelled the same way for purposes of retrieval. One of the reasons for a soundex system is that you don't have to know how to spell the name; all you have to know is how it sounds. One time I went to the counter where the girl used the soundex index and asked her if she could show me how to use it. Very proudly, she said, "Sure, what would you like me to look up?"

I said, "Why don't you see if you have any cases in which there is a plaintiff named Whittaker?"

She said: "Fine, how do you spell it?"

I guess there has to be a focus, besides just war stories, to what I am saying. I have heard many of you expressing a great deal of concern about how a change agent or an innovator gains credibility - how does he or she get acceptance into this monstrous organization that nobody understands and everybody hates; and which includes nothing but intransigent s.o.b.'s - I think that was the phrase coined in a previous presentation?*

In most courts the state of the records is so primitive that if you want a project that initially doesn't threaten very many people, at least on a gut level, and that has a substantial opportunity for

* By Charles H. Rogovin on page 94 below.

big payoff and a high degree of visibility (since everybody in the system is going to be handling these papers), you might consider looking at their records system.

I have been amazed in visiting courts around the country that some smart stationery salesman hasn't walked in and sold them on better forms as well as paper that will fit into a standard sized typewriter. But you don't see much of that kind of hustling.

Technological Applications to Record-Keeping

In this same connection I visited a number of courts which have gone to computers. One of the biggest payoffs I see from their computerization is that before they could go to computerized retrieval they had to straighten out their manual systems. By the time they were ready to go operational many courts found that they didn't need the computer anymore.

QUESTION: What has been your experience with the use of microfilm? A facsimile can be used in place of an original?

MR. WHITTAKER: I have seen very little use of microfilm. I know of a few places where it is being used but usually only for security purposes. So far as I know, the problem hasn't arisen. There is a "Uniform Use of Microfilm in Evidence Statute" that many states have adopted. I am sure that this has some bearing on its use.

MR. POLANSKY: Just the idea of taking those records and putting them on microfilm is something to consider. We cleared 19 rooms in city hall by filming a lot of records. Whether or not it should have even been filmed, is a different story. Probably much of it should have been thrown out.

MR. WHITTAKER: I do have a microfilm war story, if I may.

One particular court had an on-going microfilm program at the time of intake. Every document that came in was microfilmed and kept for security purposes only. I was doing a records management study

in this court, and I was curious about how they were using their microfilm. I went around to some of the employees and said: "When you lose a document, how do you replace it?"

The answer I expected was, "We go to the microfilm, make a copy and stick it in the file." That is not the answer I got.

Rather it was: "We call the lawyers and ask them if they have an extra file copy to let us have."

QUESTION: You keep talking about those big docket books. What happens if they are destroyed?

MR. WHITTAKER: The lawyers wouldn't have copies of the dockets but they would ordinarily have copies of the documents that constitute the docket entries. For example: the defendant files a motion to dismiss the complaint; a docket entry will be made which says: "Thereupon, on this 17th day of March, and so on comes the defendant by his attorney, Joe Smith, and files his motion to dismiss the complaint." That would be the docket entry. If the book were destroyed and certain motion papers along with it, I doubt that any astute lawyer could let you get very far saying that you hadn't filed the motion.

QUESTION: I am troubled by the remark that in cleaning up the records for the computer it might be enough to have cleaned up the manual files setup. Can I assume the need for retrieval is so little that you do not need a computer?

MR. WHITTAKER: This depends a lot on the court. A fair amount of relevant and important information is stored in court records. The fact that a judge has denied a motion to dismiss becomes extremely important to another judge in the same case, if another motion to dismiss is filed. If there is any court management system at all, somebody ought to have the responsibility of seeing, after a court orders a party to do a certain thing, either that that act is performed when it should be or that whatever sanctions apply are imposed. These are just two examples.

All of the information in court records is not the kind of garbage that I have been describing. It does include all kinds of worthwhile and useful information.

MR. POLANSKY: I think in my mind's eye that it comes down to this. You may have a court operation that is a repetitive process that you thought initially might require a computer system. You could analyze the record-keeping processes involved. By the time that you straightened them out enough so that you could use the computer, you might find that the additional cost for the computer wasn't really justified. You may see enough benefit from the analysis you performed so that you can improve the manual operations without spending the large dollar to go for a computer.

Difference between Elected and Appointed Clerks

QUESTION: How about the deputy clerks and clerks? Are they really interested in change or are they generally set in their traditional ways?

MR. WHITTAKER: My experience has been extremely varied but perhaps we can do some classifying that will help. Typically, an elected clerk is not awfully interested in change for a variety of reasons, not the least of which is that it may streamline his office in an undesirable way. In many communities the court clerk is the local political boss in a sense. He holds a great deal of political power because he has low-level jobs to pay off to the party workers who go out and do the drudgery kind of election work.

In those systems where the clerk is appointed, in more cases than not I have found them interested in change, frequently because of the pressure brought on them by judges.

Dealing with Old Records

DR. SAARI: I wanted to suggest to you an innovation suggested by Remington Rand in Cleveland. In preparing to get rid of a lot of old

records at the Cleveland courthouse before they designed the new courthouse, Remington Rand suggested using salt-mine storage for a lot of the records. In that way they could forget about problems like whether to microfilm or not. That, to me, is a beneficial idea and waylays a lot of problems en route.

MR. WHITTAKER: That is becoming a more accepted way of doing business. You start a day number one microfilming program and go forward from there without trying to film everything that has been filed.

QUESTION: Aren't there statutes of limitations which automatically dictate when certain records are useless and can be destroyed?

MR. WHITTAKER: That is an excellent question. But I don't know the answer. You can go into almost any courthouse in the United States and find records going back to the year that that court was created.

There are a variety of reasons why this is so. The closest we came to having anything done about the situation was during the 30's when there were WPA projects in many courts to index and catalog records so that they could be put away in a form that was retrievable. (Why, I don't know, because nobody ever wants to retrieve them.)

The records are typically stored in a variety of cardboard boxes with just about as many shapes as you might imagine. They are usually waterlogged, quite often with bird manure all over them because they are in some third-class storage areas that have no protection whatsoever. If you want to watch something really funny, go into a clerk's office to retrieve a record that is 25 years old.

QUESTION: That philosophy, if carried on ad nauseum, would lead to the condition that the streets would be inundated with court records that have no legal standing anyway. How do you get rid of them?

MR. WHITTAKER: Some records have justification for perpetuation. These are primarily the ones dealing with title to real property. Also, archivists will go out of their minds if you start talking about throwing away court records.

QUESTION: You said that a fun thing to do would be to ask the clerk to find a 25-year-old record. Must he do this? Does he have to?

MR. WHITTAKER: Yes, he must, unless he can discourage you from insisting.

QUESTION: Let me suggest that a way to encourage improvement in this area is to have a lot of your friends go down and ask for old records.

MR. WHITTAKER: That is not a bad idea.

Description of 'Court People'

During the break, I coined a new acronym: ISOB. This stands for: "Intransigent Sons of Bitches," the phrase speakers at this conference have been using to describe court people. I want to address the topic of how to deal with people in courts, at this time.

At one point in my presentation I commented that court people are just like everybody else: some of them are nice and some of them are ISOB's and some of them are in between. People in courts, particularly the professional people in courts, have their own culture and their own set of concepts and their own ways of thinking, just as police officers do or correctional people do.

I thought that it might be helpful to take a little bit of time and discuss some of the things that help make ISOB's what they are.

I think one of the first things that you have to look at is who judges are, how do they get to be judges, and what happens to them after they become judges. Again, remember my caveat about generalities because they are all that I can deal with here with you.

Generally, a judge has been a successful lawyer. That in itself has a great impact on his personality and on his ways of going at things. The practice of law is not a team effort; it is an individual effort. The good trial lawyer is a good trial lawyer in his own right, not because he has a team that helps him to be a good trial lawyer. Typically, he is not accustomed to working in groups, and if any of you have ever had to attend a committee meeting with judges, I think you will understand what I mean by that.

In most jurisdictions, in addition to being a successful lawyer, the judge has probably been a successful politician, even in those jurisdictions in which judges are appointed. Being a politician he has some understanding of power and of how policy decisions in his particular locality are made.

Typically, a judge is extremely authoritarian. He is almost forced to be as a result of the role that he finds himself playing. If you stop and think for a minute about the judicial system, I think you have to agree that by its very nature it is at least as authoritarian as - if not more than - any military organization. In a courtroom everybody is under the complete control of the judge: from the bailiff to the witnesses to the jurors to the lawyers. He is in complete command of that room. This is bound to have some impact on the way he acts and thinks.

Let's talk about the environment for a minute. Under our common law system, cases are decided today based upon how cases were decided yesterday or 10 days ago or even 100 years ago. The whole common law system is, in great part, based on the concept that some place somebody has decided a case that is similar to the one presently being decided, and that that previous case should have an influence on the way the case is decided today. This system has worked very well, yet it has an impact on a lot of other things, including the way the people in the system think. When your major effort is devoted to doing things today the way they were done at some time in the past, that has to have some bearing on the way you look at change.

Another part of the culture that has a bearing on how people behave is the fact that our courts system is an adversary one. The idea is that if two lawyers - equally skilled and equally prepared - present to the judge or the jury their case in the best way possible, that we come closest to arriving at the truth.

In this adversary system the judge, at a minimum, is an arbiter or an umpire. Since these two lawyers are adversaries, they quite

frequently get carried away with themselves and somebody has to say, "Hey, fellows, break it up." The person who says that is the judge.

As a result of the judge's position as arbiter in this adversary system, he has to remain somewhat aloof, or at least there is some reason for him to think that he ought to stay aloof. If you and I are the adversaries and I walk down the hall with my arm around the judge having a little private conversation about something, you are liable to wonder (and rightly so) what happened to your case.

Most judges feel strongly about avoiding the appearance of favoring one side of a piece of litigation. Quite often they will carry this into their private lives. I have on a number of occasions seen a judge walk towards a lawyer and before the lawyer can speak, the judge will hurry by, even though the lawyer doesn't have a case before the judge at all. I have never quite been sure whether this is an habitual thing or whether some judges just consciously try to avoid giving the appearance of closeness to people who may at some time become adversaries before them.

Another factor that is probably worth looking at is the concept of judicial independence. In a way it is very closely related to the aloofness aspect that I was just talking about. The concept basically is that in order to operate effectively the judiciary must be independent of outside influence. I think the reasons for this are obvious. Some of the ramifications of it are not quite so obvious.

One of the areas where it is not so obvious is that of administration. A judge who recognizes his responsibility to maintain his independence may carry that independence beyond the area of deciding cases and controversies and become independent in every regard. The appropriate fiscal agency can't dictate to him about his budget; the appropriate sanitation people can't determine what hours the floors of the hall outside the courtroom are to be swept. Sometimes independence can get carried to a degree of idiocy.

On the other side of that same coin, we have seen in recent years a number of situations in which courts have had to assert their independence through a device known as "inherent power." This usually develops in the area of resource allocation. A typical situation is one in which the county commissioners won't appropriate enough money to allow the judge to pay some necessary expense such as the salary of the court reporters. What usually happens in those courts that are willing to assert this inherent power they have is that they will issue an order to the county commissioners directing them to appropriate money from whatever source available. Another device for handling this particular situation is for the court to go ahead and make the expenditure anyway. When the contractor sues the county commissioners, guess whose court they sue him in?

Another factor that I think has a big impact on the way judges act and the way courts are managed in general - and it goes back to one of the earliest cases of significance decided in the United States Supreme Court - is the concept that typically courts will only decide what are called "cases and controversies." Another way of saying the same thing is--courts don't give advisory opinions. If you are mad at someone and want to sue him, the courts are perfectly willing to settle your dispute. But if you and he get together and say, "Wouldn't it be interesting to see what the court thinks about this?," and just stroll in off the street asking the judge for a decision, it won't wash since there is no actual controversy.

In terms of management, I think one of the possible impacts that this has is that judges are not prone to making decisions until they become problems. This also carries over into management. Quite frequently, the court will wait until an administrative situation develops to the point that it really is a problem before it acts. I suppose another term to describe this phenomenon is "crisis management."

A factor that I think has a substantial bearing on the judicial system is the degree of property orientation in our entire legal

system and in the courts. Our legal system - again, going back to the English common law - has as one of its major purposes the protection of the rights of private property. With this you develop all sorts of interesting things. I think among other things you develop a mind-set that is perhaps more attuned to dollars and things than it is to people. Again, remember that I am talking about tendencies and generalities, not specifics.

Another factor worth talking about in this context is our whole system of appellate review. I think, again, it has some bearing on the way some courts are managed. In most jurisdictions an appellate court has, either by rule, statute, or inherent fact, the power to exercise a certain administrative control over the subordinate courts within its jurisdiction. Again, because appellate courts only hear cases and controversies, typically, an appellate court will not take any action to assert this supervisory power unless the need to exercise it is brought to it in a specific law suit or unless the trial judges come to the appellate court and say that they have a problem and need help.

The judiciary's mind-set is: "Problems are brought to us. We don't have to go look for problems. We don't have to plan to avoid problems. Our function is to sit here and decide problems when they are brought to us."

Getting Innovation into a Court of Appeals

QUESTION: You set up the Temporary Emergency Court of Appeals in Washington, D. C., a few years ago. What innovations did you put into that operation?

MR. WHITTAKER: Before I talk about the innovations, maybe it would be helpful to talk about why we were able to make them. The first one is the obvious one: it was a brand-new court. It had never existed before. It didn't have all the tradition and culture behind it that existing courts have.

The second reason is probably fortuitous. The enabling legislation does not restrict the Temporary Emergency Court of Appeals to the various rules that are presently in effect, primarily the Federal Rules of Appellate Procedure, so the court was free to devise its own procedures concerning how cases would progress through the court.

The third factor, and probably the most significant of all, is that the chief judge of that court was not an ISOB. He is very imaginative and willing to experiment to try things out.

We adopted a process for which we coined the name "differentiated case management." This was based upon the concept that each case is different from every other case although frequently the differences are so slight that they are immaterial.

We decided that there were some substantial bases for treating cases differently, instead of uniformly. The typical way of processing cases in a court is to have very rigid time patterns, very rigid procedures, with each case going through the same identical process. We decided we wouldn't do that. We decided that we would apply only those resources that were needed to each case and to try to avoid any over-allocation of resources to any one case.

To do this we needed to know something about the case quite early in its process, so, because of not being bound by the Federal Rules of Appellate Procedure, we adopted a procedure whereby the parties had to tell us, immediately upon bringing the case there, what it was about.

To non-lawyers that doesn't sound earth-shaking, but in an appellate court, that is practically unheard of. Typically on an appeal the appellate court has no idea what the case is about until it is at least halfway through the process. With our concept of differentiated allocation of resources it became vital to know early what the case was about and how complex it was, what sort of special problems might be anticipated, and so on. Therefore, we required timely information about the case. Then, in effect, we tailor-made a procedure to fit the case.

In the back of the room is Tom Napton, who is clerk of the Temporary Emergency Court of Appeals of the United States. Tom, do you have some figures showing what the average or mean time is for disposing of an appeal in your court?

MR. NAPTON: From the time that a case is filed until the hearing it averages about 60 days. From the time of the hearing until the opinion is handed down is about 40 days. This makes a 100-day average for an entire disposition.

MR. WHITTAKER: That is three and a third months. Do you happen to know what the nationwide mean time is?

MR. NAPTON: The average is eight months.

MR. WHITTAKER: In essence then these innovative procedures allowed us to handle an appeal completely in three and one-third months compared to a nationwide average of eight months.

QUESTION: Were there more people assigned to this court or were there just different procedures involved?

MR. WHITTAKER: I would say that this court has more personnel per case than most appellate courts. The personnel were very carefully trained and there was basically only one criterion for hiring: that they have no previous court experience.

QUESTION: Could you discuss the general framework of the other Federal Court System?

MR. WHITTAKER: The basic level of the Federal System is the United States District Court. There are 94 in the United States. The less populated states have a district contiguous with the boundaries of the state. In the more heavily populated states there may be several districts within one state. New York State, for example, has four districts. District courts are the trial courts where cases come in, both civil and criminal.

There are 11 United States Courts of Appeals. The numbering basically progresses from the Northeastern United States to the West Coast with number one being the New England States and number two

being New York, Vermont, and New Hampshire. The third is Pennsylvania and so on across the country.

These courts have appellate jurisdiction over all United States District Courts. Anyone that is unhappy with the result in a district court goes to a U. S. Court of Appeals for a review of what the district court did.

On top of the whole structure is the Supreme Court of the United States, which, for most purposes, selects the cases it wants to hear. There are great things going on now about reorganizing the circuits. There are certain other organizational changes in the federal judiciary being considered.

The Temporary Emergency Court of Appeals was a special court, created to hear appeals arising under the Economic Stabilization Act.

Going back to some of the innovations we put in that court, let me say that we did a lot with technology. One of the problems we faced was that the court consisted of nine judges who lived all the way from San Diego, California, to Noank, Connecticut. In the Federal System, appeals are decided by panels of three judges. Those three judges have to agree - or at least two out of the three have to agree - before the case is decided. Typically a panel of three judges will go to one location, hear a group of cases, and then go back to their own homes to decide the cases. Communication, then, gets to be quite a problem.

We installed a series of communicating mag-card typewriters so that these judges could transmit hard copies of their draft decisions to other members of the panel relatively fast over the telephone lines.

There is a project underway right now, which will probably involve the Emergency Court of Appeals, concerning a pilot test of computerized legal research. The legal system has been referred to by the name of OBAR. Actually, OBAR has gotten fancy and gone nationwide

and now it is called LEXIS. OBAR was the system developed for the State of Ohio and stands for Ohio Bar Automated Research, or something close to that. An effort was made to increase the volume of the data base so that it would have application to many jurisdictions. The Federal government probably will put in two terminals in two courts on a pilot basis for about a year to see if there is any significant benefit to it. Tom?

MR. NAPTON: I was just thinking that the in-house problem of the clerk's office is mainly shuffling paper and maintaining the records of pleadings that come into the office. In that area the original rules of the court are to streamline those processes, that is, to reduce the amount of paperwork, to get information out to the attorneys and judges as fast as possible, and to introduce organization into a clerk's office so that it is not just a mass confusion shuffling paper. We have such things as power files which will replace banks of four-drawer file cabinets.

We try to encourage people to use standard-sized eight-by-eleven paper instead of eight-by-fourteen paper; this may not sound too important, until you consider the volume of paper and of the filing storage involved.

MR. WHITTAKER: There is another innovation that I want to refer to specifically because it doesn't sound like an innovation. However, in the court system it was. We started using the telephone. Let me tell you what I mean.

It was unheard of for a court to issue a notice not on a sheet of paper with the court's seal on it and other such filigree. We took the heretical position that if you really want somebody to know something, then the way to do it is to call him on the phone, tell him, and if there is any problem with communication, send a follow-up letter or pretty notice or whatever else you want.

We took the position that the parties to a lawsuit ought to know about the decision as quickly as possible. It dawned on us - with

all of our genius - that the telephone was a good way to accomplish that. In most appellate courts, when a case is decided, the nicely typed decision of the court is put into an envelope and mailed out to the parties and, quite frequently, they read about it first in the newspaper. We called people, as soon as the decision was filed, and told them whether they had won or lost.

QUESTION: With regard to the innovations you have described for the Temporary Emergency Court of Appeals, is any group trying to implement these improvements in other courts?

MR. WHITTAKER: As a general matter, the work has been thoroughly documented, so that the information is available. The Federal Judicial Center has been closely involved in most of the things that have been done, but not on an evaluation basis. Many of the individual projects have been evaluated by the court. The mag-card typewriter project is one. It was thoroughly evaluated and a report was written about that evaluation.

MR. NAPTON: My feeling about the success is that it was due mainly to the Chief Judge. He controls and monitors what is happening there. In the 11 circuit courts around the country you have personnel problems and what consistency there is depends mainly on the Chief Judge. He sets the tone and pace. If you get a feel for the personality of the Chief Judge of a court, you will know how amenable that court is to change and innovation.



REFLECTIONS ON JUSTICE IN JUVENILE COURTS

by

Judge Richard J. Jamborsky
Juvenile and Domestic Relations District Court
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The speaker, a juvenile court judge for six years, traces the origins of the present juvenile court system, states the basic concepts of juvenile courts, describes the two kinds of cases which generally occur, discusses court procedures, gives an overview of referral and screening processes, outlines possible dispositions of cases, and responds to miscellaneous questions about juvenile justice.

Original Purpose of Juvenile Justice

In thinking about what I would like to say to you, I didn't want to appear to be a negative speaker, and I didn't want you to misunderstand the position that I will take initially with you today. I have a great deal of respect both for the court on which I sit and for juvenile courts throughout the United States. But, when it was explained to me why you would like to hear from me, I realized that you are going to be talking to people in the juvenile justice field and you want to be of assistance to them. It seems to me that you can be of greatest assistance to juvenile justice personnel by constantly challenging them and raising the questions, "Are you really living up to your philosophy? Are you really doing what you intend to do?"

That is why I am providing this statement--"God, save me from my friends. I can take care of my enemies myself"-- as a "text" for today, so that throughout our comments and perhaps even after I am through talking, we can constantly bear it in mind. We have a noble purpose in juvenile court which has grown out of noble beginnings. We need to measure our conduct today against that early noble purpose.

Basically, we are saying that the reason that we have a juvenile court, a special court that is going to deal with young people, is

because the state has a right to step in and deal with problems of children when the parents have failed. Or maybe the parents have not failed, but, at any rate, the children are either beyond their control or engaged in conduct that is harmful. The state will supplant natural parents when they fail; it will sit as a benevolent and wise parent doing that which ought to be done for the child.

By 1927, we were so impressed with ourselves in the juvenile court field that we had one North Carolina treatise which stated: "In this new court we tear down primitive prejudice, hatred, and hostility toward the lawbreaker in that most hidebound of all human institutions, the court of law, and we attempt as far as possible to administer justice in the name of truth, love, and understanding." Now (with laughter) even if you are not experts in the field of juvenile law or juvenile justice, is there anyone who doubts that the court does not administer justice in the name of truth, love, and understanding?

Yesterday's newspaper had a story about a 15-year-old who was held in jail for five weeks without counsel. Whether we want to place that circumstance under truth or love or understanding, I am not sure. But at any rate, our purpose is to help.

Ten Basic Concepts of Juvenile Courts

There are ten concepts concerning Juvenile Courts that quickly separate us from some other courts.

First of all, a basic concept is that children are to be dealt with separately from adults. I don't know of any other special court for people of a particular age group. Old people do not have a special court; middle-aged ladies do not have a special court; young men do not have a special court. But children do. And since we are going to deal with children separately, one of the issues you may encounter is whether or not it is fair to have children brought into a court for acts which would not be appropriate for court action if

adults committed them. So long as we follow the idea that we are going to have a court that would deal separately with children, it may be that the standard of conduct or the standard of behavior that we are dealing with, will be somewhat different from what we would expect of adults. On occasion, it may operate to impose restraints on the juvenile.

The second basic concept is that juvenile cases are to be heard at different times and preferably at different places. Periodically, the Reader's Digest will come out with a panacea to the problem of juvenile delinquency: that the names of juveniles be released to the public. Such a policy is in conflict with the element of privacy and confidentiality which stems from the basic concept that children should be dealt with separately, at different times and preferably in different places.

It is interesting to note, however, that if we were not to identify the proceeding, to tell the kind of court involved, but were simply to talk in terms of someone being brought in privately, with the public and press excluded, and placed before a judge and tried and sentenced, with no one knowing what had happened except his parents, you really wouldn't know whether I was talking about a juvenile court or the Spanish Inquisition.

So, what I am suggesting to you is that this is a helpful tool, but it is subject to abuse. And when you look into the juvenile system, you are going to want to look at the question of confidentiality critically. I don't suggest for a moment that confidentiality is undesirable; I think it is very desirable, but I recognize that it leaves itself open to great abuse.

The third concept is that children are to be detained in a separate building, and if institutional guidance is necessary, they are to be committed to institutions for children. Well, I am sure that when that basic concept became operable, there was a great feeling of relief, a feeling that problems of children being abused and assaulted by adults would be solved. Unfortunately, our problems

today with respect to the institutionalization or even detention of children is not that we are concerned about indiscriminately placing them with abusing adults. At least in Virginia, and possibly in other states through the United States, our problem has been that we indiscriminately place children. For example, if a child comes into court as an incorrigible or runaway (in some other jurisdiction he or she may be called a child in need of supervision), and the court finds that it is necessary to have the child removed from his or her home, the child may wind up in the same institution with children who have been charged with rape, robbery, or other crimes.

I suppose that we have been absorbed with the idea that a large, economy-size institution better fits this concept of separate facilities. Therefore, all children who come before the court wind up in the same institution without any segregation on the basis of behavior. I am sure you will also encounter persons who will tell you that we should automatically exclude persons charged with being runaways from persons who were charged with delinquent or criminal acts. Again, I would suggest to you that our concern should not be with the specific charge, but with the behavior. This is particularly true if you are going to have an intake department that wants to de-escalate the charge. If a child comes to court having stolen an automobile at the same time that he ran away, it would be to his advantage to appear before the court on a runaway petition rather than on the felony of unauthorized use or a grand larceny. So, we look at behavior rather than charge.

The fourth basic concept is that through its probation officers, the court can keep in constant touch with children who have appeared before it. One of the factors that really upsets the public is the idea that children may go out and vandalize a school and get placed on probation. This is like waving a red flag in front of the public, and maybe you have some questions about it and we ought to discuss it. But I suggest that there is nothing inherently wrong with

probation so far as it is used as an effective disposition for children who have committed even serious offenses or who have serious problems. But one of the reasons that it hasn't worked in many cases is because we have had an idea that probation would entail a change in behavior in a child who came to the court house to spend 15 minutes talking with his probation officer. Obviously, such a chat hasn't and doesn't effect change. It may be that the reason that the public is so concerned with probation is because of the way we have applied probation, rather than because there is something inherently wrong with it. When you look at probation systems, you should inquire as to whether or not the probation officers have plans for goals of probation, and whether they know in what directions they are going with particular children.

A fifth concept is that we only take children from the parents if it is absolutely necessary. Or to put it another way, we avoid taking children away from their parents if we can. This is particularly difficult for children who are in need of supervision or who come from backgrounds that, according to the Department of Social Services, are inappropriate. The danger in such cases, even though we are concerned with the welfare of the child, lies in the state's imposing its own preconceived notions or standards as to what's an appropriate home life over those of the parents. But by the same token, you occasionally get cases where there is no doubt that the child should be removed. But basically, it is something that we do reluctantly.

The sixth concept is that parental obligations are to be enforced. This would be particularly applicable in those courts that have jurisdiction over support. Most courts that have the power to award custody obviously have the power to award support. Certainly one of the really great problems, with respect to law and order in this particular day and age, is the number of parents who desert and do not support their children.

The next concept has a long history in the juvenile courts; namely that the procedures of the court must be as informal as possible. I don't know what particular judges you will encounter as you look at the juvenile system, but I certainly hope you will be thinking about this concept of informality. It may be that the procedures will be so informal that counsel is expendable! On the other hand, it may mean that the procedure is quite formal in terms of the manner in which the juvenile is expected to dress.

The eight concept is that the purpose of the court is not to punish but to "save." I would say that traditionally criminal courts dispose of cases with the thought that by imposing a sentence, they are either going to deter other persons from committing that offense or else they are going to salve society's desire for retribution. Such is not true in juvenile court.

It is not that we don't see that consequences flow from behavior, and it is not that we don't recognize that some penalty or consequence for unacceptable behavior may be desirable in bringing about a change in behavior in some cases. But basically we are neither concerned with deterring other juveniles nor out to salve society's desire for retribution.

The ninth basic concept is that we deal with children as persons in whose guidance and welfare the state is peculiarly interested, and not as criminals. Now, that certainly may be the standard that the juvenile judge and his probation officers will want to apply, but the true test, when we use the word "state," is going to be how willing the state is to fund the programs and the facilities that are necessary to carry this concept out. You may want to examine that point to determine whether or not the jurisdiction with which you are associated really does care about this basic principle.

And the final concept is that, except in cases where a child has been certified to stand trial as an adult, the court's jurisdiction is equitable, not criminal, in nature. Generally,

the code sections that deal with juvenile court law point out that the provisions may be liberally interpreted in order to do justice. This can lead to an awful lot of difficulty, particularly in terms of due process of law.

Two Types of Court Cases

I would like to talk briefly about the two kinds of cases that come before the court.

First, we have children who appear before the court because they can't make it at home. They are brought to court because their parents allege that they are incorrigible; that is, they are beyond control. They are brought to court because they run away from home or because they don't attend school regularly. These are called "status offenders." In other jurisdictions they may be called "pins" or "chins," but we call them "status offenders."

And the other kind of children who are brought to court are those who are charged with specific criminal offenses. I would like for a moment to deal with this type. Because something happened in 1967 which forced the court into living up to its noble purpose and original philosophy. The U. S. Supreme Court decided In re Gault in May of 1967. And as a result of the Gault decision, there has been an improvement. I suggest to you that due to that decision we are more able to be of true help or service than we could without it.

I would like to point out to you just a little bit of the background of the case. First of all, Gault was a 15-year-old child at the time that he was brought to the attention of the court for allegedly making an obscene telephone call. He was taken into custody and detained without notice to his parents. Later, the sheriff or someone else involved in the case gave an oral notice to his mother that there would be a hearing the following afternoon. A petition was drawn up but it wasn't served on either the child or the parents, and it alleged simply that the child was delinquent, period. There

was no mention of the specific nature of the offense.

The child, in talking to someone, either a probation officer or some law enforcement officer, made an admission outside of the presence of his parents that, "yes, he had made the telephone call." And there was no warning to him that he didn't have to make a statement. Well, the case appeared before the Supreme Court, and Justice Fortas wrote the opinion. His basic conclusion was, and I think this is something you want to remember when you look at juvenile courts, that the child was getting the worst of two worlds. He, first of all, was getting the worst of the criminal process. The child was committed to a state institution until his majority--and he was only 15. So that meant that he could lose his freedom from three to six years. Had he been an adult, I think the maximum penalty was two months. Yet he was losing his freedom without the safeguards of the criminal process.

Juvenile Court Procedures

Now there are certain procedures that are to be followed in juvenile court and you should be aware of them: The first procedure is that there has to be written notice of the specific charges; that written notice has to be given a sufficient period of time in advance so that some defense or answer may be prepared.

The second procedure is that the child has to be notified of his right to counsel, or if he is unable to afford counsel, he and his parents have to be advised that the child has a right to a court-appointed attorney.

The third procedure is that the constitutional right against self-incrimination has to be respected.

And the fourth is that, save for a valid confession, a determination of delinquency is only going to be based on sworn testimony, subject to cross-examination. It really is shocking to me to think that in 1967 persons would appear before a court of law and be

denied the right to confront their accusers, or to cross-examine their accusers.

In addition, in another case, the Winship case, the Supreme Court has held (and this did not change anything in Virginia, but I understand that it did change the law in other jurisdictions) that before a child came within the court's jurisdiction, there had to be proof beyond a reasonable doubt.

Another decision that didn't apply strictly to children, but is one that you should be aware of and concerned about, is the Miranda decision, in which certain rights have to be given to an accused prior to questioning. In answer to the question as to whether or not this applies to children, our conclusion is that it does. It is our contention that if a child is going to lose his freedom, no matter what you want to call the proceeding, the child's rights have to be protected, and our conclusion is that this would certainly be true with respect to being advised of the right to remain silent, right to an attorney, right to court-appointed counsel, etc.

These rights should be given whether the charge is a misdemeanor or a felony. We really shouldn't make distinctions with respect to a juvenile, because if a juvenile is charged with a misdemeanor, and is committed to a state institution, he is committed until his 21st birthday. So, if the maximum penalty for an adult on a misdemeanor is a year in jail, or six months, or two months, or whatever it is, the maximum penalty for the juvenile could be up to six years or seven years for the same offense. I would argue that it is absurd to suggest that the Miranda decision should not apply to juveniles charged with misdemeanors.

Referral and Screening of Cases

The next thing I would like to do is talk to you briefly about how cases come into a juvenile court. Parents, police, school, or neighbors may come to an intake office and make a complaint about a

child. The intake officer is going to listen to these complaints and attempt to screen out as many of these as possible.

And in screening them out, various decisions are made: if the problem is that the child keeps telling his mother to go to hell or that he won't take a bath or whatever, then maybe the best way to deal with the problem would be for the intake office to refer the child directly to a counselling agency. If you can take a case out of the court's jurisdiction, it should be taken out.

Some of the jurisdictions that you may go into will have referees who may be able to hear some cases on an informal basis. We have no provisions in Virginia, or at least in Fairfax County, for having a referee, but we have taken one of our intake counsellors, set him behind a desk with some flags, and called him a hearing officer. All of the parties must sign a statement saying that they are willing to have the hearing officer hear the case and they further understand that if they are dissatisfied or feel that something is wrong with the proceeding, they have a right to their day in court before a judge. Then we refer it to the hearing officer to handle. This procedure takes the case out of the formal court system, so there is no formal record. The hearing officer may order the child to do a research project. This informal procedure is especially constructive for dealing with adolescent streakers.

The school may refer a child to the court for truancy. You would want to see to it that these cases get screened out if possible. I was amazed to find the number of girls who are truant from school because they are overweight and don't want to dress for physical education. Now, obviously, there is nothing that the judge can do about that. I don't know of any reason that it should be in court. It should perhaps get referred to the mental health clinic or for counselling. But there is no reason for it being in court.

There are some kids who are just lazy, and I honestly doubt that they have psychological problems. The only thing wrong with

them is that they don't feel like going to school. If we have a compulsory school attendance law, then it seems to be that in those instances the cases belong in court. And if it is established that the kids are going to school and fall within the law, then the court ought to deal with them or else the compulsory school attendance law should be changed. Finally, in neighborhood disputes, if we can get the hearing officer to handle those, we will.

If the case cannot be screened out, it is set for court. And here we have the hearing, with a judge present. If it is a felony or if it is a contested misdemeanor, then an assistant commonwealth attorney comes down and prosecutes it, and we have a hearing and determine whether or not the child comes within the court's jurisdiction.

We use terms like, "I find you within the jurisdiction of the court; I find you within the purview of the court." That, in effect, is saying that we find that the child has done what they have said he did and we are going to do something about it. And in most states there will be a mandatory code provision providing for a referral for an investigation and report. The probation staff does the study on the background of the child, his school attendance, and any problems at home. The case comes back for a dispositional hearing, again, with counsel present.

Disposition of Cases

Now, what are some of the possible dispositions? In the event simple counseling is all that is necessary, the case would be continued. In case more supervision is necessary, probation would be appropriate. Sometimes the child is removed from the home and placed in a foster home. It is conceivable that the child needs a special school placement because of some learning disability or problem. If the parents can't afford this, we award the child's custody to the Department of Social Services for purpose of school placement so that the taxpayers will meet the obligation that they

could have met back in the public school system if they wanted to. I do not approve of this procedure.

We have something called the Family Systems Group. Under this program we have counsellors who, rather than placing the emphasis on the child, work just with the parents in a counselling session. In theory this eventually benefits the child because of the progress that is made with the parents.

In shoplifting cases, if they are not settled by the hearing officer, the child will be ordered to write an essay on how serious the problem of shoplifting is in the community. If it is a serious problem, what are the stores trying to do about it? If you were a store owner what would your solution be to it? What's legally and morally wrong with shoplifting? Well, having children write essays gets the public upset when it hears about the practice through the newspapers alone, but I am willing to defend the essay technique because statistics show that you have fewer recidivists in a shoplifting case or in a traffic case with an essay than you do with another kind of penalty.

QUESTION: Are those misdemeanor cases or felonies or both that you are talking about?

JUDGE JAMBORSKY: With essays or in these dispositions?

QUESTION: In the dispositions.

JUDGE JAMBORSKY: These dispositions would apply to every kind of case that is not screened out and comes through this hearing process. For example, a child who commits armed robbery may be placed on counselling.

QUESTION: But he could also be bound over to criminal court.

JUDGE JAMBORSKY: Yes. I left that out. It's a good point.

We have a new law in Virginia with respect to how children may be certified. If we have gone through the hearing process several times with the child, or the child is very close to being

18, or upon determining that we have exhausted the juvenile court remedies, we may order that the child be certified to stand trial as an adult. That's called a certification hearing. Under our statute we may take into account the severity of the offense, the past record, and all of the information of the social report. We also have a provision that we may treat these children as adults and sentence them to jail within the juvenile court process. That's a relatively rare occurrence.

Another disposition is that you may place the child in the jurisdiction of the State Department of Welfare and Institutions, i.e., commit him to a state training school. And that commitment may be suspended.

When we start thinking in terms of screening children out of the court system, and getting them to counseling, if we use the court as a referral process, I think that's all well and good. I very much endorse that idea. But in some instances the Youth Service Bureau is not used as a simple referral process. The bureau may say: "All right, Johnny, you are going to the mental health clinic or else." The people who are applying that force are outside the judicial system, which concerns me.

You know, if we were to draw a circle, we could start with those noble people back in the late 1800's who said they would take children out of the criminal process because of the evil and stigma attached to it. They wished to put them in a much freer type of setting, so that they would get counseling and help.

That is exactly how the juvenile court process got started. What happened when you had all of those people being so helpful was that they started ignoring concepts of fairness. So, when you look at a Youth Service Bureau, make sure that it is referral. But if it is starting to apply sanctions or force to get people to do what they don't want to do, then it's better to return to a judicial framework.

We are also beginning to recognize that we need to have

community-based programs. In Virginia our state training school is on a farm outside of Richmond. Our practice of taking children from this urban area who are relatively sophisticated and shipping them down to learn how to milk cows for nine months, to return and try to be useful members of this community is obsolete, and it hasn't been successful.

So, we are hoping that with family counselling programs, with group foster homes, with group probation houses, based in the community, that we can more effectively bring about a change in behavior of children whose actions are serious and harmful to themselves and the community.

We are running short of time but there is one other point. We are coming to the recognition that we need more alternatives to detaining children prior to the time that they are brought into court for trial. In Fairfax County we have a temporary foster home program which may be used when there is a crisis between the child and his parents, rather than holding the child in detention. If we make the judgment that the child is either a danger to himself or the community or there is a likelihood that he will not return to court, then we need to use detention. But even in Fairfax County we do not have our own detention facilities. We have one detention home that holds or has room for 44 children. It serves a community of Northern Virginia with a population of three quarters of a million. The National Council on Crime and Delinquency has taken the position that there need not be any new detention facilities built, period, because detention has been abused in other jurisdictions. I think that it is extremely unfortunate for people to automatically draw the conclusion that there should be no new detention facilities. I think there are an awful lot of children who suffer as a result even though the motives of the National Council may be very noble.

QUESTION: Could you give us some amount of time or an average

amount of time between some of those boxes you have shown on the chart?

JUDGE JAMBORSKY: Yes. The average amount of time between this box (hearing) and this box (disposition) is 30 days. The average amount of time between intake and hearing for a child detained is ten calendar days. The average amount of time between a public complaint, a police complaint, where the child is released to his parents, could be anywhere from two weeks to six weeks, depending on whether counsel has obtained a continuance. But, if it goes its normal course, it would probably be from three to four weeks between this stage (intake) and that stage (hearing).

QUESTION: So the detention process is how much time altogether now?

JUDGE JAMBORSKY: Ten days. The problem comes when you get over to this stage (disposition). Trying to come up with placements for children requires detention--we are working with community-based programs now so that we don't have to award custody to the Department of Social Services and so that we don't have to commit children to the State Department of Welfare and Institutions. With our own community-based programs, we would not have the long wait in detention, trying to effect a placement in a private school because the placements would be right in the child's own community. It would mean getting the psychiatric reports and hand-carrying them over to the particular placement of concern.

QUESTION: Is there a period of detention before something goes on in the Department of Social Services or what? I know you gave an example, but what happens in some of the other dispositions?

JUDGE JAMBORSKY: In Department of Social Services placement, further detention is required, and in this kind of placement (residential treatment center), the longest detention, which hurts the most, is necessary. I have never found any institution that really feels that its program is appropriate for the particular problem of the child. Courts are not able to discriminate. They take everybody.

But mental health institutions always want someone for whom the prognosis is good. But if the court's screening processes are good, cases which survive at the end of the court process are those in which the prognosis is terrible. So, it takes an awfully long time to find some place for them to go.

QUESTION: Prior to coming to LEAA I had done some work in juvenile diversion programs, alternatives to juvenile court, and I agree with you in part about the youth services. In many instances as regards mental health, the label is sometimes worse than anything that could happen in the juvenile courts, especially among a child's peers --

JUDGE JAMBORSKY: Right, and with Senator Eagleton it was worse.

QUESTION: Edwin Shure's new book Radical Mind Prevention states that 45 percent of all juvenile offenders never commit a second offense, and there is some question as to how many of the remaining 55 percent commit the second and third offenses as a result of the intervention. And what Shure is suggesting is that maybe the best intervention for a first juvenile offender is none. I am wondering what you think about that?

JUDGE JAMBORSKY: I think it is a fair question and I think there is some reasonableness to it. I have not read the book, but I will say that I know of specific cases in which children have come within the jurisdiction of the court and have been set up for further cases as a result. Let me give you an example.

A 16-year-old comes into court for truancy and we decide we are going to place him in a private school, whether he wants to go or not, and we make the placement. I would be willing to bet money that he is going to come back three more times for runaways from the private school or on incorrigibility from a probation officer who can't deal with him. So, in that particular instance, if we make all the options available to him, I could give a good argument for non-intervention. I think that is probably one of the things Shure may be talking about. So, I think there is validity to it.

QUESTION: Are you saying that any child who ends up at the dispositional hearing box has, on the average, already been detained for 40 days? Is that correct?

JUDGE JAMBORSKY: No. I am sorry. I would not want you to think that any child who comes here has been detained for 40 days, because not every child on whom a petition is taken out is detained. We would only detain a child who is a danger to himself or to the community, or who shows likelihood that he would not return. If we have really been effective in the screening process, the detention rate may be high, but it would probably be in the neighborhood of 16 to 20 percent.

QUESTION: Who makes that decision, the hearing officer?

JUDGE JAMBORSKY: No. An intake officer or perhaps a police officer would make it. But there is a detention hearing within 24 hours and then the judge makes it.

Miscellaneous Questions and Answers

QUESTION: Back at the beginning of your talk, you mentioned benevolence and another term, wisdom, as being two basic precepts. We have gotten the impression from other speakers, just as a generality, with all the dangers inherent in generality, that the average judge has a tremendous amount of power. That is, he doesn't have to answer to many people. Is there any way to impose some controls on the judge? Because, obviously, if you get a judge who is wise and benevolent, the kid is in good shape. But if you get a judge who is neither wise nor benevolent, I would imagine that he could ruin the kid for life very easily.

JUDGE JAMBORSKY: Well, I would like to put into context what I was talking about with respect to wisdom, benevolence, truth, love, and understanding. We started out with the idea that all of us were going to be wise and benevolent and it turned out that we were so busy trying to help people that we didn't have time to listen to some kid's argument. We weren't going to listen to what he said

because we knew what was best for him.

So, when you ask what controls may be put on the judge, my only answer to that now is that since the Gault decision it is necessary to listen to what the child says. You have to have proof beyond a reasonable doubt. The child is going to have the right to cross-examine his accuser, and if some judge gets annoyed with the child because he comes in with long hair or if some judge lets a child sit in jail for five weeks without appointing an attorney to represent him, there are legal remedies available. I don't know what other powers or restraints you may have in mind, except to say that, whether it is a result of Watergate or a result of more active newspapers or what have you, I have the feeling that judges are under much greater scrutiny, and that state legislators are more concerned about removal of judges than they have been in the past.

QUESTION: Can you tell us if there is an appellate process available to check on abuses?

JUDGE JAMBORSKY: Yes, in Virginia there is a trial de novo.

QUESTION: Are courts today really practicing due process, especially in terms of the Gault decision?

JUDGE JAMBORSKY: I think that for the most part, judges are following the Gault decision. In 1968 judges used to sit around at conferences and argue and debate whether or not the Gault decision was good or not, and they did that up through 1970. And now they no longer debate whether or not it is good. The sessions are geared to how you apply it. So, I think they are abiding by it on the basis of what I see.

The only time I see a problem with respect to a lawyer's involvement, as part of due process, counteracting a child's best interests is in the status offenses. If John has run away from home because his mother is an alcoholic-prostitute and she files a petition against him, and it is important to bring some healing to the situation--to try to get people back together, to change their

behavior--when Johnny's counsel is through cross-examining the mother, Johnny and his mother are never going to get back together. So, in those kinds of offenses lawyers need to start thinking more in terms of how they can be effective and protect rights of clients.

I still think counsel ought to have the right to cross-examine Johnny's mother if she is going to bring the child to the court, but I think that the lawyer ought to be aware of what we are trying to accomplish.

The only thing I would say in closing is what Roscoe Pound said, which you all have probably heard many times by now, "That the juvenile court is the most significant advance in the Anglo-Saxon administration of justice since the Magna Charta in 1215." I know that we make mistakes, and I know that we are not a perfect institution, but I have a great deal of respect for the juvenile court. I have a great deal of respect for it because it is now a more legally oriented institution, and I would say that with the number of young attorneys who come to court to practice in it, with a greater respect for due process and with a greater respect and concern for what happens to children after they leave the court, that the future of the court is good.

QUESTION: Are most juvenile court judges elected or appointed?

JUDGE JAMBORSKY: I don't know. In Virginia they were originally appointed by the senior judge of the circuit court. The General Assembly changed that to election by members of the legislature (both houses). In Denver there was a particularly effective judge by the name of Ted Rubin, who taught me at Reno and who had to stand approval by the voters. But he was applying due process of law before Gault. He was very concerned about that and it is my understanding that school teachers and police officers were upset with him because of his attitude toward truancy cases. So, even though he was not running for election, they simply came in and voted him out without opposition. And I know he was an extremely

effective person.

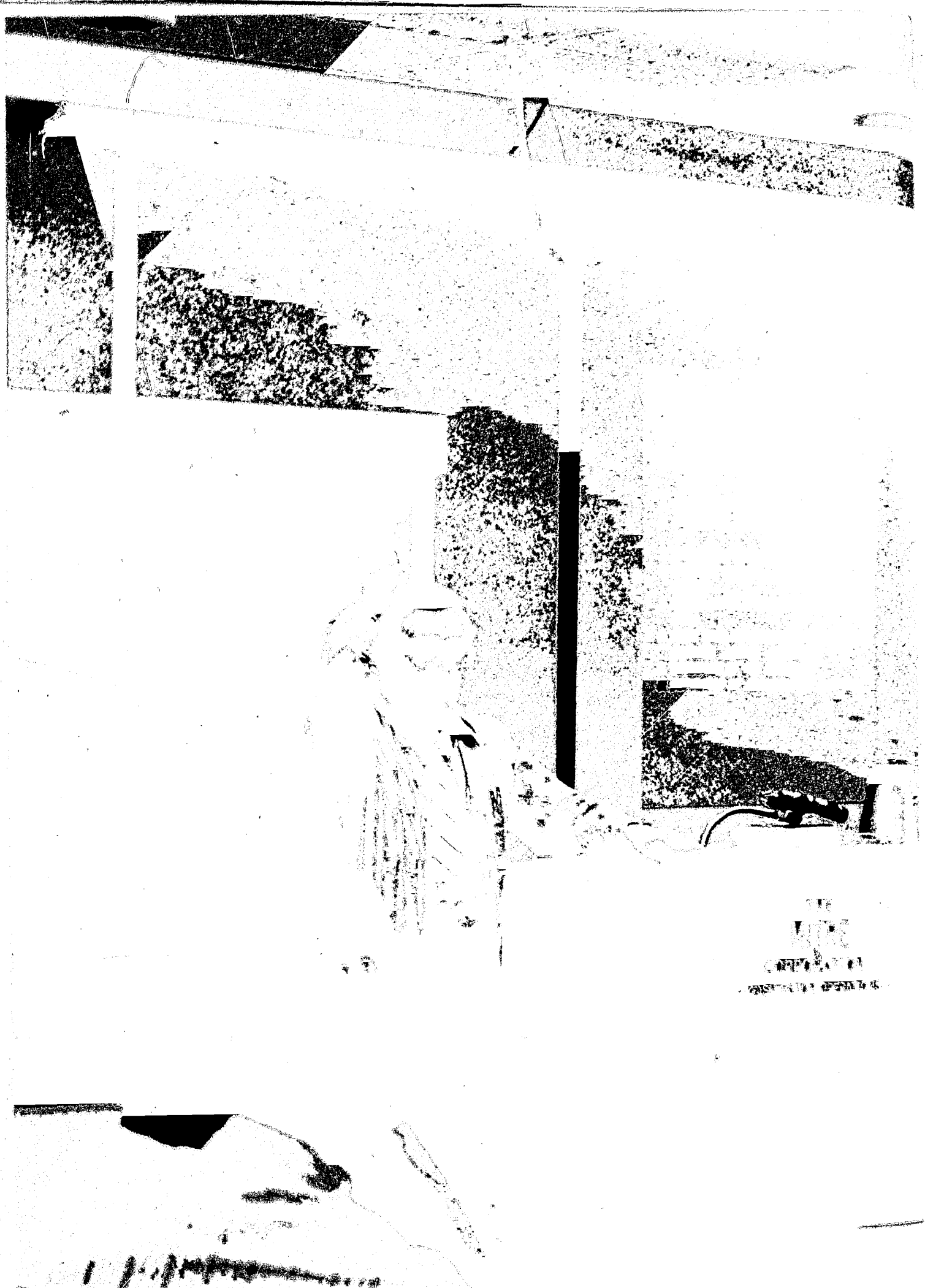
QUESTION: What are some of the issues that come to the forefront in an election of a juvenile court judge or a Superior Court judge? Do you think these really make people on the bench responsive to community desires?

JUDGE JAMBORSKY: I don't know how to answer that. I am not sure what goes into it, and when you say, "people on the bench responsive to community desires," I am not sure what that means either. Every time the Reader's Digest comes out with a new fad with respect to juvenile law, the phone rings off the hook with people from civic associations calling and wanting to know, for example, why we are not releasing the names of children to the public--why we are not locking up parents whose children have committed vandalism, because this is the solution. I would hate to have to stand for election right after the Reader's Digest came out with one of those articles. I don't think I would survive and I don't think that Ted Rubin would survive. The court, obviously, must reflect some community concern, but in a field such as juvenile law, I am particularly concerned about the number of fads that we seem to go through. I wish I could answer your question better, but I don't know. In my own case I was legal aid attorney before I was appointed to the bench, and I taught school for four years, and wanted to be a juvenile court judge and pushed it.

QUESTION: Judge, you mentioned that the court seems to be moving in a more legally oriented direction. I guess it was two years ago, I think it was McKeever v. Pennsylvania, that denied the right of jury trial to a juvenile. Do you think this is a step backward?

JUDGE JAMBORSKY: Well, it may be. I disagree with that decision because I can't understand how you could conclude that a person charged with a crime is not entitled to a jury trial if the Constitution says so. But, at any rate, that was a limitation. And I notice from what Mr. Chief Justice Burger has had to say in some other things, that it may be that his court is not going to push

juvenile rights as much as the Warren court did. I think, basically, that even now we are going to be legally oriented. I don't think there will be a great reversal. Thank you very much.



CRIMINAL JUSTICE CHANGE AGENTS
AND THE STATE PLANNING AGENCY

by

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The author, critical of LEAA, begins by expressing his doubts about the agency. He moves to an overview of the LEAA planning structure, an analogous example of another agency, and development of the Pilot City and Impact Cities programs. Stressing the state of confusion in LEAA and the importance of a flexible approach in dealing with it, he describes and distinguishes LEAA and NILE-CJ and gives responses to questions on such diverse topics as regional administrators, reorganization, and information-gathering.

Reluctant Reception

Ladies and gentlemen, let me say first of all that I am not very happy to be here. I do not hold a lot of sympathy with the Institute's program for deploying criminal justice change agents as it has developed thus far. Maybe this is one reason why it is important for me to be here.

So that we get off on the right foot and understand each other - maybe we will laugh a little, but we will not joke very much - let me say that what I really asked the chairman to say when introducing me was that I am a "nicer guy," rather than just a "nice guy." You ought to see whom you are going to meet when you get out in the field.

At lunch I was relating the fact that I am going to Africa this fall to help deliver a portable surgical room to the Kenyan government. I am really looking forward to that. It is an exciting experience for me. The one sour note about this trip is the fact that my wife was really hurt that I immediately accepted the opportunity to go without even giving a second thought to her feelings or her

wishes. I just jumped at it. I've tried to get to Africa now for a number of years and have never been able to go. So one night I said: "Look, you have been pouting about this. Why don't we sit down and discuss it."

She said: "Fine. You know I really do not mind your going, but I really did mind your not asking. You are going to take a lot of money. It is our money. My feelings were not considered. You just decided to go to Africa."

When I told that story this morning, Bob Cushman* said: "It sounds like our program."

Why that sounds like your program is, in large part, what I would like to talk about this afternoon.

I was listening to Charley Rogovin** - I have not seen him in a while, not since Cincinnati at a meeting of the board of the Police Foundation - and while I was listening to the various things that he was covering in his presentation it seemed to me that it might be helpful if I drew up something that would give me some basis for helping you to have somewhat the perspective that I have.

There are two handouts here. The first one is the commentary and the second one is the chart that goes with it. It just seemed to me that maybe this would help give you some kind of perspective. (The commentary sheet that Mr. White passed out had only three words printed in the extreme lower right-hand corner of the otherwise blank page: "Structure Precedes Essence.")

The only group that I know that is angrier at you right now, without having met you, than the state planning agencies are the Regional Administrators. Why are they angry? Because you are going in there to do a lot of good things for them, and who asked for you to be there. You may be very competent people in other fields, but what do you offer in criminal justice?

I was looking at the material that was passed out to you. I

*Director, Santa Clara Criminal Justice Pilot Project

**President, Criminal Justice Associates

saw in the program flyer two striking things: first, in the introduction it says: "The National Institute is expanding the previously announced Science Advisor Program." Do you know what the original announcement was? That was a discussion that took place two or three years ago, regarding the placement of consultants in state planning agencies. We had a long discussion with LEAA about that. So the so-called previously announced program is not the same as the program here.

Second, in this outline, on the fourth page, it says: "Program Objectives: to provide criminal justice consultants assigned to SPA's with eight things," which are noted prominently on this chart beside me. Well, apparently somebody slip-sheeted from earlier material that was created two years ago because there are no consultants assigned to SPA's, except in Florida, California, and Massachusetts.

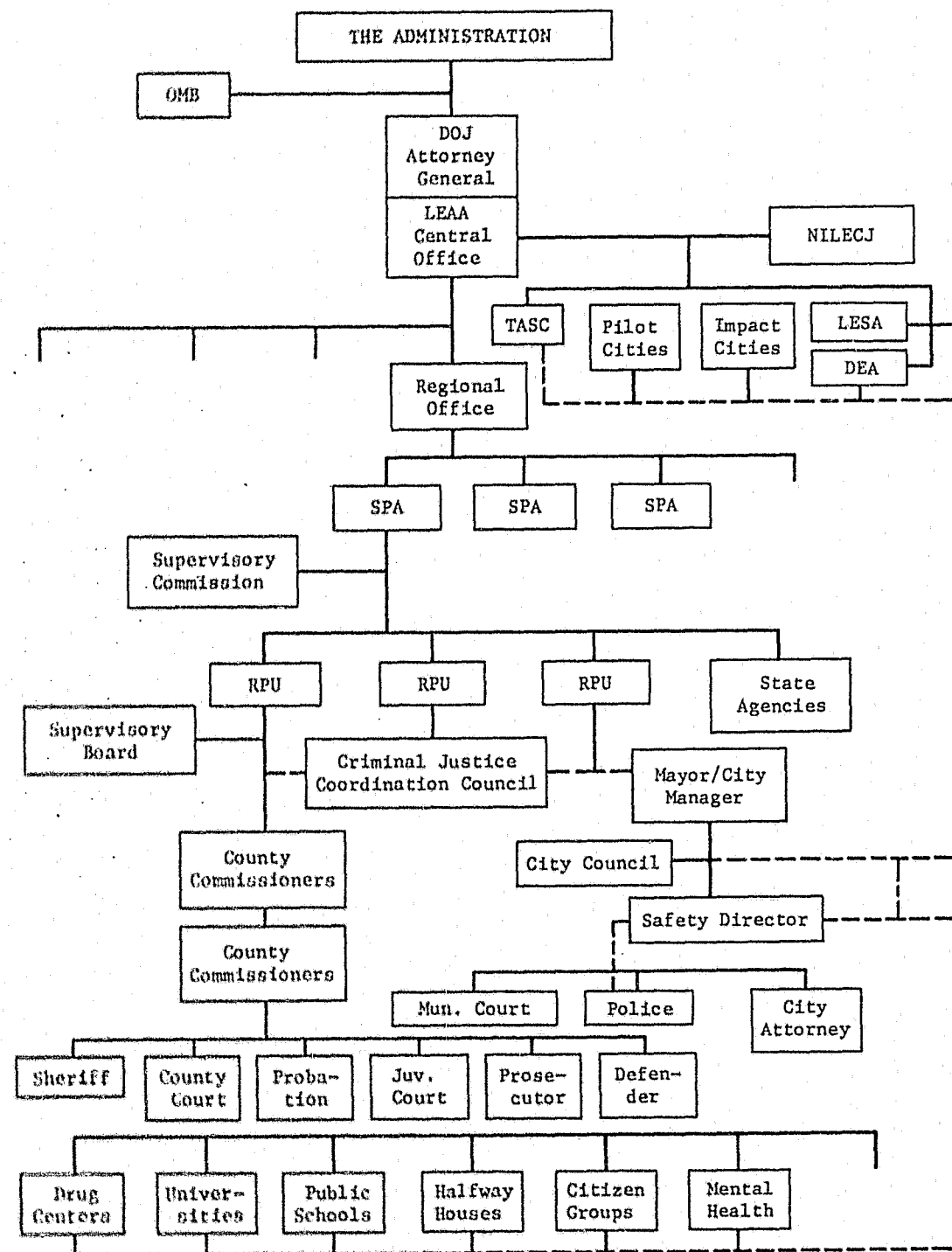
The difference between what I would like to say this afternoon and what Charley Rogovin* said on a previous day is that he told you about all those other ----- . I enjoy a reputation in Ohio for never having been invited back twice to speak at the same place, so what I try to do is to put everything I want to say in the first meeting because I know I am never going to get another opportunity.

Overview of the Administrative Structure

Let us talk about some of the kinds of problems that we may be causing for ourselves and for each other. Let us take a look at the figure. Let us start at the bottom and work up because that is the way planning is done in this program. There is either a governmental agency in a unit of local government or there is a private organization, a university, maybe a public agency outside of the law enforcement network at the local level, which has an idea for a project. The agency or organization comes up with its project either through the county or the city administration. Then it goes to the county commissioner's or mayor's office. It gets city council

*See "An Overview of the Change Agent and Police Function Interface." by C. H. Rogovin on Page 73 above.

CRIMINAL JUSTICE SYSTEM FUNDING TREE



approval, and may have to consult a criminal justice coordinating council. It then goes to some regional planning unit, a state planning agency, and onto the federal government's LEAA regional office, and sometimes to Washington. A lot of things are coming down while these things are going up, but that is generally the kind of relationship that has developed in this program in the last five years.

Let us look at it from the top down. The administration - in a broad sense, the executive branch - goes to Congress for an appropriation and for authorizing legislation. A line-item grant is made to the Department of Justice for its LEAA program (over a period of the last five or six years it has enunciated a series of mutually inconsistent policies about decentralization and federalism, but one factor is clear: that is, that LEAA will have 10 regional offices as long as other agencies do). So there are the 10 regional offices, 50 State Planning Agencies, and five State Planning Agencies in areas that are not states.

Each of the State Planning Agencies has a supervisory commission made up of 30 or 40 people, usually appointed by the governor. Each of those State Planning Agencies has regional planning units, which spend about 40 percent of their planning funds and cover either all of their states or at least the heavily urbanized portions of them. Then, of course, the units deal with local government. Everything from the county commissioner, mayor, or city manager downward is generally left for the units to deal with. In Ohio, for example, there are 88 counties, and, counted by mayors, 350 cities and villages. There are 1,039 law enforcement agencies. I am not speaking in the broad, generic sense; I am speaking about sworn officers. We have 1,039 local agencies.

If you look at the chart latitudinally: the top is the federal, the middle is the state, and the bottom is regional government and finally local government. Every one of those boxes has problems of territory, problems of politics, problems of structure, and problems

of people. Every box that you add complicates that sociometry even more so.

A question was previously asked of Suzanne James*: "Does LEAA in fact control the money?"

My answer is: "No."

To a certain extent the Regional Administrators do not even control the discretionary funds at their disposal. Why? What is their market? Who is their constituency? Whom do they have to live with? They have to live with guys like me. And if they want to spend their money on priorities that are going to make their lives aggravating--because I am not going to let them get away with it--then they have to make some very, very conscious decisions about what they want to achieve with the use of that money. So in a very real sense the program is controlled at the state level and not at the federal level.

Why do I say it is controlled at the state level? Isn't that a little ego trip--after all, if I were working for a city, wouldn't I say that it was controlled by the city? Well, no, in fact, I would not. It is a state program in a very basic respect: one because Congress says so: it is the governor's program, as LEAA keeps telling us, which means that what comes into the state should be at the discretion of the governor. I know of no requests that my governor has made for one of you consultants. This has nothing to do with the technical capability or dimension of technology transfer that you may represent in terms of coming into Ohio. I am talking about structure, territory, politics, and people.

The motto, "Structure Precedes Essence," in my handout is not just a cute variation on Descartes. It is the lifeblood of modern American government. Unfortunately, there are very few people who seem to understand that.

I have drawn on the chart where a consultant, in my judgment, seems to fit. You will notice it is that little box under NILE on

*Special Assistant, LEAA

the right-hand top of the page. The location of that box on the sheet is the reason that you and I are going to fight, not here in the MITRE corporate headquarters, but on the street. That is why. And I am one of the nicer guys, I really am.

Any reaction, thus far?

QUESTION: I see what you are getting at. But I'd like to know why you are blaming us? Maybe the blame lies somewhere else?

MR. WHITE: Yes, sure.

QUESTION: Well, put your finger on it, if you will.

MR. WHITE: Okay. If you train a horse to kick me, I am going to try and shoot the horse.

Example of the Drug Enforcement Administration

Let us take a look at the other little boxes around the box where I said the consultant ought to be. Those of you from LEAA need not hear this little chronologue. Let me tell you a little bit about each one of them. The one underneath is DEA. That is the Drug Enforcement Administration, which was an outgrowth of what originally began as the President's Special Action Office on Drug Abuse Prevention (SAODAP), and part of the National Drug Administration and NIMH, and parts of other agencies that were finally combined into DEA. About a year and one-half ago, LEAA decided that it was going to develop strike forces for fighting drug traffic in major cities in the United States. That was a worthy enough objective--strike forces are known to be particularly effective, particularly if they have a good amount of confidential-buy money, manpower, and street savvy.

I discovered that there was a DEA office in Cleveland a month and one-half after it started. It was just by accident that I happened to be in our Chicago Regional Office and somebody slipped and said, in my presence, that the office in Cleveland is doing such and such. I said: "How could you do this to me? How could you hold me

responsible for comprehensive state-wide planning and then run a ringer on me?"

They said: "We do not have time to tell you every time we fund a project."

I said: "This is the first instance in two and one-half years that you have funded a project without telling me."

As it turned out, a fellow by the name of Ambrose and a couple of others in Washington had sufficient political clout to see to it that the drug units were in place and funded according to the desires of each strike-force head. The strike force head in Cleveland decided that he wanted to be funded directly, through the city of Cleveland, so there really was not any reason to bother me.

As it turned out, three months ago the DEA people in Cleveland were so disgusted with the problems they had had in getting their money through the Cleveland city administration that they asked us to administer it for them, and we are doing that now.

Development of Impact Cities

As for Impact Cities, it is an interesting program. It all began in Puerto Rico. There was a governors' conference in Puerto Rico, and a man by the name of Governor Peterson, whom many of you know for other reasons, introduced a resolution, passed by the governors, stating that they were going to work toward the reduction of crime in their states by 50 percent in the next 10 years and 20 percent in the next two years. That was a springboard for the development of the Impact Cities program.

I will not go into some of the Byzantine aspects of the development of the Impact Cities program within NILE-CJ; suffice it to say, the Impact Cities program was conceived at NILE-CJ. Again, it was a perfectly legitimate idea, that, by selectively enforcing certain laws (pertaining to crimes of a high fear nature), those particular crimes could be abated, not only in safe cities, but also in the most

difficult cities around the country. In other words, rather than focusing on a community like Dayton, it chose a community like Cleveland.

The Chicago Regional Office called us and said: "There is an Impact Cities program that is being considered in Washington; we would like to know whether any of the cities in Ohio would be interested in participating."

We said: "I am sure that they all would."

They said: "Well, there is a guy coming in from Washington who is going to go around and look at each of these cities and see what kind of receptivity they have."

A guy came in. He worked for Paul Cascarano.* We had meetings set up for him in our six major cities in Ohio. We had a press conference in Columbus, in which he articulated what it was that they were looking for. He met with our mayor, our county commissioners, and with our city council, all of whom were really excited about this program. There was up to \$10 million to fight burglary and street crime. However, all of a sudden, the guy got a long distance call from Washington, and he went back and never returned to fulfill his other five engagements. The city administration looked pretty stupid.

Then about six months later I received another call from the Chicago Regional Office: "A team would like to come in and take a look at three of our six largest cities to see how receptive they might be if they were selected as the Impact City."

So, three men came in from the Chicago Regional Office. We had set meetings up for them in Cleveland, Columbus, and Cincinnati. They were in my office, and we were strategizing about which city we were going to see first and second and third, because we had already set up appointments with the mayor and the county commissioners and the city council. We had these meetings all set up, and the men were scheduled to go see the mayor of Columbus, when I had to tell them

*Assistant Director, National Institute of Law Enforcement and Criminal Justice.

from the Regional Office that Spiro Agnew just telegraphed Mayor Ralph L. Park in Cleveland that Cleveland had been selected.

After the selection was made, the program was developed through the "who's going to hold the money and who's going to hold the hands" phase. The Chicago Regional Administrator and the mayor of Cleveland and I signed an agreement about what our various responsibilities were. We were to manage the program, monitor the projects, and handle the money. We would approve the staff that each of us hired for Impact Cities. I recruited a guy from Texas, who was approved by Chicago and Cleveland, and had to relocate. After he joined my staff, all of a sudden we began saying to Chicago and to Washington: "What you are doing in this program is not right. You are violating everything that you have told us for years we cannot do. Why are you allowing this to happen in Cleveland?"

We were told - much to our surprise: "That is really none of your business. You are the banker. We will make the decisions about how these projects are to be funded, what their value is, what evaluation approach will be taken, and so on."

I said: "How can you say that we are not project managers? I hired a man from Texas to be the project manager, and you approved it."

They said: "Is he a fiscal man?"

I said that he was not then and he is not now. They suggested that I must have made a mistake--that I had to let him go.

You want more boxes? Okay. About six months after the program got off the ground and the election of 1972 was assured, the Chicago Regional Office came to me and said: "You know, you are right, Joe; we can't run this in Chicago. It is too much. You handle it for us."

I said: "What are you talking about?"

They said: "We will give you more money to hire staff to manage the project because it really is too much for us to handle in Chicago."

I said that I would do it except for one thing: I had a letter

working relationship between the Pilot Cities people in Dayton and the Regional Planning Unit in Dayton. They have been working fairly harmoniously in tandem, building bridges and filling gaps, and developing areas where discretionary funds would seem appropriate - e.g., they developed a nice, quarter of a million dollar package for discretionary funding. They wrote their project applications as the product and culmination of two years' hard work and sent them to LEAA. LEAA said: "What are these projects? They are not very innovative. People have been doing these kinds of things for years."

The team leader's response was: "Who told us to be innovative? You told us to find gaps in service and address them. We are addressing them for this community."

LEAA replied: "Well, the priorities have changed. As a matter of fact, fellow, we do not even think you are a very good team leader. We think you ought to be replaced."

So he was replaced.

All I am saying is, if I sound a little hostile, I have earned my points. This is my breakdown. Nobody is going to deprive me of it. For a program that could be so simple, so narrow in terms of the size of the bureaucracy and the volume of dollars, so easy - indeed, one of the easiest in the federal bureaucracy to operate - it has become a great big pool of quicksand. I am saying that, and at the same time, I am stating that the experiences that I have had with Joe Nardoza and Chuck Work in the last few months have been some of the more refreshing ones that I have had in the last three years. I really have great faith in what they are doing, and I think that they are finally beginning to get it together. All of a sudden out of nowhere comes the announcement of a new program in Ohio.

State of Confusion

QUESTION: You have catalogued a whole list of scenarios which indeed justify some sort of hostility, but to vent it at an entirely

from the administration saying that I did not have that authority. So, I said: "You take it, and you know what you can do with it."

Pilot Cities Program

Now to Pilot Cities. We are very fortunate in Ohio. We are the only state in the Union that has both an Impact City and a Pilot City (Dayton). The only thing that I can assume is that somebody expected us to strike oil this year.

Dayton was selected, along with San Jose and about eight other cities around the country, to be a Pilot City. What was a Pilot City? It was another good idea from the Institute. The idea was that through the use of small, trained, dedicated teams of people - four-man teams - it would be possible to go into a community to do a critical analysis of gaps in service and gaps in liaison bridges between various agencies in that community: research, university, and law enforcement, with judges talking to sheriffs, probation officers talking to police officers, children's services boards talking to juvenile courts, and so on. Then, as these bridges were built through these catalytic agents in the community, they would also identify gaps for which there were no resources. They could write discretionary grant applications for the community, and set aside enough discretionary money so that it could flow in to fill those gaps and build those bridges.

Nobody asked the state planning agency if it wanted to participate because direct funding was really what was in the minds of everyone at that point. So the Pilot City Program grew up on its own. Mind you, there is a Regional Planning Unit in Dayton - as there is in Cleveland. At the present time we have three planning units in Cleveland. They are all funded under this program, one for Impact Cities, one for the block grant program, and one for drug abuse. A similar kind of situation exists in Dayton.

Over a period of time we have been able to work out a good

new program, I think, may be unwarranted on your part.

MR. WHITE: First, it is not an entirely new program. Second, it is not an originally conceived program. Although the literature says so, it is not that. These facts begin to introduce the kind of confusion that I feel characterizes this program. Why am I so hostile and why am I taking it out on a group of people who obviously are not the cause of the problem? Ladies and gentlemen, when you get out there, you are going to be the cause of the problem. You are going to be seen as the cause of the problem. You are going to be earmarked as the cause of the problem. I think that, even though you will be in a position not of your own making, and even though you will find yourselves wanting to do good things and not understanding why people hate you, there are reasons; and they have nothing to do with you. Nothing that I have said today should be taken either personally by you as individuals or by MITRE as an organization.

QUESTION: Isn't the cause of a lot of the negativism which you are presenting the result of one or maybe two individuals, rather than an entire program? Isn't it person-oriented?

MR. WHITE: No. The reasons are different in each case. In Impact Cities it was clearly a political problem. It was 1972. There were reasons why the administration gave the green light to LEAA to go with Impact Cities: why they had to be in place by a certain date, and why certain cities were selected in the first place. Coming from Governor Gilligan country, it is a little difficult to stand in the way of that kind of an avalanche.

In another program it really was inexperience. With Pilot Cities the LEAA people were just beginning to get on their feet. They had some new ideas which they wanted to try out. They were not yet sensitive to this high sense of territoriality on the part of SPA directors, who were also just beginning to feel their way along.

In the drug abuse program, because of the undercover nature of strike forces there seemed to be some kind of justification in

somebody's mind for not telling everybody about it.

The fact remains that, when mopping up has to take place, I have to do it. I am the chambermaid for Ohio's programs.

QUESTION: It came out in a prior talk that there is going to be a great deal of cross fire associated with many groups and the consultant we send is going to be right in the middle of it all.

MR. WHITE: That is right. It is like the divorce lawyer who reconciles a guy and his wife who want a divorce. He is the guy who started the problem in the first place.

Look at the piece of paper with the three words on it. Isn't that part of the solution? Isn't it possible that if technology transfer was a high objective for LEAA, there would be some way in those boxes to have filtered it down?

Importance of Flexibility

QUESTION: Let me offer another scenario. Nobody has as yet been put in the field. No cities have been selected. You are now forewarned, if not forearmed, that the Regional Administrators have been asked to nominate cities. I know the Regional Administrator in Chicago. Should he come to Ohio - let us make the assumption - how would you now feel about having one in your state?

MR. WHITE: We do not turn down anything.

QUESTION: I am not speaking for the Institute. We would like to feel that before the fact we can have you to help us grease the path.

MR. WHITE: Fine. Then dissolve the group, disband the program, and let us sit down and talk about it.

QUESTION: I can not speak for the Institute.

MR. BURKHARDT: (LEAA): I think that your talk is very instructive. What you have said really reinforces what Charley Rogovin said earlier. I think it is important for people to realize that, although there will be problems, they are not necessarily going to encounter hostility. It depends on how they approach it, where they go, and how they

relate to the people out there. If they were placed at the state level, the regional people would be unhappy. If they were placed at the state level, a lot of city people would be unhappy, as you well know. So there is no resolution to that.

I think your remarks have really emphasized the fact that the LEAA national program does not bring with it any authority. This is something that we must keep in mind. We have no authority, we cannot impose programs, and we cannot coerce people. We should not even attempt to impose or coerce. I think that people should go out there with the idea that they are going to provide a service, and if people do not want the service, they can't impose it upon them.

Under the Kennedy administration it was the President's Committee on Juvenile Delinquency and Youth Crime that had the idea of providing a great deal of money to a number of cities to try to develop plans which would enable a more coordinated attack on juvenile crime. Some of the plans developed in that program were outstanding. They were great. But what people did not realize - and this is the point that you are making - is that those who developed the plans were not part of the power structure, and consequently, it did not work. That is the point you are making.

I would like to re-emphasize that point along with what Charley Rogovin said this morning.

LEAA-NILE Distinction

MR. WHITE: I agree, Bob. I intend to be more positive now. I would say that probably if there is anything that is divisive in the program with regard to this litany that I have exposed, it is on that chart; that is, the distinction between LEAA and NILE. It seems to me that one of two things has to occur with regard to the National Institute. (By the way, I have talked to Gerry Caplan about this so it is not something that I am trying to get in through the back door.) Either NILE must be absorbed in a much more substantial way into LEAA

or it should become like NIMH (National Institute of Mental Health) which is an independent organization with a Presidential appointment, and therefore clearly viewed for what it is.

MR. BURKHARDT: I would agree with you, Joe. It is becoming more absorbed into LEAA.

On the other hand, the types of problems that you are describing are not unique to federal, state, and city operations. I worked in the state, which had one department with a research division and an operations division, and there was the same criticism. People from the research and development division were going out to the Regional Offices and then to the local parole units or the correctional units and criticized for interference with their turf. It is very important when you go into somebody's turf to take the precaution beforehand to allay his fears.

MR. WHITE: If the Institute weren't part of LEAA, I as well as others, might not be as resentful as we are about getting a telephone call one day and finding that a new staff man will be joining us one of these days. We provide space for him and a desk and secretarial support. We do not have to worry about him too much because he is out there doing his own thing.

MR. BURKHARDT: You are assuming the regions did not want it?

MR. WHITE: They might have wanted it, but they did not know about it at the time.

Description of the Planning Process

Let me get on to something more positive. Now that you are all thoroughly confused, we can get some work done.

One of the things that I hope the chart does tend to do for you is this: it should tend to give you some notion of what the planning process is. It is very much a bottoms-up planning process. The whole program is geared to a kind of grass-roots project development that finds funds, as opposed to some kind of a planning schema that

finds takers.

That means that elements within a community tend to collectivize those requests into a community-wide or area-wide plan that, together with those of other communities, integrate into - in one form or another - a state comprehensive plan.

In Ohio, we make the plan extremely project-specific; in other words, we take out \$28 million and we tell you to the nickel what community will get what for which of the 41 sub-categories - with a little description about each one - along with all of the other stuff that we do year after year in order to satisfy somebody's bureaucratic need for repetition.

The state plan says that \$2,382 will go to the community of Silver Spring for the purpose of doing such and such. We send that on to the Regional Office. The Regional Office may not like that \$2,382 project in Silver Springs, but that is none of their business. Their concern should be programmatic. Are we doing what they have asked us to do? Are we, in fact, addressing the problems of corrections in Ohio? Are we spending too much on law enforcement? The programmatic issues are those which they have some control over. But the projects are for the governor to decide, for the state to determine.

You will notice on the chart that the governor is not there. This is because in point of fact the governors are not there. What are there are bureaucrats and large supervisory boards.

So we say to Chicago: "All right, we are going to run it. But if you have a serious concern that all of those \$2,382 projects, taken collectively, do not address LEAA's requirement that we do such and such, tell us what it is and we will try to address that."

Over the last couple of years the Regional Office and the State Planning Agencies, at least in our region, have come to a little more comfortable understanding about what is Caesar's and what is God's in terms of the approval of the state plan each year.

We do not fund any local organizations except units of general

local government. That is to say that if you are working in, for example, Cincinnati, and the University of Cincinnati sees a need for a particular kind of research effort as a result of your presence in that community, it will go through the same kind of a planning process for funds that any other project does. It would be funded to the City of Cincinnati, which requires council's action, mayor's office sign-off, and so on. Depending on the agreement between the university and the city, in terms of the need for the university to come up with 10 percent cash or "hard match," this may or may not relieve the university and should be recognized increasingly as a problem in trying to develop any type of innovative program in the future.

It means that if you are working in a community, you are going to have to get into the structure. You are going to have to work through that research group or that university into the chamber of city council, or the office of the county commissioner. You are going to have to sell them locally that the program is something that that community ought to have.

If you cannot do that, do not try to pull muscle in Chicago. Do not try to pull muscle in Columbus or in Washington. Even if you get the project, you will lose.

I think that you really have to be very sensitive to the fact that the local power structure will be your only effective vehicle for expression. When I talk about power structure, I am talking about formal power structure: city council, board of county commissioners, and so on.

I think it is only natural that if you go into a community, you are going to be viewed as a pipeline to Washington for funds that are not normally available through the block grant process. You have to be terribly conscious of your being seen that way. While you do not want to disabuse people to the point where they have no reason to talk to you, it seems to me that you have got to make clear

to them that you have no \$200,000 to play with. And if you do, I would be very surprised, because I suspect that from today until the time you are on location the program's objectives will have changed somewhat, and the game plan will have changed somewhat as more and more people become conscious of the fact that you are coming.

I think you should also understand, at least in this program, the importance of boards--commissions that are set up to pass judgment on projects and the use of funds. Do you notice on the chart that the SPA has a supervisory commission and the Regional Planning Unit has a supervisory board? Many of these organizations below have boards of trustees or boards of directors or advisory boards attached to them. These people are generally some kind of an amalgam of citizen interests, governmental interests, and criminal justice interests; even where they are a sham, they are important. They are impossible to penetrate.

You go to a mayor and you say: "Mayor, why won't you fund this program?"

The mayor says: "What do you want me to do? My hands are tied: the board turned it down. I cannot go against my board. That is why I appointed them."

It may very well be that it was the mayor who got them to turn it down, but you may never know for sure. That is the impenetrability of the committee approach and a built-in feature of this particular program; it is one of the things that has stabilized it. Nothing is without its bad effects: the ill wind that blows no one good.

Some of these boards are extremely hard-working, sincere, and dedicated, but all of them are impenetrable, whether good or bad. We have some good ones in Ohio, and we have some bad ones. So it is important to know who sits on a board, how they think, and what they are and are not receptive to. Count noses just as if you were in the city council or the state legislature or in Congress. I think it is

important if you want to get things done, as opposed to stirring things up. To learn how to count is important.

There is a series of boards that will pass judgment on the use of LEAA funds. Interestingly enough, the Regional Offices do not have advisory boards, nor does LEAA at the national level. A couple of years ago Jerris Leonard, who was then administrator of LEAA, made a great point about going around the country speaking to associations of county commissioners, prosecuting attorneys, district attorneys, and state legislators, and telling them that every State Planning Agency ought to have a commission with them sitting on it.

I thought that was such a good idea that I wrote a letter to Jerris Leonard saying that in view of the success of the supervisory board it might be that he could use one too. You can imagine the response that I got for that suggestion. So then I took it up with Milton Rector, who liked it very much. Milton Rector is the director of the National Council on Crime and Delinquency. He took it up with Jerris Leonard. Apparently in the remaining months it was not possible and maybe even today it is not possible. While the federal government sees no value in boards for itself, it will not approve any plan that is not approved by the state supervisory commission. And supervisory commissions will generally not approve any plan that is not approved by the Regional Planning Unit's supervisory board. So get to know them.

Relationship with the Regional Administrator

A question was asked before about being in a Regional Office and being constrained by the Regional Administrator. I think that is probably a question that is troubling a number of you. I am not a Regional Administrator. I do not have that responsibility, but I would offer a couple of observations. LEAA is going through another one of its reorganizations. This one is a much more serious one, in that it affects, not just the size of the offices or the name - you

know, NILE is now NILE/CJ - but people as well. Imagine, if you will, that you are a desk man in a LEAA Regional Office that has just lost its Regional Administrator and its Assistant Regional Administrator; two new men come in and all of a sudden there is a guy that you are not quite sure of, who says that he is a consultant from Washington who is going to be helping you with your technology problems. What are you going to think? You know what you are going to think and that is just what those people at the Regional Office are going to think.

You are also going to have a Regional Administrator who has just taken over from a guy who did not make it and he is there to prove that he can. In comes a consultant. The administrator does not know the guy from Adam. He did not hire him; he cannot fire him. Here he is. He gives him something to do. "Charley, I really do not know what it is that you are going to do, but I know that you know what it is. Take the far office on this side of the hall and if there is anything that I can do for you, please do not hesitate to let me know."

So the consultant asks for office supplies and then for a swing through the states to meet the SPA's and the local people.

"Fine. I will have my deputy accompany you to make sure you get all of the right introductions."

Now he is back. After three months, he has made several trips and has all his supplies. Now he says: "I would like \$50,000 to put on a series of training conferences about bullet proof shields."

The administrator says: "Whose \$50,000 do you want?"

The consultant answers: "Why, yours. I am a part of this staff, aren't I?"

And he says: "You were. That is my money. You go to Washington; since they put you here, let them fund it."

So he comes to Washington to say to the Institute that he needs \$50,000 for the project. And the reply is - "We have the money and we will be happy to give it to you, but it would defeat the process."

Get it from Chicago." That is when he starts having problems in the Regional Offices.

If the administrator says: "You know, instead of that conference on bullet proof shields, could you develop a training conference on automating manual records?"

And the consultant says: "If that is what you would like me to do, I will do it," then he makes a contribution to that office.

If he says: "I am sorry, but I have read my job description and it does not cover the automation of manual records," the game is over. Then the administrator will reply, "Oh, I did not realize that. Your office is down at the end of the hall, isn't it? I will come down and talk to you later. I have a few things I want to clean up first."

What I am saying is that if you want to be effective in a Regional Office, you are going to have to do his thing, rather than your thing. To the extent that the program requires that you do your thing and not his, it will be the extent to which you will be unsuccessful in the long run.

One of the really serious problems we have in our agency is the fact that there is a difference of opinion as to whether or not planners feel differently. In our agency, policy is expressed by our supervisory commission and by me. Planning is done according to those policies, so that I never look at who gets the money, whether this community got more than its share or not. As long as the policies are adhered to, I trust my staff to do their job; and that is what their job is. Policy is not their job.

It is a difficult pill to swallow. Imagine a volunteer coming into your organization to teach you how to use volunteers. How much effect do you think he is going to have on a 3,500-man corporation? You are really asking to do the same thing on this program.

I would say that is as true in a local community as it is in a Regional Office - the distinction between the corrections man from the

Federal Bureau of Prisons and anybody else in that office is unknown to the uninitiated. There is no distinction - he is a member of that staff. For all intent and purposes he has foregone his loyalty to the Federal Bureau. He is the corrections man on that staff and that is the only way that he can survive and make a contribution. That is the only way that you will survive and make a contribution.

Effect of Reorganization

Let me once more emphasize one last point; that is, the debilitating effect of reorganization. I have been Deputy Director of three departments in Ohio without ever having changed my desk. When I took this job three years ago, I was Deputy Director of the Department of Urban Affairs in charge of the Ohio Law Enforcement Planning Agency (OLEPA), and that was merged into a Department of Development along with international trade and travel and tourism and those other things that impact on crime. Then about eight months after I became Deputy Director of the Department of Development, the legislature decided that the Department of Development was really not grandiose enough a title, so when the merger legislation was presented to it, it changed it to the Department of Economic and Community Development. Nobody who answers the telephone before noon on Monday gets it all out. It takes them at least four hours to get it all out.

We have had major reorganizations in our department two times. We have had one major divisional reorganization. We have moved once and we will move again in a few months to a new state office building into which everybody is being dragged screaming and kicking.

LEAA has done the same thing. The only man that I know of who was not accorded the dignity of a reorganization was Bork. Everybody else got a reorganization: Mitchell had one, Richardson had one, Saxbe is having one, Santarelli had one, and Leonard had one. Bork did not seem to make it. And it will probably impact on his place in history.

There is a tremendous morale problem in LEAA right now. You could not come in at a worse time. It is not really in a position to absorb you, to accept you, to utilize you effectively. You have to be sensitive to that too.

So you have many things going against you. There is an outside possibility that you might do some good. If you are the kind of people who like that kind of challenge, I can only wish you Godspeed.

I hope that I have said something that would alienate everyone in the room. If I have left anybody out, please let me know. If not, then, unless you have some questions, I am done for the afternoon.

Means of Getting Information

QUESTION: Assuming that a consultant is attached to a Local Planning Unit in your area, what kind of protocol would you like for him to use to keep you informed?

MR. WHITE: The proper protocol is for me to know that he is coming from LEAA.

QUESTION: Have you not been consulted?

MR. WHITE: Yes, within the last seven days. We were even told what cities we should think about: two of them. I think that the protocol would have been for the Institute to have engaged the Office of Regional Operations and the National Conference of State Planning Administrators in a dialogue about the necessity for a higher degree of sophisticated technology transfer. Out of it may have come a workable program.

Once that is agreed upon, once it is out in everybody's newsletter and all the committees vote and so on, it seems to me that the change agent has clear sailing. But that is not possible under the circumstances. The next best thing, it seems to me, is for the Chicago Regional Office to have a greater degree of access to information from the Institute than it has had to date, for its people to

be in tune with what is happening, for them to understand that this is not some kind of agent provocateur who gives Washington another way of testing the new Regional Administrator, for them to recognize that there are certain limitations on the kinds of technical capabilities which these people have, and for them to make some estimation of the kind of learning time-lag that there will be before they can be giving some good services to the states. They should get to know the state reps and bring them in tow to the State Planning Agency. The two of them should sit down with the people in the SPA to understand clearly when they will come in and when they will stay out. If a man is going into a local office, it would be very, very helpful if the State Planning Agency guy were the one to take him down to that community and introduce him to the people in that community.

QUESTION: And after that point?

MR. WHITE: If he does his job well, he really never has to see me again because the system will produce the results of his efforts. That is what the system is in place to do. I think it is possible in Ohio, but it may not be in all states. We have a very open door policy: people come in, sit down, have a cigarette and a drink and talk about what they are doing. For example, VERA Institute with Police Foundation money is in Cincinnati. I know the people in the VERA Institute. They owe me nothing; they do not even get any money from us. But I know what they are doing. They come into Columbus, come into the office, and sit down and talk about it. When I am in Cincinnati, I see them there. That's the way I keep informed.



AN OVERVIEW OF THE CHANGE AGENT AND POLICE FUNCTION INTERFACE

by

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This talk is by a former administrator of LEAA who more recently was director of the Police Foundation. Now a consultant, he speaks with authority on how agents of criminal-justice-system change should view the police function: who are the opinion leaders, what kind of innovations appeal to them, and what are the political skills needed to get a program going. A significant portion of the paper is devoted to answering practical questions posed by candidate agents of change.

Assessment of the Police

I want to state a couple of biases at the start so that you can consider them in the course of the comments that I will make. While I am not an apologist for the police - because I have been a harsh critic of them for some time - I make no bones about the fact that I like the police. I like them, not because they are all dandy guys or women. I am concerned about the police: they are the single most important component in the criminal justice system for reasons I hope to get into. I think their role is the most complex in the system. What makes them most interesting among the criminal justice agencies is the fact that they interact - unlike the courts, the corrections people, the prosecutors, and the defense lawyers - with a whole set of subsystems, most of which do not have a damn thing to do with criminal justice. That imposes a remarkable kind of burden on the police. I am also concerned about them because they have been neglected.

I have indicated to you my biases in favor of the police. I told you that I am a critic and that, hopefully, will become apparent. First, the police are an institution and, as people, they are the most

remarkably adaptable of any that I know in criminal justice or in society, for that matter. To reinforce that, take a look - by retrospection, of course - at the period of the 1960's with the very rapid and complex changes taking place then. There was terrific criticism of the police. Here is this marvelously adaptive group of people who went from headbreaking to conciliation and reasoning during the demonstration wars on the campuses. Consider it, and if you think that there has been that much basic, fundamental, substantive change in the police, I suggest that the years that we are about to embark upon are going to be very educational for change agents. If the police are the beneficiaries of heavy criticism, they adapt. The mode for them is a very basic one: survival. They have been remarkably successful at surviving. They operate in the most difficult environment with the least desirable class of persons and they survive.

Secondly, they are magnificent at cooptation. You can go out there thinking like some lawyers that they are awful people, and within a year they are your bosom companions. You will find the most violent anti-type spending a significant amount of time with the police and coming back practically as their chroniclers. Keep it in mind, those of you who have not been with them. They are absolutely geniuses at being able to envelop you.

Institutionally they will "cooperate" with practically anybody. There is a major difference between "cooperate" and "collaborate." "Cooperate" indicates a total state of passivity. "Collaborate" means they have to do something affirmative. They are just beautiful at cooperating.

Let me turn that around from their perspective. There have been an enormous number of people in the last four or five years who have wanted to "help" the police: to come in and diddle around with the police. There are several motivations. The police were an unknown area for exploration: after all, who cares about them? Nobody. Unless you had a traffic ticket, you had very little contact with them. Nobody previously explored them.

Secondly, there was a little thing called "the trickle of bread." That is a nice conjunction of terms. The money began to flow down the tube for those who were interested in "helping" the police. So lots of people have been in there to help them. How much help they have actually rendered is open to question. The tinkers have had a field day with the cops, and the gadgeteers even more. The substantially interested people have been limited.

Least of all will you find - and not unexpectedly - that the police institutionally are on the forward edge of change. They are obviously dedicated to the maintenance of the status quo, so do not look for dramatic, liberal thinking in that institution. I do not think that I have to beat that point to death, just as I could advise not looking for progressivism among the lawyers, either in the criminal justice field or generally.

There are tremendous disparities in individual quality among police personnel in this country. What I think must be kept in mind is that in the ranks of the police there is tremendous undeveloped talent, enormous talent. There is tremendous talent in two areas that rarely has been utilized by the people who are charged with inducing change: first, permit them to articulate the questions that they would like to ask, and second, help them begin to formulate the answers.

Let me vary for just a moment from the purpose of my visit here to talk about Crisis Intervention Training and reference you to one other project that Tom Sweeney* is going to talk to you about, the so-called Kansas City, Missouri, experiments. When Tom speaks I think you will be absolutely enraptured by what he has to say. If you are not, you are all under arrest.

What is important is that it is one of the most significant experimental efforts that has ever been undertaken in American law

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enforcement. What is even more important is that the design work was performed, not by the smart, outside skilled and experienced consultants, but by the working cops. That should tell you something about the environment into which some of you may be going. To say the least, I also share Jerry Caplan's concerns about our judicial system and corrections.

Determination of a 'Good' Project

Let us go to the question of seeking to implement or assist the implementation of what is regarded as a good project. First, what are the criteria? What is a good project? Arguably a good project is something that accomplishes the results that it sets out to obtain when those results are worth achieving.

But what is a good project in your minds and what is a good project in a policeman's mind - or in a policewoman's - may be entirely different things. Let me share with you the results of a little questionnaire done in one medium-sized police department within the last couple of months. The questionnaire asked the men to advise what were the two most significant things in their judgment that had taken place in the police field in the last 25 years. Fair question, right?

Anybody want to hazard a guess as to what the responses were?

QUESTION: Radios?

MR. ROGOVIN: Absolutely, the radio. That is number one. Everybody else possibly would have predicted the computer. Not the savvy people. The other thing that the men responded was air-conditioned automobiles. And when the brass in this department got the questionnaires, and the data were manipulated, and those were what were pumped out as the two most significant developments, they almost fell off their chairs. The brass were saying: "Gee, what about the information systems and the new weapons and training techniques?" Well what about it? The reality is that what was important is that you can ride around in the summertime without roasting.

And the radios. Why? Because they could get the information about where to go sooner? No! Because if they got in a jackpot, they could call for somebody to come and help them. Keep in mind that down there at the bottom, where the bulk of the law enforcement officers are and always will be, is one hell of a distance from up there where the few shining lights and the others sit as chiefs, or even deputies. There is a tremendous gap.

Implication? If you are out there to sell change, you had better be aware of something: that when you are attempting to sell to a consumer as savvy as a cop, you are not selling to Nellie the housewife or Jimmy the garage mechanic. You are selling to a guy who has operated on his gut instincts. And frequently that is what is keeping him alive or at least sane out there. If that is the case, then there had better be some benefit that he can see for undertaking what you are trying to sell.

Benefits to Police of Intervention Training

This leads me to a topic I was asked to highlight: Family Crisis Intervention Training. Why was it salable to the line-level personnel? Definition: when I use the term "personnel," I am talking about street cops, so we do not have any misunderstanding. I do not mean Jimmy, the junior lieutenant, or what have you. I am talking about the street cop. Why did Crisis Intervention take? And why is it takable? Because, number one, it is being directed to the line cops and they can see some benefit. The best possible benefits are tangible. If you put money in a man's pocket, he likes that very much. That is why I always kind of smile when I hear about the Indianapolis Fleet Car Experiment. Chief Churchill is a friend of mine and I am not knocking him. But when I heard about the overwhelming successes of giving every patrolman a car, I laughed. People would say: "Gee, why are you laughing?" And I would say: "I am laughing because if somebody said to me, 'Hey, ace, how would you like \$1,200 to \$1,500

per year for nothing?,' I would be delighted." That is exactly what was happening. When you give a man an automobile - air-conditioned with a radio - that he can use for his personal business, isn't that a dandy kind of benefit? How many of you men and women would like to have a car given to you, provided by your company? You do not have to pay taxes on it. The idea that you are going to respond to bank hold-ups because you hear them on the radio - well, that is an added benefit. I recall on one occasion reading about a cop who showed up at the scene of a bank holdup with his eight-year-old kid in the car where the bank robbers were armed with shotguns. I showed that clipping to four different sergeants and they all said: "Was this guy slightly demented? That nut driving up to a bank job with his kid in the car?" I am talking about a tangible benefit.

What was the benefit to the cops when Morton Bard presented them with an opportunity to be trained in Crisis Management/Conflict Intervention? I can tell you what the first reaction was: "What, are you kidding, Doc? You think that we are a bunch of psychiatrists? Who the hell wants those jobs anyway?" I tell you these things to give you a flavor of how this particular chore is regarded in the police field nationally. You see, 70 or 80 percent of what the cops do does not have a ... thing to do with crime. I have to stress that one for the audio tape. It does not.

These are called garbage jobs. The family beef is the thing that the cops detest as much as anything. Why? "It is social work." "You never really straighten anything out." "Who needs it? We ought to be doing real police work." "I am liable to get hurt because Eddy on the last watch got shot; Jimmy got punched in the mouth." "Those crazy broads hit you over the head with frying pans; they cut you up with knives." "If those social workers were around the way we were, we would not have to handle this stuff."

It is not bad for openers when you say: "Gentlemen, how would you like to deal with crisis?" So what do you say? What you do say

had better be the truth because I can assure you of one thing: you get nailed in one falsehood, one lie, and you are dead. I do not mean literally, although that might happen too. You are in serious shape because one value that is terribly important is credibility. You can be the nastiest s.o.b., you can tell police things they do not want to hear - I have survived so far by doing that in part - if you are credible. But if you are giving them a con job, they will smell it coming, and you will never be effective with them.

So what do you say? You give them the truth in terms that they can come to grips with, to provide a motivation to adopt and collaborate in - not cooperate with - a project that should be of interest and has some importance. So what can you tell them? I can tell you what they told them on the Family Crisis project in New York. "Here are the stats and figures on the number of officers being killed and injured when they are attempting to intervene in these situations, the so-called family beefs, the family crises." It was put to them that the rate of deaths for police officers and assaults on police officers could be diminished if they would absorb and assimilate training in the techniques for more effective intervention. Now that is exactly what happened.

It was not put on a great humane basis about resolving the problems of citizenry. It was not put on the basis of increasing your capability intellectually. It was put on the basis of "It will save your" And it worked. That is number one. It worked quite effectively. It was refined from its earliest effort in the late 1960's with OLEA support in New York. It was carried forward thereafter in the housing projects of New York City. I want to come back to that by way of showing you an extension of the experiment. And again, it proved successful.

Example of Intervention Training in the Field

Let me outline very quickly the nature of the Housing Authority Experiment because I think it becomes illustrative of why this is a persuasive enterprise. Those of you from New York may be aware that there are over 600,000 people living in public housing projects in the City of New York. An experiment was undertaken with the New York City Housing Authority Police, which is a separate 3,000-man police force in New York. Personnel are drawn from exactly the same civil service list as the New York City Police. They took two identical housing projects, two big blocks of stone in which thousands of people live. In one, the standard operating patrol policing of the Housing Authority Police was continued. In the other, men who were trained in crisis techniques were placed. They did a pre-survey which was interesting, by the way, because they asked the residents to rate the quality of city services, including the police. They did not single out the cops. They included all services: sanitation, maintenance, and so on.

During the period of the experiment, the only thing that changed was the crime rate. It went up at the same rate in both projects: the control and the experimental. Otherwise there was no difference. They did not shift in a group of law-abiding, neat people. They did not do anything. The population remained the same.

At the end of the questionnaire survey that I just described to you, the project in which the police officers were trained in the crisis intervention technique disclosed a significantly higher level of satisfaction with police service than in the control project. Implication? The only significant difference was the presence of the trained officers. It was not because they were any more crime effective. They were not. It was not because the crime rate was lower in the experimental project than in the control project. By the Housing Authority's own evaluative standards for personnel - its criteria, and not the experimenter's criteria - the men here were being rated substantially higher in terms of personal performance.

Nature of the Change Process

When it comes to the adaptation of change and the adoption, if you will, of tested projects from elsewhere, I would strongly and respectfully urge upon you cognizance of several other factors. Anybody who believes that global change in this field - the police and/or the larger non-system of criminal justice - is possible, is going to be bitterly disappointed. It is not going to happen. Since I am here to talk specifically about police, let me analogize to a freight train: an engine and a series of flatcars. You begin to load those flatcars with rolls of steel, lengths of pipe, anything that is heavy. That engine has a capability of pulling so many tons of freight and that is all. At some point, when you have overloaded the flatcars, the engine sits on the rails and its wheels begin to spin and it does not go anywhere. Now that is the change process in a police organization. It can only absorb so much at any given time. I think that there are enough illustrations now of the major change efforts on a demonstration basis. Dallas is one. These illustrations indicate that you cannot achieve what I would call global change - massive, multi-faceted change - in police organizations at one time. You can take one thing, maybe two.

Let us deal with this further. You have all at one time or another, unless you lived in Iowa or Kansas where there is no water, thrown a stone in the water and seen the ripples spread out. I would suggest to you that that is precisely what takes place when you introduce a change effort in a police department. There is no such thing as an isolated change. You drop that stone in, introduce the change effort, and watch the consequences swirl across the organization. You may think that it is minor. You may think that you have a dandy idea for somebody to do something of importance. What you do not recognize is the impact that the "elevation" or the selection of a favorite activity for that man has on the rest of the unit to which he is attached.

Let me illustrate this. You start diddling around in the patrol area which, after all, is the bulk of the manpower in the police. When you are going to try to do something or achieve the introduction of something in the patrol force, keep in mind the implications that that change effort has.

Now what is the thrust of something like Crisis Intervention Training? Certainly it is important if you introduce techniques, and teach them - and they can be taught and they can be learned - to men with the consequence that there will be lower rates of injury.

What are the other implications? We are talking about a service that the police grudgingly deliver, but a service that the citizenry demand they perform. Now is there any magic in having the police respond? Yes. The citizen does not call the social worker or the fire department or the board of health because the cops have both the symbolic and legal authority to act. That is what somebody wants somebody else to do when there is a conflict. The wife - or girl-friend, as the case may be - calls the police because she seeks an effective intervener. She wants a third party to come in and straighten out this problem, resolve it. The cop is viewed as having the authority to effect that result. The difficulty is that, in most cases, he does not have the skill. What happens? Typically, he says: "Listen, ace, I am going to bust you ... I am going to take you to jail," and off to jail they go. Or: "Listen, lady, do not call us anymore because there is nothing we can do about this job. Go down tomorrow morning and get a warrant and get him locked up." Or: "Why don't you stop drinking, buddy?"

Consequence? There is a poor resolution, if a resolution at all. Secondary consequence? Officer Schwartz arrives on the following watch. In response to a second call to 2601 Broad Street he was treated to a stomach full of shotgun. What happened? A conflict rose to the level of a catastrophe and by the time the second-watch representative arrived, the situation was hopelessly out of control,

aided and abetted by an incompetently attempted intervention by an officer of the first watch. He screwed it up and the next guy on the job really suffered for it.

These are the categorizations that the police make. By and large the assumption is that the bloke is thumping his wife and he does it every time he is stoned. "I may have had a couple of pops," as they say up North, "even a little light table wine, but the point is that I am not drunk and that is not the root of the conflict." That is not the real reason that these two people are in the state that they are in and consequently call the police. Maybe the guy lost his job a couple of weeks ago. He can't find another job and he is getting kind of desperate. They have a couple of kids at home and are running out of bread. The wife is worried about how they're going to feed the kids, pay the mortgage. He's getting more and more uptight. There is the masochism thing. "I can not support my family. Sure I stop at the gin mill for a couple of belts coming home, but I am not drunk. The real problem is dollars, not alcohol." The degree of perception of the cop who comes to "intervene" determines the outcome. The guy's wife may end up in the hospital and so may the cop, or, not unlikely, the guy, too. "I get a little belligerent when police come to my house, even when my wife calls them - not that she does, by the way, with any degree of frequency."

Emphasis on Service Delivery

The point is: What are we saying to the police when we talk in terms of a project of this kind? We are saying: "Look, there is a job that you are being asked to do. There is a potentially unique capability in you to do that job. People are looking for you to resolve things. You have an immediacy of access that no other agency of government or agent of government could possibly have. It does not really serve a hell of a lot of purpose for a guy to walk in with a white card and say: 'Here is the name of Dr. Schwartz; go and see him two weeks from Thursday.' The crisis is now, not two weeks from Thursday."

And the cops by and large do not like this task because the ethic in policing is that "we are crime fighters." The reality is that they are crime fighters only a fraction of their time. Service delivery is what they do the rest of their time. The question now is can you equip them to deliver more effectively the services the citizenry is demanding they provide. That is the whole ball game of change in the police function area.

Now certainly there is some secondary and tertiary fallout which is of significant long-term potential for the police institution. It brings the police to a recognition of the fact that the manner in which they deliver service is seriously and critically important, not only for the crime services, but also for the non-crime services.

There are additional benefits. One of the unfortunate things here is that this kind of a project has picked up the name "Family Crisis Intervention Training," as if it were limited to families. Well, the cops, being sophisticated, recognize that the legal status of marriage is not the condition precedent to a fight between a man and a woman, so they say: "Well, husband and wife, boyfriend and girlfriend, father and son, mother and daughter, mother and son, father and daughter, and so on." It is an easy step to neighbor and neighbor.

Where it gets even more interesting, however, is the application of these techniques to the area that the police are by and large institutionally most interested in: the crime area. It should come as no shock to you, I hope. In New York City the sex squad investigators, working on forcible rape cases, for example, have been provided seminars on crisis intervention training. You say: "What the hell does that have to do with forcible rape?" Consider for a minute.

Why would a detective be interested in going to hear this stuff about resolving conflict between husbands and wives, or any techniques at all? Answer: detectives like to solve cases. They most like to solve cases that lead to convictions for long periods of time, if possible. The proposition that is put to the detective is: "Look,

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learning those techniques will permit you to deal more effectively with the victims of crime. As regards a rape investigation, the victim can be stabilized more rapidly. This is a terrible event in a woman's life."

The detective says: "Fine, we are interested in making her feel better, but what has it got to do with the case?" We tell him that by dealing with her this way he is able to develop better information, which can lead more successfully to the apprehension and conviction of a perpetrator. When you talk to detectives in terms of making cases stronger and improving conviction rates, you have provided them with the best kind of incentive. Now, if you had asked six or seven years ago if this project would have any crime-related spin-off benefits directly, no one would have predicted it.

Conditions for Implementing Change

What are the conditions necessary for implementing change? Number one, when you talk about attempting to reach the patrol force in a police department, you are talking about dealing with the most cynical guys in the business. Keep in mind that the bulk of them are men who know that they are never going any place else. They are not going to be sergeants or lieutenants. The fact that, in my view, they are going to be the single most important members of the department is not their view. They say: "What are you, nuts?" I tell them that they are doing the most complex and important job as patrolmen and they say: "Let us assume you are right, big mouth, then why aren't we getting paid for it?"

And they have me. Despite the fact that, in my view, they should have the most status in the organization, they have the least. So they are cynical, often frustrated, disappointed, and could not care less about anything. So I try an appeal to them about not getting hurt. Their answer is: "We do not get that many guys hurt. We smack them first and we do not get cops hurt." What does it take? A

Rogovin, the ex-lawyer who can not hold a job, to come in and tell them that this is a great idea? One of you swifties with all the degrees? The chief of police? The commissioner saying: "Men, this is a great thing; we are going to do this?"

You know what they say to these approaches? "You bet, ace." I will tell you what it takes. It takes hard-nosed Harry, the patrol commander. Everybody you ask: "What about Harry? What kind of a guy is Captain Holloway?" What do they say? "Oh, he is a mean sucker. Oh, he is a tough; he really knows where it is at. He has really been there. He is not one of those book guys; no, sir, that guy really knows."

What is the message? If hard-nosed Harry Holloway comes in and says: "Listen, you apes, this is good - I am telling you that it is good," you have won half the battle. Only half, but you have won half. Why? Not Rogovin, not the Institute, not the wizards, and not even women are going to change those guys because the man with credibility to them is somebody who has been there. Keep in mind what I am telling you. You are not dealing with the research and planning unit. You are not dealing with what the street guys call "the in-house intellectuals" that hang around with the consultants. You are talking about the gut of the organization. So when hard-nosed Harry Holloway comes in and says that it is good - and that it is so because he says so - that is important because he has credibility.

Importation of the Program

John Bard and I have been in eight cities selling the Crisis Intervention Program. We have asked chiefs who have expressed interest in undertaking the program not to put the chief of research and development in as the project director; even if the chief has to sacrifice a little intellectual wattage, he should get a credible patrol commander as the project director because the first day those guys walk into the classroom and start to hear this stuff about crisis management, they are going to turn on or off.

The phenomenon in this business is double speech. You can get up with a class of recruits with the videotape running - it is tougher with videotape - on the recorders and you can say: "Gentlemen, we are about to embark on a dramatic opportunity; we have a major breakthrough in the preservation of your lives and safety. That is the message." Zappo. You can spend forty more hours and it was killed right there. It can get killed when Lockinvar gets out on the street filled and imbued with all these techniques. The street sergeant rolls up behind the job; the kid walks out of the house thinking that he has resolved a conflict. The sergeant says: "Hey, come here. What are you doing?"

"I got this job at 9:40."

"You have been in there an hour. What do you think we are, running a counseling service?" If all of the policy in the world reaches one level and does not get through the sergeants, you can kiss it good-bye. You can have Mort Bard, Lou Mayo, and anybody under the sun, including the director of LEAA lecturing to the patrolmen. Who has the final say? The street sergeant. You're out if he says: "Enough of this baloney. We are not spending 45 minutes on these lousy family beefs. Cut it to 15 or I will have you out pounding a beat in the boonies."

Credibility. You whiz kids are not going to sell it. Innovative CJ programs can only be sold by persons who are credible with the consumers.

Now, how sophisticated are the police? Those of you who have been out there I hope would share my view that they are damn sophisticated, but not in the usual terms. They are remarkably analytical. They just do not sound that way. They have "seen it" come and go, and if skepticism is a scientific benefit or attribute, they have it up to the maximum; you are not going to kid them. You had better be prepared, when the questions are asked, to answer them or to help them to answer, which is even more preferable.

The amount of mis-information that exists in this field is just incredible. Rarely does the totality of anything move from one place to another. Fragments of it do. Darryl Stevens, who is with Lou Mayo at the Institute, could spend time with some of you telling you what has already been happening to the so-called Kansas City experiment. The way things get tortured, misconstrued, in this field is simply unbelievable.

How do you sell to the CJ community? That is what Mr. Caplan called the job of innovation as I understood his comments. One of you potential change agents asked him: "What is our role? Are we prospectors in the mountains, digging out the gold nuggets? Or, are we freight importers, bringing it in from St. Louis to Cheyenne?" My understanding was that he said that you were importers primarily and if you find a nugget, good luck.

All right, how do you import? Again, this does not come as a shock to those of you who have been out in this business recently. You not only will have to call up Wells Fargo to send a stagecoach, but you also better have a whole set of outriders and fresh horses every couple of miles. If you think that you are going to get in without trouble, you are nuts. The importation of freight into one of these departments is a staggeringly difficult proposition. First, who are you? It was bad enough when you were assigned to the police department. At least, if you hung in there for awhile, you began to achieve some identity, but what if you are going to be some mystical figure sitting in somebody's office. "My God, the guy works for the mayor. Oh, boy, we know what is coming now." If there is anything that gets the hackles up on the back of the neck, it is the suggestion that the mayor is going to start fooling around in the police department. So, they are giving you a tag by relating you to the mayor's office that is going to do you no good at all when you talk to the cops.

You had better think about how you can make it on your own. They will start the process of cooptation as soon as the letter from Lou Mayo or whomever hits the desk in whatever city that you are going to. The word will be in that police department in fifteen minutes: "Oh, bright eyes is coming."

They will get on the horn fast to find out where this guy has been: "Moy? Who's Moy?"

Maybe some guy will answer: "He was some guy who was hanging around Philadelphia." And what a tag he is going to have. "Sure, Moy was in Philly when they came out with a big police corruption report."

I do not offer these things to make you laugh and feel good. I do not want to be Mr. Moy when he hits Cincinnati or Des Moines or wherever he goes because he's going to spend the first two months trying to tell everybody: "I did not investigate. I do not know anything about the cops. I worked with the prosecutor." They will say: "Sure, ace."

You have your own problem of credibility. This is not news to you. Those of you who have not been in the field should talk with your colleagues about what it is like. If you happen to have wives who like you home at five o'clock and you are expecting to spend time with the cops, you are going to get to know one shift very well, but to the rest you are going to be a phantom.

Your own credibility is at stake but you must inevitably attempt to resist that kind of pervasive, almost magnificent, reaction that the police departments begin to demonstrate. "We will love you. We will make you one of our own. We will render you so ineffectual that you can not hurt us. We will secrete something around you as an oyster does with a grain of sand. You will be a magnificent pearl, but your arms are locked."

In fairness - and I think that this is important to the Institute - they are not a bunch of schoolboys. Lou Mayo is hardly a fellow

that just started in this field. Stephens himself is a professional police officer; Cascarano has been knocking around this business for some time. They are not children up there. I do not mean to say that they necessarily have all of the infinite wisdom of the universe rolled up in their hip pockets, but they have been around.

It is not by happenstance that the Institute selected a project like Crisis Intervention Training for the cops as distinct from something else. To put it very bluntly they are no fools. They pick things that obviously have an appeal to the police. You are not coming in with a suspect human relations training program. You are coming in with something that they have either heard about, may have heard about, or can have easily described to them, and which has the potential for significant impact among the bulk of those officers.

I do not make the decisions in the Institute, but I would assume that likewise, the kinds of projects that they will be categorizing as exemplary projects will be equally attractive to the CJ consumers - I mean those who are not total boneheads. God help you if you get to some jurisdictions I know about. I hope your employer has a major psychiatric protection program for some of you because if you think that your tolerance for frustration has been tested up until now, wait until you run up against some of those judges. But I am not here to talk about the judges, as well-disposed as I am to them.

Use of Political Skills

Let us talk for a minute about mayors because in part you are going to be dealing with them. These are men who are really reflective in personality. They have an inexhaustible supply of time to sit and chat with you, to explore the nuances, the subtleties, the potentials. What's your reception liable to be like? "Hello, ace, what do you want? Nice to see you, kid. Good to have you in my town. Yes, sir, the police are well supported by me here. Well, it has been very pleasant; stop back again."

You say: "But, Mr. Mayor ..." You had better have something on your mind the day after you walked in the first time to be introduced because most politicians do not want to waste time. They do not want to meet the guy or the woman from out of town and socialize. The mayor has grown up in that town. He has plenty of friends. You are not going to become his bosom buddy. You are there, in his mind, for one reason: not for God, motherhood, and country, which is nice, but because you become another means by which that guy can accomplish what he wants to accomplish, which is first and foremost either to get re-elected or to get elected to a higher office.

Let us start with that proposition. This is not because he is a bad man. Politicians are politicians because they enjoy politics and the best way to enjoy politics is to be elected and stay elected. If you help get him "diselected," you had better get into a different business. What is in it for him? Now I am not suggesting that mayors are necessarily incompetent guys. I do not mean that. By and large most mayors are fairly sharp people. But they are not experts in police work. They generally have little authority over courts and have less to do with corrections. It is just one of an enormous range of problems that they have to deal with. Most mayors would like the police to go away and not cause any problems. That would be the happiest circumstance of all. When you ask a mayor what is his current police problem, he will most likely say, "My chief," if he has had a recent demonstration or uprising. If he has not, then he will say: "I do not have any problems, but I am happy to have you in my city and I know you are going to be helpful to us."

Now there are some mayors who are very well-informed. They will surprise you, those of you who happen to bump into one. Whether Lou Mayo and his people would send you to any of those kinds of mayors, I do not know. I frankly would wonder why they were sending you to such a guy because it is questionable whether he needs you.

No, my guess is that you are going to go to some of the other geniuses in the field. They at best will have very little time. It is nice to conjure up the image of a process where you and the mayor in a kind of Socratic dialogue will explore the great issues of criminal justice. And you will achieve a philosophical meeting of the minds and then there will be a marvelous time playing with design concepts and you will see all that money come up for the evaluation designs. Ha, Ha, what a lot of ... That is not going to happen and you know it.

What might happen is that you establish a rapport with that mayor. Then he may articulate what he sees as problems, and they may agree with what you have heard from other sources. Let's assume, though, that you know that they are not the real problems at all. Now you have a political problem. How do you tell the mayor that he is wrong? He wants to go after something because he sees it as the problem, and you know that the real problem lies elsewhere.

I hope that your organization will run a little course in political skills for you because these are not easy men to deal with. You must assume that they did not get in their positions because they are amateurs. They are there because they are tough professionals. If they are not, the cops are. You may tin can and con the mayor or he may be overwhelmed with your credentials, but not the police chief. Gerry Caplan made the comment the other day about the reception a change agent could expect from a D.A. "Those are great credentials you have, kid, but how many murder cases have you tried?" Some chiefs of police are liable to say: "Gee, that is a very impressive resume; how many door handles have you shaken? how many burglary arrests did you ever make? what do you know about the cops?" You may know a great deal more about them than he does, but you will have quite a time persuading him of that.

Gaining of Background Information

I now move into overgeneralization time for a moment. By and large, there has been a conditioning process at work among the police in this country in the last five years. It is fair to say that they are no longer living in the kind of isolation in which they were five to ten years ago. Again, those of you who have been out there know that there is some level of interchange. There is a growing awareness - often very seriously misunderstood - about specific project activity. There is further - believe it or not - a kind of uniqueness in each of these cities and within these departments. They have peculiar traditions of their own. It behooves you to try and explore what has been the history of the organization. I do not mean that you have to chronicle it like a historian doing a master's thesis, but it does behoove you to understand the personalities of those involved. What are the mechanisms that exist to promote from within? Has the tradition always been that, when a new mayor comes in, a new chief comes in? Have there been career chiefs? Are they powerful, independent people with a base of support in the community, who can work for or against the kinds of things you are seeking to achieve?

These are the questions I think you ought to be exploring before you start wondering about how to solve problems. I do not know enough about what the Institute proposes for you. I do not know how thin you are going to be spread. I begin to get a sense that, at least for those of you who may go to the Regional Offices, you are going to look like hot butter on very warm buns. What that means in terms of how much you are going to accomplish is difficult for me to assess. I would suggest - and I do this most respectfully, and I have not asked Lou Mayo about it or any of the other people involved - that certainly you ought to prepare a relatively limited menu. In part - and correct me, please, if I am in error - much of this is going to be put on the menu by the Institute in terms of what is conceived to be the productive projects done elsewhere in the country.

Do not try to be too ambitious about how much you are going to get the patient to eat just after the operation has been undertaken. The shock of your presence in some jurisdictions will be very serious. They may need whole blood, rather than just plasma for a time. You will need a low profile. But you will need to maintain a kind of individual identity that is very important. You are really going to have, what is it, treble schizophrenia. You are your company's man, you are the National Institute's man (read "fed"), and you are just plain Joe Block, Sam Schwartz, or Mary Jones. How you carry all of that off, I am not sure. But it becomes very important that your individual character is the one that you are presenting, not in terms of the program that you are selling, but as to who you are, because the amount of contact that you can conceivably have with any one agency on a sustained basis is obviously going to be limited. You will have to be looking for opportunities in which to identify - in the police area - the quality people who can be cultivated to implement what you can deliver to them.

View of the Judiciary

I was just thinking about the judges, but I will talk about them next time. What a fantasy world that would be for most of you.

CONFERENCE CHAIRMAN: Please, feel free to talk about them.

MR. ROGOVIN: They are the most intransigent collection of s.o.b.'s in the system. How does that grab you for openers? They could not conceive that this program was even intended for them ... "What, sacrifice judicial autonomy, muck around in that sewer down there with cops and corrections and probation people? We are not only judges, we are lawyers."

The only thing that has brought judges around in this country is the fact that they suddenly realized that they have to get their hands in the same pot of gold with the cops and the corrections people; otherwise they would never be in there. So they have gotten on board

the state planning agencies and regional planning bodies. But ask some of your colleagues who have been in cities like Philadelphia - Mr. Moy and his colleague, Walter Grabowsky, and some of the other people who have been in other large cities. Ask them what it is like to deal with the judiciary. They are beautiful. It is almost as if they walk around with a mandatory injunction on the edge of the table whenever they come to a conference: "All right, that is very interesting; the judges will get this and the rest of you will have the balance."

We talk about systematizing the process. To them that means that portion of the system with which they are concerned: what comes to the court, not what the cops do up front or what the corrections people do way at the far end. They are very, very difficult at best, and even those of you with Ph.D.'s are going to labor under a tremendous disability. Why? Because, after all, you are not lawyers. How could you be expected to understand? God forbid you had a law degree. Then the explanation would be: "Well, you are from another jurisdiction; you do not really understand how it works here."

But you say: "Your honor, I was admitted to this state."

"Yes. But in this county, we do not do it the way they do it next door."

Then if you grew up two blocks away, the answer would be: "But you have not been in my court recently."

It is a totally rational process, as I have tried to indicate. So much for the judges. I will get held in contempt of court by somebody.

A Look at Corrections Work

I want to spend a moment on the corrections people. Those poor folks are really in a bind like the cops. The cops used to say to the city councils and the state legislature - as was appropriate whether they were city-level police or state-level police - "Give us more

money and we will do more about crime." Finally that balloon burst because they got more money and they did not do more about crime. My good friend, Jerry Wilson - poor guy - had a two-thirds manpower increase in Washington, D. C., and we now have wall-to-wall cops and we have not had a two-thirds decrease in crime.

We have also had some speculation about the reported decreases, but that is another issue. But like the cops - and I think with greater legitimacy - the corrections people said: "My God, if we only had money to support the real objective of corrections, which is rehabilitation, not punishment; we will rehabilitate if we can install these new programs and get the newly trained personnel."

Then the commitments of dollars began to flow into corrections. Tragic incidents, like Attica, focused attention for a time on corrections. Like everything else in criminal justice it is cyclical. There is a great furor and then the interest wanes and switches to another area. But thanks to some degree to LEAA there has been a continuing focus on corrections. The corrections people have been getting a pretty healthy piece of bread out of this program.

What has been the result? Anybody in the room recall seeing the figures of the dramatic reductions in the rates of recidivism? They are hoist on the same petard as the cops were swung up on. How do you like that phrase? They got hoist on their own petard, not because any sane person could rationally argue that within a period of a year or two years or even five, rates of recidivism should have dramatically been reduced. They kept talking about increasing the budget, initiating new kinds of programs, and reducing recidivism. They have not done it and the public increasingly turns back to the old concepts: "All right, if you are not going to rehabilitate that s.o.b., then we are going to lock him up for so long he will never be a danger again. He will be too old to flee from a bank holdup. And that will deter others because nobody wants to go to the can for the rest of his life."

I sympathize with the corrections people, but I find it very interesting that they are now beginning to cop out. Instead of statements like, "We will reduce the rate of recidivism even for specific categories of offenses," they are now beginning to talk in terms of, "We are going to accomplish the readjustment of offenders and return them to be better integrated into the community."

"Better adjusted" - terrific. What does that mean? Are they going to commit less crime? Oh, they did not say that, so the public says: "What is a better adjusted ex-offender if it means that he is going to commit more crime?"

They answer: "Well, there will be an ease of transition back into society and so on."

Try and sell that to the police chief. He will say: "Look, pal, if he went away a holdup guy, is he coming back a holdup guy, yes or no? Do not give me all the psychiatric, psychological b.s. Yes or no, am I going to have more or less of a problem with that guy and others similarly situated in San Quentin or Attica or wherever they may be?"

Difficulty? You get into a jurisdiction. The debate is now raging over improving correctional services. The concern is not all this talk of better adjusted felons. It is: "Is it going to be the case that recidivism is going to go down?" You are on the spot. The mayor says: "Do I or do I not support community-based treatment facilities? What are the arguments for it? Don't tell me, Mr. Institute Man, that it is more humane and it is likely to result in a better adjusted individual returned to society. My police chief is screaming about having community-based treatment facilities in this town. Yes or no on recidivism?"

Answer? There is no answer. Fair answer? The corrections people have not had time. It is great to talk about the national increase in dollars available to corrections, but how much did that particular jurisdiction get? What has been experimented with? What

money was permitted to be used for evaluation and what are the results? The answer is unknown.

Problem? The problem is political. The mayor says: "Look, buddy, I told that guy Mayo that we would be happy to have you here, but if you are going to give me a lot of this happy chatter, then you are really not very helpful to me. I have problems managing my city. That group wants a community-based treatment facility here, and I do not know what to do. What is the likelihood? Do not look to me for an answer. I am just plain mayor. God knows I have enough problems. There are real problems. They are not academic, not esoteric, but real problems."

There is some interesting material that you should look at if you haven't already. I think Mr. Mayo's people probably have it available or will shortly. There has been a dramatic program in corrections - I am sorry to wander, but I happen to feel strongly about corrections in a positive way and you asked me to deal with it - in the state of Massachusetts in juvenile programming.

Jerry Miller, who is now in Illinois, said: "Shut them all down." And they shut them all down. Familiarize yourself with the interim consequences. You ought also to familiarize yourself with the political flak that is currently going on in the grand and glorious Commonwealth of Massachusetts where all the power groups are lining up, some behind the demagogues, some behind the more liberally oriented, some behind, hopefully, the more articulate and moderate.

It is a case study of a debate over what appears to be the right direction in corrections for juveniles. It is a bitter battle. The program as it exists currently may or may not be retained. I can not predict. I would hope so. Massachusetts tends in spite of itself to do the right thing most of the time.

Police Leadership a Variable

Let me come back for a second to the police. I have no idea how your employers operate in terms of the production of their leadership.

I do not know whether they go outside or whether they have a rational process for the elevation of personnel into management. I have some idea of what happens in the federal government from agency to agency. Sometimes it is good; sometimes it is bad. I do know what happens in the police field.

I put to you the following: good leadership emerges in the police field more by accident than by design. You can count the number of police leaders in positions of authority today whose course and development you could track. Most get into a position and, if they have the necessary talents, tough as they may be, get polished in the wars or as a consequence of the adversity they face in dealing with the problems of the organizations.

To me the tragedy is - as I mentioned to you earlier - the enormous undeveloped potential at the middle level in the police field; and, of course, at the bottom, at least among the newer people who have not yet been discouraged, disappointed, and frustrated. It is very, very tricky in an organization like the police department to start playing games in the middle of that organization. While it is in your interest in discharging the mission you have, which is to get the good project underway, do not for a moment lose sight of the sanction system, that is, what happens to the non-conformist in that organization. If you have a boat-rocking, bright lieutenant in there and you are trying to take him in a direction that is inconsistent with what the upper middle and the top of the department wants, you are not just playing a game, you are playing with a man's career. I can not stress more strongly that, by and large, if the top does not support what you are seeking to introduce, it will not whistle; no matter how much support you can personally engender for something below, they look to the top for the signals.

I gave you the illustration of Harry Holloway, the patrol commander; when he says it is good, the men pay attention. And if he wants to kill it, he can kill it like that. You can sell certain

things to certain people. You can appeal to certain kinds of commands and certain kinds of chiefs of police on certain issues and in another jurisdiction they do not stand a snowball's chance in hell. It behooves you to be extremely sophisticated and discriminating about where you seek to influence and what you are trying to influence. You can rarely go wrong with something that benefits the patrol force, but you are on thin ice when you are seeking to introduce something that, to the patrol force, for example, looks threatening. Boy, if you think there were well-trained saboteurs in World War II, you have not seen a thing. They will slice its throat faster than you could possibly believe. I don't mean to lapse always in the vernacular with you, but I am trying to give you a feeling for what it really is all about out there.

Obviously nothing succeeds like success. I do not think the Institute monitors or your own internal people will be unreasonable in the level of expectation they have about this kind of program. It therefore behooves you to have modest objectives, at least at the beginning. Again, those of you who have been in the field over the last year have probably seen the implications of what I am saying.

Acceptance of Incremental Change

Lastly, I have been at war for a number of years. I guess I have been at war with practically everybody at one time or another. With advancing middle age a rationality has begun to overtake me. I started with the proposition that global change is, in my view, absolutely and hopelessly impossible. I grow more and more committed to the view that if one individual or a collection of individuals can contribute to incremental change a bit at a time, that is probably the most that can be hoped for. It is far more than has taken place historically in most of the institutions within criminal justice in this country.

If you can contribute to that, I would submit to you that you ought to have a very real sense of satisfaction. If you don't, while

obviously you will be to a degree, I assume, personally and professionally disappointed, you should not let that disappointment overwhelm you. The defense mechanisms have had literally decades to be developed. The intransigence in the institutions has been there for an awfully long time. The irrationality of the system has been with us for over 100 years. The complexity of the change here, I think, is almost mind boggling. I would be hard put to be persuaded that there are more difficult macro-systems, if you will, in which one could attempt to bring progressive change that do not move the institution anywhere.

Questions and Answers

QUESTION: Let us assume that you are a CJ change agent but you have neither a track record nor a bag of credentials. You are going out to visit the mayor and the LEAA Regional Administrator. You want to make a good impression. How would you prepare yourself? What kind of homework would you do?

MR. ROGOVIN: First, I would get the book on the Regional Administrator. You all know what that term means? The cop types are nodding their heads. They are good men. They are all different. Some guys' thing is corrections. Another guy is a cop type. God help us, some of them are lawyers.

You want to know who he is and as much as possible where he is coming from. To the degree that you have some opportunity to do some advanced work with that man and a few of his people, you are entitled to have the book on the people you are going to meet. It is kind of like a re-con job, for those of you who have been in the military, or an intelligence probe for those of you who have worked in that field. Get as much information - I am not talking about trade information - as you can: are we dealing with Mayor Perk who has certain public positions on the police field in Cleveland? Are we dealing with Mayor Rizzo who is hardly known as a corrections man? Are we dealing with

Mayor Lugar of Indianapolis who is a Rhodes Scholar and one of the most intellectually smart administrators in the United States? Are we dealing with Mayor Goldschmidt in Portland, Oregon, who knows more than most bright-eye types, who is not going to be tin-canned, who has a hell of an agenda in his head, and who knows where his city wants to go, is going to tell you what he wants, and is going to eat that administrator alive if he can? What is the personality of the Regional Administrator? Is he going to eat you up? I will tell you one thing. He is going to try and take every ounce out of you that he can get. I do not blame him. He is charged with management. If he thinks he can make you into a 100 percent resource, he will. That is the first level.

Second, if you are going to be attached to the Regional Office, what can you gather from the trade about the operating professionals? Is the police chief of the principal city of the state to which you go a Neanderthal type? You had better know it. If he is a Neanderthal, colleagues will know about it. What is his reputation in the national police community? Is he a Charley Gain? I use Charley because he is not a Neanderthal. Is he a Jerry Wilson? Is he a Pat Murphy? Or is he somebody else? These are things that you can be informed about very quickly.

Is the mayor a long termer? Is he a Mayor Daley type who has enormous political power and is entrenched? Is he a young comer? Is he a guy really on the move and on the make? Is he a business type? Is he a school teacher? What is his background? What can you reasonably assume he knows about the problem? Is he a brand-new mayor in his first term shaking in his shoes about what may happen if bussing starts next September in his city?

These are the kinds of questions intelligent street-wise people inform themselves about. You ought to have a book on the man or woman you go to see. That is easily developed if you apply yourself to it. You guys have phones, don't you? Well, pick them up and get on the

horn to people around the country. If you don't have an entree, call us. Jay Parness over here who has been working on the West Coast, for example: he will give you the book on what it is like on the West Coast, on what it is like in that Regional Office. Get hold of the guy who worked on the Portland impact evaluation and say: "Eh, clue me in; what is going on out there?"

Remember: the range of resource people available to you - without having to go to Lou Mayo and his people - is enormous. You have Impact evaluation people. You have the equipment system people who have been out. Others among your colleagues have been in agencies. There is a tremendous information pool that sits right here.

In addition, to the degree that CJ agencies are preparing or Mayo's people in the Institute have prepared what is referred to by the Institute as prescriptive packages, descriptions of project activities, know what they are. Find out what the Institute has disseminated so you don't walk in cold and the guy says: "By the way, Mr. Slosh, I would like to talk to you about the Des Moines Corrections Project."

Don't be forced to say: "Oh, yes, that is ... what the hell is it?"

The fact is that there are booklets and brochures on that project. Nobody expects you to be an expert on community-based correctional treatment, but you should know what that project is. I assume that, if there is one thing that change agents are good at, it is information collection and, hopefully, analysis and dissemination. Sit down before you get into the field and familiarize yourself as broadly as you can with what are regarded as good projects so you can talk with some degree of knowledge.

Always understate what you know. I say that to you very strongly. Make sure that you advise anybody who introduces you as: "This is Mr. Slosh, the expert on ..." You retort: "Hold it, pal, I don't even know enough to be naive."

That is a stock line in the business. "I have never been around; just a country boy from Northern Illinois trying to make my way in the world." You will go boxcars if everybody says: "Oh, you know, the Institute sent the smart money expert in here." They will kill you. They will cut you to pieces when they start asking you about patrol variance investigation effectiveness, stuff you never even heard about. You must go in very low key.

You may find the guy you have to deal with is very quiet, a timid guy. You may find a table pounder. You should know what you are walking into. You are liable to face the Harvard Business School interview. You walk in and say: "Good morning, Mr. Shlepper." The guy sits down and for half an hour you don't say anything and he does not say anything. He looks at his watch and says: "Thank you very much."

Other mayors are going to say: "Yeah, we had some guy out here named Mayo; what are you doing here? Are you from the feds? Are you with me? Do I have to give you an office?" That is about the level of sophistication that you are going to encounter.

Others will have an agenda for you. Those Regional Administrators you may be tagged to - I was going to say "stuck" to - should know these things. You have a right to expect that the Institute people and the LEAA people will be better informed about their jurisdictions than you. It is your obligation to develop as much information about it as rapidly as possible.

QUESTION: I want to make some comments about some of the things that you said in terms of cooptation and credibility. From my experience, a certain amount of cooptation tends to make you more credible. My specific question is with regard to your Family Crisis Intervention plan. When you came into New York City, you did not talk to the cop on the street. You talked to the chief and you talked to the higher level people. Your statement about the difference between the cop on

the street and the chief is certainly very true. How did you make that process filter down and how did you sell it to Harry Holloway?

MR. ROGOVIN: First, let us recognize that when the idea was presented to Howard Leary, who was then commissioner in New York City, it was an experiment. There were no results to point at. It was an idea, a concept. We said that we wanted to try it because we thought it would do certain things or it could do certain things. So, for openers, there is a vast difference between what is an idea that you want to try and a tested project where you can document the results.

Second, because it was highly experimental initially, they used volunteers. Men from the patrol force said: "Okay, we will try this." It was a very limited group; 18 total. Today we are talking about going out and, hopefully, over a fixed period of time, getting the entire patrol force of a large city police department, which can amount to many hundreds of people, to try it.

Don't misunderstand me. You need the top-level support to get in because if the chief says: "No," it is not going to go under any circumstances. The difference was that Leary agreed that Bard and his people in the first experiment could just take off with this group of men and work with them. The difference now is that what the Institute is seeking to accomplish with technology transfer - and I assume in most of the others that you may be involved in - is an implantation in the police department and the police are going to carry it forward. They are not going to have Mort Bard and his team of merry crossbowmen doing it. They are not all Ph.D. psychologists. They are trainers. The idea is to provide a permanent internal capability to carry this thing forward. These are the kinds of differences that exist in Family Crisis Intervention Training now, as a project, and then, as an experiment or an idea that could produce good results.

QUESTION: I just wanted to add a footnote to what you were saying about the introduction of a change agent into the Regional Office.

In addition to the Regional Administrator, don't overlook the people who are going to be working with you day by day with all of the grants and everything else that goes on between the Regional Offices and the SPAs. In one particular Regional Office which I know about, there are several strong people who can kill a change agent the minute he sets foot in the place.

MR. ROGOVIN: Excellent. Absolutely. When the recording stops, tell the audience which Regional Office. That is an extremely good point. I do not know much about Mayo, but, if there is one thing he is skilled in, it is bureaucratic infighting. He understands these kinds of things, and I assume those protective counters are going to be built. Let us face it, there are also significant differences among Regional Administrators. You go into some territories and you try to tell the administrators what time it is and they will throw you out of the window. You go into others and they are delighted to have you on board. But that second-line cadre and the little people have been out in that Regional Office for two or three years and they already have some credibility. You have to reach them in terms that they can come to grips with.

QUESTION: They are also your entree, are they not, to the administrators at the SPA level?

MR. ROGOVIN: The so-called "state reps" that Regional Offices have are a key group.

QUESTION: I would like to go back to a previous question. You are not Charles Rogovin. You do not have an impressive set of credentials. You know something about the personalities involved. I would like to ask you what objectives you would set for yourself in the near future. I think that probably you ought to separate that into: (1) you are a regionally assigned change agent and (2) you are community-based.

MR. ROGOVIN: I think that is a very important distinction. If you are assigned to the Regional Office, you have one hell of a territory to

potentially try and involve yourself with. I think from the very beginning some understanding has to be reached with both your project management people and, of course, the Institute management people as to what level of expectation they have about how thin you can be spread.

I am sorry that this is going to be a little bit windy, but bear with me. You will get to one region where the administrator's principal interest substantively is corrections. He is, therefore, going to want you to focus on that area as a priority. It may not be explicitly articulated, but it is going to be there. The immediate question is: if that is the case, to whose guidance are you subject in that regard to that of the Regional Administrator, who really has a major emphasis, because, as he analyzes his region, either that is the greatest problem area or in his own prior incarceration he was a corrections Man? I cannot resolve that for the moment, but it has to be resolved fairly early. I would assume that you people and the Institute people are going to debate this issue.

How much territory can you cover? Within the region the administrator's view may be: "We have to deal with the best as the precedent setters. We will take Cincinnati as a forward-moving department and we will continue to thrust at it because by example it is going to lead the rest of the profession."

On the other hand, in another region: "We cannot continue to work with the best because the gap is growing all the time. In terms of agency quality we have two percent in this area and the bulk is back here. We have to stop directing our efforts at the best and deal with the middle, or frankly, the bottom.

In part, it seems to me, that it is going to be a reflection of the Regional Administrator's view of his role out there. The variance may take place from state to state within the region. In one state the SPA director may be extremely powerful and influential, and the Regional Administrator kind of differs with him about what is going

to happen in state x. In another he is a weak sister and the LEAA people have a great deal of influence directly over state operating elements.

Again, that has to be played by ear, unless the Institute comes down with a mandate. And I think that they are too smart to do that because regional variation is very, very substantial and the quality among the operating agencies is equally substantial.

I think that you have to recognize that if change agents are assigned to the Regional Office, they are, perhaps, more salesmen than anything else. You become an information transfer point, at best an early problem-analysis assistant, and that is all. You are going to be hopping, skipping, and jumping all over the place.

If you are assigned into a more discrete area - that is, community-based - I think the opportunity will emerge for you to be somewhat more involved in the project initiation and implementation work. I do not mean, again, that you will become the project director. God knows you cannot do that, if you are to be valuable for purposes of the Institute's program. But I think that you are likely to have a greater degree of direct impact, if you are community-based, than if you are a regional resource. My sense is - and again, Lou, if I really step away from where you are going in this program - please correct me.

MR. MAYO: I think the only point that you are stepping away from is that this is Stan Kalin's program, not mine.

MR. ROGOVIN: Well, Stan Kalin, if you are in the room, the same applies.

MR. MAYO: I don't mind taking the blame for some programs, but I cannot take it for all of them.

MR. ROGOVIN: It is nice to know that I came here well-informed, right? I had the book on Mayo, that is for sure. That just shows you how smart Burkhardt and Kalin are. These two guys sit here all week and remain anonymous and Lou Mayo takes all the lumps.

If I perceive this accurately, at the regional level you are really in an advisory information-delivering capacity. You are trying to enlighten on the specifics of available project efforts that could be undertaken. I suppose, to some degree, you will find Regional Administrators who will be very interested in your analysis of the potential quality of an agency to undertake a project that they are interested in doing. That is a very important kind of assessment function. It can also be a very sensitive one, for example, where a particular operating official wants to do the Hollingworth project, and you are on a confidential basis saying to the administrator of the region - who may be supporting it with discretionary money - "No way, pal, it will not whistle. They do not have the capability to carry it. They are doing too much already. They do not have the middle-management quality needed."

That is very tough because you have to get in there to make the assessment and, if you are viewed as the hatchet who chops down local initiatives, it is a very tough role to play. Therefore, it behooves you to be as open as possible.

When Mayo sends Bard and myself out to a city, we tell them straight up: "Look, we are here for two purposes: to give you an orientation to what Family Crisis Intervention Training is all about, and secondly, to go back and tell Lou Mayo at the Institute what our views are of your capability to carry this thing out."

If their guard goes up, fine. Either you are sufficiently a pro to get underneath it or you are not. Nobody expects that those of you with no field experience are going to be highly qualified gunfighters moving in for the range war, but you had better survive after the first couple of battles and get some skills. Then you will be able to do the job.

At the local level you will have the more difficult job of, as rapidly as possible, building some credibility with the operating agencies and the political leadership. That is a hell of a game to

have to play. To put it bluntly you are going to have to keep the mayor satisfied that you are not subverting his program by being totally coopted by the cops while at the same time letting the police chief know that you are really in there to introduce new ideas that he can wrestle with and help to some degree with the implementation. If you can carry off all those dance steps, I am going to book you on TV. That is really what I see as the nature of the role.

There was implicit in this question a suggestion of the kinds of things Rogovin would see as this person's activities, and how fast he would have to move. Anybody who thinks that you are going to walk in and say - "Hello, how do you do, Regional Administrator, let us go see the police commissioner and we will get Crisis Intervention Training rolling two days from Wednesday" - anybody who thinks that is a damn idiot, particularly if it is foreign terrain for you; and more particularly if you have never been out on anybody's turf at all. If you are one of the brand newbies, then double the estimates. If you are a hard-nosed, like Jimmy Blue Eyes here who has been on the West Coast and knows something about what the drill is all about, and you are put in as a community-based change agent in Baltimore or some other place, you will know your way around.

Let us deal for a moment, I would suggest, with guys like the ESIP people who come out of the two cities Philadelphia and Columbus, Georgia. The men who were in Philadelphia certainly know enough about the politics of a big Eastern city, and they know about less-than-totally-frontier type police commissioners. They know what it is to deal with mayors who did not happen to spend fourteen years training in a government agency in systems analysis. They know what intrinsigent judges are like and they know how hard it is to introduce any sort of innovation.

I would assume that within the first few months certainly all of the necessary contacts will have been established; the guy will be known as potentially a helpful person - not a boat-rocker, not somebody

who is going to cause any serious problems - and have begun the discourse on projects which are not just interesting because the Institute said they were interesting, but which look potentially viable in that setting. There is no real point in talking about a community-based correctional program, if corrections are still in the hands of the absolute Neanderthals of 25 or 50 years ago. I do not think that you can reasonably look for a hell of a lot more than that in the first quarter.

I think, however, that, using that same illustration, if by the end of the first six months, there is no evidence of project activity "under way" - not necessarily full-blown - in one or more of the operating agencies, one would not be far off the mark in starting to question the effectiveness of that person. I think that is a realistic view, particularly since I assume that community-based change agents would not be going into Sweetwater, Texas. They would be going into reasonably large jurisdictions, I hope.

I would also assume that there has been some significant level of involvement with grant activity. There has been some project activity. These places are not totally sterile. They have been involved in the process. They have some nodding acquaintance with the planning concept. They may have had a whole series of bitter experiences, I do not know. But at least, if that is the case, then a three-to six-month period would be my idea of some visible impact for a program of the kind we have been discussing.

There is a different problem, when you talk about the men who are regionally based. I am a very skeptical guy. There are those of my friends who say that I am cynical. I deny that because cynicism, in my view, is an irretrievable state; having achieved it, you never lose it. I am just very skeptical. It would be very easy for a self-aggrandizing, regionally assigned change agent to claim credit for all kinds of things. I would caution you on two grounds that that is a mistake: one, the claiming of credit for change in the operating

agencies by anybody but an operating agency person is a dreadful error - if you ever let them think that they did not do it and you did, you are going to like it in Schenectady. You know, the Institute is not a collection of ham and eggheads. They have their own monitors. They do have a pretty well-developed system of feedback. To put it bluntly, it is not big brother watching you, but there are hundreds of people in the program, and the Institute guys - Burkhardt, Mayo - are going to be looking for feedback and they are going to know whether or not you have any involvement with something or whether, in fact, the thing was generated three months before you ever hit the turf.

Again, I do not mean to denigrate anybody or be presumptuous or highly critical of you individually, but you had better be very careful about what you claim to have been involved with or which emerges in part as a consequence of your effort and stuff that was on the ground before you got there.

In terms of a timetable, I would be far more flexible with a man assigned regionally, depending upon the nature of the activity in that region prior to his arrival. I will not cite in a critical way any particular region in this country, but there are some which are substantially behind. It is going to take a great deal to move the police, courts, and corrections within state _____ and within region _____.

As I say, I would be more willing to view in an expansive way the involvement of the regional change agent. I would be interested in the nature of his contacts: how many, what agency level, what personnel? It may well be that there will be a different kind of reporting mechanism for regionally based as opposed to community-based change agents. I just do not know. I think the Institute would be looking to see the range of contact, the frequency of contact, and the nature of contact. Are you being brought in to help sharpen a project interest they already have, which may or may not be one that you have in

your bag of tricks to sell, or is it a project that you are being asked to make a presentation on: "Tell us about Crisis Intervention or Community-Based Treatment or whatever." Those indicators, I think, become significant. How many requests were you responding to for information on stuff of which they were previously aware only by name? Did you make a full-blown presentation? Are you knowledgeable?

QUESTION: We have frequently talked about being coopted by the mayor or the regional administrator or the police chief. How about being coopted by a project? We get so wrapped up in that project that we become the guy who is carrying that ball, which is not really the role of a change agent. There will not always be a Charley Rogovin or a Mort Bard to come along to carry the ball. How are we going to avoid that?

MR. ROGOVIN: The point is very well taken. It is very dangerous. You can fall in love with a particular activity because it happens to meet your professional interests. I do not suggest that everybody is an information systems expert, but many certainly have an excellent reputation in that area. You could get very much wrapped up in an information system design effort or implementation effort because it is close to your professional heart, you are comfortable with it, and so forth.

I think that it becomes the responsibility of whoever is your superior in the field. More importantly, it becomes the responsibility of project management to keep you on the track. They really have to reach out and say: "Look, Mr. Schlock, we know that you are crazy about the prosecutors, but the feedback we keep getting from the Institute monitors is that they are terribly worried about the lack of correctional improvement activity; now get with it." I think that is a management problem for your superiors. It is not the Institute's responsibility unless they are pushed. You have to keep your people on multiple tracks. The most that I can say to your field personnel is to keep in mind that it is awfully nice to do what is familiar and

what you like to do. I like to get out there and fool around with the organized crime guys myself. That is the best that I can give you on that.

QUESTION: I would like to solicit your views on not so hypothetical a problem in the Miami area. One faction asserted that, by placing two change agents with the county manager, we would alienate all three elements of the criminal justice system; therefore, we should open an office downtown and put a shingle out. The other faction asserted that, by doing this, we would remove ourselves from all three elements of the criminal justice system. I would like to get your comments on that.

MR. ROGOVIN: For those of your colleagues who know something about Miami it is hardly a dance around the Maypole to try to work in that jurisdiction. That is a fantasy land that almost defies description. They have a set of problems down there that is just something. Let me respond directly.

I think it would be a serious mistake if you set out a shingle downtown saying: "Change agent, we respond cheerfully to all inquiries." There is no way for that. You have to keep in mind that there is at least arguably a rational design to this whole technology transfer program. There is the Institute's piece of the action, and there are consulting organizations involved. Never lose sight of the fact where this program really runs. It runs with the people who got designated in positions of authority around the country. Nobody anointed you and me, but the city manager is there until there is an act of God and he gets removed.

QUESTION: (cont.) By going into the county manager's office you immediately alienate the seven other jurisdictions in the area in Dade County that maintain their own police forces. They would not talk to you.

MR. ROGOVIN: Okay, but my point is that you can not be all things to all people. For practical purposes in Dade County, Florida, there is the Dade County Department - Bud Purdy's department. There is Barney Garmire in Miami and there is Rocky Pomerance in Miami Beach. This guy looks like Ray Nitschke's big brother, but he is something else. You do not get anything past him. He is a very shrewd administrator.

To put it bluntly, if the National Institute were going to support 5,216 CJ change agents, you could waste your time worrying about those other little jurisdictions. You don't have time for them. I think the issue is: where do your efforts have the greatest potential for payoff? It is like trying to do business with these night watchman constables in Pennsylvania or these little five- and six-man police departments. I will not get into a long discourse on what ought to happen to them, but the point is, to put a guy, who costs what change agents cost, in the field to screw around with a little six- or eight-man police department is sheer nonsense.

The clout there is the county manager's. You say that he does not have any clout in Miami City, but the trade-off there is that you happen to have a rational guy in Barney Garmire. If you have been skillful in establishing credibility with the operating agency heads, you do not lose it because you are housed at the county manager's offices. You have an obligation to go in there and explain what you are doing at the county manager's level. Why are you there? You tell them why you are there, which is: "Because if not, I would be down on Third Street selling apples and waiting for somebody to come and ask me to do something. This gives me access to an important set of agencies at the county level. It permits me to come and see Chief Garmire. I can also go to see Rocky Pomerance. I have the resources of the manager's apparatus available to try and benefit as many people as I can, given the amount of time that I have available." Now if it does not sell, it does not sell. But you have to make a rational statement about why you are where you are, and, most importantly, you have to

let them know that you are there to help them. Damn the political conflicts. It gets hairy, of course, when you are going to initiate something with Miami that Purdy does not like, but then you have to make clear that you do not work for Purdy and you do not work for Garmire. You work as a resource introduced down there by something else, which is the National Institute.

It is in theory trying to benefit as many as it can with whatever limited or large talents you personally may have. I said to you earlier that CJ change agents are going to need some political skills. They will eat you alive, if they can. And you may get turned off. So what? One guy says: "I am not dealing with you if you are talking to that s.o.b. across the street."

Your response should be: "Gee, I am sorry you feel that way."

You do not have time to stand there and bang your head against the wall. There is only so much you can do. You pick the targets that are opportune and you work on them. You are not going to be all things to all men. Make no bones about it. Not necessarily everyone is going to love you. If you have to be loved, you had better go into some other work.

QUESTION: You talk about establishing credibility with the police department. How about credibility with corrections and that lawyer crowd?

MR. ROGOVIN: Let me suggest something to you. Judges are the toughest. I am very serious when I say that when you come in as a systems analyst or an operations researcher or a Ph.D. in mathematics; you will find a very ticklish proposition in dealing with a guy who has supreme power. All of the judge's actions are conditioned by the fact that a lot of his time is spent in that room where he is the man. He is, for practical purposes, totally unchecked. He can do anything he wants.

Now comes in Lochinvar, representing the Institute. You can either be an obsequious s.o.b. and he will eat you up and you will get

nothing done, or an abrasive bastard and he will turn you off and throw you out, or you can strike a middle ground, which is to say to him, unequivocally, that you have a job to do and here is what the job is. You do not beg for anything. You are not here to force anything down his throat. You tick off the kinds of problems that beset systems in criminal justice. You do not come in as a self-proclaimed local expert: "Judge, here are your problems. Now if you had a Moy system for court management ..."

The judge says: "What are you talking about, smart ...? You just got into town and you are trying to tell me what is wrong here?"

You do not tell him what is wrong there. You tell him about the kind of problems you have become familiar with that beset court systems. You make very clear that you really do not know what particular problems he has there. Then you have a judge - Bob Cushman* is nodding - who says: "That is very interesting. Thank you for coming. We do not have any problems."

Then you have a problem. Then it becomes a matter of how skillful you are. I return to the theme of: when you can come in with a small incremental change that he, just like the street cop, can see a benefit from, that he claims credit for - judges are notorious for not sharing - then you have given him something. But if he is intransigent, you are not going to get through it all. You just are not. There are certain chiefs, whom I will not name, whom you could stand up and spit nickels for and it will not make that much of a difference.

Nobody at the Institute expects instant, overwhelming success. You cannot change it all. You can change it piece by piece. You may attract the attention of a judge who is a hard-nosed reactionary, if you will, because he is impressed by something you have done creatively in the police department. Then he says to himself: "Okay, maybe there is some possibility of using this guy."

* Director, Santa Clara Criminal Justice Pilot Program.

You have to try it directly, obliquely, every other way. But if you get in there and cave, you are done. You must be postured as reasonable but firm; and you must understand what you are there to do and you have to make it clear to him, whether it be the judge or the local criminal justice committee of the bar association or the whole bar association, God forbid, or whatever operating agencies you are dealing with. If you can walk out with a reputation as being a guy of whom it is said: "He is firm and knows what he is talking about, but I don't like him," that is probably as good an accolade as you can expect if you are doing anything worthwhile. The highest praise would be: "What a mean sucker he is, but he really knows what he is doing." If those were the reports that came into the Institute, I think Burkhardt would stand up and clap. I do not expect them all to come in that way. Anybody else?

QUESTION: Would you recommend that the best strategy would be to attack that area where you can establish a reputation first before you attack the other areas?

MR. ROGOVIN: Let me give you a piece from the trade. Bruckheim comes in to see Rogovin. I have never seen you before in my life. I feel you out and find that you have been in Indianapolis. "Whom do you know in Indianapolis?"

You say: "I know Jimmy Blue Eyes, et cetera."

Suppose I were to get a call from Blue Eyes: "You have a guy from Indianapolis. Not a bad guy. He did some good work."

Right away you have a ticket. If you are going to a community site, it behooves you to ascertain from some of your Indianapolis contacts - assuming they have been favorable - whom they know out there. You come with an introduction. I know how weird this sounds, but it is not. It is a highly personalized kind of environment. If you come with a tag in the military or national security area that says "access on a need-to-know basis," they give you the info. Not in the police

field though. Out there, if you come with a tag from Blue Eyes, then initially you are not all bad. It is kind of a prima facie situation. There is a rebuttable presumption that you are all right. Start that way. Cops do know judges. Judges know cops. Cops know corrections people - not very well and not very favorably - but they know them. Sure it makes sense. If you are most comfortable in one area and, assuming that it accords with the larger priorities under which you have to operate, certainly inject yourself into that area. Do not get sucked up again in project activity because you like it, but start where you think you can most easily establish credibility. The word spreads fastest from the cops to the other elements, not the other way. The cops do not take it from anybody. They want to have it established for them, so yes, if you have been in the Indianapolis police and you go somewhere else, why not start there?

QUESTION: What about the fellows who have not been out there?

MR. ROGOVIN: It is a tough ball game for those fellows. I think that those fellows will not have any views. They may have personal views about the system based on what they know about it without actual involvement, but there they are going to have to be guided by whoever it is that is taking them by the hand. If it is the Regional Administrator, you kind of initially have to follow the pattern he lays out.

I do not mean to be repetitious here, but if he wants to push corrections, you may have to start there. The assumption is that you are skillful people and you will begin to assess opportunities for yourself. I do not know how carefully you are going to be controlled in terms of your travel, for example, from the regional level. It is different at the community level. You can get a handle on elements of the system fairly rapidly. At the regional level you will have to play it by ear. That is not very much guidance, but that is the best I can do for you.

POLICE TRAINING INNOVATIONS

by

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The author discusses interpersonal problems peculiar to police officers and proposes a "police human relations training" approach to deal with them. Drawing from his own experience as a police officer, he presents a program of film clips and analytical guidelines to help policemen "pre-expose" themselves to interpersonal problems they will experience on their beats and seek out answers to them within a range of peer consensus.

Police Human Relations Training

It is really a pleasure to be here. I am going to try to make my presentation rather informal and, I hope, mercifully brief, and I hope that you have some reactions to and some questions about what we are doing.

I am going to describe to you briefly a human relations training program undertaken at Florida State University. It is a project jointly operated by the Office of the Sheriff, Jacksonville, Florida, and the School of Criminology at my university.

First, I would like to begin with an operational definition. We need to know what we are talking about when we say "police human relations training." Really, by the term, we are talking about a whole complex of problems in interpersonal communications that are particularly important to police officers. Now we all have interpersonal interactions and problems in the course of our everyday lives, but policemen have some which are particularly significant to the performance of their jobs, and that is what we want to consider.

Our program attempts to increase the interpersonal communications skills of policemen in dealing with the kinds of problems which make up their jobs. It tries to increase their awareness of the kinds of

problems they are going to encounter constantly on the streets. It strives to give them, above all, greater insight into their personal attitudes, and the values that we all have, and the manner in which these affect their performance.

Now, a little bit about the background for this. As many of you know, police work in the United States today is undergoing tremendous change. We are in an era of, we say, professionalism: new programs are appearing, police training is increasing, and many states are setting up minimum standards requirements for every police officer in the state to have a certain number of hours of training. Now we know that there was a time when all you did was simply give a man a gun and a badge and put him on the street--that was all the training he received, except perhaps for a little orientation and a map from someone.

Well, what is the status of police training today? Where does police human relations training fit into this crest of professionalism we seem to be in? It has been the case, despite the fact that police training generally has been increasing in quality and quantity over the years, that there has been a tremendous neglect of this area that we call "human relations." If you take a look at the curriculum of most police training centers across the United States, most departments and academies, you will find that it is largely preoccupied with very traditional subjects: firearms, self-defense, crime scene investigation, fingerprinting and the like. It seems that policemen are trained, traditionally and still today, so that about 90 percent of their training goes into what they do 10 percent of the time. Watching Adam 12 and Dragnet gives you this kind of stereotyped image of what the police role really is. It is about catching the bad guys and locking them up. Of course, this really isn't what it's about at all. Police work is just an incredibly tough human relations job. Most of the time, our police officers, according to studies of their role, are involved in non-enforcement situations, just trying to deal

with other people who have problems--to do so in most cases without adequate skill and preparation.

Personal Experience as an Officer

About two years ago, I got the idea that I wanted to learn something more about the state of police human relations training in the United States, particularly in my own state, Florida. What kind of training did police officers receive? And how adequate was the training in terms of the work officers had to do once they graduated? I took a rather unorthodox, really rather controversial research approach, and became involved in a somewhat unusual participant observation project in order to do this. The first action I took was to set about enrolling myself as a student in the police standards training program.

Florida, like many other states, has a 280-hour training requirement. Every police officer and deputy sheriff in the state must go through 280 hours of training. I enrolled in this program, necessarily at night because I was a full-time university professor, and I went four hours a night five nights a week, for four months, and somehow managed to get through it. It was quite an ordeal: never having fired a gun, I found myself on the range doing that and being thrown around by stronger, younger peers, with whom I also dusted for fingerprints and investigated imaginary accidents, and sometimes fought boredom and tried to stay awake. In any case, I graduated from the police academy, and after a great deal of administrative maneuvering, going through various requirements, such as physicals, background checks, and so forth, I finally became a police officer. This was my goal, to become a regular, sworn, uniformed patrolman in a major city. I became a police officer in the City of Jacksonville, a city of about half a million people. Particularly, I arranged to work as a police officer in that area of the city which I believed would be most occasioned by stress problems, by difficult human relations functioning.

I was assigned, essentially, as a patrolman in the black ghetto section of Jacksonville.

Jacksonville has a combined office for the sheriff and city police - one law enforcement agency of about 1,000 men for the entire city. So, I worked for a period, full-time, of four months as a patrolman in Jacksonville's smallest, highest crime beat. It's a beat called 305, which takes in a black housing project, a kind of a slum area, bars, flop houses, pool halls, and the like. There were so many things that happened down there, so many things that were informative and sometimes traumatic. One opportunity that this provided me, having been through the training that all Florida police officers receive, which is similar to, I think, what is received in most parts of the country, was to consider the measure between what I had learned and what I had to do on the street. I found, as I believe most rookies discover, that there was very little congruence between the two. During all of the time that I spent, I used my service revolver and the other tools of my trade very little. But I faced a tremendous problem just dealing with other human beings - handling family fights; mediating racial disturbances; helping people who were emotionally disturbed, suicidal, or mentally ill in some other way; and dealing with alcoholics. And I had to face all these problems in the very stressful environment in which they actually happened.

I had been, for a time, a probation parole worker and a prison counselor; I found, interestingly enough, that the police officer faces interpersonal problems which are incredibly more difficult than those encountered in these other roles because those who are in areas like probation, parole, and prison, have the luxury of dealing with problems when they are cold. They don't see interpersonal problems in the context in which they are actually unfolding. But having, for example, counseled prison inmates in an institutional setting, I found it very difficult to walk in on a man while he was bludgeoning his wife or something and screaming and shouting and reacting hostilely to

my presence. It was an entirely different ball game.

I mentioned that I went through some rather humorous experiences, not the least of which was trying to apply the therapeutic techniques of, for example, Rogerian psychology in the kind of environment in which the policeman functions. I would walk into a family fight in which a guy would be screaming and throwing things around and I would say, "You seem to be very angry." He would say, "Yeah, you son of a bitch, get out of here," and I would say, "Now, you are angry at me." And the next thing I would know I would be fighting him. I was so therapeutic with these people!

Development of a Training Program

Well, I think I got a fair amount of data in terms of the needs of policemen and the deficiencies of existing training programs. After returning to the university - although I still am functioning part-time as a police officer for the purposes of this study - I sat down with a number of other men who had been police officers. We began to look back on our own academy training and say, "You know, what were some of the human relations deficiencies? What was the big problem? Where did it fall down? Why weren't we better prepared for these kinds of things that just hit us like ice water? Why did we have to deal with these human problems on a trial-and-error basis? Couldn't there have been some kind of systematic presentation to get us ready to deal with these things?" Well, as we began talking among ourselves, we sort of described the incidents, as cops will do, that we had actually faced on the streets.

One time I had a human relations problem. A guy came down and began mouthing at me and I just lost my temper. I just blew it. Another time I walked in and discovered that a guy had scalded a little child's hands in water and I just completely lost control of myself. And I got so I couldn't handle dealing with black people, whatever the problem might have been.

And we started content-analyzing all these little incidents that we had actually been in. and we began to sort them into major problem categories. We found that many of them fell into "ethics." You know, policemen receive, ironically, no ethical training, really, to speak of. They receive no opportunity to consider the kinds of ethical issues they are going to encounter. We group others into areas of "stress management" and "emotional control," and still others into such subjects as "personal values," "minority group encounters," and the like. And then we said, "Now, how can we take these kinds of problems and somehow use them to the benefit of people who are going to become police officers, as well as those who are already in service?" And we decided, that one of the great problems a police officer faces is that he has no opportunity to make a dry run at these problems. He has had no chance to consider them until he actually gets into them. There can be no advance planning or advance consideration of alternatives. We hoped that maybe we could somehow rectify this.

Preparation of Film Clips

So, what we set about doing, and you will see a film which illustrates some of this effort very shortly, was to recreate these human relations problems. We wound up with a group of about 40 of them, including the various subject areas such as stress, ethics, and so forth, which we felt were representative of the major spectrum of human relations problems that policemen face.

We said, "What would happen if we took these problems and recreated them in an open-ended fashion in a sense that we showed the problem--exposed what went wrong--what actually happened to one of us or an officer known to us on the streets?" Then we could use a model of group interaction aimed at creating a peer group consensus, as a positive approach to the problem, to draw out recruits and in-service people toward a recognition of the problem and its alternatives. Beginning to clarify different courses of action, we said this might

be a means for increasing police officers' insights into their personal feelings, and into some of the kinds of encounters that they were likely to have. These had never been talked about before we hit the streets.

We all found we had very similar experiences. No one had told us what to do if our partner lost control of himself, or was about to engage in some sort of curb-side justice and beat someone, or if another officer came in drinking on duty, or if still another officer was stealing, taking bribes, or whatever.

We really came to believe that one of the factors responsible for the lack of professional conduct in many areas is the very fact that there exists a condition that sociologists have called "pluralistic ignorance" among policemen. It is really very unfortunate. It is that policemen don't know how one another feel about a particular issue, because they don't discuss it at the academy. Let's say an officer discovers that another officer is stealing. He may have a personal orientation about the correct thing to do, but he doesn't know quite what to do because he doesn't know how his peers feel about it. He has never considered--never joined the issue. He has never talked it through, which is one of the things that we believe needs very badly to be done in a training academy situation.

We wanted to evolve a program that would be effective and that could quickly be disseminated throughout the United States at a very low cost. We didn't want a program that would be dependent upon technical personnel, role-playing facilities, university staff, and the like. We wanted a program that the little police department in Panacea, Florida, could use as well as the police officers in the District of Columbia.

So, we decided to create a package of 16-millimeter colored films, portraying a total of 40 problems, with structural guidelines and a training strategy for the analysis and group discussion of these problems. This is what we essentially have been moving toward

under a \$48,000 grant we received last year from the Law Enforcement Assistance Administration.

Now, what I am going to show you today is a very preliminary sort of product. You will see one of the six pilot films. We have developed three out of a total series of six so far. We have three more left to do.

I would remind you that it is a product that is geared primarily to police officers. Because police reality is different from the reality of the average citizen, the language, the way in which things are presented, is such that is credible to policemen. It may not be as digestible as what you hear on television about policemen.

To give you one example, one of the first scenes that you will see on this particular reel, I think, is a domestic situation. We know that there is no more difficult call, no more dangerous call, that policemen handle than a domestic call. Having handled them myself over the past four or five months, I can appreciate why they are extremely difficult--there is no easy way to approach them. There is no pet formula for them; there are no path techniques that work particularly well. All we can strive to do in this kind of situation, as in so many others, is to increase the police officer's ability to monitor himself, to control his own feelings, and to increase his ability to read what is going on in interaction with other people.

Use of Training Guides

In the training or analytical guidelines that we use in group discussion of these things, we try to get policemen to consider many different things. Such things as--how do you feel when a man resists your authority? How do you feel when somebody gets too close to you physically? I began to find, as a policeman, that I developed certain sensitivities. I didn't like someone to touch me. I particularly didn't like someone to tap his hand on my chest. I would

"see red," discovering qualities of temper in myself that I didn't realize existed.

We wanted police officers to become aware of such things as body language, the symbolism of the uniform itself, and the power imagery--how they can put that to work for them, and how they can also keep it under control and not let it get out of hand. We didn't want them to let themselves be dominated by the power aspects of their job.

As we go through these problems to develop the guidelines which we have not prepared yet, we will get into an analysis; for example, one of the group leaders will say, "Well, supposing this guy was your partner, what would you do? Or, if you were his supervisor, how would you feel? Or, how do you suppose this man felt when you walked into his home and said this particular thing?" We try, again, to get them to appreciate, from a social-psychological standpoint, seeing themselves as both an "I" and a "me," i.e., see the objective and subjective dimensions of themselves.

Need for Operationalization

What we are moving toward right now--and we are here, among other reasons, to seek the assistance of LEAA in continued funding of this--is to operationalize this program, experimentally, at the Jacksonville Sheriffs Academy, and to do a fairly thorough longitudinal evaluation of it. We need to find out, under the impact of time, once one group has been through the program, whether or not it significantly results in different attitudes and behavior in the field for groups that have been put through it, and if so, what is the impact of the variable of time and of differential assignments on the kind of orientation which results.

As police officers, we have a preconceived range of acceptable solutions to a problem. Now, many of these problems are capable of being approached or solved in a number of ways. We may not agree. However, out of the dialogue of this, there seems to evolve a consensus

as to, well, maybe there is a middle ground. We are particularly trying to deal with the existence in the police community of the delinquent minority. This minority is comparable to the small minority of people in prison who are extremely delinquent and hostile--who more or less stampede those who are basically rather all right, so to speak, into going along with them. The same things happen in police departments. Regarding the New York City Police Department, for example, we have the NAN Commission Reports. The corruption reported by the commission couldn't have happened but for the silent complicity of a lot of other cops who were basically honest and basically pro-social, but who went along because they lacked more "in's." They never really discussed these kinds of things and didn't have any strong reinforcement toward doing what was correct.

To give you an example, we tried to run a pretty honest police department in Jacksonville and take, I think, some pride in it. It is significant that I say, "we," for my membership group has become a kind of reference group for me. I have begun to identify with it somewhat. But, about eight months ago, a young vice-officer I knew was transferred into vice; he was approached by one of his senior officers, a sergeant, who told him, "Look, we have a gambling ring going on here. It is worth \$1,000 a month to you. We will take care of you. There is no chance of getting caught. It has been going on for quite a while now." The young officer said later that there was no question about doing the right thing. He agonized for weeks and weeks before he went to the FBI and Internal Security because he didn't know what the other guys would think of him. He was surprised to find that the people were supportive of what he had done. He really had done the right thing. Now, my point is this: the probability of an officer's doing the correct thing, whether it involves reporting a bribe or refraining from exercising force, is greatly enhanced if he has in his mind that he will be reinforced by 40 of his peers in the academy. You know that we discussed this

issue, we talked about stealing, we talked about a guy coming in drunk on duty, we talked about beating somebody up who is black for saying something offensive to you. We have talked about how we feel about child molesters and so on. We decided on what was an acceptable range of response to such behaviors. The chances are much greater that an officer will do the correct thing if he has been pre-exposed than if he is simply thrown out and left to a trial-and-error basis.

I have seen this. A senior man will take an officer and tell him, "You know, this is the way it is done around here, kid." And the kid doesn't know any different--he just floats and kind of picks up what he can.

Discussion of Films

Well, I would now like to show you the film with the hope that it will give you some ideas about what we are trying to do. Bear in mind that there are a couple of sound problems in at least one of the shots on this reel. You can get some idea of what we are trying to do and then perhaps we can discuss it a little bit and elicit some questions and reactions from you. So, why don't we go ahead. These scenes will all be rearranged and you will notice as you look at them that some of them deal with ethical points. This is just for presentation purposes. They will be systematically arranged. Some of them deal with stress issues and the like. But, this is probably a good representative presentation.

Everyone in the scenes has actually been a police officer. That is kind of a basic rule of thumb that we use, and Mr. Smith here is basically responsible for the production of the films themselves. I was over playing policeman while he was doing the hard work of putting them together.

(Three films were shown, each lasting about five minutes. The first focused on what can happen when two officers try to stop an argument

between husband and wife. The second presented the kind of verbal abuse an officer can be exposed to during an investigation. The third showed how a rookie policeman can be influenced in the wrong way by his older patrol partner.)

We have already begun to use these films experimentally with recruits, so that they and in-service people will see more problems than we had originally intended in a situation. They will see new, subtle arguments, and hopefully begin to consider and anticipate problems and consider alternative reactions that we hadn't even intended. We tried, for example, to eliminate many minor procedural problems from the film. And yet, there are elements with, we think, value for human relations training that we have come upon inadvertently.

You may notice a habit of one officer in a couple of these scenes, a habit which I also developed this summer. Never having worn a gun belt before, I would stand with one hand resting on my revolver and the other hand on my cop case while I was talking to somebody. From a communicative standpoint, that is offensive. It annoyed people--it affected the outcome of many interactions, for example. Subtle little things like this may not seem important and yet they are. So, this is the kind of vehicle we are working with; if you can imagine 40 of these problems, you can project the program. The problems range over many, many areas. We didn't have any of our minority group material on this reel, but we are particularly concerned with dealing with the problem of black policemen. For black police officers must work with white officers, and must function as officers with both black and white people. There are many issues here.

There are many kinds of situations policemen become involved in, in double binds. What do they do? There is no clear cut answer. There is just no simple solution to each problem.

For example, we have a scene that we just shot last week that shows a black police officer dispatched to handle a complaint; he is

sent to serve a warrant on a white man who turns out to be very racist, very hostile toward the black officer. As soon as he finds out he is going to be arrested, he starts saying things like, "Boy, you must be lost. You must be in the wrong neighborhood." Well, the black officer keeps his cool, and a white officer who is a friend of his and wants to help out, after hearing the dispatch of this officer to this particular address and knowing what kind of guy this person is, goes over to back him up. When the white officer walks up, the two are on the verge of a fight. So, well-intentioned, he steps in and says, "Bill, I will handle it."

The guy says, "I will go with you. You are a police officer, but this nigger is not taking me anywhere. I am not going any place with him."

The white officer, well-intentioned again, tries to calm the guy down, and says, "Look Bill, just let me handle it. I know this guy." He tries to talk him down, gets him out, and puts him in the car.

The black officer calls him aside and says, "Don't ever pull that again. Don't ever jump on one of my calls like that."

He says, "What do you mean?"

The black officer answers, "I am not a spade, or a nigger; I am a police officer. My uniform is the same color as yours. I expect to be treated that way."

The white officer responds, "Well, look, you want to wind up fighting that guy?"

We discussed this incident, Gene Smith, my research associate and I, and nearly got into a fight ourselves trying to decide what should be done, what the proper solution is. As we began to explore this problem, we had to consider middle grounds, like maybe calling the black officer aside and saying, "Look, it's your call; what do you want to do?" But in any case, it is helping to address the kinds of things that officers are drawn into call after call, day after day.

It is so tragic that existing police training doesn't get into these things. It doesn't include ethics, about stress, about dealing with inner feelings and values. You see, policemen all have prejudicial sentiments toward something or other. Even if they are only prejudiced toward prejudiced people, it is still prejudice, right? A police officer's "thing" may be the child abuser. Or maybe it is the homosexual. Or maybe it is something about blacks. Well, we use samples from all these kinds of touch-tone sensitivity areas to draw these kinds of things out and try to use the peer group to re-enforce the correct range of responses.

Questions and Answers

If you have any questions or comments we would be most happy to answer them.

QUESTION: It appears to me that what you are doing is very similar to what is called "transactional analysis."

GEORGE KIRKHAM: Well, except that we are just a lot of simple cops. We are not trying to use any formal analytical tools, really. I suppose you could find fragments of different sorts of perspectives, maybe including transactional analysis; certainly, the whole thing is steeped in social psychologies.

With all deference to the academic community and professionals such as ourselves, one of the things wrong with existing police training is that there have been too many people, too many self-styled experts, telling policemen what their problems are and trying to formulate solutions for them. That is one of the reasons why I felt that it was necessary for me to do what I did: to become more familiar with the problems--to be a police officer.

I think that that fact, as well as the fact that the people who have been working on the project with me are educated police officers, has enabled us to produce something which, according to policemen who have seen it, closely corresponds to reality as they

see it. It is amazing and gratifying that the few times we have experimentally shown the films to recruits, the classes have taken off, even though we don't have the training framework worked out yet. They have just taken off and gone for two or three hours on one of these clips, with the reaction, "Why don't we spend more time on this and less time on the firing range."

QUESTION: What about the receptivity of police chiefs or the people within the staff to this project?

GEORGE KIRKHAM: We were a little terrified as to how this thing was going to be received, because it looks like some kind of anti-police diatribe. We took one of the pilot reels last August to the International Chiefs of Police annual meeting in San Antonio. We presented it to 50 national training directors, each of whom is representative of police training in his state. We presented it with some trepidation. The reaction which we obtained on a questionnaire response from them was just overwhelming--it was a demand for this kind of thing. The response was "When did you say it was going to be available? How can we get it in our area? This is the kind of thing we have been looking for."

Now we feel there is obvious face value to the product. We want to empirically assess its ability to affect attitudes and behavior in the field, but beyond that, we think it has clear face value in that for the first time it is a catalyst for getting policemen to consider the kinds of issues they are going to run into in the field. It gets them to think about these things through a strategy I call "anticipatory confrontation," to begin to imagine what are you going to do when you get out there. Plainly, there is value in that.

In other films, we have different situations--we have one situation where an officer comes across a couple of heterosexuals parked, necking, and he drives on. A little further on he comes across a couple of homosexuals, and he proceeds to unload a lot of personal

feelings he has on these particular people. In this situation, we examine what has been accomplished: the officer has gotten something off his chest, but what about the next police officer that deals with these people? I may be the next officer that has to confront them. For instance, the Black Panther didn't become a Black Panther just de novo out of the blue. He has had bad experiences with police officers in most cases. So, we try to get them to think through the consequences of what they do. What are the consequences for himself, for his department, and for the community when an officer allows himself to give in to something like this.

Now in incidences like the second one you saw in which the officer beats a prisoner because of verbal abuse, I have had people out in the field who made me so mad I just wanted to hammer them into the ground. But, again, we try to get the message across. We use the group to draw this out. When somebody does this, the guy is trying to get to you, and if you let him do that, then he is controlling the situation. You are not in control of it anymore. We find a tremendous amount of receptiveness because it gives them a kind of professional conception of their role. A professional operates in a certain way and this is what we are trying to get across.

Now if we are very successful in doing this initially, it may well deteriorate over time. There may need to be periodic reinforcement.

When we get through this part of our program, we would like to use the same approach in the correctional field. We'd like to get custodial personnel in jails as well as care and treatment staff involved, for example.

We also find that the films have utility in familiarizing people with the social-psychological dimensions of a police role, the problems involved in functioning as a police officer in society.

We are also in the fortunate position that we can, working under a LEAA grant and being non-profit, produce and distribute

these materials for a fifth of the cost of what a commercial firm would charge. So, it has some potential in terms of national scope.

Contrasting recruits and in-service officers, there is no question about its being a more formidable task to deal with people who are already, shall we say, well into the system. As agreed to by a growing number of the professional cadre of police officers, the nice thing about dealing with recruits is that they are malleable. Their attitudes are unformed. They haven't been out in the streets. They haven't been exposed to a delinquent minority. And yet, I pose, based on my own experiences as a street officer these few months, that there exist very, very positive, very pro-social attitudes on the part of even old-timers. Like prison inmates, I have seen in Soledad, they are reluctant to speak out because they don't know how other people feel.

I have had police officers, after a beating incident, talk to me individually and say, "Doc, that wasn't right. It is not right for so-and-so to whip up on that guy over nothing." But, they won't say anything, you see. They are afraid. They want to be tough. We find, when we present it in a group--and we have done this with in-service groups a couple of times--that people begin to rally around. They really want to behave in a professional way, but they have got this kind of latent, delinquent conception, fostered on the streets, that they ought to be tough--that they ought to whip up on people who affront their masculinity; that they ought to keep blacks in their place and so on. I think we can make some significant headway with such attitudes.

It has been a pleasure. Thank you very much.



IMPLEMENTING PROGRAMS IN THE
MIAMI POLICE DEPARTMENT

by

Bernard Garmire
Chief of Police
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The author discusses the role expectations--crime fighting and community service--of the police and urges a synthesis of the two. Next, he describes team policing and tactical services, and the support given both by technical resources. After considering problems within police bureaucracies and the divisiveness of different philosophies within departments, he gives a brief overview of the influence of other elements in the criminal-justice system on police work.

Evolution of the Role of Police

I want to talk to you today on the subject of a higher concept of the police service. I want to give you a little different approach to what the police really consist of, what their mission really is. I believe this will express the view of most of the more progressive police administrators of the country.

I want to talk first of all about the police role. Both the police and the public are still groping for an answer to what the police role is. If I would ask each of you what you perceive the police role to be, there is a very good chance that I would get a myriad of answers. Each of you would disagree to a certain extent. Until the police's role is understood, I think neither the police nor the public really will know what we are responsible for or what we can be held accountable for in the long run.

The confusion over the police role has resulted in the absurdity that the police are accountable for all that relates to crime, in the minds of some, and for nothing that relates to crime, in the minds of others. Until we understand the police role, you as

technology transfer advisors can not adequately advise, managers can not adequately manage, and the public, as an informed citizenry, can not adequately evaluate, let alone have faith in our performances.

I, for one, believe that the police service in this country is in deep trouble. Because of the confusion of our role, we have been placed in an untenable position. Historically, we felt we knew what the role of the police was. But it has been changing. I would like to ask you to look in retrospect to the past two or three decades to have an idea of what I mean.

The police service actually has been involved in technology for very few years compared to many of the organizations and many of the parts of government. It was not until the 1920's, if you recall, that we were privileged to be given automobiles. It was not until the late 1920's that we received radio as part of the gear of the police. I well remember when I entered the police service--with the Indiana State Police. We had a radio which told us where to go, but did not give us the chance to talk back. Sometimes we were to go to some places we would rather not have gone.

Since that time, of course, we have been privileged to have more technology, more developments. During the 1940's and the 1950's we were looked upon almost exclusively as government's handymen. We were looked upon as crime fighters primarily; we were regarded, maybe, as a necessary evil or a nuisance.

But then came the 1960's and the atmosphere changed appreciably--the civil rights movement, the anti-Vietnam activism, the surge in crime. You will recall that crime went up tenfold or better, during the 60's. The court rulings of the Escobedo case, the Miranda case, etc.--I could go on like that almost ad infinitum--impacted tremendously on police. I believe the rulings ultimately will prove to have been to the advantage of the police and of society in general. However, we, as practitioners, were hit one, two, three in a very short period of time and it has practically knocked us out of the box. We are still recovering from many of these things.

The "traumatic 60's" is what the police call it. This has still left us in a quandary today. Are we crime-fighters or are we peace-keepers? Are we blind enforcers of the law or discretionary agents of a benevolent government? Are we social workers with guns or gunmen in social work? Are we agents of social change or defenders of the faith? Are we enforcers of criminal law or society's legal trashbin?

We are, we know, a social agency of last resort after five o'clock in the evening and on holidays and week-ends. Are we, or should we be, mere watchmen for business and industry?

Actually, I think the police were expected to do all of those things and become all things to all people: at once a confessor and an inquisitor, a friend of all, and yet an armed nemesis to some. Perhaps the central issue is not so much what is the police role, but rather how do we understand what we know is the police role? I believe it is truly a case of knowing more about a subject than we really understand.

Let us analyze the police role for a moment and try to clarify the situation. We might attempt to analyze the police role over time employing what we could call the dialectic: the thesis, the antithesis, and the synthesis approach. I think we are going to have to simplify the police role to gain an understanding of it.

The thesis, of course, prior to 1960, was perceived as being that police were crime-fighters - and we would use the term "CRIME-FIGHTERS" with big capital letters and "community service" in lower-case letters - a de-emphasis on the community service, even though the police were performing extensively in the community service area. The police and the public's perception was one of crime-fighters, period.

Then, as a result of the trauma of the 60's, came the anti-thesis: the historical role and the tasks of the police were seriously questioned. To gain community acceptance and to restore

police-community rapport, the police role was turned upside down, so to speak. "COMMUNITY SERVICE" became the capital letters of our task and "crime-fighting" became the small letters, even though crime was escalating at an unprecedented rate. This was brought about because of extensive political pressure, rather than because of police desires. More over, according to some research data, crime-fighting and community service may be mutually exclusive activities which one man or one police agency can not psychologically and operationally perform simultaneously. In fact, we may conceptualize two kinds of police: the crime-fighters and the community service types.

Some of you may have read the Johns Hopkins University publication known as The Police in the Community. In that, a theory of dividing the police department is propounded, where part of the department would become crime-fighters and the other part would become the community service officers. This created some problems around the country. It did not do my reputation a great deal of good so far as crime fighters were concerned but, nevertheless, this was the theory.

Need for Synthesis of Role Concepts

I have come to the conclusion now that we have got to synthesize the two theories: On the one hand, the police are crime-fighters; on the other hand, they are also community service operators.

Those of you who have been operating in the police field in the past few years have come to realize that, in any police agency, at least 80 percent of the time is occupied in community service activities one way or another, and, at the outside, 20 percent of the time is actually occupied in fighting crime. So, something has to be done to synthesize the two areas and go forth into a new concept of policing.

What must we do to legitimize community service in the eyes of the police and the public? The police themselves are not particularly interested in this, and the public still does not perceive it as police activity. But there is no other 24-hour emergency agency available to perform the community service functions, and it is not economically feasible to establish one. Our role should not be to arbitrarily and simplistically dichotomize the police role into two conflicting functions but to synthesize the police role, recognize its complexity, and understand its hierarchical nature.

There is a theory--that because the police are empowered to use force, they make up the only agency in government, the only social agency operating throughout society, that can get the necessary compliance and can develop the effectiveness necessary to respond to the gamut of social problems that exist in our society. When we go to the scene of a domestic quarrel, the reason that we can get two people who are quarreling to settle down is not because we have an exceptional ability. In reality, it is because we have the implied threat - the use of force - and that makes us much more effective.

There is no other agency in society that has this; consequently, those who espouse the idea that it is possible to create social agencies to handle social ills are in many instances in error because those social agencies would not have the implied use of power, or force, in order to accomplish what they desire.

How are we going to approach the distribution of our manpower, our facilities, and our programs in general if we are going to assume the responsibilities that, apparently, society wants us to assume? We must programmatically base our resources. We must emphasize social services and community services because, as I said before, they really do take up 80 percent of our time. We can not overlook it. We must develop expertise in this area.

I think that we should be considered to be applicators of first aid so far as social services are concerned. I don't believe that

society can expect us to be the experts in social service. But I think society can expect us to be able to apply first aid to a situation and, either through reference or delivery, consult the experts in those areas. Crisis orientation and crisis prevention through Family Crisis Intervention units are good examples of the police services trying to be more effective in the social service area.

Charley Rogovin* has talked to you about one program (Family Crisis Intervention) that was developed in New York, and which is being adopted by many police departments around the country. The program is not attempting to make marriage counselors out of police officers. It is not attempting to equip police officers to actually give in-depth treatment, but is very successfully training police officers to be capable of applying first aid.

Team Policing and Tactical Approaches

If we can do this and simultaneously handle the 20 percent of our activities that represent crime fighting effort, then we should consider team policing, as it, in my opinion, can be applied to many areas of the country.

Team policing has been tried. As a matter of fact, back in 1964 we tried what we called "fluid patrol," which was nothing short of team policing. We were flying by the seat of our pants in those days because we did not have computer support. We had no prototype copy, and we were going on our own. But within the first six months of the application of our concept of team policing at that time, we reduced the crime rate by 14.5 percent. We were receiving accolades from the community in general because we were applying or, at least, delivering police services as they conceived them to be. We were responding better, and we actually did a good job.

* "An Overview of the Change Agent and Police Function Interface" by Charles H. Rogovin, Page 73 above.

The problem was that each time we started and developed another facet of our team policing, or, as we called it, "fluid patrol," we became more and more inundated by paperwork. We had no computer available to us. Pretty soon the choice was either to assign fifty percent of my people to go through files, trying to keep up with the situation, or to abandon the concept. Had we had good analytic support, as well as the necessary hardware, I think we could have kept on doing very well.

I think team policing is going to be with us. I think you would be well-advised to assist in developing and defining the concept. It will be a difficult job if we are going to do it as it should be done. But in order to do so, we have got to legitimize social service and community service sub-roles in the police department - in the patrol service - so that each police officer can, in fact, be upgraded. He should be upgraded so far as his personal income, his personal image, and his personal concepts are concerned. We should develop the officers into a more elite branch of the police. If we can do this, then we can make the team policing concept work, thereby providing our citizens with considerably better service.

And, while we are doing this, we also must develop police tactical services, which we prefer to call "target-oriented-strategy" programs. We have to develop the ability, the reserve, and the specialized forces to support the patrol teams in criminal investigation and in tactical patrols.

Importance of Technical Support Services

We can develop the best of patrol techniques, the best of target-oriented-strategies - the SWAT teams, the SCAT teams, the STRESS teams, call them what you like - but if we don't develop the support that is absolutely necessary in informational systems and in technical resources, then every effort made to develop this type

of an organization within the police department will go for naught.

I can speak from experience in this area, where police service has suffered. It has been my experience that once you do have EDP available to you, it is usually housed in some finance manager's office. He would tell you: "Yes. You are going to have priority after I get the tax bills out, and the payrolls out, et cetera." You find that the police are about 25th on the totem pole of 25 priorities. This is the problem we have.

We are more fortunate in the city of Miami. In 1970 - as a matter of fact, shortly after I went there - I was called to the city manager's office one day. I went there actually on Friday, the 13th of June, 1969. At that time I was not superstitious. Today I watch myself on Friday, the 13th. Shortly after I got there, I was told by the city manager about a bond issue that was being contemplated. I said, "I know nothing about any bond issue that you are considering."

Much to my chagrin he said, "You ought to, because if your staff was alert, its members would know that we are contemplating a \$300 million bond issue. And we just thought that you might be interested in getting a chunk of it."

I went back and consulted with my staff and learned that not one of them knew anything about it, even though there had been headlines in the paper just prior to that. (I had a very alert staff there, apparently.)

The city manager said: "I want to know within two weeks what you need out of this bond issue."

I went back to my office and I talked to some of the people in whom I had a modicum of faith and confidence. Fortunately I had taken a very sharp young man with me from Tucson. I said: "Gentlemen, we have to get together a bond issue to be included in the forthcoming referendum. Get together the best thinking in the departments and see what you can come up with." I was putting out

country and select that which had been experimented on by other agencies throughout the country, and, taking advantage of their research money and their mistakes, go in and skim off the cream and bring it to Miami. Third, and, in my opinion, most importantly, we wanted to develop the human resources within our department. Anyone can build a building. Anyone can buy hardware. All you have to do is go there with a few million dollars. And you would be surprised how much hardware you can buy in a short period of time. But no one who is in the hardware business is really interested in your real problems and programs, generally speaking.

So, before we embarked on this program of constructing a building, buying the hardware, or attempting to develop the personnel development program, we put out an RFP (Request for Proposal). We sent out about 50 of them to the leading organizations throughout the country asking them how they would help us implement such a program.

Ultimately, Stanford Research Institute of Menlo Park, California was selected. The Institute has been working with us now for about two years in putting together a package.

You know that you cannot use bond funds for the training of personnel, or to hire new personnel, so we cast around for more money - for more than \$20 million. Our building is going to cost us approximately \$8 million all together. About \$6 million of that will go for computerization, which breaks down into \$3.5 million for software and about \$2.5 million for hardware.

We intend right now to go to three mini-computers and one midi-computer, and we intend to develop a communication system which will give us practically everything that is developed so far as the state of the art is concerned.

That does not leave much money for training. That does not leave much money for any latitude whatsoever, so we put together a

brushfires around the community so I assigned this task to my assistant. He came up with a program for a \$20 million issue.

I said: "I think I can sell this to the commission. I think I can get it on the bond issue, and then, maybe we will get a chance to sell it to the constituents."

We did just that. We put together a \$20 million bond program and took it before the commission, which approved its inclusion in the overall bond program of ultimately \$129 million.

We were then given a very short time to actually go out and tell our citizens what we had in mind. It took a considerable effort, especially on the chicken salad circuit, but we sold this program to the people.

The election was on the 30th of June, 1970. The electorate rejected a number of motherhood items, such as sidewalks, parks, and recreation programs, but the police issue came through and led the parade with 58.7 percent of the vote. This told people a number of things. It told my people they were needed. It told them that in reality they were respected, though in some instances, it may have been misplaced respect. Nevertheless, they were respected. It told the city fathers: "Look, it is high time that you recognize the police. We think you have been remiss in not supporting them during these years through operating budgetary funds. We want you to give them this money to develop a program which will answer the needs of the community."

During the program we told the public we would plan a police department that would, we hoped, be capable, competent, and viable until the year 2,000.

They responded by saying: "Good, we have given you \$20 million to do it."

We proposed a three-pronged program. First, we promised a building. Second, we put forth a program of technology, computerization, and communications. We said we would go throughout the

grant request. We were able to get a grant out of LEAA, for which we are very thankful. We call this management training. It is a simple thing. We are in the process of management training now. Some weeks ago, my whole staff, consisting of the major, the assistant chiefs, my administrative aides, my legal aid, my technical advisor, a few other people and I went to Remuda Ranch Lodge, 80 miles out of the Everglades. The only thing out there were alligators and a few other creatures. We were there about three and a half days. It was a good thing that the carpet was reddish brown because, as a result of what went on there, there was a lot of blood letting. We came back with a new approach.

Twenty-five of my staff people are in school now for three weeks at a time, and by the end of next week 75 people will have gone through this, trying to bring together a new concept--a new approach to policing--broadening the perspective, hopefully developing a sense of responsibility, and attempting to create an organization of multiple approaches which can respond up and down the hierarchy of sub-roles in policing.

We are trying to develop patrol and tactical services which have different orientation levels of professionalism but which are flexible and which can avoid the logistical and manpower problems of rigidly dividing the police into separate bureaucracies.

Problems with Bureaucracy and Divisiveness

Another problem we have in the police service is the bureaucratic approach. When I first went to Miami, I inherited a police department which had, under the banner of the Miami Police Department, at least 25 different units operating within the police department. Each one of these units was a little empire, under a man who developed and protected it. There were three or four different kinds of uniforms in the department and, as you drove throughout the city of Miami, from time to time you wondered whether that was a county

man or a South Miami man or a Coral Gables man or what the situation was.

We tried to bring them together gradually. Of course, that is when the fur flew, and that is when we ran into a few problems. But now we are operating with only about 10 police departments. We are making some progress and, believe me, we are going to get them together some day.

A side benefit of unifying the police would be to ameliorate the good guy - bad guy syndrome which always results when the police are sharply divided.

The irony of it is that the crime fighters are the good guys to the police and the bad guys to some citizens. The community service and social service men are bad guys to the police - they call them the "rubber gunners" - but they are good guys to some of the citizens. We must change this.

Of course, this whole concept I am talking to you about brands me as somewhat of a maverick in the police service. There are many people who will suggest that maybe I should go back to being a trooper rather than remain an administrator. But I submit to you that the police service must be expected to develop expertise to do those things which are required as a service. We are capable of doing them. We are capable of taking our place in the professional ranks of the country.

Influence of Other Elements of the Criminal Justice System

If we can do our job a little better, then I think it might be easier for the other facets of the criminal justice system to do their jobs. I would not think of being critical of corrections, but I would like to point out to you that the criminal justice system in the United States of America had its inception with the police. Think it over.

Few, if any, people are ever charged with a criminal offense who were not apprehended as a result of an investigation by the police. The criminal justice system of the United States is dependent upon police efficiency. But, unfortunately, the more efficient we become in the police service, the more bogged down the other facets of the criminal justice system become and the more frustrating it becomes to the police.

We are having serious felons released. Very recently we had a man who was charged with armed robbery, rape, and homicide, simultaneously. These three crimes had actually been perpetrated within the space of about 35 days.

It has been a real pleasure to talk to you, to give you some ideas of my thinking on the overview of the police responsibility and the role of the police. If I seemed to you a little sarcastic at times, that was intentional.

Questions and Answers

QUESTION: My question concerns increasing minimum standards. Is there a point of diminishing returns with increased education of the police? Have you noted any improvement in the average police officer's performance? How do you try to convey the feelings that you have expressed today to us to the average beat officer? How do they receive your ideas?

CHIEF GARMIRE: Florida is gradually, almost inexorably, increasing minimum standards as far as police are concerned. This is not peculiar to Florida. It is happening around the country. Arizona has been doing it. I know California has been the leader in it with their P.O.S.T. programs. Various states around the country have established minimum standards.

Training starts with about 200 hours, and it gradually goes up in increments of 40 hours so that it may eventually reach something like 400 hours in Florida. It may be going to 480. We are giving

our people approximately 1,000 hours of training. We are demanding more and more of our recruits. I don't know whether there is a point of diminishing returns or not, but we do have another problem in Florida, and I think it is a creeping situation throughout the country: that is the enfranchisement of the 18-year-olds.

In the State of Florida, an 18-year-old may do everything an adult used to do. He may not do it quite as well, but at least he tries. We are caught between a rock and a hard place with the development of the 18-year-old law. One of the ways in which we can avoid appointing police officers at the age of 18 is to insist that he have at least an associate degree before we will consider him for recruitment.

Well, the average youngster gets out of high school at 17 or 18. If we insist that he get two more years of education before we can consider him, at least we are pushing up the minimum age. Hopefully, he will learn something while he is spending two years in the community college and he will be better equipped; at least his ability to assimilate will have been developed a little, we hope. And then the recruit training can be in theory reduced.

I think we are hoisted on our own petard to a certain extent so far as minimum standards are concerned. I have not seen the police service improved that much in areas where they have insisted upon baccalaureates. I think the management of various police departments is improving. I think maybe supervision is a little better, but the quality of police service has not improved - not that much, just by virtue of the fact that recruits have more academic training when they come into the service.

How do we inculcate this concept of policing into the patrolman? There is only one way that you can do that, and that is to convince your management team, your management group, and your supervisors that this is the way you have got to go. If you start at the bottom, you run into those old hard shells who keep telling these kids - and

we get it right now - "Look, forget that crap: this is the way we do it. People understand the language of the night stick. They understand the language of the .38 special. They understand what handcuffs are all about."

One of the ways we are eliminating this type of influence on the part of the old hard shells at our recruit level is by sending our recruits to a full six months of recruit training. This is done in a criminal justice institute at the Dade Community College in Dade County. Twenty-six municipalities and the county joined together and established a criminal justice institute. There again, LEAA came through with about a million dollars, enabling us to build the building. We now have the program going. All agencies send their police officers and their recruits there.

It is a modular type. There are some communities in the county who just want their people to have the basic 200 hours. There are others who want them to have 400 hours and so on, so it is modular. We take advantage of the whole thing, and we give ours 1,000 hours. They come out and go into the field.

We have developed a program for what we call "field training instructors." These are selected men of standing in the department. We give them as much as 120 hours of training on how to be field training instructors. Picking the best men available for this, we give them training and recognition, and then we assign sweet young things to them and rely on the instructors to keep the recruits going on the theory and the idealism that has been propounded to them through the recruit school. So far, it is working.

Now we are hitting them from the top. We started out with my staff, who are in mid-management now or are going into supervision. We are bringing them around and giving them new concepts and perceptions of our role as police officers. The irresistible force, hopefully, is going to meet the immovable object which means that we are beginning to have those old hard shells in an uncomfortable position.

I think it is going to work. There are some indications that it is working already.

QUESTION: Would you identify for us and briefly address yourself to the biggest problem that you see at the interface of police-prosecutor and police-courts?

CHIEF GARMIRE: In my opinion, the biggest single problem in the police-prosecutor interface is either a reluctance or an inability on the part of the prosecutors to know what they are talking about when they go into court. It is not unusual for my people to go into court on serious offenses--felonies--with a five-to-ten minute conference before the trial with the prosecutor. On less serious offenses, they meet each other going into the court room. If it is worth a trial, it is worth preparation.

I don't think we are getting adequate attention at the prosecutor's level. That has been my experience. This is the biggest single complaint I have.

There is always a running dogfight between the prosecutor and the police officer if the police officer thinks the guy should be charged with murder or at least aggravated assault. The prosecutor will analyze the situation and say: "This is only in the securing of the charge." He will charge him with petty larceny or something like that. There is always a conflict. But the person who issues the charges in the state attorney's office or in the district attorney's office, or the prosecutor's office, most generally is not the person who is assigned to try the case. This is the biggest single problem we have, as far as the interface with the prosecutor's office goes.

So far as the courts are concerned, an utter disregard of the police officers by the court is the problem. We have extreme trouble. Well, I have had trouble all over. I was police administrator in Indiana and in Wisconsin, in Arizona, and now in Florida. Almost universally, the autocracy of the court is absolute. It will not recognize the existence of the police officer, other than as someone

to be questioned, in most instances. It will not recognize that police officers work around the clock, seven days a week--I think, in some instances, a court will deliberately set trials for times when it is most inconvenient for the police to attend. Should the police officer not show up, either because of a lack of communication through the distribution of subpoenas, or what have you, the courts may summarily dismiss the case, while the defense can get repeated continuances.

I think it is a lack of respect, so far as the two parties are concerned. I think that judges will have to come to the realization that people elect them to sit eight hours a day, that their court should convene at a certain time and should hear cases for a reasonable length of time. The autocracy and the autonomy of the court must be overcome. I think they are entirely too independent and this is working to the disadvantage of society.

QUESTION: I appreciate your comments about the team-policing concept. The question that I would like to pose to you is: Would you discuss your department requirements in the evaluation of these new innovative programs - new in the sense of ten or fewer years? That is, assess your requirements in terms of evaluation of new innovative programs, perhaps in terms of internal resources or external resources or the way in which one can go about measuring the effectiveness of what is new and innovative.

CHIEF GARMIRE: That is a real question. I think the average police agency has somewhere between 10 and 15 percent attrition each year. That means that, if you are paying adequate attention to the selection of good people, you are plowing into the service somewhere around 10 to 15 percent total each year.

If you have adequately recruited, then you are bringing in some bright young people. These bright young people are continually thinking of ways in which they think they will work better. And many times, they are not bashful in telling you how archaic, obsolete, and old fashioned you are. I invite this, even though I don't like it

sometimes, but I recognize that very frequently out of the mouths of babes comes wisdom. And so we actually solicit that kind of feedback.

We hired an architect, for example, to come in and build a building. We sat down, and I simply told him, "I want this building to look like anything except a police department. I want it to be inviting. I want a constituent to look at that and say: 'I believe I am welcome here.' I want it to be functional. I want it to serve the needs of the police department. And I want it for the cheapest amount of money you can build it for."

I am getting around to your question. I said: "I want every man on this police department within limits of practicality consulted. I want the department to help set the requirements for their new home. I want them to understand, if any mistakes are made, that they helped make them."

Last Sunday morning, there was an interview with the architect. One thing he complained of was that an incredible amount of interviews occupied a great deal of his time. But we did this, nevertheless, so that our people could provide input.

Stanford Research has been with us for a long time, as I told you before. We have had many working groups on communications, on EDP, on personnel practices, et cetera. I think this has got to be the approach, even though some of us who have been rather autocratic in years gone by have had to come to the realization that being a participant in management is important today and, if it is adequately handled, it can work.

How do you evaluate this? Well, the police service is the most intangible service, I believe, in existence. We deal exclusively in intangibles. So far as city operations are concerned, we are really the only city department that deals with people. All others deal with things. When you deal with things, you can measure them. When you deal with people, you have problems.

As recently as 45 days ago, I wrote to Mr. Santarelli--I don't know if he ever got my letter because I never got a response--commending him for putting out evaluation teams in the personage of interviewers who were trying to determine the rate of crime as a function of the number of victims versus the statistical garbage that was pouring into the UCR* every month.

What he did--in case some of you were not aware of it--is that he took the Impact Cities and sent people in there for the express purpose of interviewing John Q. Public and asking him when was the last time he got hit over the head or robbed or burglarized or whatever the case was. The effort then was to determine whether or not the reported crime rates, so far as the police department is concerned, bore any similarity. I believe that there was one city that showed that at least twice as much crime had taken place within that community as was reported in UCR.

We now have operating in Miami a group of people who are taking a crime victim census. I am quite confident that the crime rate will come out appreciably higher than we report. But, believe me, we try to have integrity in reporting.

The reason why I wrote to Mr. Santarelli was, first, to commend him for this type of approach, and, second, to encourage him to develop some sort of a program by which one could evaluate each and every police department in the United States of America.

Some years ago, I was privileged to appear before the Board of Directors of the National Safety Council in support of its inventory program. Many of you may not know about the National Safety Council programs but at one time it had a program in which every community in the country was requested to participate. It was an evaluation of

* Uniform Crime Report

its operations. Then, it would take all of these evaluations and select the top 30 departments in the country, or those who met most of the criteria, and recognize them as being the outstanding police departments in the country so far as traffic safety was concerned. This was an effort towards evaluation. I think that LEAA, the Institute more especially, is in a position today to start getting a little more hard-nosed in developing a viable, meaningful evaluation program, and then requiring participants or recipients of money to participate in the program. I think it would be very revealing. I may not have answered your question, but I tried.

QUESTION: My question relates to delayed police vocations. It seems to me that one way to aid this emphasis on the crime-fighter task and the service to community task would be to encourage delayed police vocations. This involves going into the community and getting people--not necessarily the community leaders but lay people--to come into the police department and work. Has this concept been considered before? Do you think it is feasible?

CHIEF GARMIRE: We have a program--and here again, thanks to LEAA, it has been available to us--called the "Community Resource Pool." Dr. Harry Morall is the director of the program for us. It is designed to do precisely what you are talking about: develop advisory councils throughout the community.

Now, we have not gone as far as you are suggesting, but one concept of the PCRP is to develop a group of advisors to the police chief. We are walking on thin ice there because, unless we have excellent communication and the use of fine semantics, people are going to construe this as being a police review board.

So, we have to be very careful in developing this advisory group. Then, if we start to bring in these laymen who certainly have expertise and knowledge and have their finger on the pulse of the community, the police are going to look at them with a great deal of suspicion. I suggest that your idea is excellent, but it is

going to take a lot of doing in order to execute it. I am trying to do that very same thing to the PCRP program.



APPENDIX

LIST OF SPEAKERS

| <u>Name</u> | <u>Affiliation</u> |
|-----------------------------|--|
| Anderson, Daniel | Unaffiliated, Camden, New Jersey |
| Anderson, Evan | National Science Foundation, Washington, D.C. |
| Beck, Mary Ann | National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, Washington, D.C. |
| Bohlinger, George | National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, Washington, D.C. |
| Brown, Dr. Lee | Criminal Justice Department, Portland State University, Portland, Oregon |
| Caplan, Gerald M. | Director, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, Washington, D.C. |
| Cascarano, Paul | Assistance Director, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, Washington, D.C. |
| Coates, Dr. Robert | Center for Criminal Justice, Harvard University, Cambridge, Massachusetts |
| Coughlin, Joseph S. | Center for the Study of Crime, Southern Illinois University, Carbondale, Illinois |
| Crowe, Timothy | The MITRE Corporation, McLean, Virginia |
| Cushman, Robert | Santa Clara Criminal Justice Pilot Program, San Jose, California |
| Fisher, Frederick E. | National Training Development Service, Washington, D.C. |
| Fletcher, Thomas W. | National Training Development Service, Washington, D.C. |
| Garmire, Bernard | Chief, Miami Police Department, Miami, Florida |
| Gibson, Kenneth | Mayor, Newark, New Jersey |
| Grandy, Charles C. | Vice President, The MITRE Corporation, McLean, Virginia |
| Himes, Joseph E. | The MITRE Corporation, McLean, Virginia |
| Hopkins, Arnold J. | American Bar Association Commission on Correctional Facilities and Services, Washington, D.C. |
| Jamborsky, Judge Richard J. | Juvenile District Court, Fairfax, Virginia |
| James, Suzanne | Office of Regional Operations, Law Enforcement Assistance Administration, Washington, D.C. |

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| Kalin, Stanley | National Institute of Law Enforcement and Criminal Justice, Washington, D.C. |
| Kirkham, Dr. George | Assistant Professor in Criminology, Florida State University, Tallahassee, Florida |
| Lankford, Charles | Offenders Aid and Restoration Program, Fairfax, Virginia |
| Leiberg, Leon | Parole Corrections Project, American Correctional Association, College Park, Maryland |
| Miller, Herbert | Institute of Criminal Law and Procedure, Georgetown University, Washington, D.C. |
| Milton, Catherine | Police Foundation, Washington, D.C. |
| Peck, Jonathan | Learning Systems, Inc., Boston, Massachusetts |
| Polansky, Larry | Chief Deputy Court Administrator, Common Pleas Courts, Philadelphia, Pennsylvania |
| Price, Steward | Florida Governor's Help Stop Crime Project, Tallahassee, Florida |
| Radner, Dr. Lou | 911 System Consultant, Alameda County, San Francisco, California |
| Rogovin, Charles H. | Criminal Justice Associates, Inc., Newton, Massachusetts |
| Saari, Dr. David | Center for the Administration of Justice, American University, Washington, D.C. |
| Skoler, Daniel | American Bar Association Commission on Correctional Facilities and Services, Washington, D.C. |
| Sublett, Samuel | Illinois Department of Corrections, St. Charles, Illinois |
| Sweeney, Thomas | Kansas City Police Department, Kansas City, Missouri |
| Vetter, James | Law Enforcement Assistance Administration Regional Office, Denver, Colorado |
| Vogelgesang, Bernard | Department of Court Services, Des Moines, Iowa |
| Whisenand, Paul | Police Information Systems, University of California, Long Beach, California |
| White, Joseph | Ohio State Planning Agency, Columbus, Ohio |
| Whittaker, William L. | Court Management Consultant, Aspen, Colorado |
| Williams, Herbert | IMPACT City Program, Newark, New Jersey |
| Winston, Dr. James S. | Superior Court of New Jersey, New Brunswick, New Jersey |
| Yates, Rudolph | Efforts from Ex-Convicts, Inc., Washington, D.C. |

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