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NORTH DAKOTA COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS

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PREFACE

The North Dakota Criminal Justice Commission is funded through Law Enforcement Assistance Administration discretionary grant 74-DF-08-0020. The grant was received by the University of North Dakota from the North Dakota Combined Law Enforcement Council in April of 1974. The Commission offices are located in rooms 104 and 105 of the University of North Dakota School of Law in Grand Forks, North Dakota. The materials contained in this report represent the culmination of two years of research and study efforts by the Commission staff and the citizen members of the Commission. The report is organized essentially into three sections. The first section outlines the events leading to creation of the Commission, the structure and operating procedures of the Commission, and the status of criminal justice in North Dakota at the present time. The second section of this report sets forth the standards developed and the initial goals of the Commission. The final section outlines the plans for implementation of the standards and the organizational structure anticipated for implementation.

The staff expresses its gratitude, on behalf of the North Dakota Criminal Justice Commission, to the Honorable Arthur Link, Governor of North Dakota; the Honorable Allen I. Olson, Attorney General of the State of North Dakota; and the Honorable Ralph Erickstad, Chief Justice of the Supreme Court of the State of North Dakota for their cooperation in this project. Gratitude is also expressed to President Thomas Clifford, President of the University of North Dakota and Dean Robert K. Rushing, Dean of the University of North Dakota School of Law for providing the research and office facilities utilized in the completion of this project.

The opinions and conclusions expressed in this report are those of the staff of the North Dakota Criminal Justice Commission and do not represent the official position of the Law Enforcement Assistance Administration, Combined Law Enforcement Council, University of North Dakota, or University of North Dakota School of Law.

Dwight F. Kalash,
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FOREWORD

In compiling this report detailing the work of the North Dakota Criminal Justice Commission, I have attempted to accomplish several tasks in one publication. The reasons for this are nearly as numerous as the subjects contained in the report. The first reason is that resources are limited. Publication funds, staff hours, and staff capabilities are tightly budgeted. At the same time, the undertaking is enormous. Formulation of a statewide set of standards and goals, designed to endure for years and implicitly affecting funding decisions for years to come, is a difficult, often tedious, task. Attempting to put everything under one cover is an effort to maximize the use of resources.

The second reason is that the Commission and its staff have many people to whom they must report. The regional office of the Law Enforcement Assistance Administration, in Denver, Colorado monitors the progress of this project. The North Dakota Combined Law Enforcement Council and its staff are charged with accomplishing the work undertaken by this Commission. Along with this responsibility goes the right to supervise our work. The Governor of North Dakota, Attorney General of the State, and the Chief Justice of the Supreme Court have contributed their time and the prestige of their offices to the project. They expect to be assured that their efforts have not been wasted. The members of the Commission have contributed thousands of man hours to the project. They, too, are entitled to know what the fruits of their labors are. Literally hundreds of citizens have expressed interest in the work of the Commission and have offered suggestions. They should be informed of the outcome of their suggestions. Finally, the taxpayer in general has expended a considerable sum on this project. He is entitled to know what it is, why it was undertaken, what has been accomplished, what will be done with the results of the work, and why it was worth the money. I have tried to speak to all these groups at once. The third reason for one report is that the material in this report has the potential of being "something for everyone". Part I gives an outline, to the uninformed, of the state criminal justice system as it operates today. Parts II through VII answer the questions who, what, when, where, why, and how relating to the Commission. Part VIII is the result of the efforts of the Commission and can serve as a working tool for criminal justice professionals and as a basis of discussion for those interested in improving the system. Parts IX and X are addressed primarily to the working criminal justice professional; however, they extend an invitation to anyone so inclined to become involved in the standards and goals process in North Dakota. Consequently, parts of this one report might be of interest to nearly everyone.

TABLE OF CONTENTS

PART I
BACKGROUND INFORMATION ON NORTH DAKOTA

A. Demography

North Dakota ranks 45th in the nation in population, with the 1970 census indicating a total of 617,761 inhabitants.[1] * Between 1960 and 1970 there was a net decrease in the state's population of —2.3%.[2] This trend has apparently reversed, however, and the estimated population in 1973 was 640,000, for an average annual increase of 1.1% since 1970.[3] In 1970, 44.3% of the population was designated as urban and the remaining 55.7% was rural.[4] There are 70,665 square miles in North Dakota.[5]

With a 1973 per capita income of $5,695.00, North Dakota was $654.00 over the United States average of $5,041.00.[6] It ranked higher than any of the three bordering states of Montana, South Dakota, and Minnesota.

B. Reported Crime Rates

The rate of crime in North Dakota for 1973 (the latest period obtainable), as determined by the Uniform Crime Reports (UCR) of the Federal Bureau of Investigation,[7] revealed that for every 100,000 persons there were 2,078.4 crimes reported. Of these, 60.8 were considered violent crimes (murder, rape, robbery, assault) and the remaining 2,017.7 were crimes against property (burglary, larceny, and auto theft).

Figures for the surrounding states of Minnesota, South Dakota, and Montana demonstrate that North Dakota is low in this area: Minnesota's crime rate is 3,535.6 per 100,000 population; South Dakota's is 2,175.8; and Montana's is 3,395.3 (see Appendix A for a more detailed breakdown). The UCR also reveals that in 1973 North Dakota had the third lowest overall crime rate in the nation, and the lowest rate of violent crime.

C. An Overview of the North Dakota Criminal Justice System

For discussion purposes, the criminal justice system of the state can be divided into three parts: the law enforcement agencies, the court system, and the correctional institutions and programs. In practice, these areas are not mutually exclusive but overlap somewhat, and are also touched by crime prevention forces in the community.

1. Law Enforcement

Crime prevention and investigation is the responsibility of a number of law enforcement agencies at the local, state, and federal levels. North Dakota has approximately 1,050 peace officers employed by 230 full-time police departments, 53 sheriff's offices, a state Highway Patrol, a Bureau of Criminal Investigation, State Radio, and various federal agencies. For every 600 residents there is approximately one peace officer.[8]

a. MUNICIPAL POLICE. The bulk of the responsibility for law enforcement is placed on the municipal police systems, as evidenced by the fact that of the 1,050 peace officers in the state, 700 are involved in city police work.[9] North Dakota Century Code §40-20-05 gives powers and duties to police within their city and for a distance of 1½ miles outside the city limits. Of over 350 municipalities in North Dakota,[10] however, only 230 have full-time police departments[11] indicating that in 120 municipalities law enforcement obligations are handled by county sheriffs, constables or part-time policemen. Some municipal police functions are consolidated, using contract policing.

b. TOWNSHIP CONSTABLE. The office of township constable is provided for in North Dakota Century Code §§ 58-10-03 and 58-10-04. He is given the general power of a peace officer but receives no salary. Although maintaining order in his township was once the responsibility of the township constable, he is seldom used today and no data is available regarding township constables.[12]

c. COUNTY CONSTABLE. Similar to township constables, the county constable is vested with the general powers of a peace officer.[13] His jurisdictional area covers the entire county rather than merely a township. He is allowed no salary, but like the township constable, he may collect fees for various services performed. No data was obtained regarding the number of county constables in North Dakota.

d. COUNTY SHERIFF. Each county has its own sheriff's office; there are 53 sheriffs and 170 full-time deputies employed by the counties.[14] An undetermined number of special deputies assist the sheriff when needed. The position of sheriff is elective under the State Constitution,[15] with elections held every four years. In addition to selecting and commanding deputies, other statutory duties of the sheriff include: (a) preserve the peace; (b) arrest and take before a magistrate anyone who has committed or attempted to commit a public offense; (c) prevent and suppress all riots, insurrections, and breaches of the peace that he discovers; (d) attend terms of the district court and obey its lawful orders; (e) maintain

*Reference sources are located at Appendix B.

the county jail and any prisoners detained therein; and (f) any other duties as may be required of him by law.[16] Approximately 50% of a "typical" sheriff's time is spent in these criminally-related activities.[17] The remainder of his time is used for civil matters such as service of process.

Apparently the only requirement for election as sheriff is that the candidate be an elector of the county.[18] It is not necessary that he be a certified police officer, or have any legal education or specialized law enforcement training.[19]

e. COUNTY CORONER. If the situation ever occurs that there is no sheriff or deputy sheriff in a given county, or if the sheriff is placed in jail, the county coroner is required to act in that capacity, and assume the duties and responsibilities of the position.[20] Presently there are no coroners acting as sheriff in North Dakota since each county has its own sheriff.

f. HIGHWAY PATROL. At the state level of law enforcement, the North Dakota Highway Patrol is authorized 82 sworn personnel, plus it utilizes 13 persons who are employed under federal programs.[21] However, the Patrol is currently understrength.[22] Its responsibility is limited primarily to traffic control, the use and operation of motor vehicles, and protection of the highways;[23] however, patrolmen may arrest alleged criminals if they see a crime committed within the highway right-of-way or when in pursuit of a suspected offender.[24] Because of these statutory limitations, the Highway Patrol is quite different from any concept of state police, despite its basically statewide jurisdiction.

g. BUREAU OF CRIMINAL INVESTIGATION. The Bureau of Criminal Investigation is located on the grounds of the State Penitentiary in Bismarck. It is an agency under the control of the Attorney General, created in 1929, and made into a separate agency by the 1965 Legislature.[25] Its responsibilities include: (a) cooperating with state and local officials, the federal government, and other states in conducting a system of criminal identification; (b) assisting sheriffs and other peace officers in establishing a system for the apprehension of criminals and detection of crime; (c) assisting in the investigation, apprehension, and conviction of alleged offenders; (d) conducting police schools; and (e) performing various other statutory functions.[26] Personnel employed by the Bureau include the chief agent, eight field investigators, eight narcotics agents, and one identification officer, plus office clerks and secretaries.[27] Most of these personnel are well-trained and experienced in their respective areas of expertise as well as in general criminal investigatory work.

h. STATE RADIO. State Radio is another state-level agency serving local, county, state, and federal law enforcement offices. It provides radio and teletype communications from a central location, including both the National and the State Law Enforcement Teletype Systems, the National Crime Information System, the National Warning System, the Highway Emergency Assistance Telephone, and a telephone line to the U.S. Weather Service. It employs a director, an assistant director, a chief dispatcher, 17 dispatchers, and a secretary.[28] Four of the dispatchers were funded by the federal government through June of 1975.[29]

The operation of State Radio is covered by Chapter 54-23.1 of the North Dakota Century Code. It is not limited solely to criminal law related activities but also functions to aid in non-criminal situations.

i. REGULATORY AGENCIES. North Dakota has two regulatory agencies that have limited law enforcement authority. These are the Truck Regulatory Division (TRD) of the Highway Department,[30] which enforces traffic laws applicable to motor carriers; and the Game and Fish Department,[31] which enforces laws relating to game and fish within the state. The Truck Regulatory Division does send its personnel for police training and prefers that they qualify for peace officer certification. It is conceivable that legislation could combine the TRD with the Highway Patrol rather than continuing it as a division of the Highway Department.[32] Still, both the TRD and the Game and Fish Department must be considered as regulatory agencies rather than as portions of the criminal justice system.

j. FEDERAL AGENCIES. The federal government often becomes involved in law enforcement within the boundaries of North Dakota. Agencies represented include the Federal Bureau of Investigation which is the main federal enforcement and investigatory arm; the Internal Revenue Service whose powers are restricted to violations of the Internal Revenue (IRS) Code; the Treasury Department which deals with laws relating to alcohol, tobacco, firearms, explosives, and counterfeiting; and the Border Patrol which monitors customs and traffic along the Canadian border. These agencies have no jurisdiction in matters of local, county, or state interest. Their authority pertains only to matters of federal violations although the FBI will frequently provide assistance in identifying

suspects or apprehending those who cross state lines. In North Dakota there are FBI field officers in Bismarck, Fargo, Grand Forks, and Minot. The IRS has an office in Fargo, and the U.S. Attorney and U.S. Marshal have offices in the major cities around the state.[33] Federal marshals' duties have increased over the years. They are responsible for protection of federal witnesses and their families, protection of federal property, courtroom security, custody of federal prisoners until their incarceration or release, and execution of process.[34]

k. RESERVATION POLICE. North Dakota has four Indian reservations: Standing Rock, Turtle Mountain, Fort Totten, and Fort Berthold. There are central law enforcement offices including police stations, jails, and courtroom facilities, at Belcourt (Turtle Mountain) and Fort Yates (Standing Rock). The other two reservations have facilities in more than one town.[35]

The Indian Reservation Police Services employs a total of 79 people. This figure can be broken down into 37 Bureau of Indian Affairs (BIA) police officers, 11 tribal police officers, 21 dispatchers, and 10 office clerks.[36] Jurisdiction of the Indian Reservation Police Services is limited to the reservations; the officers have no authority off the reservation. On the other hand, state, county, and local authorities have no jurisdiction on the reservations. The federal government, acting through the BIA, is in control on the reservations.

It is the responsibility of each of the different levels of police agencies to maintain the peace, investigate crimes and criminal activities, arrest those suspected of committing an offense, and develop rapport with the public. Improved procedures, methods, and equipment have increased police efficiency, and interlevel and interagency cooperation has aided identification and apprehension. For example, the FBI's fingerprinting capabilities are frequently called upon by city or county police. And the state's Bureau of Criminal Investigation (BCI) is on hand for ballistics and other scientific testing and for identification purposes. It should be noted that the primary responsibility for police services is with the city police and the county sheriffs. State police services are basically backup-type services that are utilized at the request of the local officers.

2. Prosecution and Defense

After the police have arrested and charged in a criminal case, it is turned over to the prosecutor's office. Once again there are several levels of prosecution.

a. CITY ATTORNEY. The city attorney is concerned only with those cases which may be heard in municipal courts. These consist of violations of city ordinances including traffic offenses. Even in the larger cities the city attorney's position is usually only part-time, while in a number of the smaller cities the cases are prosecuted by the arresting officers. Most of the city attorney's time is spent in non-criminal work as provided for in North Dakota Century Code §40-20-01.

b. STATE'S ATTORNEY. The state's attorney is the public prosecutor and has a variety of duties in the criminal field.[37] These duties are set out in §11-16-01 of the Century Code and include: (a) attendance at the district court and prosecution of public offenses; (b) appearances before the grand jury (which is seldom called in North Dakota); (c) drawing of indictments and information; and (d) institution of proceedings for the arrest of persons charged with, or reasonably suspected of, committing offenses. He also performs several civil functions. Failure of the state's attorney to carry out his duties may result in removal from office.[38]

The position of state's attorney, which has a term of four years, is constitutionally mandated.[39] Along with the Attorney General and his assistants, the state's attorneys are the only public prosecutors in those cases in which the state is a party to the action.[40] He may, of course, appoint an assistant who is endowed with the same powers as the state's attorney, but the city is not allowed to prosecute any actions in which the state is a party.

There is a state's attorney for each of the 53 counties, but only 4 counties (Burleigh, Cass, Grand Forks, and Ward) have full-time positions; Burleigh, Cass, and Grand Forks Counties also have full-time assistant state's atorneys. The other counties have part-time state's attorneys, with some sharing the same lawyer.[41]

North Dakota currently has one regional prosecutor. The state's attorney of Mercer County serves as criminal prosecutor for Mercer, McClean, Dunn, and Oliver Counties. In Mercer County, he is the state's attorney but performs only the criminal law functions of his office. The assistant state's attorney there performs all civil law functions of the state's attorney. In the other three counties, the prosecutor is an assistant state's attorney, performing all criminal law functions of the state's attorney in those counties.

The project is funded by the North Dakota Combined Law Enforcement Council for a one-year period with the possibility of continuation for an additional three years.

c. ATTORNEY GENERAL. The attorney general, who is elected to a term of four years, holds the highest position as legal counsel in

the state. His office is located in the Capitol Building in Bismarck. The post is constitutionally-created although the powers and duties are prescribed by law.[42] These duties include, in the criminal law field, representing the state before the Supreme Court when the state is an interested party; advising state's attorneys regarding their duties; attending the trial of any person accused of crime and assisting in prosecution when he feels the interest of the state requires it; and serving as superintendent of criminal identification.[43] He is authorized to make investigation of criminal activities in any county if certain conditions are met first.[44] The Attorney General often issues opinions on legal issues and these opinions have the effect of law until ruled upon by a court.

d. DEFENSE COUNSEL. On the other side of the criminal case is the defense counsel. Through the Sixth Amendment a defendant is entitled to be represented by counsel when charged with any felony or with a misdemeanor that may result in incarceration.[45] If a person is financially unable to retain competent counsel, the court must appoint an attorney to act in his defense.[46] The county then pays the appointed counsel a court-determined fee for participating in the case. The court may also determine that the defendant should pay a part of the cost of appointed counsel if he has the means. In addition, the state's attorney may collect whatever amounts he can, up to the cost to the county, from the defendant at any time within six years of the date the county paid such sums.[47]

e. PUBLIC DEFENDER. In April of 1971, federal and matching local funds were utilized to establish a public defender's office in Bismarck covering a ten-county area. This office has carried a staff of at least one full-time attorney, a full-time secretary, and a part-time investigator. Indigent defendants are represented by the public defender, and the demand for other appointed counsel has been correspondingly reduced. The outlook for this office is bleak, however, because of a lack of funding past December of 1975.

It should be noted that the prosecution's obligation is not merely to obtain convictions; the prosecutor should see that justice is done. Sometimes this means that he may dismiss certain charges even though the police feel they have sufficient evidence for a conviction. Prosecutorial discretion is an important factor in determining what charges should be brought or what sentences should be recommended. Plea negotiations are common with the result that many defendants plead guilty to a lesser offense, in exchange for dismissal of a more serious charge, or plead guilty in return for the prosecutor's recommendation of a lighter sentence. This results in more time for the prosecutor to devote to other more difficult criminal cases.

3. Courts

a. MUNICIPAL COURT. When a person is charged with violation of a municipal ordinance, the case is tried before a municipal judge sitting without a jury, unless the defendant demands a jury trial.[48] Not all cities have a municipal court, however. Only 210 out of the 359 North Dakota cities had municipal courts as of May 1, 1974.[49] In those towns with a population of less than 3,000, it is not required that candidates for the office of municipal judge be attorneys.[50] This requirement is waived in those cities with larger populations if no licensed attorney is available.[51] The maximum sentence that may be handed down by a municipal court is thirty days or a $500.00 fine (or both) for any one offense.[52] If the defendant objects to the final decision of the municipal court, he may appeal to the district court where he will be given a new trial.[53]

b. COUNTY COURT. Each county has its own county court. These courts handle various civil and probate matters but they have no jurisdiction over criminal cases.[54]

c. COUNTY JUSTICE COURT. In addition to having concurrent jurisdiction with the district courts in civil cases where the suit is not in excess of $200.00,[55] the county justice court has jurisdiction to try criminal misdemeanor[56] violations of North Dakota law that are committed within the county.[57] The county justice is also given the authority to prevent the commission of public offenses, to institute searches and seizures, to issue warrants, to require the arrest and detention of those charged with crime, and to require and accept bail.[58] When the crime charged is a felony, the county justice is empowered to hold a preliminary hearing to determine whether there is probable cause to believe that a crime was committed; that the defendant committed the crime; and that he should be bound over for trial in district court.[59] If the magistrate (county justice) fails to find probable cause and thus orders the discharge of the defendant, the prosecutor can request a review of the record by the district court.[60] In trying misdemeanors, the county justice determines the issues himself unless the accused has demanded a jury trial.[61]

After judgment, the prosecution may appeal from the county justice court to the district court on any question of law. The defendant may base an appeal on any question of law or fact. He will be required to give bail to ensure his appearance in district court.[62] Once the

action has been transferred to the district court a new trial is conducted.[63]

The position of county justice is an elected one and runs for a term of four years.[64] Statute requires that this position be held by an attorney licensed in North Dakota but if an attorney is not available, a non-attorney may serve.[65] At present, thirty-nine counties have county justice courts. The remaining fourteen have voted to establish county courts with increased jurisdiction (CCIJ).

d. COUNTY COURT OF INCREASED JURISDICTION. This court is a merger of the county court and the county justice court with a corresponding merger of powers, authority, and duties. Civil responsibility of the CCIJ is increased somewhat by this merger. (It has original concurrent jurisdiction with the district court in civil cases where the amount in controversy if not in excess of $1,000,000.) However, its criminal responsibility is still limited to trial of misdemeanors[66] and issuance of warrants and complaints; preliminary examinations (to determine if there is probable cause to bind the defendant over for trial); and other functions which are performed by county justice courts.[67] In criminal actions in a county court of increased jurisdiction, the accused is entitled to trial by jury; he must be informed of this right when arraigned.[68]

Cases appealed from municipal court may go to district court or to the county court of increased jurisdiction. In either court, the case is heard anew.[69]

The requirements for county judge of a county court with increased jurisdiction are stricter than those for other county courts. He must be learned in the law (meaning that he is a licensed attorney); he must be a resident of the county in which he is elected; and he must be at least 25 years of age.[70] No provision is made for allowing a non-attorney to hold office as county judge in such a court if no attorney is available. Of course, those counties that have voted to increase the jurisdiction of their courts have a sufficient supply of licensed attorneys in residence so that no problem along these lines exists.

e. DISTRICT COURT. North Dakota is divided into six judicial districts served by a total of nineteen district judges. Thus, each district has more than one judge; they circulate from county to county within their district holding at least two terms per year in each county. The district courts have jurisdiction over all civil actions; equitable actions; wrongs committed against the state affecting persons or property; various writs; and appeals from final judgments of municipal, county, and county justice courts and administrative boards.[71] Only the district court may try felony cases or accept a plea of guilty and render judgment in felony actions.[72] In the misdemeanor cases appealed from the lower courts, a completely new trial is conducted - the district court determines the facts and applies the law without regard to the findings and judgment of the lower courts.

Juvenile jurisdiction is vested in the district courts under the Uniform Juvenile Justice Act.[73] The district judges may be aided in their work with juveniles by as many as two juvenile supervisors in each county. Hearings in the juvenile court are always conducted without a jury in an orderly but informal manner.[74]

Adult defendants in district court are entitled to trial by jury for criminal cases unless they expressly waive the right in writing or in open court. The jury must originally consist of 12 members except in those cases in which the parties stipulate, with the consent of the court, that fewer jurors will be used.[75] Conviction can result only after unanimous agreement.[76]

The qualifications for district judge are the same as for judge of a county court of increased jurisdiction. A candidate must be licensed to practice law in North Dakota; must be at least 25 years of age; must retain a United States citizenship; must be a resident of the state for two years immediately preceding election; and must be a resident of the district in which he is elected.[77] The term of office is six years and the position is full-time.[78]

District court staff members generally include a bailiff, a court reporter, and an elected Clerk of Court in each county to take care of the district court business there.

f. SUPREME COURT. North Dakota has no intermediate appellate courts for felony cases. Appeals from the district court are taken directly to the North Dakota Supreme Court - the highest tribunal in the state. It is made up of five justices who are licensed attorneys at least 30 years of age, citizens of the United States, and residents of North Dakota for the three years preceding their election.[79] Each justice serves a 10-year term with the terms staggered to provide continuity on the State Supreme Court.[80] The justices are elected by the people except when a vacancy occurs between elections. In that event, the Governor appoints a justice to serve until the next election.

The Chief Justice is chosen by the justices of the North Dakota Supreme Court and the district court judges. He holds that position for five years or until his term expires, whichever comes first.[81]

The State Supreme Court is charged primarily

with appellate jurisdiction.[82] Every case appealed to it must be heard and decisions must be in writing.[83] Original jurisdiction has been granted to the court to issue writs of habeas corpus (i.e., regarding illegally-confined prisoners); mandamus (to command a government or corporate official to perform a particular act within his duty); quo warranto (to prevent exercise of powers that are not conferred by law); certiorari (a request for more information from a lower court so that the Supreme Court may review the case); and injunction (to prohibit a party to an action from doing or continuing to do a certain thing).[84] In addition, the Court has a number of administrative duties in supervising the state's judicial system. It is aided in its work by a staff which includes a clerk of court, a court reporter, five law clerks, a grievance commission, and a state court administrator.

No jury trials are allowed in the Supreme Court but when questions of fact must be determined, the case is sent to district court for trial.[85]

g. JUDICIAL COUNCIL. The Judicial Council, chaired by the Chief Justice, is made up of every judge of the Supreme Court, the district courts, and the county courts of increased jurisdiction; the Attorney General; the Dean of the Law School; five active members of the bar; and the retired judges of the Supreme Court and district courts.[86] An executive secretary is employed by the council to assist it in its work. The statutory duties of the council are to make a continuous study of the operation of the state judicial system thereby devising ways to simplify procedure, expedite business, and ensure that justice is better administered.[87] A subpoena power has been given to the council to help it gather information,[88] and it was authorized to organize a bureau of statistics as well.[89]

The Judicial Council is required to meet at least twice a year.[90] It must make a biennial report to the Governor concerning the judicial system, it may recommend legislation to the state legislature, and it may submit to the Supreme Court suggestions for revision of court rules, practices, and procedures.[91]

h. FEDERAL COURTS. Outside the state court system, but still operating within the boundaries of North Dakota, are the federal district courts. North Dakota constitutes one judicial district containing four divisions with facilities located at Bismarck, Fargo, Grand Forks, and Minot. There are only two federal judges in North Dakota, holding office by virtue of presidential appointment. Each has a staff of a law clerk, a law clerk-crier, a secretary, a clerk, six deputy clerks, three probation officers, and a court reporter. The United States attorney and the United States marshall are located in Fargo and the assistant United States attorney and deputy United States marshal are at Bismarck.

In addition to the two federal judges, a bankruptcy judge and seven United States magistrates are located in the state. The magistrates are appointed by the judges and are authorized to issue warrants, conduct preliminary hearings, and try minor offenses.[92]

The criminal jurisdiction of the federal judges extends to all persons accused of violating federal laws whether it be a felony or a misdemeanor.[93] Included are Indians accused of federal law violations on the reservations. District courts may also grant writs of habeas corpus for an individual held in state custody if he is in custody in violation of the Constitution or the laws or treaties of the United States.[94]

Appeals from the district court are taken to the Eighth Circuit Court of Appeals in St. Louis, Missouri and from there to the United States Supreme Court.

i. TRIBAL COURTS. The Tribal Courts are established by tribal law and have jurisdiction over misdemeanors on the reservations. Each reservation has its own court, courtroom, and full-time chief judge. Associate judges also serve on the reservations. None of these judges are lawyers although attorneys from surrounding areas are sometimes called in to act as trial judges. The tribal judges are elected by the Indians presiding on the reservation. Appeals are handled within the reservation itself with each reservation setting up its own system.

4. Corrections

The system of correctional institutions ranges from the city jail and the State Penitentiary to halfway houses for juveniles. These institutions are administered by governmental units at their own level, i.e., local jails are under control of local government while the penitentiary and other state institutions are under the jurisdiction of the director of institutions. In 1972, apparently the last year for which figures are available, approximately 13,000 persons were incarcerated at one time or another.[95] After conviction, adult offenders are sentenced to an institution or placed on probation. Juvenile offenders are not always sentenced to a particular institution but may be assigned to an agency such as the State Youth Authority. This agency then may place them in the appropriate correctional institution or with a service organizzation.

a. JAILS. There is a total of 89 jails operating in North Dakota. This figure includes 37 city jails, 38 county jails, 9 combined city/county

jails, 4 BIA jails, and one BIA holding facility. Each county is required to maintain a jail although they are allowed to contract with the United States government or an adjoining county for jail facilities.[96] The sheriff is charged with the responsibility of running the jail and keeping the prisoners.[97] But for many localities, no full-time jailer is employed. There are only about 30 full-time jail personnel in local positions in North Dakota and another 50 part-time jailers who are given responsibility for regular police work, dispatching, and other duties as well.[98] Little in the way of training is required of jailkeepers; the LEC has passed a resolution to encourage corrections personnel to acquire at least 80 hours of appropriate training.

Jails are used for detention of individuals accused of crime while they await trial; for detention of witnesses in criminal trials (if necessary to secure their attendance); for confinement of persons convicted and sentenced for misdemeanors; and for detention of those who were sentenced to the state penitentiary but unable to be confined due to lack of room.[99] In the great majority of cases, however, jails are merely used as temporary holding facilities. A 1971 survey found that almost three out of five prisoners were held for 24 hours or less and three out of four were incarcerated for less than 72 hours. Less than two percent of the jail population was serving sentences of six weeks to one year.[100] Most of the jail residents were incarcerated for detoxification or other alcohol-related reasons.[101]

Because of the short stays of most of the prisoners, the local jails have not set up any effective rehabilitation programs. There is too little time with the prisoners for such programs to do much good and the cost to the jurisdiction is prohibitive.

b. PENITENTIARY. When an accused person is convicted of a crime and sentenced to at least one year incarceration, he may be sent to the penitentiary, the State Farm, or the State Industrial School, if a juvenile. Each institution serves a different purpose. The State Penitentiary is located at Bismarck and is the only institution in the state designed to confine felony offenders for extended periods. It has the traditional prison look with high walls around an open courtyard. Facilities include a library, kitchen and dining facilities, recreation areas, an assembly hall, staff offices, industrial shops, 280 individual cells, and a barracks for fifty prisoners.[102] At the end of 1973, there were 147 inmates at the penitentiary thus filling it to approximately half capacity.[103] Half of the inmates were serving sentences for burglary, delivery of drugs, first degree robbery, or assault against a peace officer.[104] Most of the prisoners were young, in the 16-28 age group.[105]

The penitentiary employs a staff of over one hundred people consisting of three administrators; fifty-three full-time (and some part-time) custodial officers; ten supervisors of the industrial shops; thirteen social services personnel; and business, maintenance, food, and medical staff members.[106]

The authorization and operation of the State Penitentiary is governed by NDCC Chapters 12-47 and 12-48.

Because of the lack of suitable state facilities for women convicted of commission of a crime, the director of institutions has been empowered since 1971 to contract for the needed services and facilities with other states.[107] Accordingly, North Dakota has utilized women's facilities in York, Nebraska and Yankton, South Dakota.

c. STATE FARM. The State Farm is a medium-to-minimum security facility located a few miles outside of Bismarck. It has no walls, fences, or barriers to contain its inmates. It is primarily a farming and cattle raising operation but inmates are also engaged in carpentry, woodcutting, small engine repair, and welding.[108]

Misdemeanant offenders make up the entire inmate population at the State Farm. Felons may be transferred from the penitentiary or sent directly to the farm upon conviction but their offenses are then automatically reduced to misdemeanors by state law.[109] The maximum length of sentence that may be imposed on a person sent to the State Farm is one year and the minimum is thirty days.[110] During fiscal year 1973, eighty-five offenders were sent to the farm; most of the crimes for which they were convicted are generally considered to be felonies: possession or sale of drugs, burglary, grand larceny, possession of stolen property, and first degree robbery. The average daily population at the State Farm during 1973 was 37 inmates. Three-fourths were under 24 years of age.[111]

Since the State Farm is under the control of the penitentiary, its staff members are, in essence, considered part of the penitentiary staff. Seven people work at the State Farm — a farm manager, a cook, and five corrections officers.[112]

d. PROBATION AND PAROLE. Not all persons convicted of felonies are incarcerated in a state institution. In fact, the vast majority are placed on probation, they may be given a suspended execution of sentence, or they may be released under the parole program of the penitentiary. The State Parole Department is charged with supervision of these people. It is located in Bismarck near the prison, with agents

located in the major cities around the state. One administrator, three secretaries, and thirteen agents are employed full-time by the department which is under the administrative control of the State Board of Pardons (consisting of the Governor, the Chief Justice of the State Supreme Court, and the Attorney General).[113]

The duties of the parole officers consist of assisting parolees and probationers in finding suitable living quarters and jobs, helping them re-establish themselves in society, and ensuring that they live up to the conditions of their parole or probation. They also provide counseling whenever possible. Some pre-sentence reporting is done by the Parole Department in accordance with Rule 32 of the North Dakota Rules of Criminal Procedure. Presently, parole officers are generally required by departmental policy to have a degree in Social Science or Social Work. There is no statutory requirement of this nature, however. In-service training programs, both in-state and out-of-state, are utilized whenever possible.

In July of 1974, there were 157 parolees and 854 probationers under the supervision of the State Parole Department. There were also 119 offenders convicted in North Dakota courts who were supervised by similar departments in other states.[114]

e. INDUSTRIAL SCHOOL. Juveniles in North Dakota may be sent to the State Industrial School at Mandan. This a coeducational institution that has a purpose of detention, instruction, and rehabilitation of those youths who have not properly adjusted to their home communities and have been committed to the school.[115] Both vocational and academic education programs are provided. Job training includes work with welding, small engines, home economics, industrial trades, and arts and crafts, tailored to the needs of the individual juveniles.

At the end of fiscal year 1974, the industrial school housed 132 students, 27 of whom were girls. The age of students received during fiscal 1974 ranged from 12 to 18 with an average age of sixteen years.[116] In situations where the juvenile becomes eighteen prior to the expiration of his term of training, the industrial school may nevertheless detain him beyond his eighteenth birthday (but the youth's entire commitment may not exceed two years and must, of course, be by court order).[117] Adjudications of delinquency in 1974 were primarily for burglary, theft, incorrigibility, and runaway. More than 4 out of 5 of the juveniles had served a period of probation before being committed to the School.[118]

It is the responsibility of a staff of 67 full-time and two part-time personnel to rehabilitate these youngsters. The staff is broken down into six people in administration, nine involved with treatment, sixteen educational and vocational personnel, twenty-four child care personnel, and fourteen involved in maintenance and food service.[119]

Rather than being committed to the industrial school, delinquent children may be sent to "halfway" houses. These are group residences that use community services to try to rehabilitate adjudicated delinquents. One home is in Bismarck and is academically-oriented; another home is in Wahpeton and career-oriented, sending students to the North Dakota State School of Science. A third home, for girls, is located in Fargo and is oriented toward both academic and career interests. The LEAA has provided funding for group homes as alternatives to incarceration for adjudicated delinquents in Grand Forks, Fargo, and Williston. All of these homes are staffed by married couples acting as houseparents, case workers, social workers, and employees of area social service centers and county welfare offices.

f. PRE-ADJUDICATION DETENTION OF JUVENILES. When a juvenile is arrested, he is often placed in the same type of facility as is used for adult offenders. It is usually merely a cell in a city or county jail but separated from the adult cells. In 1973, 319 youths were detained overnight or longer in this type of confinement. An additional 76 youths were detained in juvenile detention homes; 225 were held in foster care homes; and 84 were placed with relatives, friends, or elsewhere.[120] State law requires that a detained juvenile receive a hearing within 96 hours of the time of his detention.[121] He may not be placed in shelter care prior to a hearing unless such care "is required to protect the person or property of others or of the child or because the child may abscond or be removed from the jurisdiction of the court or because he has no parent, guardian, or custodian or other person able to provide supervision and care for him and return him to the court when required, or an order for his detention or shelter care has been made by the court . . ."[122]

The jails where juveniles are held have no programs for education or recreation for the youth detained therein. They are much like adult jails in this respect. Reading material, television, and radio are available in some juvenile jails. The personnel staffing the jails are generally the same as those who staff adult jails. No information is available regarding the youths detained overnight; the charges are

usually that they were under the influence of drugs or alcohol, physically aggressive, runaways, repeat offenders, or ordered by the court to be detained.[123]

Fargo has the only juvenile detention home in the state. It is primarily a holding facility for the youth while he is awaiting his hearing. There is no program of directed activities, and the home is staffed by married couples who have no requirements of professional training to meet.[124]

Grants have been awarded under the Juvenile Delinquency Prevention and Control Act for funding of group homes for children at the Fort Berthold Indian Reservation, the Turtle Mountain Indian Reservation, and the Charles Hall Youth Services homes in Bismarck (for Indian youth). The focus of these homes is on pre-delinquent children who have shown some tendency towards delinquency. They are staffed in much the same way as the group homes funded by the LEAA.

There is a large number of private youth service agencies across the state that work with delinquent or prone-to-delinquency youth. Some of these are Children's Village, Dakota Boy's Ranch, Villa Nazareth, Friendship House, YMCA projects, Catholic Family Services, Lutheran Social Services, and the Williams County Group Home for Girls.

g. STATE YOUTH AUTHORITY. The State Youth Authority (SYA) is given custody of delinquent and unruly children sent to it by the juvenile courts. It then provides diagnostic testing and evaluation of these youths, and may place them in the custody of their parents or guardians, foster homes, private institutions, vocational schools, the State Industrial School, or even in an appropriate institution in another state. Determinations are to be made in the best interest of the child and in the best interest of the state. The SYA retains jurisdiction over those children delegated to it until they reach the age of eighteen, subject to the authority of the committing court and Chapter 27-20 of the North Dakota Century Code (Uniform Juvenile Court Act).[125]

Since its creation of 1969 and for a period ending September 30, 1974, the SYA handled 560 custody placements, 188 of which are still open cases. Approximately half of the youths still in the jurisdiction of the SYA are residing with their parents. Another twenty-six percent are spending time at the industrial school either on an indeterminate basis or for testing and evaluation. The remainder are placed in foster homes (10%), the State Hospital at Jamestown (1%), private or public treatment facilities (11%), or are in an independent living arrangement or missing (4%).[126]

The State Youth Authority is headed by a director, and consists of eleven corrections specialists in the Area Social Service Centers and one specialist at the industrial school. All of the personnel must qualify under the Merit System's requirements for a caseworker.[127]

h. RESERVATION CORRECTIONS. Each of the four Indian reservations in the state has a jail run by the BIA. All of them were built since 1958, hence they are newer than the average off-reservation jails in North Dakota. Eight jailers are employed at Fort Berthold, six at Fort Yates (which has the largest bed-capacity jail), four at Turtle Mountain, and three at Fort Totten.[128] The jailers also serve as radio dispatchers. There is presently no available data regarding the prisoners or the standards for the jailers.

PART II
SIGNIFICANT DATES

Significant dates and events associated with the history of the standards and goals project in North Dakota are summarized below.

January 23, 1973

The National Advisory Commission (NAC) on Criminal Justice Standards and Goals published its report, "A National Strategy to Reduce Crime." This report is the basis for most efforts in North Dakota to develop and implement criminal justice standards and goals.

March 28, 1974

LEAA discretionary grant 74-DF-08-0020 was awarded to the University of North Dakota with the implementing agency designated as the University of North Dakota School of Law. This grant was in the amount of $297,179.00, consisting of federal and state funds. It was used to provide staff salaries, commissioner travel expenses, office expenses, and publication costs for the North Dakota standards and goals project.

April 1, 1974

Mr. Jack McDonald was appointed staff director of the North Dakota Criminal Justice Commission, and staff selection and formation was begun.

July 10, 1974

A 50-member Criminal Justice Commission was selected by Governor Authur Link, Attorney General Allen I. Olson, and Chief Justice Ralph Erickstad. These people were chosen from a list of nominees submitted by various state organizations. The list of nominating organizations is attached as Appendix C. The people nominated and selected represent the 14 interest areas of (1) courts, (2) police, (3) corrections, (4) business, (5) agriculture, (6) government, (7) religion, (8) medicine, (9) education, (10) youth, (11) Indians, (12) news media, (13) political parties, and (14) women.

July 31, 1974

The first meeting of the North Dakota Criminal Justice Commission was held in Grand Forks, North Dakota.

August to December, 1974

Task force meetings and public hearings were held on the NAC standards and goals.

November 25-26, 1974

Second meeting of the North Dakota Criminal Justice Commission. At the meeting, a preliminary group of high priority standards were adopted by the Commission and implementation techniques were devised.

January to March, 1975

Forty-fourth North Dakota Legislative Assembly met, at which the North Dakota Criminal Justice Commission introduced or supported 42 seperate items of legislation.

April to September, 1975

Continuation of task force meetings and development of additional standards and goals for the State of North Dakota.

October 8-9, 1975

Third meeting of the North Dakota Criminal Justice Commission. At this meeting, final recommendations were made for improvement of the criminal justice system and the compilation of a set of standards and goals for the State of North Dakota was completed.

October to December, 1975

The final report of the North Dakota Criminal Justice Commission was compiled and distributed for comments among state agencies and citizens.

December, 1975 to March, 1976

Implementation designs will be divised, preliminary legislative drafts will be made, and necessary contacts will be established throughout North Dakota to implement the standards and goals.

March, 1976 to March, 1977

Implementation will be carried out and state agency plans will incorporate implementation designs. This will include submission of legislative proposals to the Forty-fifth Legislative Assembly of the State of North Dakota.

All of the events outlined in this chronology are discussed in detail in the body of this report.

PART III
ORGANIZATIONAL STRUCTURE AND MAKEUP OF THE NORTH DAKOTA CRIMINAL JUSTICE COMMISSION

The North Dakota Criminal Justice Commission is a 50-member group of appointed North Dakotans from virtually all walks of life and all areas of the state. Of the 60 people who have served as commissioners, 30 are professionals in various aspects of the criminal justice system, while 30 of them are in other fields. Every city with a population in excess of 12,000 has a resident on the Commission. Ten of the 15 largest cities have a representative on the Commission. Rural interests are also well represented. Eight of the Commission members come from towns with less than 500 people. Minorities in the state are also represented. Three commissioners are Indians, and there are six women on the Commission.

The 50 members were originally divided into five task forces. These task forces correspond to the task force areas of the National Advisory Commission on Criminal Justice Standards and Goals. They are Community Crime Prevention, Corrections, Courts, Criminal Justice Systems, and Police. In November of 1974, the membership decided to form, from within its ranks, a sixth task force. This is the Juvenile Justice Task Force. Formation of an Indian Task Force was considered, but it was determined that this was unnecessary since the standards being developed in all areas were adaptable to the Tribal Justice System without formation of a separate task force. A list of task force membership is attached as Appendix H. These six task forces have been the basic work groups of the Commission. Each task force has reviewed the status of its particular subject area in North Dakota, examined NAC and other recommended standards, and made recommendations to the full Commission regarding the system. The full Commission then, meeting as a body, accepted, rejected, or modified and accepted these recommendations. The standards contained in this report are the recommended standards of the full body then, and not of the individual task forces. Meetings of the full Commission were chaired by a chairperson elected from the membership. Mr. Ed Becker of Willow City served as temporary chairperson of the Commission from July 31, 1974 to November 25, 1974. Mr. Reis Hall of Mandan served as vice-chairperson during that period. These people were selected by the Commission's Executive Committee. On November 25, 1975 Professor Robert Hubbard of Minot was selected as permanent chairperson of the Commission by the full membership. Mr. Dave Peterson of Bismarck was elected vice-chairperson.

In addition to being structured into task forces, committees were also created for running the Commission. Members of the committees came from within and without the Commission membership. The Executive Committee, alluded to previously, consists of the chairperson, vice-chairperson, chairperson of each task force, executive director of the North Dakota Combined Law Enforcement Council, and Dean of the Law School. The Executive Committee provides policy direction to the staff during periods when the full membership is not in session and supervises the carrying out of directives given to the staff by the full Commission.

The Advisory Committee, consisting of the Governor, Attorney General, and Chief Justice of the Supreme Court, assists in the formation of the Commission and selection of its membership and assists in policy setting for the goals of the group.

The Plans Committee, consisting of the Dean of the School of Law and three professors from the school supervises the staff operations and administrative functions.

The staff performs all formal research work, arranges meeting schedules, and accomplished all administrative work required by the project. At its peak level of operation, 21 people were employed for a three-month period in the summer of 1974. Average staff operating level was five people on a full-time basis. The staff was set up with a director, two assistant directors, an office manager, and a secretary. Due to funding limitations, the staff size was held to an absolute minimum during the final phase of the project. It is hoped that the personnel funds saved will be available to continue the project on a limited basis through the 1977 session of the Legislative Assembly.

The Commission structure and committee makeup seemed to be an effective method of organizing. The task force system made the research work and decision-making process much more manageable. Utilizing action of the full Commission as the definitive recommendations of the group (rather than task force recommendations) gives much more credibility to the recommendations.

The staff structure could have been improved upon. Location of the project in Grand Forks was probably unfortunate although necessary, given the space limitations of the office of the State Planning Agency. A clearer definition of the scope of duties and responsibilities of the staff might also have been provided to the director prior to

commencement of the project. As it was, the director was forced to use a trial and error technique in organizing and carrying forward the work of the Commission. This may have been due, in large part, to the fact that this was a novel effort in the criminal justice area. Future efforts may benefit from this experience. It is strongly recommended that an exact set of goal statements be developed if future projects are undertaken and that they be rigidly adhered to. Specific staffing considerations are more extensively discussed in the next section of this report.

PART IV
STAFFING THE CRIMINAL JUSTICE COMMISSION

The grant application submitted in March of 1974 called for a staff consisting of a full-time director, two full-time assistant directors, a full-time office manager, and a full-time secretary. The application specifically outlines the position of director, stating:

> The Director will be selected by the Dean of the University of North Dakota School of Law with the advice and consent of the Plans Committee, to be composed of members of the faculty of the School of Law, appointed by the Dean. The Director shall be a member of the Bar of North Dakota, shall maintain an office within the School of Law and work with the Law Faculty, but shall not necessarily be a member of the faculty or perform any instructional duties. His function will consist of maintaining responsibility for the entire program, developing standards and goals and their applicability, recommending programs to the legislative, executive, and judicial branches of government and developing . . . periodic reports and surveys on the criminal justice program in North Dakota . . .

The application further states that the director will have "a staff of two assistants . . . plus research assistants and attorneys drawn from the ranks of the Law School and Bar."

The job description of the assistant directors, prepared prior to hiring, outlines their duties. It states they:

> Must use initiative to determine ways in which they can assist in the smooth operation of the North Dakota Criminal Justice Commission.
>
> Must be able to directly supervise the work of any part-time student or faculty researchers employed by the Commission, and to coordinate with the overall work of the Commission.
>
> Must be able to work with any consultants hired by the Criminal Justice Commission and must be able to give them supervision in their work and coordinate their work with that of the professional Commission staff.
>
> Must be able to supervise the work of the Commission's secretarial staff and to handle some of the administrative responsibilities of the Commission.
>
> Must be able to supervise several writing projects of the Commission and to determine what special reports and other publications may be required by the Commission.

The position of office manager included the following duties:

> "Supervise a clerical staff in relieving the director of operating details.
>
> Relieve director of routine administrative details and may assist in establishing and administering special projects.
>
> Maintain a wide variety of records and reports for budgets, inventory, travel, payroll, etc.
>
> As approved by director, purchase equipment and supplies required to maintain office.
>
> Handle details for meetings of Commission, internal committees, and staff.
>
> Advise personnel regarding office procedure.
>
> Supervise and type task force reports, general correspondence and legislative recommendations; take and transcribe dictation of related work.
>
> Regular scope of secretarial and receptionist duties.
>
> Performs other duties as required."

The duties of secretary were outlined as follows:

> "Transcribe and type a wide range of dictation including task force reports, legislative recommendations, and general correspondence.
>
> Perform general office receptionist duties; greet visitors, arrange appointments, and direct telephone calls to proper parties.
>
> Assist in maintaining a variety of records and reports for budget, inventory, travel, payroll, etc.
>
> Assist in routine office management.
>
> Perform other duties as required."

Mr. John T. (Jack) McDonald was employed as director on May 1, 1974. Mr. McDonald is a 1970 graduate of the UND School of Law and holds bachelor's and master's degrees in journalism. He was formerly employed by the Legislative Council. Mr. McDonald's background in journalism, coupled with his experience on the staff of the Legislative

Council, were of great value in the formation and publicizing of the work of the Commission and he was instrumental in the overall success experienced by the Commission in the 1975 North Dakota Legislative Session. Mr. McDonald resigned as director on June 15, 1975.

Mr. Dwight F. Kalash assumed the responsibilities of director on June 15, 1975. He is the current director. Mr. Kalash is a 1971 graduate of the UND School of Law and holds a bachelor's degree in social science with emphasis in political science. Mr. Kalash served as assistant director from October 7, 1974 to June 15, 1975.

In June of 1974 the Commission staff was organized by Mr. McDonald. He employed Mr. Thomas Hamlin and Mr. David Maring as assistant directors during this time. Both are 1974 graduates of the UND School of Law. During the summer of 1974 a total of four law professors and thirteen law students were employed. Mr. Michael Lochow replaced Mr. Hamlin as assistant director in September of 1974 and Mr. Kalash replaced Mr. Maring in October of that year. Mr. Lochow is a 1974 graduate of the UND School of Law. He was employed through August of 1975 and was replaced by Mr. John N. Fleur, a 1975 graduate of the UND School of Law. Mr. Fleur is the only assistant director on the staff at present. During the summer of 1975, five law students were employed on a full-time basis and one law professor on a consultant basis.

Ms. Kathy Benson has been employed as office manager/secretary since inception of the grant. Ms. Bridget Godzala has been employed as secretary since June of 1974.

Since May of 1974 a total of twenty-nine persons have been employed by the North Dakota Criminal Justice Commission.

The staff structure has been adequate, but the relatively short duration of the project and the small size of the staff have caused problems with hiring and retaining competent professional personnel. Since there is virtually no room for upward mobility, (with the exception of Mr. Kalash's move from assistant director to director) most of the full-time professional staff remained with the Commission for only short periods of time. The average employment duration of the five assistant directors was less than six months. Mr. McDonald served fifteen months as Director. Mr. Kalash served nine months. Also to be noted is the fact that, with the exception of Mr. Lochow, who has served with the Grand Forks Police Department, none of the full-time professional staff had any significant criminal justice experience. This shortcoming is also due to the short duration of the project and small staff size.

Perhaps the major advantage to locating a project such as this in the School of Law was the fact that, to a large extent, the full-time professional staff could be drawn from the ranks of recent graduates of the school. In addition, the research personnel needed periodically were readily available among the faculty members and law students.

Should such a project be undertaken again, it is imperative that high salary levels be planned for. Without competitive salaries as were offered staff personnel on this project, in all probability, no one would be retained and very few would be attracted to the job.

One final problem area should be noted regarding the staff structure and operation. The assistant director, according to the job description, must "be able to directly supervise the work of any part-time student or faculty researchers employed . . ." Since no actual "chain of authority" existed placing the faculty researchers under the administrative control of either the director or assistant directors, the only avenue the full-time staff had available to insure efficient utilization of time was the office of the Dean of the Law School. Using such an approach created problems within the school administration. The result was that the work of faculty researchers was not supervised as efficiently as it might have been. Should another project of this type be undertaken, steps should be taken to insure this supervisory authority actually exists, or the use of faculty researchers should be avoided.

PART V
FINANCING

The North Dakota Criminal Justice Commission is funded as a project of the North Dakota Combined Law Enforcement Council. Funds were derived from a discretionary grant of the Law Enforcement Assistance Administration of the U.S. Department of Justice with ten percent ($29,718.00) of the $297,179.00 grant coming from the University of North Dakota.

Principal funding categories were as follows:

a. Personnel
b. Equipment Purchases
c. Travel
d. Leased Equipment, Supplies, and Operating
e. Publication of Report

These categories were subdivided and allotted the following funds for internal administration:

a. Personnel	
1. Director Salary	$ 43,200.00
2. Assistant Director Salaries	51,000.00
3. Secretary Salaries	21,600.00
4. Attorney Salaries	36,000.00
5. Research Staff	36,400.00
6. Consultant Fees	6,250.00
7. Fringe Benefits	15,054.00
b. Equipment Purchases	6,000.00
c. Travel	
1. Director Travel	7,380.00
2. Staff In-state Travel	11,046.00
3. Staff Out-of-state Travel	2,451.00
4. Commissioner Travel	47,400.00
5. Executive and Advisory Committee Travel	2,880.00
d. Leased Equipment, Supplies, and Operating	6,518.00
e. Publication of Report	4,000.00

Budget projections as of November 1, 1975 indicate these categories will be in the following states of expenditure on April 1, 1976, the date scheduled for project completion:

a. Personnel	
1. Director Salary	$ - 1,088.00
2. Assistant Director Salaries	+17,169.00
3. Secretary Salaries	- 2,975.00
4. Attorney Salaries	+13,979.00
5. Research Staff	+ 2,476.00
6. Consultant Fees	+ 5,175.00
7. Fringe Benefits	- 57.00
b. Equipment Purchases	+ 1,170.00
c. Travel	
1. Director Travel	+ 2,735.00
2. Staff In-state Travel	+ 5,031.00
3. Staff Out-of-state Travel	+ 2,013.00
4. Commissioner Travel	+25,100.00
5. Executive and Advisory Committee Travel	+ 2,300.00
d. Leased Equipment, Supplies, and Operating	- 1,270.00
e. Publication of Report	.00

This indicates a final budget surplus of approximately $71,800.00. An explanation of the expenditures made and projected is in order at this point.

Personnel salary projections for the full-time staff proved to be quite accurate. Of the approximately $130,750.00 projected for this category, approximately $127,700.00 will be spent. This is 97%. This discrepancy resulted because the Commission dropped back to one assistant director in September of 1975 rather than in January of 1976 as originally planned. Part of this cost savings was offset, however, by salary increases paid to the first director, assistant directors, and the secretaries over and above those originally projected. These increased expenses resulted in increased fringe benefit expenses.

Of approximately $78,650.00 budgeted for part-time staff, only $21,620.00 will remain. This projection proved to be 72.5% correct. The surplus resulted, for the most part, when it was determined, with the advice of the Plans Committee, that only student, rather than student and attorney researchers, should be used during the summer of 1975. It was felt that since the "empirical" research had largely been accomplished at that point, the remaining work did not warrant expenditure at the hourly rate necessary to secure the services of an attorney researcher.

Of the $6,000.00 originally projected for equipment expenses, $4,830.00 will be expended. This represents 80.5% of the amount budgeted.

Travel expenses were rather seriously overestimated. Of the approximately $68,200.00 budgeted for travel, approximately $36,100.00 will remain. This represents a surplus of approximately 52% in a very substantial budget category and accounts for 50% of the overall projected project surplus. A few words of explanation as to how this came about are in order. As indicated previously, a surplus of $25,100.00 is projected for the category and, by itself, is more than 35% of the overall project surplus. The grant application called for a total of 240 man-days of travel at five hundred miles per man-day or a total of 120,000 man-miles of travel. It also covered a total of 1,000 man-days at an average

daily per diem rate of $33.00. These projections were not unreasonable, given the relatively large size of North Dakota geographically. Nor was the projection on attendance rate overly optimistic. It was based upon anticipated 90% attendance. For most meetings, this was only slightly high. Application based upon a projected 100% attendance rate could have been justified as necessary to insure no shortage of funds resulted if optimum attendance had been achieved.

It was noted early in the project that Bismarck was generally favored as a meeting place. The city is centrally located, houses many agencies examined by the Commission, and is home for a substantial number of Commission members and other persons interested in the work of the Commission.

Consequently, it was used as a meeting place nearly 50% of the time. This substantially reduced travel costs. In addition, as often as possible, meetings were scheduled consecutively in the same city, thereby eliminating "back and forth" staff travel expenses. Finally, commissioners made joint travel arrangements as often as possible and this, too, reduced travel costs.

Thus, it was efficient use of good management techniques and decreased travel requirements that resulted in the budget surplus in this category rather than overstatement of budget needs.

Leased equipment and supply expenses inflated so rapidly that this category of expenditure could have gone completely awry, had consolidated mailings not been arranged and the least costly reproduction facilities not been used. As it is, the budget will end up nearly 28% overspent in this category. It is anticipated that publication and circulation of this report will cost the $4,000.00 projected.

Continuation of the project is planned. Arrangements are underway to readjust the remaining funds into a new budget that will allow for implementation of the standards and goals developed and contained later in this report.

As an aside, in planning future projects of this sort, consideration should be given, at the outset, to the needs of follow-up funding. If matching funds will be required, sources of these funds should be sought prior to beginning of the initial project. This will eliminate, or at least ameliorate, any match fund limitations that might arise during the initial phase of the project. A project such as this should be as insulated as possible from any state or institutional politics and should not be dependent upon other non-related factors for its continued funding.

The proposed budget for continuation of this project, while not completed as yet, will be approximately as follows:

a. Personnel Expenses	$ 38,051.00
b. Travel	18,765.00
c. Operating	8,400.00
d. Equipment	500.00
e. Publications	5,000.00

The personnel category includes salary for a part-time director computed at the rate of $16.00 per hour for a minimum of 60 hours per month for a period of 12 months. This is a total of $11,500.00. Secretarial help and office management is the second element of the personnel portion of the proposed budget. It provides for a full-time office manager at an annual rate of $9,000.00; this person will also serve as full-time secretary. In addition, four months of part-time secretarial help at the rate of $480.00 per month is included; this is $1,920.00. This is a total of $10,920.00 for the two positions for a twelve-month period.

It is anticipated that student research assistants will be utilized for various projects, including legislative drafting and preparation of testimony.

A total of twenty projects requiring 100 hours each is contemplated. Compensation is figured at a rate of $4.00 per hour. This is a total of $8,000.00. Consultant services will be used for some research and administrative functions. It is estimated that 30 days of service will be required, at a rate of $125.00 per day; this is a total of $3,750.00. Fringe benefits for full-time and part-time employees listed above total $3,881.00 computed at a rate of 15%.

The travel budget contemplates 20 trips to Bismarck by the director for three days each trip. At a rate of $30.00 per diem expenses and $75.00 travel expenses (500 miles x $.15 per mile), this is a total of $3,300.00. Other in-state travel by the director comes to $1,320.00. This contemplates six trips of four-day duration at $30.00 per diem expenses plus approximately $100.00 travel expenses per trip. It is anticipated that four out-of-state trips will be necessary during this period. Figuring three days per trip at $35.00 per diem expenses plus an average air fare expense of $300.00 per trip, this totals $1,620.00.

It is expected that commissioners will travel, particularly during the legislative session, on behalf of the Commission. The travel budget includes 120 man-days of travel computed at a rate of $30.00 per diem expenses and travel expenses of $37.50 (250 miles x $.15 per mile) per trip.

Also included is $25.00 per day honorarium. This is a total of $9,825.00. Some travel of the Executive and Advisory Committees will also be required during this time. The budget contemplates forty man-days of travel at a rate of $30.00 per diem expenses plus $75.00 (500 miles x $.15 per mile) travel expenses per trip. This is a total of $2,700.00.

Operating expenses are computed at an average monthly rate of $700.00. This recognizes inflationary trends in this area, and is a substantial monthly increase over the rate used for the original project. The total in this category is $8,400.00. A limited amount of additional office equipment will be required. It is expected that $500.00 will be sufficient for this purpose. Several changes are expected to be made before the standards assume their final form. In order to insure publication of the standards in their final form, an additional $5,000.00 has been budgeted for this purpose. This is an overall total of $70,716.00. As noted above, we are projecting a surplus at the end of March 1976 of $71,800.00; thus, the money left from the initial grant will cover operating expenses as outlined above through March of 1977. It is to be noted that this projection contemplates readjustment of presently available money only and does not require supplemental funding.

PART VI
FORMULATION OF THE STANDARDS AND GOALS

The first task in developing the standards and goals was the development of a set of goals for the Commission as a whole. As an aside, it might be noted that a great debate rages among criminal justice planners as to whether goal setting should precede standard setting or vice-versa. The question appears to be, "Is setting a standard a means to accomplish a goal or is setting a goal a means of defining the need for standards?" Since LEAA generally calls projects such as ours a "standards and goals" project, it would appear that, in the opinion of LEAA policy makers, standard setting precedes goal setting. I'm not certain that this is the case or even that it is a settled question within LEAA. The North Dakota standards and goals project (the Criminal Justice Commission) set goals first and developed standards from the goals thereafter. For the most part, suggested goals for the Commission were outlined by the staff at the first meeting of the Commission in July of 1974. These goals, once developed within each task force, were then prioritized.

In attempting to assemble a comprehensive set of standards for a system as many faceted as the criminal justice system, and in attempting to present well-reasoned alternatives to nationally recommended standards with little or no application to North Dakota, a multitude of problems developed itself at the outset of the undertaking. These problems were further compounded by the fact that research by the Commission staff disclosed that many portions of the system were not, in fact, systematized.

One of the first problems encountered was the development of a way to inform Commission members of how the national standard on a given subject related to the existing system in North Dakota. This effort was found to be essential because research disclosed that in many instances, the North Dakota system operated at a level superior to that recommended by the NAC. In order to prevent adoption by the Commission of a standard that would in fact be a recommendation to downgrade the system, a thorough knowledge of the system as it currently operates was essential.

A second problem that had to be addressed was development of a technique for offering staff advice to the appointed commissioners as to what action to take on a given standard. Quite naturally, the staff, which dealt daily with the standards and goals, developed a more extensive knowledge of the overall project than the commissioners who conducted their work only periodically and pursued their other professional endeavors at other times. Also, the staff members were likely to develop their own opinions as to the advisability of adoption of a given standard. The problem was to prevent the staff opinion from unduly affecting the opinion of the Commission members.

A third problem to be addressed was the development of a suggested method of implementation, should the Commission adopt a given standard. It was felt that this suggested method of implementation should be presented at the time that the standard was first reviewed, it being generally recognized that what must be done to accomplish a task often determines whether or not a task should even be undertaken.

After a great deal of staff research, and several false starts, one format was found that essentially addressed all of these problems at once. It was the format used by the State of Utah in conducting its standards and goals project and became known among staff members as the "Utah style". A sample copy of this format is attached as Appendix I. Every NAC standard was placed into Utah style and these documents then served as the task force working documents. The Utah style presented five subject headings.

First, the NAC standard was set forth in its entirety. Second, a [illegible] outlining the North Dakota status on the standard was presented. This amounted to a fairly detailed explanation of how the North Dakota system of operation compared to what the NAC recommended for optimum operation. This section also set forth the staff comments on the North Dakota system, identifying them as such, and hopefully thereby minimizing the effect of staff personal prejudices upon the task force members. The third section set forth the staff recommendation and was usually stated as concisely as possible. This too was to help minimize the effect of staff influence. The fourth section outlined possible methods of implementation of the standard. The material in this section ranged from statements as simple as "Legislation must be drafted," to recommending the development of statewide advisory groups to develop an operating agency to carry the standard into operation. The final section of the Utah format set forth the heading "Task Force Action" and was filled in after the task force considered a standard. Using this system enabled the staff to keep track of what the Commission was doing and addressed a major staff problem — control of the project.

Given a two-year project, employing a total of 28 full- and part-time staff members and drawing together more than 60 appointed Commission members and interested persons periodically for meetings in various localities in the state, detailed written records (including minutes of all meetings) were an absolute necessity. This final section of the Utah format assisted greatly in keeping track of what had been done with each standard by each task force.

During the four months from August to November of 1974, these work papers were the subject matter of all task force meetings. A full Commission meeting was then held in late November, and from December 1974 to March 1975, efforts were centered on the legislative session. From April 1975 to October 1975, task force meetings were again held using these work papers and all standards not reviewed during the August-November meetings were reviewed. Which standards would be reviewed first had been determined at the July 31, 1974 meeting where the goals had been set and prioritized. During all phases of the task force meeting process, as much publicity was generated as possible about the project. More than 20 articles were published about the project and public participation was invited at all meetings.

Since nearly 50% of the project time was consumed in this type of work, some successes and failures are highlighted below for future efforts of this sort. The task force technique of reviewing the standards and goals made the Commission size more manageable. The largest task force at any one time was composed of less than 15 members. This size group is obviously better able to conduct a discussion than a group of 50 would be. A task force structure also enabled simultaneous review of different material. This was of particular value since the project, during the early phases, was under rather severe time constraints in that some input into the 1975 Legislative Session was highly desirable. The task force structure also divided the subject matter of the NAC reports into manageable portions so that an in-depth review was possible. The NAC reports contain more than 425 standards and total nearly 2,400 pages of material. One body of 50 persons sitting in meetings could not have hoped to give in-depth coverage to such a volume of material. These are, of course, the advantages of any committee system utilized by any large deliberative body. There were less obvious advantages to the small group or task force sytem of approaching formulation of the standards and goals.

The members of the Commission, for the most part, did not know each other personally or professionally when they were selected. Unlike elected bodies, they did not come from well-defined political or interest groups. The task force system enabled the members to get to know each other and this in turn promoted further debate and dialogue on the standards; this was true not only in the task force meetings, but carried over into the Commission meetings as well. In addition, many non-members of the Commission appeared at these task force meetings and voiced their opinions on standards under consideration. Such public input would probably have been diminished if the Commission had conducted its meetings always sitting as a full Commission simply because many people who are willing to speak before a small group are reluctant to address a large group.

There were disadvantages and problems with the task force structure. Some of the things that gave the task force structure strength also caused problems. For example, the very fact that the group was not an elected body, bound by established procedural rules, caused some meetings to be run in an unparliamentary manner resulting in expenditure of time in a less than efficient way. This also created problems for the staff in trying to document in the minutes of the meeting exactly what had transpired. In addition, the small size of the groups tended to create a "group opinion" in some instances and the group entity appeared to become more than the members who composed it. This often resulted in a failure to voice a minority opinion by some members in order to permit the group to get on with its business. Perhaps the greatest weakness of the task force system was the ever present possibility that only a few members would be available for a meeting and that no meaningful debate on the material on the agenda would take place at all. This happened on a limited number of occasions and the task force recommendations that were forwarded to the full Commission from these meetings were of questionable validity.

PART VII
ADOPTION OF THE STANDARDS AND GOALS

The "committee approach" was the procedure used by the Commission in its work; that is to say, standards and accompanying materials were reviewed by the Commission task forces and voted upon (for or against adoption) or modified and voted upon. These recommendations of the task forces were then compiled into reports and the reports were considered by the Commission as a whole, on the question, "Should the report of the task force be adopted by the Commission?" Modifications were made to the reports and the standards contained therein prior to adoption by the full Commission. All standards and goals, in the form adopted by the Commission as a whole, appear elsewhere in this report.

The goal statements were generally formulated by the staff, modified or adopted by the task forces, and proposed in the task force reports to the full Commission. The goal statements were purposely left more imprecise than the standards. The reason for this was to allow flexibility in the scope of system review being conducted by each task force. It was felt that too narrowly stating a goal could have resulted in an undue confinement of the work of the task forces to a very narrow segment of the subject matter of a particular task force study.

It has been the position of the Commission throughout the project that the standards and goals developed were and are purely advisory in nature. As a practical and legal matter, they can be nothing more. Statutory provisions, in many instances, dictate rule and policy-making decision in the North Dakota Criminal Justice System. In addition, many of the standards and most of the recommendations are merely administrative suggestions never intended to be either law or regulation. A great number of these suggestions can be "adopted" or carried into operation only by the particular institution involved. These suggestions touch upon topics relating to everything from churches operating in the state to the manner in which streets in cities are lighted at night. Recommendations are made for legislation in many instances, but just as frequently, implementation of a standard would require nothing more than a change in office procedure in a given institution or agency.

The question then arises, "What is to be done with these standards, goals, and recommendations?" In this regard, three distinct possibilities present themsleves. First, all of the material developed by the Commission can be ignored by every person and every agency that is part of the criminal justice system of North Dakota. This, of course, would be wasteful and non-productive. Second, everything recommended by the Commission could be carried into effect by every person and agency to which a particular standard or recommendation relates. This, too, would probably be a non-productive effort. More importantly, however, it is unrealistic to expect this to happen. The purpose of the standards and goals process is not to further burden the delivery of justice, but to improve and streamline it. Not all standards, no matter how carefully examined and drafted, are practically capable of implementation. Nor is any given standard right for every level or type of operating agency. Therefore, the third alternative is the only realistic way to use the material developed by the Commission. This is the systematic review, by criminal justice professionals and agencies and all other groups addressed by the recommendations, of the report and reasoned decisions by these persons and groups as to whether or not efforts should be made to implement the standards and goals applicable to them. This specific technique, and how efforts will be made to utilize it, is addressed later in this report under the heading "Implementation."

PART VIII
STANDARDS AND GOALS

The following listing is all standards and goals developed by the North Dakota Criminal Justice Commission. Goals are listed first, and by task force because the standards are viewed as a part of the goals developed. The standards have been grouped under the specific goals they address in Appendix J.

In the process of grant application, several overall project goals were stated. These included the following:

1. Submission of a set of standards to the state that will result in the development of improved criminal justice data collection techniques.
2. Create an increase in public awareness of and support for the criminal justice system.
3. Create an increase in public awareness of and support for crime prevention programs.
4. Submission of a set of standards to the state that will result in the development of a unified court system.
5. Submission of a set of standards to the state to effect an upgrading of personnel working in the criminal justice system.
6. Submission of a set of standards to the state to establish a minimum training program for municipal judges.
7. Submission of a set of standards to the state to create a full-time prosecutor system.
8. Submission of a set of standards to the state effecting a reduction in processing time of those entering the judicial system.
9. Analyze the effect the criminal justice system has on victims of crime.
10. Submission of a set of standards to the state that will develop a mechanism for a comprehensive criminal justice education plan.
11. Analyze the operation of the Pardon and Parole Boards to determine their effectiveness in carrying out stated and implied functions.

The order presented does not indicate order of priority.

In addition to the stated overall objectives, task force goals were developed as indicated above. These included:

Courts Task Force

1. Submission of a set of standards to the state creating a policy on screening and diversion.
*2. Submission of a set of standards to the state that would eventually abolish plea bargaining.
3. Submission of a set of standards to the state setting maximum time periods permissible for each phase of a criminal prosecution.
4. Submission of a set of standards to the state that would establish a system of appellate review of sentencing.
5. Submission of a set of standards to the state creating an improved method of judicial selection and proposing reforms in judicial tenure, compensation, education and discipline.
6. Submission of a set of standards to the state providing for an effective and expanded office of state court administrator.
7. Submission of a set of standards to the state recommending improvements in court/community relations.
8. Submission of a set of standards to the state creating a full-time public defender organization coordinated with an assigned legal counsel system.
9. Submission of a set of standards to the state establishing a family court division within a unified court.

* This goal was subsequently rejected by the Commission.

Community Crime Prevention Task Force

1. Submission of a set of standards and recommendations to the state that, if implemented, will result in increased citizen involvement in the processes of the criminal justice system.
2. Submission of a set of standards and recommendations designed to improve child abuse legislation in North Dakota.
3. Submission of a set of standards and recommendations that, if implemented, will result in improved prevention and treatment programs for alcohol and drug abusers.
4. Submission of a set of standards and recommendations that, if implemented, will result in the reduction of criminal opportunity.

5. Submission of a set of standards and recommendations designed to insure integrity in all levels of governmental operations.

Corrections Task Force

1. Submission of a set of standards designed to maximize the rights of prisoners and insure that any rights taken away are only those necessary to carry out a criminal sanction or administer a correctional facility or agency.
2. Submission of a set of standards designed to divert those engaged in victimless crimes from the correctional system.
3. Submission of a set of standards designed to encourage the use of community based correctional facilities.
4. Submission of a set of standards designed to bring about the creation of a unified department of corrections.
5. Submission of a set of standards designed to encourage recruitment of minority group members and volunteers to work in the corrections field.
6. Submission of a set of standards designed to increase public awareness of correctional programs in North Dakota.

Criminal Justice Systems Task Force

1. Submission of a set of standards designed to improve criminal justice planning in North Dakota.
2. Submission of a set of standards designed to improve the quality, content, and effectiveness of criminal justice information systems in North Dakota.

Juvenile Justice Task Force

1. Submission of a set of standards designed to insure:
   a. Due process for the juvenile, including presence of "independent" counsel at all critical stages;
   b. Uniform interpretation and application of the state's Uniform Juvenile Court Act;
   c. Development of uniform juvenile records and forms; and
   d. A systemized method of assuring input into the system from persons outside the system.
2. Submission of a set of standards designed to insure that juvenile justice personnel maintain the highest professional and educational standards.
3. Submission of a plan for the creation of a juvenile justice training commission.
4. Submission of a set of standards designed to insure the creation of effective and innovative specialized programs including providing for:
   a. Effective alternatives between probation and incarceration;
   b. More extensive parenthood education programs;
   c. Better use of volunteers within the juvenile justice system;
   d. Development of better prevention programs;
   e. Improvement of police/juvenile relationships; and
   f. Better early detection programs.
5. Submission of a set of standards designed to improve the delivery of juvenile justice in rural areas.

Police Task Force

1. Submission of a set of standards and goals designed to meet citizen needs in the delivery of police services.
2. Undertake an examination of the concept of consolidation of police services and make recommendations relating thereto.
3. Submission of a set of standards designed to encourage citizen participation in law enforcement.
4. Submission of a set of standards designed to improve the operation of individual law enforcement agencies.
5. Submission of a set of standards designed to improve the morale and working conditions of law enforcement personnel.
6. Submission of a set of standards designed to increase rapport between law enforcement agencies and the general public.
7. Submission of a set of standards designed to increase the availability of state facilities to rural law enforcement agencies.

COURTS STANDARDS
CHAPTER 1
Screening

Standard 1.1
Criteria for Screening

The need to halt formal or informal action concerning some individuals who become involved in the criminal justice system should be openly recognized. This need may arise in a particular case because there is insufficient evidence to justify further proceedings or because — despite the

availability of adequate evidence — further proceedings would not adequately further the interests of the criminal justice system.

An accused should be screened out of the criminal justice system if there is not a reasonable likelihood that the evidence admissible against him would be sufficient to obtain a conviction and sustain it on appeal. In screening on this basis, the prosecutor should consider the value of a conviction in reducing future offenses, as well as the probability of conviction and affirmance of that conviction on appeal.

An accused should be screened out of the criminal justice system when the benefits to be derived from prosecution or diversion would be outweighed by the costs of such action. Among the factors to be considered in making this determination are the following:

1. Any doubt as to the accused's guilt;

2. The impact of further proceedings upon the accused and those close to him, especially the likelihood and seriousness of financial hardship or family life disruption;

3. The value of further proceedings in preventing future offenses by other persons, considering the extent to which subjecting the accused to further proceedings could be expected to have an impact upon others who might commit such offenses, as well as the seriousness of those offenses;

4. The value of further proceedings in preventing future offenses by the offender, in light of the offender's commitment to criminal activity as a way of life; the seriousness of his past criminal activity, which he might reasonably be expected to continue; the possibility that further proceedings might have a tendency to create or reinforce commitment on the part of the accused to criminal activity as a way of life; and the likelihood that programs available as diversion or sentencing alternatives may reduce the likelihood of future criminal activity;

5. The value of further proceedings in fostering the community's sense of security and confidence in the criminal justice system;

6. The direct cost of prosecution, in terms of prosecutorial time, court time, and similar factors;

7. Any improper motives of the complainant;

8. Prolonged nonenforcement of the statute on which the charge is based;

9. The likelihood of prosecution and conviction of the offender by another jurisdiction; and

10. Any assistance rendered by the accused in apprehension or conviction of other offenders, in the prevention of offenses by others, in the reduction of the impact of offenses committed by himself or others upon the victims, and any other socially beneficial activity engaged in by the accused that might be encouraged in others by not prosecuting the offender.

Standard 1.2
Procedure for Screening

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

No complaint should be filed or arrest warrant issued without the formal approval of the prosecutor. Where feasible, the decision whether to screen a case should be made before such approval is granted. Once a decision has been made to pursue formal proceedings, further consideration should be given to screening an accused as further information concerning the accused and the case becomes available. Final responsibility for making a screening decision should be placed specifically upon an experienced member of the prosecutor's staff.

The prosecutor's office should formulate written guidelines to be applied in screening. Where possible, such guidelines, as well as the guidelines promulgated by the police, should be more detailed. The guidelines should identify as specifically as possible those factors that will be considered in identifying cases in which the accused will not be taken into custody or in which formal proceedings will not be pursued. They should reflect local conditions and attitudes, and should be readily available to the public as well as to those charged with offenses, and to their lawyers. They should be subjected to periodic reevaluation by the police and by the prosecutor.

When a defendant is screened after being taken into custody, a written statement of the prosecutor's reasons should be prepared and kept on file in the prosecutor's office. Screening practices in a prosecutor's office should be reviewed periodically by the prosecutor himself to assure that the written guidelines are being followed.

The decision to continue formal proceedings should be a discretionary one on the part of the prosecutor and should not be subject to judicial review, except to the extent that pretrial procedures provide for judicial determination of the sufficiency of evidence to subject a defendant to trial. Alleged failure of the prosecutor to adhere to stated guidelines or general principles of screening should not be the basis for attack upon a criminal charge or conviction.

If the prosecutor screens a defendant, the police or the private complainant should have recourse to the court. If the court determines that the decision not to prosecute constituted an abuse of discretion, it should order the prosecutor to pursue formal proceedings.

CHAPTER 2
Diversion

Standard 2.1
General Criteria for Diversion

In appropriate cases offenders should be diverted into noncriminal programs before formal trial or conviction.

Such diversion is appropriate where there is a substantial likelihood that conviction could be obtained and the benefits to society from channeling an offender into an available noncriminal diversion program outweigh any harm done to society by abandoning criminal prosecution. Among the factors that should be considered favorable to diversion are: (1) the relative youth of the offender; (2) the willingness of the victim to have no conviction sought; (3) any likelihood that the offender suffers from a mental illness or psychological abnormality which was related to his crime and for which treatment is available; and (4) any likelihood that the crime was significantly related to any other condition or situation such as unemployement or family problems that would be subject to change by participation in a diversion program.

Among the factors that should be considered unfavorable to diversion are: (1) any history of the use of physical violence toward others; (2) involvement with syndicated crime; (3) a history of antisocial conduct indicating that such conduct has become an ingrained part of the defendant's lifestyle and would be particularly resistant to change; and (4) any special need to pursue criminal prosecution as a means of discouraging others from committing similar offenses.

Another factor to be considered in evaluating the cost to society is that the limited contact a diverted offender has with the criminal justice system may have the desired deterrent effect.

Standard 2.2
Procedure for Diversion Programs

The appropriate authority should make the decision to divert as soon as adequate information can be obtained.

Guidelines for making diversion decisions should be established and made public. Where it is contemplated that the diversion decision will be made by police officers or similar individuals, the guidelines should be promulgated by the police or other agency concerned after consultation with the prosecutor and after giving all suggestions due consideration. Where the diversion decision is to be made by the prosecutor's office, the guidelines should be promulgated by that office.

When a defendant is diverted in a manner not involving a diversion agreement between the defendant and the prosecution, a written statement of the fact of, and reason for, the diversion should be made and retained. When a defendant who comes under a category of offenders for whom diversion regularly is considered is not diverted, a written statement of the reasons should be retained.

Where the diversion program involves significant deprivation of an offender's liberty, diversion should be permitted only under a court-approved diversion agreement providing for suspension of criminal proceedings on the condition that the defendant participate in the diversion program. Procedures should be developed for the formulation of such agreements and their approval by the court. These procedures should contain the following features:

1. Emphasis should be placed on the offender's right to be represented by counsel during negotiation for diversion and entry and approval of the agreement.

2. Suspension of criminal prosecution for longer than one year should not be permitted.

3. An agreement that provides for a substantial period of institutionalization should not be approved unless the court specifically finds that the defendant is subject to nonvoluntary detention in the institution under noncriminal statutory authorizations for such institutionalization.

4. The agreement submitted to the court should contain a full statement of those things expected of the defendant and the reason for diverting the defendant.

5. The court should approve an offered agreement only if it would be approved under the applicable criteria if it were a negotiated plea of guilty.

6. Upon expiration of the agreement, the court should dismiss the prosecution and no future prosecution based on the conduct underlying the initial charge should be permitted.

7. For the duration of the agreement, the prosecutor should have the discretionary authority to determine whether the offender is performing his duties adequately under the agreement and, if he determines that the offender is not, to reinstate the prosecution.

Whenever a diversion decision is made by the prosecutor's office, the staff member making it should specify in writing the basis for the decision, whether or not the defendant is diverted. These statements, as well as those made in cases not requiring a formal agreement for diversion, should be collected and subjected to periodic review by the prosecutor's office to insure that diversion programs are operating as intended.

The decision by the prosecutor not to divert a particular defendant should not be subject to judicial review.

CHAPTER 3
The Negotiated Plea

Standard 3.1
Propriety of Plea Discussions and Plea Agreements

1. In cases in which it appears that the interest of the public in the effective administration of criminal justice would thereby be served, the prosecuting attorney may engage in plea discussions for the purpose of reaching a plea agreement. He should engage in plea discussions or reach a plea agreement with the defendant only through defense counsel, except when the defendant is not eligible for or does not desire appointment of counsel and has not retained counsel.

2. The prosecuting attorney, in reaching a plea agreement, may agree to one or more of the following, as dictated by the circumstances of the individual case:

a. To make or not to oppose favorable recommendations as to the sentence which should be imposed if the defendant enters a plea of guilty;
b. To seek or not to oppose dismissal of the offense charged if the defendant enters a plea of guilty to another offense reasonably related to defendant's conduct; or
c. To seek or not to oppose dismissal of other charges or potential charges against the defendant if the defendant enters a plea of guilty;

3. Similarly situated defendants should be afforded equal plea agreement opportunities.

Standard 3.2
Record of Plea and Agreement

Where a negotiated guilty plea is offered, the agreement upon which it is based should be presented to the judge in open court for his acceptance or rejection. In each case in which such a plea is offered, the record should contain a full statement of the terms of the underlying agreement and the judge's reasons for accepting or rejecting the plea.

Standard 3.3
Uniform Plea Negotiation Policies and Practices

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

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

Neither the statement of policies nor its applications should be subject to judicial review. The prosecutor's office should assign an experienced prosecutor to review negotiated pleas to insure that the guidelines are applied properly.

Standard 3.4
Time Limit on Plea Negotiations

Each jurisdiction should set a time limit after which plea negotiations may no longer be conducted. The sole purpose of this limitation should be to insure the maintenance of a trial docket that lists only cases that will go to trial. After the specified time has elapsed, no negotiated pleas should be allowed, except in unusual circumstances and with the approval of the judge and the prosecutor.

Standard 3.5
Representation by Counsel During Plea Negotiations

No plea negotiations should be conducted until a defendant has been afforded an opportunity to be represented by counsel. If the defendant is represented by counsel, the negotiations should be conducted only in the presence of and with the assistance of counsel.

Standard 3.6
Prohibited Prosecutorial Inducements to Enter A Plea of Guilty

No prosecutor should, in connection with plea negotiations, engage in, perform, or condone any of the following:

1. Charging or threatening to charge the defendant with offenses for which the admissible evidence available to the prosecutor is insufficient to support a guilty verdict.

2. Charging or threatening to charge the defendant with a crime not ordinarily charged in the jurisdiction for the conduct allegedly engaged in by him.

3. Threatening the defendant that if he pleads not guilty, his sentence may be more severe than that which ordinarily is imposed in the jurisdiction in similar cases on defendants who plead not guilty.

4. Failing to grant full disclosure before the disposition negotiations of all exculpatory evidence material to guilt or punishment.

Standard 3.7
Acceptability of a Negotiated Guilty Plea

The court should not participate in plea negotiations. It should, however, inquire as to the existence of any agreement whenever a plea of guilty is offered and carefully review any negotiated plea agreement underlying an offered guilty plea. It should make specific determinations relating to the acceptability of a plea before accepting it.

Before accepting a plea of guilty, the court should require the defendant to make a detailed statement concerning the commission of the offense to which he is pleading guilty. In the event that the plea is not

accepted, this statement and any evidence obtained through use of it should not be admissible against the defendant in any subsequent criminal prosecution.

The review of the guilty plea and its underlying negotiated agreement should be comprehensive. If any of the following circumstances is found and cannot be corrected by the court, the court should not accept the plea:

1. Counsel was not present during the plea negotiations but should have been;

2. The defendant is not competent or does not understand the nature of the charges and proceedings against him;

3. The defendant was reasonably mistaken or ignorant as to the law or facts related to his case and this affected his decision to enter into the agreement;

4. The defendant does not know his constitutional rights and how the guilty plea will affect those rights; rights that expressly should be waived upon the entry of a guilty plea include:

   a. Right to the privilege against compulsory self-incrimination (which includes the right to plead not guilty);
   b. Right to trial in which the government must prove the defendant's guilt beyond a reasonable doubt;
   c. Right to a jury trial;
   d. Right to confrontation of one's accusers;
   e. Right to compulsory process to obtain favorable witnesses; and
   f. Right to effective assistance of counsel at trial.

5. During plea negotiations the defendant was denied a constitutional or significant substantive right that he did not waive;

6. The defendant did not know at the time he entered into the agreement the mandatory minimum sentence, if any, and the maximum sentence that may be imposed for the offense to which he pleads, or the defendant was not aware of these facts at the time the plea was offered;

7. The defendant has been offered improper inducements to enter the guilty plea;

8. The admissible evidence is insufficient to support a guilty verdict on the offense for which the plea is offered, or a related greater offense;

9. The defendant continues to assert facts that, if true, establish that he is not guilty of the offense to which he seeks to plead; and

10. Accepting the plea would not serve the public interest. Acceptance of a plea of guilty would not serve the public interest if it:

   a. Places the safety of persons or valuable property in unreasonable jeopardy;
   b. Depreciates the seriousness of the defendant's activity or otherwise promotes disrespect for the criminal justice system;
   c. Gives inadequate weight to the defendant's rehabilitative needs; or
   d. Would result in conviction for an offense out of proportion to the seriousness with which the community would evaluate the defendant's conduct upon which the charge is based.

A representative of the police department should be present at the time a guilty plea is offered. He should insure that the court is aware of all available information before accepting the plea and imposing sentence.

When a guilty plea is offered and the court either accepts or rejects it, the record must contain a complete statement of the reasons for acceptance or rejection of the plea.

Standard 3.8
Effect of the Method of Disposition on Sentencing

The fact that a defendant has entered a plea of guilty to the charge or to a lesser offense than that initially charged should not be considered in determining sentence.

CHAPTER 4
The Litigated Case

Standard 4.1
Time Frame for Prompt Processing of Criminal Cases

The period from arrest to the beginning of trial of a felony prosecution generally should not be longer than 180 days. In a misdemeanor prosecution, the period from arrest to trial generally should be 180 days or less.

Standard 4.2
Procedure in Misdemeanor Prosecutions

Preliminary hearings should not be available in misdemeanor prosecutions.

All motions and an election of nonjury trial should be required within 7 days after appointment of counsel. Copies of motions should be served upon the prosecutor by defense counsel.

Upon receipt of the motions, the court should evaluate the issues raised. Motions requiring testimony should be heard immediately preceding trial. If testimony will not be needed, arguments on the motions should be heard immediately preceding trial. However, should a continuance be needed, the court should notify the prosecution and defense that the motions will be heard on the scheduled trial date and that trial will be held at a specified time within 10 days thereafter.

Standard 4.3
Limitation of Grand Jury Functions

Grand jury indictment should not be required in any criminal prosecution. If an existing requirement of indictment cannot be removed immediately, provision should be made for the waiver of indictment by the accused. Prosecutors should develop procedures that encourage and facilitate such waivers. If a grand jury indictment is issued in a particular case, no preliminary hearing should be held in that case. In such cases, the prosecutor should disclose to the defense all testimony before the grand jury directly relating to the charges contained in the indictment returned against the defendant.

The grand jury should remain available for investigation and charging in exceptional cases.

Standard 4.4
Presentation Before Judicial Officer Following Arrest

When a defendant has been arrested and a citation has not been issued, the defendant should be presented before a judicial officer as soon as possible after arrest. At this appearance, the defendant should be advised orally and in writing of the charges against him, of his constitutional rights (including the right to bail and to assistance of counsel), and of the date of his trial or preliminary hearing. If the defendant is entitled to publicly provided representation, arrangements should be made at this time. If it is determined that pretrial release is appropriate, the defendant should then be released.

At the initial appearance, the judicial officer should have the authority, upon showing of justification, to remand the defendant to police custody for custodial investigation. Such remands should be limited in duration and purpose, and care should be taken to preserve the defendant's rights during such custodial investigation.

Standard 4.5
Pretrial Release

Adequate investigation of defendants' characteristics and circumstances should be undertaken to identify those defendants who can be released prior to trial solely on their own promise to appear for trial. Release on this basis should be made wherever appropriate. If a defendant cannot appropriately be released on this basis, consideration should be given to releasing him under certain conditions, such as the deposit of a sum of money to be forfeited in the event of nonappearance, or assumption of an obligation to pay a certain sum of money in the event of nonappearance, or the agreement of third persons to maintain contact with the defendant and to assure his appearance.

In certain limited cases, it may be appropriate to deny pretrial release completely.

Standard 4.6
Preliminary Hearing and Arraignment

If a preliminary hearing is held, it should be held within 2 weeks following arrest in cases in which the defendant is held in custody on an inability to post bond except as extended by the court for good cause shown. Evidence received at the preliminary hearing should be limited to that which is relevant to a determination that there is probable cause to believe that a crime was committed and that the defendant committed it

If a defendant intends to waive his right to a preliminary hearing, he should file a notice to this effect at least 48 hours after being advised of his rights to a preliminary hearing.

Standard 4.7
Pretrial Discovery

The prosecution should disclose to the defendant all available evidence that will be used against him at trial. Such disclosure should take place within 5 days of the preliminary hearing, of the waiver of the preliminary hearing, or apprehension or service of summons following indictment, whichever form the initiation of prosecution takes in the particular case. The evidence disclosed should include, but should not be limited to, the following:

1. The names and addresses of persons whom the prosecutor intends to call as witnesses at the trial;

2. Written, recorded, or oral statements made by witnesses whom the prosecutor intends to call at the trial, by the accused, or by any codefendant;

3. Results of physical or mental examinations, scientific tests, and any analyses of physical evidence, and any reports or statements of experts relating to such examinations, tests, or analyses; and

4. Physical evidence belonging to the defendant or which the prosecutor intends to introduce at trial.

The prosecutor should disclose, as soon as possible, any evidence within this description that becomes available after initial disclosure.

The prosecutor also should disclose any evidence or information that might reasonably be regarded as potentially valuable to the defense, even if such disclosure is not otherwise required.

The defendant should disclose any evidence defense counsel intends to introduce at trial. Intent to rely on an alibi or an insanity defense should be indicated. Such disclosure should take place immediately following the resolution of pretrial motions or, in the event no such motions are filed, within 20 days of the preliminary hearing, the waiver of the preliminary hearing, or apprehension or service of summons following indictment, or whichever

form the initiation of prosecution has taken in the case. No disclosure need be made, however, of any statement of the defendant or of whether the defendant himself will testify at trial.

The trial court may authorize either side to withhold evidence sought if the other side establishes in an ex parte proceeding that a substantial risk of physical harm to the witness or others would be created by the disclosure and that there is no feasible way to eliminate such a risk.

Evidence, other than the defendant's testimony, that has not been disclosed to the opposing side may be excluded at trial unless the trial judge finds that the failure to disclose it was justifiable. The desire to maximize the tactical advantage of either the defendant or the prosecution should not be regarded as justification under any circumstances. Where appropriate, a person failing to disclose evidence that should be disclosed should be held in contempt of court.

Standard 4.8
Continuances

Continuances should not be granted except upon written motion and a showing of good cause.

Standard 4.9
Jury Size and Composition

Juries in all criminal cases triable by jury should be composed of not less than 12 persons. The verdict of a jury shall be unanimous.

If a 12-member jury has been seated, a reduction in jury size during trial to not less than 10 persons should be permitted by agreement of the parties and with the consent of the court.

Persons 18 years of age and older should not be disqualified from jury service on the basis of age.

Standard 4.10
Trial of Criminal Cases

All criminal trials should conform to the following:

1. Opening statements to the jury by counsel should be limited to a clear, nonargumentative statement of the evidence to be presented to the jury.

2. Evidence admitted should be strictly limited to that which is directly relevant and material to the issues being litigated. Repetition should be avoided.

3. Summations or closing statements by counsel should be limited to the issues raised by evidence submitted during trial and should be subject to time limits established by the judge.

4. Standardized instructions ordinarily should be utilized in all criminal trials as far as is practicable. Requests by counsel for specific instructions ordinarily should be made at, or before, commencement of the trial. Final assembling of instructions ordinarily should be completed by support personnel under the court's direction prior to the completion of the presentation of the evidence.

Recommendation 4.1
Study of the Exclusionary Rule

Use of the exclusionary rule as a means of attempting to compel compliance by police and others with judicially promulgated rules of conduct should be studied and modification and alternative courses of action should be recommended as appropriate.

CHAPTER 5
Sentencing

Standard 5.1
The Court's Role in Sentencing

Jury sentencing should be abolished in all situations. The trial judge should be required to impose a sentence that, within limits imposed by statute, determines the maximum period a defendant's liberty may be restricted. Within this maximum period, other agencies may be given the power to determine the manner and extent of interference with the offender's liberty. Continuing jurisdiction in the trial court over the offender during the sentence imposed is not inconsistent with this standard.

CHAPTER 6
Review of the Trial Court Proceeding

Standard 6.1
Unified Review Proceeding

Every convicted defendant should be afforded the opportunity to obtain one full and fair judicial review of his conviction and sentence by a tribunal other than that by which he was tried or sentenced. Review in that proceeding should extend to the entire case, including:

1. The legality of all proceedings leading to the conviction;

2. The legality and appropriateness of the sentence;

3. Matters that have heretofore been asserted in motions for new trial; and

4. Errors not apparent in the trial record that heretofore might have been asserted in collateral attacks on a conviction or sentence.

CHAPTER 7
The Judiciary

Standard 7.1
Judicial Selection

The Commission recommends the creation of a judicial nominating commission for North Dakota. The Commission would consist of seven persons: two non-lawyers appointed by the Governor; two non-lawyers appointed by the majority and minority leaders of the North Dakota House and Senate; two lawyers appointed by the Judicial Council; and, as chairman, the Senior Justice, in terms of service and other than the Chief Justice, of the North Dakota Supreme Court. All members would serve two-year terms. The commission must submit three names to the Governor within 30 days after a vacancy occurs, and the Governor must choose one of the three within 30 days. If he fails to do so, the Commission must appoint one of the three nominees. Judges selected run in the second general election after appointment. The House and Senate leaders would together select the two members; the Legislature would not pass on the appointments. The Commission believes it is important to have non-lawyers appointed by the legislative leaders to gain public acceptance of the plan.

Standard 7.2
Judicial Tenure

Initial appointment should be for a term of 6 years for district court judges and 10 years for Supreme Court judges. At the second general election after appointment, and at the end of each term thereafter, the judge shall be required to run in an uncontested election at which the electorate would be given the option of voting for or against retention. If the vote is in favor of retention, he should thereby become entitled to another term.

The Commission also recommends that the mandatory retirement age for District and Supreme Court judges be set at 70. This recommendation was said to be conditional upon establishment of an adequate retirement program. Although no standard of inadequacy was agreed upon, the consensus was that the present retirement plan is inadequate.

The Commission recommends a retirement system for Supreme and District Court judges whereby they would retire on senior status at 75% of the salary of an active judge; if they chose to retire on inactive status, they should get 60% of the salary of an active judge.

Standard 7.3
Judicial Compensation

Judges should be compensated at a rate that adequately reflects their judicial responsibilities. The salaries and retirement benefits of the Federal judiciary should serve as a model for the States. Where appropriate, salaries and benefits should be increased during a judge's term of office.

Standard 7.4
Judicial Discipline and Removal

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

A judicial conduct commission should be created, composed of judges elected by the judicial conference, lawyers elected by the bar, and at least two laymen, of different political persuasions, appointed by the Governor. Whatever the size of the commission, no more than one-third should be members of the judiciary. The commission should be empowered to investigate charges bearing on judges' competence to continue on the bench, and should be empowered to take appropriate action regarding their conduct. The seven-member judicial conduct commission would be composed of two judges, two lawyers and three laymen. No more than two of the laymen may be of the same political party.

Standard 7.5
Judicial Education

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

The State program should have the following features:

1. All new trial judges, within 3 years of assuming judicial office, should attend both local and national orientation programs as well as one of the national judicial educational programs. The local orientation program should come immediately before or after the judge first takes office. It should include visits to all institutions and facilities to which criminal offenders may be sentenced.

2. The State should develop its own State judicial college, which should be responsible for the orientation program for new judges and which should make available to all State judges the graduate and refresher programs of the national judicial educational organizations. The State also should plan specialized subject matter programs as

well as 2-or 3-day annual State seminars for trial and appellate judges.

3. The failure of any judge, without good cause, to pursue educational programs as prescribed in this standard should be considered by the judicial conduct commission as grounds for discipline or removal.

4. The State should prepare a bench manual on procedural laws, with forms, samples, rule requirements and other information that a judge should have readily available. This should include sentencing alternatives and information concerning correctional programs and institutions.

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

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

CHAPTER 8
The Lower Courts

Standard 8.1
Unification of the State Court System

State courts should be organized into a unified judicial system financed by the State and admisistered through a statewide court administrator or administrative judge under the supervision of the chief justice of the State supreme court.

All trial courts should be unified into a single trial court with general criminal as well as civil jurisdiction. Criminal jurisdiction now in courts of limited jurisdiction should be placed in these unified trial courts of general jurisdiction, with the exception of certain traffic violations. The State supreme court should promulgate rules for the conduct of minor as well as major criminal prosecutions.

All judicial functions in the trial courts should be performed by full-time judges. All judges should possess law degrees and be members of the bar.

A transcription or other record of the pretrial court proceedings and the trial should be kept in all criminal cases.

The appeal procedure should be the same for all cases.

Pretrial release services, probation services, and other rehabilitative services should be available in all prosecutions within the jurisdiction of the unified trial court.

Standard 8.2
Administrative Disposition of Certain Matters Now Treated as Criminal Offenses

All traffic violation cases should be made infractions subject to administrative disposition, except certain serious offenses such as driving while intoxicated, reckless driving, driving while a license is suspended or revoked, homicide by motor vehicle, and eluding police officers in a motor vehicle. Penalities for such infractions should be limited to fines; outright suspension or revocation of driver's license; and compulsory attendance at educational and training programs, under penalty of suspension or revocation of driver's license.

Procedures for disposition of such cases should include the following:

1. Violators should be permitted to enter pleas by mail, except where the violator is a repeat violator or where the infraction allegedly has resulted in a traffic accident.

2. Jury trials should be available on appeal to district court.

3. A hearing, if desired by the alleged infractor, should be held before a law-trained referee. The alleged infractor should be entitled to be present, to be represented by counsel, and to present evidence and arguments in his own behalf. The government should be required to prove the commission of the infraction by clear and convincing evidence. Rules of evidence should not be applied strictly.

CHAPTER 9
Court Administration

Standard 9.1
State Court Administrator

1. The commission recommends that the office of court administrator be established by statute to have such power as authorized by the supreme court, with the following powers recommended, to:
   a. Formulate personnel policies for hiring nonjuricial employees,
   b. Disseminate information,
   c. Make budget proposals,
   d. Perform liaison duties,
   e. Make continual evaluation and recommendations on court administration, and
   f. Make judicial assignments.

2. The commission recommends that, to the extent that the state pays costs of the court system, the court administrator should make budget proposals to the state legislature.

Standard 9.2
Caseflow Management

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

Standard 9.3
Coordinating Councils

Coordinating councils should be established on statewide, local, and—where trial courts are regionalized for administrative purposes—regional bases. Each council should contain official representatives of all agencies of the criminal justice process within all area, as well as members of the public. Chief executives of police agencies, prosecutor's offices, defender's offices, probation, parole, correctional agencies, and youth authorities (where they exist) should be included. The presiding or chief judge of the appellate or trial court also should be a member. The chairman of the council should be appointed by the presiding judge of the State's highest appellate court (in the case of a statewide council) or the presiding judge of the trial court (in the case of a local or regional council). The chairman of the State coordinating council should be a member of the State Criminal Justice Planning Board, and the chairman of the local or regional council should be a member of the local criminal justice planning agency.

These coordinating councils should continuously survey the organization, practice, and methods of administration of the court system; assist in coordinating the court system with other agencies of the criminal justice system; and make suggestions for improvement in the operation of the court system.

The commission recommends establishing a statewide council which would encourage the development of local councils. The council would be made up of one supreme court judge; one district court judge; one county-level judge; the presidents of the North Dakota Peace Officers' Association, the State Bar Association and the State's Attorneys' Association; a representative of defense counsel; a representative of the North Dakota Education Association; a probation officer; the warden of the penitentiary; a juvenile court judge; and five members of the public selected by the other members. The council would meet quarterly.

Further, the commission recommends establishment of a local coordinating council, to be comprised of all elements of the criminal justice system, to meet on a county basis at least annually, and be originally for the purpose of improving communications in the criminal justice system. The council would be convened by the county-level judge.

The commission further recommends that the court administrator be authorized to coordinate the statewide and county councils and that a member of his staff be a member of the statewide council.

Standard 9.4
Public Input into Court Administration

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

CHAPTER 10
Court Community Relations

Standard 10.1
Courthouse Physical Facilities

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

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

2. The detention facility should be near the courthouse.

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

4. Each judge should have access to an adequate library.

5. Provision should be made for witness waiting and assembly rooms. Separate rooms for prosecution and defense witnesses should be

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

6. Juror privacy should be maintained by establishing facilities for exclusive use of jurors.

7. A lawyers' workroom should be available in the courthouse for public and private lawyers. The room should be furnished with desks or tables, and telephones should be available. It should be located near a law library.

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

Standard 10.2
Court Information and Service Facilities

1. A ground floor office in each building housing a court facility should serve as an information center. Personnel assigned to the regular functions of that office should direct inquiries to the proper agencies and should be provided with information and training to make those directions as accurate as possible.

2. Consideration should be given to the development of handbooks for jurors.

3. Consideration should be given to devising methods for meeting the public's need for information about the court system.

Standard 10.3
Court Public Information and Education Programs

1. An office in any court facility should be prominently identified as the office for receiving complaints, suggestions, and reactions of the public to court activity.

2. A public education program should be undertaken informing people of the workload, problems, and accomplishments of the state judicial system.

3. An effort should be made to encourage news media, citizens' groups, members of the Bar and court personnel to inform and educate themselves and the public concerning the judicial system.

Standard 10.4
Representativeness of Court Personnel

Court personnel should be representative of the community served by the court.

Standard 10.5
Participation in Criminal Justice Planning

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

Standard 10.6
Production of Witnesses

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

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

a. Prosecutors and defense counsel should carefully review formal requirements of law and practical necessity and require the attendance only of those witnesses whose testimony is required by law or would be of value in resolving issues to be litigated.
b. Procedures should be instituted to place certain witnesses on telephone alert. To insure that such a procedure will be capable of producing witnesses on short notice on the court date, citizen witnesses should be required as early as possible to identify whether and how they may be contacted by telephone on court business days and whether, if so contacted, they can appear at court within 2 hours of such notification. Witnesses who appear likely to respond to telephone notification should be identified by both the prosecution and the defense and placed on telephone alert. On the morning of each court date, the prosecutor and defense counsel should determine the status of cases on which witnesses are on alert and should notify promptly those witnesses whose presence will be required later in the day. Witnesses who unreasonably delay their arrival in court after such notification should not be placed on telephone alert for subsequent appearances.
c. Upon the initiation of criminal proceedings or as soon thereafter as possible, the prosecutor and defense counsel should ask their witnesses which future dates would be particularly inconvenient for their appearance at court. The scheduling authority should be apprised of these dates and should, insofar as is possible, avoid scheduling court appearances requiring the witnesses' attendance on those dates.

2. Police Officers. Special efforts should be made

to avoid having police officers spend unnecessary time making court appearances. Among the steps that should be taken are the following:

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

Standard 10.7
Compensation of Witnesses

The commission recommends that witnesses be compensated at the juror rate for time necessarily in attendance and that the same should apply for off-duty police witnesses; that on-duty police witnesses be compensated at their regular rate by their employers; and that the maximum travel and daily expenses allowable for state employees be authorized for witnesses. Municipal court witnesses should receive $2.50 an hour for time necessarily spent in court, with a minimum of $4.00 for any court appearance. Prisoners would not be included in these provisions, but should continue to be compensated by special rates statutorily set.

CHAPTER 11
The Prosecution

Standard 11.1
Professional Standards for the Chief Prosecuting Officer

The complexities and demands of the prosecution function require that the prosecutor be a full-time, skilled professional selected on the basis of demonstrated ability and high personal integrity. The prosecutor should be authorized to serve a minimum term of 4 years at an annual salary no less than that of the presiding judge of the trial court of general jurisdiction.

In order to meet these standards, the jurisdiction of every prosecutor's office should be designed so that population, caseload and other relevant factors warrant at least one full-time prosecutor.

Standard 11.2
Professional Standards for Assistant Prosecutors

The primary basis for the selection and retention of assistant prosecutors should be demonstrated legal ability. Care should be taken to recruit lawyers from all segments of the population. The prosecutor should undertake programs, such as legal internships for law students, designed to attract able young lawyers to careers in prosecution.

The starting salaries for assistant prosecutors should be no less than those paid by private law firms in the jurisdiction, and the prosecutor should have the authority to increase periodically the salaries for assistant prosecutors to a level that will encourage the retention of able and experienced prosecutors, subject to approval of the legislature, city, or county council as appropriate. For the first 5 years of service, salaries of assistant prosecutors should be comparable to those of attorney associates in local private law firms.

The caseload for each assistant prosecutor should be limited to permit the proper preparation of cases at every level of the criminal proceedings. Assistant prosecutors should be assigned cases sufficiently in advance of the court date in order to enable them to interview every prosecution witness, and to conduct supplemental investigations when necessary.

Standard 11.3
Supporting Staff and Facilities

The office of the prosecutor should be funded for adequate office and library facilities and an adequate staff necessary to carry out its functions.

Standard 11.4
Education of Professional Personnal

Education programs should be utilized to assure that prosecutors and their assistants have the

highest possible professional competence. All newly appointed or elected prosecutors should attend prosecutors' training courses prior to taking office, and in-house training programs for new assistant prosecutors should be available in all metropolitan prosecution offices. All prosecutors and assistants should attend a formal prosecutors' training course each year, in addition to the regular in-house training.

Standard 11.5
Filing Procedures and Statistical Systems

The prosecutor's office should have a file control system and a uniform statistical system, either automated or manual, and promulgated by the Attorney General's office, sufficient to permit the prosecutor to evaluate and monitor the performance of his office. A copy of each statistical system report is to be filed with the Attorney General's office.

Standard 11.6
Development and Review of Office Policies

Each prosecutor's office should develop a detailed statement of office practices and policies for distribution to every assistant prosecutor. These policies should be reviewed every 6 months. The statement should include guidelines governing screening, diversion, and plea negotiations, as well as other internal office practices.

Standard 11.7
The Prosecutor's Investigative Role

The prosecutor's primary function should be to represent the State in court. He should cooperate with the police in their investigation of crime. Each prosecutor also should have investigatorial resources at his disposal to assist him in case preparation, to supplement the results of police investigation when police lack adequate resources for such investigation, and, in a limited number of situations, to undertake an initial investigation of possible violations of the law.

The office of the prosecutor should review all applications for search and arrest warrants prior to their submission by law enforcement officers to a judge for approval; no application for a search or arrest warrant should be submitted to a judge unless the prosecutor or assistant prosecutor approves the warrant.

Standard 11.8
Prosecutor Relationships with the Public and with Other Agencies of the Criminal Justice System

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

The prosecutor should maintain regular liaison with the police department in order to provide legal advice to the police, to identify mutual problems and to develop solutions to those problems. He should participate in police training programs and keep the police informed about current developments in law enforcement, such as significant court decisions. He should develop and maintain a liaison with the police legal adviser in those areas relating to police-prosecutor relationships.

The prosecutor should develop for the use of the police a basic police report form that includes all relevant information about the offense and the offender necessary for charging, plea negotiations, and trial. The completed form should be routinely forwarded to the prosecutor's office after the offender has been processed by the police. Police officers should be informed by the prosecutor of the disposition of any case with which they were involved and the reason for the disposition.

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

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

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

Recommendation 11.1
Statewide Prosecutor System

A full-time, statewide prosecutor system should be developed in North Dakota, with the following features:

1. The prosecutor should be known as a district prosecuting attorney.
2. The state should be divided into eight districts.
3. The district prosecutor should be appointed for a four-year term.

4. The prosecutor and his or her staff should be be funded entirely by the state.
5. He or she should have responsibility of all criminal law matters, including all juvenile matters, non-criminal traffic matters, and infractions.
6. The salary should be the same as for district court judges.
7. Each county should continue to elect a state's attorney.
   a. He or she should perform all civil work in the county.
   b. The state's attorney should be paid a minimum salary set by the legislature and may negotiate additional compensation from the county commissioners.
   c. Each state's attorney could be an assistant district attorney, thus maintaining a local touch and providing necessary assistance to the full-time district attorney.
   d. When the state's attorney functions as an assistant district attorney, he or she should be paid on a fee basis by the state.

CHAPTER 12
The Defense

Standard 12.1
Payment for Public Representation

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

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

1. Counsel should not be denied to any person merely because his friends or relatives have resources adequate to retain counsel or because he has posted, or is capable of posting, bond.

2. Whether a private attorney would be interested in representing the defendant in his present economic circumstances should be considered.

3. The fact that an accused on bail has been able to continue employment following his arrest should not be determinative of his ability to employ private counsel.

4. The defendant's own assessment of his financial ability or inability to obtain representation without substantial hardship to himself or his family should be considered.

Standard 12.2
Initial Contact with Client

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

1. The accused, or a relative, close friend, or other responsible person acting for him, may request representation at any stage of any criminal proceedings. Procedures should exist whereby the accused is informed of this right, and of the method for exercising it. Upon such request, the public defender or appointed counsel should contact the interviewee.

2. If, at the initial appearance, no request for publicly provided defense services has been made, and it appears to the judicial officer that the accused has not made an informed waiver of counsel and is eligible for public representation, an order should be entered by the judicial officer referring the case to the public defender, or to appointed counsel. The public defender or appointed counsel should contact the accused as soon as possible following entry of such an order.

3. Where, pursuant to court order or a request by or on behalf of an accused, a publicly provided attorney interviews an accused and it appears that the accused is financially ineligible for public defender services, the attorney should help the accused obtain competent private counsel in accordance with established bar procedures and should continue to render all necessary public defender services until private counsel assumes responsibility for full representation of the accused.

Standard 12.3
Public Representation of Convicted Offenders

Counsel should be available at the penitentiary to advise any inmate desiring to appeal or collaterally attack his conviction. An attorney also should be provided to represent: an indigent inmate of any detention facility at any proceeding affecting his detention or early release; an indigent parolee at any parole revocation hearing; and an indigent probationer at any proceeding affecting his probationary status.

Standard 12.4
Method of Delivering Defense Services

Services of a full-time public defender organization, and a coordinated assigned counsel system involving substantial participation of the private bar, should be available in each jurisdiction

to supply attorney services to indigents accused of crime. Cases should be divided between the public defender and assigned counsel in a manner that will encourage significant participation by the private bar in the criminal justice system.

Standard 12.5
Financing of Defense Services

Defender services should be organized and administered in a manner consistent with the needs of the local jurisdiction. Financing of defender services should be provided by the State. Administration and organization should be provided locally, regionally, or statewide.

Standard 12.6
Defender to be Full-Time and Adequately Compensated

The office of public defender should be a full-time occupation. State or local units of government should create regional public defenders serving more than one local unit of government if this is necessary to create a caseload of sufficient size to justify a full-time public defender. The public defender should be compensated at a rate not less than that of the highest paid full-time prosecutor.

Standard 12.7
Selection of Public Defenders

The method employed to select public defenders should insure that the public defender is as independent as any private counsel who undertakes the defense of a fee-paying criminally accused person. The most appropriate selection method is nomination by a selection board and appointment by the Governor. If a jurisdiction has a Judicial Nominating Commission, that commission also should choose public defenders. If no such commission exists, a similar body should be created for the selection of public defenders.

An updated list of qualified potential nominees should be maintained. The commission should draw names from this list and submit them to the Governor. The commission should select a minimum of three persons to fill a public defender vacancy unless the commission is convinced there are not three qualified nominees. This list should be sent to the Governor within 30 days of a public defender vacancy, and the Governor should select the defender from this list. If the Governor does not appoint a defender within 30 days, the power of appointment should shift to the commission.

A public defender should serve for a term of not less than four years and should be permitted to be reappointed.

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

Standard 12.8
Performance of Public Defender Function

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

The public defender should seek to maintain his office and the performance of its function free from political pressures that may interfere with his ability to provide effective defense services. He should assume a role of leadership in the general community, interpreting his function to the public and seeking to hold and maintain their support of and respect for this function.

The relationship between the law enforcement component of the criminal justice system and the public defender should be characterized by professionalism, mutual respect, and integrity. It should not be characterized by demonstrations of negative personal feelings on one hand or excessive familiarity on the other. Specifically, the following guidelines should be followed:

1. The relations between public defender attorneys and prosecution attorneys should be on the same high level of professionalism that is expected between responsible members of the bar in other situations.

2. The public defender must negate the appearance of impropriety by avoiding excessive and unnecessary camaraderie in and around the courthouse and in his relations with law enforcement officials, remaining at all times aware of his image as seen by his client community.

3. The public defender should be prepared to take positive action, when invited to do so, to assist the police and other law enforcement components in understanding and developing their proper roles in the criminal justice system, and to assist them in developing their own professionalism. In the course of this educational process he should assist in resolving possible areas of misunderstanding.

4. He should maintain a close professional relationship with his fellow members of the legal community and organized bar, keeping in mind at all times that this group offers the most potential support for his office in the community and that, in the final analysis, he is one of them. Specifically:

   a. He must be aware of their potential concern that he will preempt the field of criminal law, accepting as clients all accused persons without regard to their ability or willing-

ness to retain private counsel. He must avoid both the appearance and the fact of competing with the private bar.

b. He must, while in no way compromising his representation of his own clients, remain sensitive to the calendaring problems that beset civil cases as a result of criminal case overloads, and cooperate in resolving these.

c. He must maintain the bar's faith in the defender system by affording vigorous and effective representation to his own clients.

d. He must maintain dialogue between his office and the private bar, never forgetting that the bar more than any other group has the potential to assist in keeping his office free from the effects of political pressure and influences.

Standard 12.9
Selection and Retention of Attorney Staff Members

Hiring, retention, and promotion policies regarding public defender staff attorneys should be based upon merit. Staff attorneys, however, should not have civil service status.

Standard 12.10
Salaries for Defender Attorneys

Salaries through the first 5 years of service for public defender staff attorneys should be at least comparable to those of attorney associates in local private law firms.

Standard 12.11
Community Relations

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

1. He should seek, by all possible and ethical means, to interpret the process of plea negotiation and the public defender's role in it to the client community.

2. He should, where possible, seek office locations that will not cause the public defender's office to be excessively identified with the judicial and law enforcement components of the criminal justice system, and should make every effort to have an office or offices within the neighborhoods from which clients predominantly come.

3. He should be available to schools and organizations to educate members of the community as to their rights and duties related to criminal justice.

Standard 12.12
Supporting Personnel and Facilities

The public defender office should be funded for adequate office and library facilities, and an adequate staff necessary to carry out its function.

Standard 12.13
Providing Assigned Counsel

The responsibility for compiling and maintaining a list of attorneys eligible for court appointment rests with the trial judge. The public defender office may provided training and support services for court appointed attorneys if they desire it.

Standard 12.14
Training and Education of Defenders

Inservice training and continuing legal education programs should be established on a systematic basis at the State and local level for public defenders, their staff attorneys, and lawyers on assigned counsel panels as well as for other interested lawyers.

CHAPTER 13
Mass Disorders

Standard 13.1
The Court Component and Responsibility for its Development

Each comprehensive plan for the administration of justice in a mass disorder situation should contain a court processing section dealing in detail with court operations and the defense and prosecution functions required to maintain the adversary process during a mass disorder.

Where no other adequate judicial planning body exists in a community, that portion of the court processing plan that deals with court operations should be developed under the auspices of a council of judges containing representatives of all courts within the community. Where the general plan for mass disorders includes multiple counties or municipalities, the judiciary of each county or municipality within the purview of that plan should be assured adequate representation on the council of judges.

The council of judges or its equivalent also should have responsibility for reviewing, modifying if necessary, and approving those portions of the court processing plan that deal with defense and prosecution functions.

Standard 13.2
Subject Matter of the Court Plan

The court plan should be concerned with both judicial policy matters and court management matters. The council of judges should develop the judicial policy aspects of the plan. The court management aspects also should be developed by the council of judges, unless the community has an

adequate court management operation to which such planning may be delegated.

1. Judicial Policy Matters. Generally, the following policies should be developed and enunciated. Provision should be made for their institutionalization by the judicial planning body in its mass disorder plan:

a. The court plan, to the extent possible, should be made public and disseminated widely to assure the community and individual arrestees that their security and rights are being protected. Portions of the plan that contain sensitive information should not be made public.

b. Provision should be made for pretrial release procedures normally available to remain available during a disorder.

c. The adversary process should function as in normal times and to this end the defense and prosecution functions should be performed adequately.

d. Persons coming before the bench should be informed of all their rights as in normal times.

e. Arrested persons should be assured speedy presentation before a judicial officer and a speedy trial.

f. Sentencing growing out of a mass disorder should be deferred until the conclusion of the disorder, with the exception of sentencing to time served in pretrial detention or a minimal and affordable fine.

2. Management Considerations. Generally, the following management considerations should be contained in the court component of the mass disorder plan:

a. To insure prompt execution of the plan in the event of a mass disorder, responsibility for its activation should be vested in a single member of the council of judges. An alternate also should be disignated, and he should have activation responsibility in the event that the first member is unavailable. Deactivation should take place under the direction of the same council member.

b. The plan should be designed to be activated in phases scaled to the precise degree required by the disorder at hand. In order to activate to that precise degree, a basic processing module formula for both initial appearance and trial should be developed and used.

c. The normal business of the courts should proceed during a disorder unless the disorder is of such a magnitude that sufficient personnel and facilities are unavailable. In that event, normal business should be postponed and rescheduled for the earliest possible time.

d. Plans should be made for the identification, recruitment, and assignment of sufficient judicial personnel from all courts within the municipality and, when necessary, from neighboring municipalities or even neighboring States. The requisite intrajurisdictional and interjurisdictional compacts should be entered into, and where necessary, legislation or constitutional amendment should be enacted in conjunction with the planning process.

e. Plans should be made for the identification, recruitment, and assignment of sufficient court administrative and clerical personnel for all purposes, drawing such personnel, if necessary, from nonjudicial governmental departments within the municipality or from the entire metropolitan area. Such auxiliary personnel should be identified and recruited as part of the planning process for potential callup in the event they are needed. The list of such personnel should be updated periodically.

f. Court papers should be disigned to conform as nearly as possible to the paper forms employed by the police and the prosecution. Sufficient quantities of such forms should be produced in advance so that they will be available in the event of a mass disorder.

g. Attention should be given to the problem of paper flow and mechanical and electronic data flow, to the end that papers and mechanically and electronically retreived information move smoothly from the police to prosecutors and defense counsel and to the court.

h. Arrangements should be made to identify and secure facilities within the municipality or metropolitan area suitable for potential use as court, prosecutorial, and defense facilities. Such facilities should be used in the event that the usual facilities become insufficient. Other governmental buildings suitable for such use should be considered first, and, if this is inadequate, arrangements should be made for the use of other facilities.

i. Arrangements should be made for sufficient clerical supplies and equipment to be available for use in processing arrestees during a mass disorder. Material should include sufficient business machinery, office equipment, computers, and the like.

j. Provision should be made to maintain adequate security in the regular courthouses and in any other facilities that may be utilized for court purposes. Alternate facilities should be available in the event the regular

courthouse is in the disorder zone and security would be difficult or impossible to maintain.

k. Techniques should be developed to pinpoint the location of detained persons during a disorder and to insure that they can be brought before the court on demand and that their attorneys can establish physical contact when required.

At regular intervals a simulated implementation of the plan should be attempted, so that deficiencies in it can be identified and corrected.

Standard 13.3
Prosecution Services

The prosecutorial plan should be developed initially by the prosecutor's office. If the general plan encompasses several prosecutors' offices, a board of prosecutors should be established and given responsibility for proposing a prosecutorial plan. All prosecutors' offices within the area should be represented on this board.

1. Policy Considerations. The following policy considerations should be included in the plan:

a. Screening — The case of each individual arrestee resulting from a mass disorder should be examined within the shortest possible time following arrest. Immediate release wherever appropriate should be ordered. Specific guidelines should be included for determining those situations in which immediate release will be appropriate.

Such release is appropriate if a station house summons will suffice or if for any reason the case should not proceed to trial. In order to facilitate this screening, simplified procedures should be developed so that the chain of evidence from arrest to screening is clearly recorded and available. The prosecutor, in conjunction with the planning process, should develop discretionary guidelines to insure that the criteria for screening cases is met.

b. Charging — Arrestees who are not screened out immediately should be charged by the prosecutor within the shortest possible time. Similar criteria that exist in normal times should be employed during mass disorder. Care should be taken to avoid overcharging. Guidelines for charging in a mass disorder context should be developed as part of the planning process. In jurisdictions in which adequate legislation defining unlawful conduct peculiar to mass disorders does not exist, new laws should be enacted to fit such behavior.

2. Management Considerations. The following management considerations should be included in the prosecutorial plan:

a. Advance arrangements should be made for recruitment of sufficient prosecutors in the event of a mass disorder, drawing when necessary upon other prosecutorial offices in neighboring municipalities or States, and, if necessary, from the private bar. The requisite interjurisdictional compacts to effectuate the employment of extrajurisdictional prosecutorial personnel should be entered into in conjunction with the planning process. Provision should be made for periodically updating the recruitment list.

b. Plans should be made for identification, recruitment, and assignment of sufficient administrative, clerical, and investigatory personnel to provide backup services for the prosecutorial staff. Such personnel should, if necessary, be drawn from nonjudicial governmental departments within the area. Provision should be made for periodically updating the recruitment list.

c. Arrangements should be made for sufficient space, clerical material, and equipment to be available for use in processing the anticipated caseload in the event of a mass disorder. This includes sufficient business machinery, office equipment, telephones, duplicating equipment, and computer facilities.

Standard 13.4
Defense Services

The plan for providing defense services during a mass disorder should generally be developed initially under the auspices of the local public defender. If the general plan encompasses several public defender offices, a board of public defenders should be established and given responsibility for proposing a defense plan. All public defender offices within the area should be represented on this board.

In the event that the State's primary system for defense of the indigent is assigned counsel, the organized bar within the State should develop the plan for providing defense services during mass disorder. This plan should be implemented locally by the community, county, or district bar.

1. Policy Considerations. The following policy considerations should be included in the plan:

a. Any person arrested during a mass disorder or charged with any offense as a result of such a disorder should have a right to be represented by a publicly provided attorney if the arrestee meets the criteria for the appointment of counsel normally applied or if, because of the nature of the mass disorder situation, he is unable to obtain other representation, all in accordance with Rule 44

of the North Dakota Rules of Civil Procedure.

b. Arrested persons should be informed of their rights, including their right to representation at the earliest possible time after arrest. Counsel should be available to the arrestee as soon after arrest as is required to protect the arrestee's rights, including the right not to be unnecessarily detained prior to charging.

c. Each attorney should represent only one arrestee at a time before a judicial officer or judge unless the case is of such a nature that it is not in the best interests of the defendants to be so represented.

2. Management Considerations. The following management considerations should be included in the defense plan:

a. Provision should be made for the identification, recruitment, and assignment of sufficient defense counsel, utilizing the public defender staff and assigned counsel lists where available. If this will not provide sufficient personnel, private attorneys from within the jurisdiction who have indicated a willingness to represent defendants during a mass disorder should be included.

Members of the bar of other States should be permitted to serve as counsel during a mass disorder if necessary; provision should be made for admission on motion. Provision should be made for periodically updating the recruitment list.

Recommendation 13.1
Expenses of Mass Disorders

It is the recommendation of the Commission that legislation be enacted providing that in the event a district judge determines that a mass disorder has taken place within his district, the State be charged with the responsibility of bearing the expenses of prosecuting and defending those people who are arrested as a result of this mass disorder. These expenses should be provided out of the State's General Fund.

COMMUNITY CRIME PREVENTION STANDARDS

CHAPTER 1

Citizen Involvement and Government Responsibility in the Delivery of Services

Recommendation 1.1
Resource Allocation

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

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

a. Size of the land area;

b. Density and nature of the population (especially the number of elderly and disabled persons);

c. Incidence of deteriorated, inadequately wired, and dilapidated housing; and

d. Frequency of fires based on past experience.

Fire prevention programs should be based on all of the above variables, and should take account of the varying educational levels among area residents.

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

a. Size of the land area;

b. Density and nature of the population (especially youth);

c. Reported incidence of total offenses in the area;

d. Physical environment (street and open space lighting); and

e. Traffic patterns.

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

a. Density and nature of the population;

b. Distance of the area from employment opportunities, professional services, and shopping centers;

c. Residents' ability to buy cars; and

d. Residents' ability to pay transit fares (especially the elderly during nonpeak hours).

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

a. Density and nature of the population (especially the number of children who use active facilities, i.e., gyms, playgrounds, playing fields; and the number of adults who use passive facilities, i.e., picnic areas, gardens, and parks);

b. Residents' ability to afford private recreational activities; and

c. Availability of recreation facilities (outdoor yards and indoor recreation rooms).

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

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

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

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

Recommendation 1.2
Public Right-to-Know Laws

1. Access to Information: The Commission recommends that local governments enact "public right-to-know laws" that provide citizens open and easy access to agency regulations, audits, minutes of meetings, and all other information necessary for meaningful citizen involvement in local governmental processes. Jurisdictions that already have right-to-know laws should confirm by resolution their willingness to comply with the letter and spirit of such laws. Right-to-know laws should stipulate in detail the categories of information available and those that are not available to the public, and should provide for dissemination to the public of information concerning: (a) what is accessible to them; (b) what is not accessible to them; and (c) how they may obtain information that is accessible.

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

a. All regular city or county council and subcommittee meetings should be open to the public, except when the meetings deal with personnel matters, or when Federal, State, or local regulations specifically prohibit publicity.
b. The public and news media should be notified of significant agency or department meetings. Notice should be posted on a bulletin board prominently displayed in the city hall and at all neighborhood centers. Notices should set out the agenda for the meeting. Only those items on the posted agenda should be discussed at the meeting.

3. Dissemination of Information. All elected and administrative officials should disseminate public information upon request. To facilitate public access to information one officer within the jurisdiction should be made responsible for gathering information and making it available to the public. This may be the responsibility of the city clerk, the public affairs officer, or the director of the central complaint and information office (see Recommendation 1.5). The chief administrative officer should be ultimately responsible for such matters and should expeditiously locate and provide information that may have been improperly withheld by others.

Recommendation 1.3
Informing the Public

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

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

2. Public Educational Television. Legislation should be passed providing for the establishment and funding of statewide public educational television.

Recommendation 1.4
Public Hearings

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

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

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

3. Convenience. To ease transportation problems

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

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

Recommendation 1.5
Central Office of Complaint and Information

The Commission recommends that a state office of complaint and information be established.

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

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

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

4. The central office should provide a single base for the systematic collection of information. The Governor and the legislature should use collected information to evaluate and improve the performance of departments and agencies.

5. The office should receive a mandate from the Governor and the legislature so that it will be in the best possible position to perform its role and to receive cooperation from State departments and agencies. The office, with the assistance of the mass media, should publicize the services available from the office and encourage citizens to use them.

6. The office should submit an annual public report detailing the number of complaints and requests received and the disposition thereof. It should make recommendations to the Governor and the legislature concerning the improvement of department and agency operations.

Recommendation 1.6
Action Line

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

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

CHAPTER 2
Programs for Drug and Alcohol Abuse

Recommendation 2.1
Multimodality Treatment Systems

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

Recommendation 2.2
Crisis Intervention and Emergency Treatment

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

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

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

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

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

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

Recommendation 2.3
Alcohol and Narcotic Antagonist Treatment Programs

The Commission recommends that the State and units of local government having a significant population of narcotics addicts or alcohol abusers consider establishing narcotic antagonist and antabuse treatment programs as part of a multimodality approach to drug and alcohol addiction. Narcotic antagonist and antabuse treatment programs should include, in addition to chemotherapy:

1. Counseling for patient and family, vocational guidance, and housing assistance;

2. Pharmacy and urine testing facilities;

3. Inpatient facilities for those with emotional, physical, or social problems, and for cases of mixed drug abuse where withdrawal must be effected;

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

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

Recommendation 2.4
Therapeutic Community Programs

The Commission recommends that the State and units of local government having a significant population of narcotics, addicts, and other alcohol or drug-dependent individuals consider establishing a therapeutic drug-free community program as one element of a multimodality approach to treatment.

Recommendation 2.5
Residential Programs

The Commission recommends that the State and units of local government having a significant population of narcotics addicts and other alcohol or drug-dependent individuals establish residential treatment programs as one part of the multimodality approach to the problems of alcohol or drug addiction.

Recommendation 2.6
Variations in Treatment Approach

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

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

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

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

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

Recommendation 2.7
Voluntary Court Referral of Alcohol and Drug-Dependent Persons

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

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

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

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

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

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

6. Diversion procedures should be developed without losing sight of society's right to be protected or of constitutional safeguards designed to protect the defendant — for example, equal protection under the law, the right to speedy trail, and guarantees against self-incrimination. (See the Commission's Report on Courts for a detailed discussion of this issue.)

Recommendation 2.8
Training of Treatment Personnel

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

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

2. Instructors should seek to develop in counselors a familiarity with the various treatment approaches. Counselors also should be trained to make differential diagnoses in referring patients to treatment. Special training programs should be devised for those interested in refining particular skills or advancing their careers.

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

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

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

Recommendation 2.9
Alcohol and Drug Abuse Prevention Programming

The Commission recommends for drug and alcohol abuse prevention the following:

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

2. Peer group influence and leadership also should be part of drug and alcohol prevention efforts. Such influence could come from youth who have tried drugs or alcohol and stopped; these youths have the credibility that comes from first-hand experience. They first must be trained to insure that they do not distort their educational efforts toward youth by issuing the kind of double messages described previously.

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

abuse of drugs, alcohol, and prescription substances.

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

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

Recommendation 2.10
State and Local Alcohol and Drug Abuse Treatment and Prevention Coordinating Agencies

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

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

In addition, it is essential that the State make available sufficient money to adequately fund the necessary program.

Recommendation 2.11
State and Local Relationships to and Cooperation with Federal Alcohol and Drug Abuse Prevention and Treatment Activities

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

1. To review all existing and new State and Federal legislation relevant to alcohol and drug abuse and crime prevention activities;

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

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

Recommendation 2.12
Alcohol and Drug Abuse Education

The Commission recommends support of increased state funding to the North Dakota Department of Public Instruction for additional personnel to develop and promote the use of drug, alcohol and self-enhancing education programs in North Dakota's elementary and secondary schools.

Recommendation 2.13
Insurance Coverage for Alcohol and Drug Abuse

The Commission recommends State legislation to require all health insurance carriers to include coverage on both an inpatient and outpatient basis for alcoholism, drug abuse, and mental illness in all policies issued in the State.

CHAPTER 3
Programs for Employment

Recommendation 3.1
Job Opportunities for Offenders and Ex-Offenders

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

Recommendations 3.2
Public Employment Programs

The Commission recommends that public employment programs be created to provide more rewarding and promising jobs for ex-offenders and others traditionally shut out of the job market. These jobs should be genuine efforts to develop or utilize

skills that will lead to future advancement, rather than dead-end make-work assignments.

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

Recommendation 3.3
Employment Opportunities for Former Drug Users

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

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

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

Recommendation 3.4
Employment Policy

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

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

Recommendation 3.5
Antidiscrimination Business Policy

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

Recommendation 3.6
Assisting Minority Businesses

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

Among the ways public agencies can help minority enterprise are the publication of directories listing local and State minority firms, and efforts to act as brokers for minority businesses seeking loans of performance bonds.

Recommendation 3.7
Housing and Transportation Services

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

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

CHAPTER 4
Programs for Religion

Recommendation 4.1
Supporting and Promoting Community Involvement

The Commission recommends that the religious community support and promote private and public efforts to recruit citizens who are concerned about crime for volunteer work in criminal justice programs.

Recommendation 4.2
Informed Constituencies

The Commission recommends that religious and lay leaders in all congregations educate their constituencies about the crime problem, so that citizens can respond more effectively.

Recommendation 4.3
Creating a Climate of Trust

The Commission recommends that religious institutions use their influence and credibility in the

larger community to create a climate of trust and furnish a neutral setting for expanded communication on crime and criminal justice.

Recommendation 4.4
Use of Church Facilities for Community Activities

The Commission recommends that congregations use their building, facilities, and equipment for community programs, especially those for children and youth.

Recommendation 4.5
Supporting Criminal Justice Reform

The Commission recommends that the religious community actively participate in and support the operations of the local criminal justice system. Assisting probation services, voluntary participation in programs designed to promote better police and community relations, and periodic visits to correctional facilities are practical examples of the type of community involvement that results in more accountability and better performance by the system.

CHAPTER 5
Programs for Reduction of Criminal Opportunity

Recommendation 5.1
Use of Building Design to Reduce Crime

The Commission recommends that agencies and professions involved in building design actively consult with and seek the advice of law enforcement agencies in physical design to reduce the opportunity for the commission of crime. These agencies and firms should make security a primary consideration in the design and construction of new buildings and the reconstruction or renovation of older structures. Interaction with law enforcement agencies and security experts should be sought during preliminary planning and actual construction to determine the effects of architectural features and spatial arrangements on building security and security costs. Careful consideration should be given to the design and placement of doors, windows, elevators and stairs, lighting, building height and size, arrangement of units, and exterior site design, since these factors can have an effect on crime.

Recommendation 5.2
Security Requirements for Building Codes

The Commission recommends that the State and units of local government include security requirements within existing building codes. The formulation of these requirements should be primarily the task of building, fire, and public safety departments, but there also should be consultation with community criminal justice planners, transportation and sanitation departments, architectural firms, and proprietors. Government and private construction and renovation loan sources should make adequate security and compliance with security requirements of the building code a condition for obtaining funds.

Recommendation 5.3
Street Lighting Programs for High Crime Areas

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

Recommendation 5.4
Shoplifting Prevention Programs

The Commission recommends that all retail establishments take immediate and effective measures to prevent shoplifting. Management personnel and merchants should evaluate techniques being used elsewhere and select those most appropriate.

Recommendation 5.5
North Dakota Crime Watch

The Commission supports the concept of a North Dakota Crime Watch and urges the North Dakota Law Enforcement Council to seek sufficient funding for this program.

CHAPTER 6
Conflicts of Interest

Standard 6.1
Ethics Code

North Dakota should adopt provisions for an Ethics Code that embodies the substantive rules of ethical guidance for public officials and employees in State and local governments. The code should contain but not be limited to the following:

1. Public officials shall, at all times, conduct themselves in a manner that reflects creditably upon the office they serve. Public officials shall not use their office to gain special privileges and benefits.

2. Public officials shall refrain from acting in their official capacities when their independence of judgment would be adversely affected by personal interests or duties. An official shall disqualify himself from official action when his independence of judgment is impaired by the existence of conflicting interests or duties.

3. Public officials shall refrain from accepting gifts, favors, services, or promises of future employment that could possibly relate to or influence the performance of their official duties.

4. Public officials shall refrain from serving in representative capacities or offering any overt or covert assistance to any persons or businesses for any matter such persons or businesses have before a government agency or commission. This precludes representation by an official of any business or partnership with which the official is closely associated. This provision does not include the rendering of routine assistance to constituents.

5. Public officials shall refrain from accepting other positions of employment that might, because they consume an undue amount of time or because they involve possibly conflicting duties, interfere with the performance of public duties.

Standard 6.2
Ethics Board

North Dakota should create, by legislative enactment, an Ethics Board to enforce the provisions of the Ethics Code, and should advise public officials and State and local employees covered by the Ethics Code on all ethical matters.

1. The members of the Ethics Board should be chosen from the public at large and should not include any individuals who hold public office. The Governor (the mayor or head of local government for a local government unit) should select the members from a list of individuals submitted by the State bar association, civic and professional associations, civil rights groups, minority organizations, and other citizen groups. Appointment of the members should be subject to approval by the State senate or other independent body already empowered to pass upon the fitness of persons nominated for high public office. No more than a simple majority of the members should be of the same political party.

Members should serve in staggered terms, with no individual tenure longer than 5 years. Board members and their staffs should be subject to all laws regulating political activity by State and local employees. Upon the death or dismissal of any board member, the procedure outlined above should be used to select an interim member to serve the remainder of the term.

2. The duties of the Ethics Board should be:
   a. To initiate complaints against officials over whom it has jurisdiction when the board has information establishing the possibility of an official's ethical misconduct for purposes of personal gain;
   b. To investigate all complaints against officials over whom the board has jurisdiction. Action on such complaints must be initiated within 30 days, and completed within reasonable time;
   c. To issue advisory opinions pursuant to personal requests for advice on ethical problems by public officials;
   d. To conduct public hearings when the preliminary investigation reveals evidence of an official's misconduct. The hearing will be conducted in a manner that respects all the constitutional rights of an individual accused in a criminal trial; and
   e. To publish a written statement of the board's findings pursuant to a hearing. If the board concludes that it appears that a public official has violated a criminal law, a copy of the statement should be sent to the government official charged with enforcing criminal laws. If a violation of the Ethics Code is found, a copy of the report of the findings, along with specific recommendations for disciplinary action, should be sent to the legislature. (If this is a nonlegislative Ethics Board, it should be delegated the power to dicipline violators of the Ethics Code.) Any findings of the Ethics Board should be issued to the original complainant.

3. The Ethics Board should have the power to subpoena witnesses and documents.

Standard 6.3
Disclosure of Financial Interests by Public Officials

North Dakota should adopt provisions requiring public officials to disclose their financial and professional interests, and should establish a procedure to determine which public officials on the State, county, and local levels will be included under its provisions. Such disclosure should provide the general public and the Ethics Board with reliable information upon which to judge the propriety of official conduct.

1. Each public official shall, within 10 days from assuming office, and annually on January 31, file a financial disclosure statement with the Ethics Board, and the statement shall be open to the public for inspection. All candidates for public office shall, in addition, file a disclosure statement at least 2 weeks prior to the date of the election in which they wish to participate. The statements should include at least the following information:
   a. The identity and amount of all assets legally and constructively owned;
   b. The original sources and amounts of all income, including but not limited to outside employment, consultant fees, or other services performed during the preceding reporting period;
   c. The nature and amounts of all debts owed in

excess of $1,000 and the names of the persons or institutions to whom such debts are owed;

d. The identity of all businesses, agencies, or corporations with which one is associated as a partner, director, or officer;

e. If a lawyer, a list of all clients whose annual fees exceed $2,000 or comprise 5 percent or more of the firm's remuneration per annum and the amounts of such fees;

f. The original source of all gifts received and the type of gift;

g. The nature of all interests in any business, either legally or constructively owned; and

h. The original source and amount of all honoraria.

2. Each public official shall disclose to the Ethics Board any conflict of interest that exists in respect to specific action of an official nature prior to acting on such official matters.

Standard 6.4
Criminal Penalties

North Dakota should define as violations of its criminal code certain situations involving conflicts of interest, and should assign meaningful penalties when such violations constitute a serious and substantial abuse of public office. The state criminal code should include the following minimum provisions:

1. No public official shall use confidential information for the purpose of financial gain to himself or to any other person. This provision shall continue to be applicable for 2 years after an official leaves office.

2. No public official shall accept compensation, gifts, loans, privileges, advice and assistance, or other favors from private sources for the performance of tasks within the scope of his public office.

3. No public official shall represent another person before a court, or before a government agency or commission, when such client is claiming rights against the government.

4. No public official, and no business in which a public official has a substantial interest (including but not limited to substantial financial investments, directorates, and partnerships) shall enter into a contract with the government or with a business regulated by the government, unless the contract has been awarded through a competitive bidding process with adequate public notice. This provision shall continue to be applicable for 1 year after the official leaves office.

5. No public official or candidate for public office shall fail to file a disclosure statement by the date established by the Ethics Board, and no public official or candidate for public office shall knowingly file a false financial statement.

6. Any official or candidate for public office alleged to be in violation of the above criminal provisions shall be granted a prompt preliminary hearing. If tried and convicted, he shall be guilty of a felony.

7. Any elected official convicted of any felony or misdemeanor involving moral turpitude shall be removed from office. Any appointed official likewise convicted shall be suspended from his duties.

CHAPTER 7
Regulation of Political Finances

Standard 7.1
Disclosing the Role of Money in Politics

All significant receipts and expenditures by every candidate and organization seeking to influence any election should be disclosed periodically before and after elections and between elections in a manner that insures transmission of these diclosures to the public. A registration system for qualifying political committees is necessary. All disclosures should be made to a bipartisan Registry of Election Finance that is isolated from political pressures.

Disclosure should be considered as the cornerstone of a larger regulatory scheme. Disclosure should be as accurate and complete as possible, should occur at times when voters can use the information most effectively to judge candidates and parties, should be readily available to those interested, and should be given as wide coverage as possible.

1. To insure uniformity, State disclosure regulations should be at least as stringent as those of the Federal Election Campaign Act of 1971, which requires: (1) candidates for nomination or election to Federal office; and (2) committees raising or spending in excess of $1,000 for candidates, to register and disclose their finances periodically.

2. Disclosure should be required of all candidates and of any substantial party committees, interest groups, and others who participate in elections either directly or by raising and spending money in support of those who participate directly. The Federal Election Campaign Act also provides for a system of registering political committees, much as lobbyists must register. Thus any committee raising or spending in excess of a specified amount ($1,000 in the Federal system) and supporting candidates or undertaking parallel campaigning must register information about the composition of the committee and its support activites. This system informs the public about which committees support which candidates. Once a committee is registered, it must report periodically until it goes out of existence.

3. Disclosure should be frequent enough to keep the public informed about the sources and expenditures of money at every stage of a political campaign, its aftermath, and between elections. Ordinarily this means disclosure should occur before and after each nominating convention or caucus, each primary or run-off primary, and each general or special election. Continuing disclosure should be required at regular intervals between campaigns.

4. Reports should be readily available. Thus they should be filed in the State capitol where they are fully accessible to the media and the public. Duplicates should be filed with an appropriate public official in the county or locality in which any contest below the statewide level is being held, so that local media, the opposition, and the electorate have ready access to the reports. Further, reports should be available upon request, during regular office hours, in a manner convenient to the public. Provision should be made for photocopying reports at the expense of persons requesting copies.

5. Reports should meet a test of substantial completeness. They should provide all reasonably pertinent information, while at the same time avoiding such bulk and volume as to be difficult to use. Under the Federal Election Campaign Act of 1971 (Title III, § 302 and 304), only receipts and expenditures in excess of $100 must be itemized; others must be reported in totals and retained on candidate and committee account books, which are subject to inspection and audit.

Reports should be cumulative, so that the latest report provides all necessary information for a calendar year or electoral phase such as pre- or post-nomination. This reduces the volume of reports an examiner must scrutinize, and summarizes data as much as feasible. Summaries of major categories of receipts and expenditure should be included in the reports.

6. To insure full disclosure, there should be established a bipartisan agency, isolated from political pressure to the greatest extent possible, and having responsibility to (1) receive, examine, tabulate, summarize, publish, and preserve registrations and campaign fund reports; (2) prescribe the forms in which reports are to be made; and (3) determine how the data in the reports can best be disseminated both before and after elections.

7. The agency should be vested with authority to audit any books kept separately by candidates and committees; it should perform sample audits and should have subpoena powers and all other means necessary to conduct compliance investigations.

8. Enforcement of the regulations should be vested first in the agency. Criminal prosecution should be undertaken by the agency itself and civil redress should be permitted. Citizens also should be provided an opportunity to seek enforcement of the regulations. If the agency, candidates, and citizens can go directly to court, it should be possible to bypass partisan enforcement agents and achieve strict enforcement.

9. With such administrative and enforcement powers, the agency also can be given statutory responsibility to insure compliance with any limitations or prohibitions on contributing or spending that are part of the larger regulatory scheme.

Standard 7.2
Prohibiting Corporate and Labor Contributions

In addition to prohibiting government contractors from contributing, State law should prohibit other corporations, labor unions, and trade associations from contributing or making expenditures for political purposes. Corporations, unions, and associations should be treated alike. Statutes should require disclosure of all corporate or union or association resources used directly or indirectly for or against political parties, candidates or ballot issues, including educational, registration, and fund-raising activities conducted in the name of education or citizenship.

CHAPTER 8
Government Procurement of Goods and Services

Standard 8.1
Establishing a State Procurement Office

North Dakota should establish a centralized State procurement function responsible for obtaining necessary commodities and services at the maximum value to the State, while providing safeguards against corruption and abuse of the purchasing function.

1. It should be the responsibility of the State procurement agency to:
   a. Develop, in concert with the using agencies and a representative cross section of appropriate vendors, reasonable specifications defining the commodities to be utilized, with the end use of the commodity being the prime controlling factor;
   b. Endeavor to achieve universal use of the adopted specifications, where feasible, in order to obtain the best volume price for each commodity. A commodity catalog listing standard specifications for standard commodities should be provided to all using agencies for their reference;
   c. Develop analytical criteria to ascertain the maximum value obtainable for each commodity;
   d. Purchase the necessary commodities for all using agencies, and purchase them at max-

imum value consistent with good purchasing practices. Commodities to be purchased should include all those prescribed by statute or regulation, for all agencies, State stores, and warehouses. The procurement agency also should be responsible for the disposal of surplus property;

e. Insure that commodities delivered under contract with the State meet specifications;
f. Handle in a fair and equitable manner complaints relating to performance of both vendors and using agencies;
g. Maintain, through the use of vendors prequalification forms, current lists of responsible suppliers of all commodity classifications;
h. Encourage and insure competition among qualified vendors on all bids; and
i. Promulgate specific rules and regulations for the operation of the department within the the statutory limitations of that agency.

2. Critera for organization and utilization of personnel should be established along the following lines:

a. Organization. The purchasing department should include the following sections and personnel, with the exact division and number of personnel employed to be based on the size and complexity of the volume of purchasing being done by the individual State agency:
   (1) An advisory board composed of the legislative heads of the upper and lower house finance committees of the legislature; the purchasing director; and the heads of the sections of the Purchasing Department;
   (2) The purchasing director—a cabinet-level position to be filled by a person appointed by the Governor and confirmed by the State Senate; and
   (3) Sectional divisions as follows, all staffed by personnel on either civil service or an established merit system: Standardization and Specifications Sections, Institutional Purchasing Section, Agency Purchasing Section, Warehousing and Distribution Section, Printing and Paper Section, Surplus Property Section.

b. Qualifications. Clear and precise job descriptions should be established and adhered to for all personnel of the Purchasing Department. For personnel other than the purchasing director and clerical help, the following requirements should be included, as appropriate, for each section of the department:
   (1) College education or comparable experience in business administration, accounting, economics, institution management, and engineering; and
   (2) Experience in the field of employment, public or private, for a minimum of 1 year.
c. Advancement and Job Security. The following provisions should be considered in establishing a personnel policy:
   (1) Provide on-the-job training, specialized training, and professional development programs for qualified employees in order to facilitate advancement, versatility, and competence;
   (2) Provide salary scales adequate to attract and retain competent employees;
   (3) Provide departmental seminars and staff sessions;
   (4) Provide for internship with using agencies; and
   (5) Provide protection from the fluctuations of politics and insist on satisfactory performance for continuation of employment.

3. Ethical guidelines and provisions for their enforcement should be established by the State procurement office, possibly in addition to other State ethics codes but certainly requiring adherence to specific regulations critical to an honest and efficient procurement office.

Adequate penalties for the violation or abuse of the position of any employee of the Purchasing Department should be established. The Advisory Board should put forth rules relating to any violation not statutorily sanctioned.

4. Provisions for regular audits, accurate recordkeeping, and availability of purchasing information to the public should be established.

a. Accurate records of all transactions and the justifications should be kept.
   (1) Whenever feasible, prior approval should be obtained for any but routine matters.
   (2) All routine purchases and transactions should be sent through channels for review, and any action taken on a special or emergency basis should be submitted to the purchasing director and the advisory board for immediate review.
   (3) A multiple central filing system, with cross references, should be maintained. These files and their contents should include:

   Bid file: Tabulation sheets showing all bids received. This should show the accepted bid, other pertinent information relating to reason for award, rejected bids with reason for rejection, and buyer's signature. Also included should be a copy of the purchase requisition with purchase order number, worksheet used in making up bid, worksheet used in writing purchase order; correspondence that relates only

to a specific bid; all bids received, complete with supporting data; correspondence from firms indicating they are not bidding, with bid envelopes stapled to the bid; and a copy of the form letter advising bidders of rejection.

Agency file: All general correspondence from or to each agency, cross-reference or copies of all complaints against items, products, or procedure originating from any agency. When pertinent, other correspondence relating to products should have a cross-reference to agency file and in some cases to the bid file. Also included should be copies of each purchase request and purchase order.

Vendor file: Correspondence of a general nature with the vendor, bidder data sheets, complaints against vendor, service records, brochures and pamphlets, original prequalification application, applicable cross references, and copies of form letters of bid rejections.

Product file: Maintained in Specification Section, filed by commodity classification. Should contain all material relating to quality or acceptability or testing of products, and complaints against products.

Purchase order file: All purchase orders and field purchase orders.

Price agreement file: Complete copy of each price agreement issued for the year.

General file: Correspondence with other governmental agencies; correspondence regarding policy and procedure; complaints against general purchasing procedure; memoranda; notices of removal from bid list; bonds; prequalification of bidders; authorized signatures; delegation of authority; personnel matters.

b. The records of the Purchasing Department should be public information. All records should be kept for a minimum of 5 years. Records should be sufficiently cross-referenced to increase their usefulness to the public.

5. The following additional proposals also are made:

a. While bidding shall be competitive wherever possible, advertising for bids is deemed of little value except in special circumstances. Bids should be solicited from the current list of prequalified vendors, and all current prequalified vendors of a specific commodity should be solicited. Grounds for dropping a vendor from the list of prequalified suppliers should be: (1) no response to two consecutive bid invitations, or to three bid invitations over a period of 1 year; (2) five no-bid responses within 1 year; or (3) a total of five no responses or no-bid responses within a period of 1 year. When deemed necessary or advisable by the purchasing director, with approval of the advisory board, advertisements soliciting applications for prequalification may be placed in newspapers of general circulation.

b. In any case in which all formal bids are determined to be unsatisfactory, with the prior approval of the advisory board, the commodity may be purchased on the open market at a price lower than the lowest bid price.

c. Whenever possible, term contracts should be employed.

d. All using agencies shall supply the Purchasing Department with periodic reports, at predetermined intervals, of supplies on hand.

e. The rules established by the advisory board should allow sufficient flexibility for genuine emergency purchases and for items that cannot be handled adequately through central purchasing.

f. A general inspection should be conducted at the point and time of delivery by the receiving agency.

g. The Purchasing Department should conduct random spot checks of commodities delivered.

h. The Purchasing Department should test delivered goods if requested to do so by a receiving agency that questions their conformity to specifications.

i. When goods are to be delivered to several locations throughout the State, particularly a large State, provision should be made for the possibility of allowing bids to be taken for delivery to specific districts of the State, should this provide a savings to the State.

j. The prior approval of the advisory board should be obtained before a bid other than the lowest can be accepted.

k. If a low bid does not meet the stated specifications, it should not be accepted even though the using agency determines that it is adequate. In this case, a new invitation to bid should be let, based on the new specifications.

l. If a vendor to whom a bid has been awarded fails to perform in accordance with the contract, the commodity may be purchased on the open market and the difference in cost charged back to the vendor, with prior approval of the advisory board.

m. In developing standard specifications, assistance may be obtained from Federal agencies (General Services Administration),

U.S. Commercial Standards, American Society of Mechanical Engineers, or National Bureau of Standards.

n. Procurements shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" descriptions may be used as a means to define the performance or other salient requirements of a procurement, and, when so used, the specific features of the name brand which must be met by offerors should be clearly specified.

CHAPTER 9
Zoning, Licensing, and Tax Assessment

Standard 9.1
Establishing Equitable Public Decision Criteria in Zoning, Licensing, and Tax Assessment

North Dakota should begin immediately the public development of explicit criteria for use by officials in making decisions in the areas of zoning, licensing, and tax assessment. The criteria should have sufficient breadth and precision that: (a) all applicants can be confident of similar evaluation under similar circumstances; (b) public employees are released from the burden of arbitrarily deciding unclear issues and have clear guidelines for when to seek policy-level assistance; and (c) all parties can clearly identify when an application is outside the scope of existing criteria.

In general, decision criteria should:

1. Be based on publicly adopted master plans, ordinances, or other stated public goals;
2. State minimum acceptance levels, wherever possible, in quantitative terms;
3. Utilize only the documentation and require only the measures that are related to the substance of the application;
4. Specify the questions to be answered to reach a decision and the weight given to each question; and
5. Indicate clearly those circumstances under which subjective decisions are required by lower-level reviewing officials and those requiring action by policy boards or other senior elected persons; in both cases specific criteria should guide the decision process.

Standard 9.2
Establishing Equitable Public Decision Procedures

North Dakota should prepare immediately to distribute to the public descriptions of the decision process in each of the target areas. Where necessary, action should be taken to modify those procedures to insure that all applications are reviewed in the order they are received and that all applications of the same type are reviewed against the same criteria. To insure fair and equitable treatment, the procedures should:

1. Employ publicly established evaluation criteria;
2. Be centrally managed with adequate document control to insure fairness;
3. Operate within publicly specified time frames and processing steps for each category of application;
4. Where appropriate to insure equitable treatment, provide for random assignment of reviewing or inspecting personnel, and for the use of standardized review forms;
5. Provide adequate documentation for and utilize regular performance audits by an outside agency; and
6. Clearly and publicly specify complaint and appeal procedures.

Standard 9.3
Providing for Public Review of Government Decisions

North Dakota should take positive steps to publicize pending actions and actions taken in the zoning, licensing, and tax assessment areas.

1. Pending and taken decisions should be summarized, compiled, and distributed to public interest groups, the media, and any citizen requesting regular receipt of such summary.
2. The State should compile mailing lists of parties interested in categories of decisions and should actively solicit citizens and agencies to submit their names to it.
3. The summary presentation should be prepared in layman's language; it should identify all public officials and private parties involved, contain a description of the results of the pending or approved action, and describe where further information can be obtained.
4. The publicized report of government decisions also should contain layman's language summaries of all audits, performance reviews, and other analyses of agencies' operations.

CHAPTER 10
Combating Official Corruption and Organized Crime

Standard 10.1
Maintaining Integrity in the Local Prosecutor's Office

1. North Dakota should redefine its law enforcement districts so as to combine smaller jurisdictions

into districts having sufficient workload to support at least one full-time district attorney.

2. North Dakota should devise training standards for prosecution service, and should provide prosecutors' salaries that will attract the best-qualified personnel.

3. All local prosecutors and their staff attorneys should be prohibited from engaging in partisan political activity. Local prosecutors who are elected should be elected in nonpartisan elections.

4. All local prosecutors should be required to publish and make available annual reports detailing the deployment of personnel and resources during the preceding reporting period. Reports should be available for public inspection.

Standard 10.2
Statewide Capability to Prosecute Corruption

North Dakota should establish an ongoing statewide capability for investigation and prosecution of corruption.

1. The office charged with this responsibility should have clear authority to perform the following functions:

a. Initiate investigations concerning: the proper conduct and performance of duties by all public officials and employees in the State, and the faithful execution and effective enforcement of the laws of the State with particular reference but not limited to organized crime and racketeering;
b. Prosecute those cases that are within the statutory purview and that the State unit determines it could most effectively prosecute by itself, referring all other evidence and cases to the appropriate State or local law enforcement authority;
c. Provide management assistance to State and local government units, commissions, and authorities, with special emphasis on suggesting means by which to eliminate corruption and conditions that invite corruption;
d. Participate in and coordinate the development of statewide intelligence network on the incidence, growth, sources, and patterns of corruption within the State; and
e. Make recommendations to the Governor or State legislature concerning: removal of public officials, government reorganization that would eliminate or reduce corruption and encourage more efficient and effective performance of duties and changes in or additions to provisions of the State statutes needed for more effective law enforcement.

2. The office should have the following minimum characteristics and powers:

a. Statewide jurisdiction;
b. Constant capability to obtain and preserve evidence prior to the filing of formal complaints;
c. Power to compel testimony for purposes of investigation and prosecution; authority to subpoena witnesses, administer oaths, obtain grants of immunity, and have access to the sanction of contempt; ability to hold private and public hearings; and power to prosecute cases in court;
d. Adequate budget, protected from retaliative reduction;
e. Specialized staff: investigators, accountants, and trial attorneys, with access to others as needed;
f. Consulting services available to all units of State and local government, commissions, and public corporations for counsel on means of maximizing the utilization of available staff and resources to meet workload demands, with special priority for service to licensing, regulatory, and law enforcement agencies; and
g. Annual disclosure of financial interests to the State Ethics Board by all persons performing regular duties in fulfillment of the above. Legislation should be enacted to authorize these and other powers as needed.

CORRECTIONS STANDARDS

CHAPTER 1
Rights of Offenders

Standard 1.1
Access to Courts

Each correctional agency should immediately develop and implement policies and procedures to fulfill the right of persons under correctional supervision to have access to courts to present any issue cognizable therein, including (1) challenging the legality of their conviction or confinement; (2) seeking redress for illegal conditions or treatment while incarcerated or under correctional control; (3) pursuing remedies in connection with civil legal problems; and (4) asserting against correctional or other governmental authority any other rights protected by constitutional or statutory provision or common law.

1. The State should make available to persons under correctional authority for each of the purposes enumerated herein adequate remedies that permit, and are administered to provide, prompt resolution of suits, claims, and petitions. Where adequate remedies already exist, they should be available to offenders, including pretrial detainees, on the same basis as to citizens generally.

2. There should be no necessity for an inmate to

wait until termination of confinement for access to the courts.

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

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

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

6. Access to legal services and materials appropriate to the kind of action or remedy being pursued should be provided as an integral element of the offender's right to access to the courts. The right of offenders to have access to legal materials was affirmed in Younger v. Gilmore, 404 U.S. 15 (1971).

Standard 1.2
Access to Legal Services

Each correctional agency should immediately develop and implement policies and procedures to fulfill the right of offenders to have access to legal assistance, through counsel or counsel substitute, with problems or proceedings relating to their custody, control, management, or legal affairs while under correctional authority. Correctional authorities should facilitate access to such assistance and assist offenders affirmatively in pursuing their legal rights. Governmental authority should furnish adequate attorney representation and, where appropriate, lay representation to meet the needs of offenders without the financial resources to retain such assistance privately.

The proceedings or matters to which this standard applies include the following:

1. Postconviction proceedings testing the legality of conviction or confinement.

2. Proceedings challenging conditions or treatment under confinement or other correctional supervision.

3. Probation revocation and parole grant and revocation proceedings.

In the exercise of the foregoing rights:

1. Attorney representation should be required for all proceedings or matters related to the foregoing items 1 to 3, except that law students, if approved by rule of court or other proper authority, may provide consultation, advice, and initial representation to offenders in presentation of **pro se** postconviction petitions.

2. In all proceedings or matters described herein, counsel substitutes (law students, correctional staff, inmate paraprofessionals, or other trained paralegal persons) may be used to provide assistance to attorneys of record or supervising attorneys.

3. Counsel substitutes may provide representation in proceedings or matters, provided the counsel substitute has been oriented and trained by qualified attorneys or educational institutions and receives continuing supervision from qualified attorneys.

4. Major deprivations or penalties should include loss of "good time," assignment to isolation status, transfer to another institution, transfer to higher security or custody status, and fine or forfeiture of inmate earnings. Such proceedings should be deemed to include administrative classification or reclassification actions essentially disciplinary in nature; that is, in response to specific acts of misconduct by the offender.

5. Assistance from other inmates should be prohibited only if legal counsel is reasonably available in the institution.

6. The access to legal services provided for herein should apply to all juveniles under correctional control.

7. Correctional authorities should assist inmates in making confidential contact with attorneys and lay counsel. This assistance includes visits during normal institutional hours, uncensored correspondence, telephone communication, and special consideration for after-hour visits where requested on the basis of special circumstances.

Standard 1.3
Access to Legal Materials

Each correctional agency, as part of its responsibility to facilitate access to courts for each person under its custody, should immediately establish policies and procedures to fulfill the right of offenders to have reasonable access to legal materials.

Standard 1.4
Protection Against Personal Abuse

Each correctional agency should establish immediately policies and procedures to fulfill the right of offenders to be free from personal abuse by correctional staff or other offenders. The following should be prohibited:

1. Corporal punishment.
2. The use of physical force by correctional staff except as necessary for self-defense, protection of another person from imminent physical attack, or prevention of riot or escape.
3. Solitary or segregated confinement as a disciplinary or punitive measure except as a last resort and then not extending beyond 10 days' duration.
4. Any deprivation of clothing, bed and bedding, light, ventilation, heat, exercise, balanced diet, or hygienic necessities.
5. Any act or lack of care, whether by willful act or neglect, that injures or significantly impairs the health of any offender.
6. Infliction of mental distress, degradation, or humiliation.

Correctional authorities should:

1. Evaluate their staff periodically to identify persons who may constitute a threat to offenders and where such individuals are identified, reassign or discharge them.
2. Develop institution classification procedures that will identify violence-prone offenders and where such offenders are identified, insure greater supervision.
3. Implement supervision procedures and other techniques that will provide a reasonable measure of safety for offenders from the attacks of other offenders. Technological devices such as closed circuit television should not be exclusively relied upon for such purposes.

Correctional agencies should compensate offenders for injuries suffered because of the intentional or negligent acts or omissions of correctional staff.

Standard 1.5
Healthful Surroundings

Each correctional agency should immediately examine and take action to fulfill the right of each person in its custody to a healthful place in which to live. After a reasonable time to make changes, a residential facility that does not meet the requirements set forth in State health and sanitation laws should be deemed a nuisance and abated.

The facility should provide each inmate with:

1. His own room or cell of adequate size.
2. Heat or cooling as appropriate to the season to maintain temperature in the comfort range.
3. Natural and artificial light.
4. Clean and decent installations for the maintenance of personal cleanliness.
5. Recreational opportunities and equipment; when climatic conditions permit, recreation or exercise in the open air.

Healthful surroundings, appropriate to the purpose of the area, also should be provided in all other areas of the facility. Cleanliness and occupational health and safety rules should be complied with.

Independent comprehensive safety and sanitation inspections should be performed annually by qualified personnel: State or local inspectors of food, medical, housing, and industrial safety who are independent of the correctional agency. Correctional facilities should be subject to applicable State and local statutes or ordinances.

Standard 1.6
Medical Care

Each correctional agency should take immediate steps to fulfill the right of offenders to medical care. This should include services guaranteeing physical, mental, and social well-being as well as treatment for specific diseases or infirmities. Such medical care should be comparable in quality and availability to that obtainable by the general public and should include at least the following:

1. A prompt examination by a physician upon commitment to a correctional facility.
2. Medical services performed by persons with appropriate training under the supervision of a licensed physician.
3. Emergency medical treatment on a 24-hour basis.
4. Access to an accredited hospital.

Medical problems requiring special diagnosis, services, or equipment should be met by medical furloughs or purchased services.

A particular offender's need for medical care should be determined by a licensed physician or other appropriately trained person. Correctional personnel should not be authorized or allowed to inhibit an offender's access to medical personnel or to interfere with medical treatment.

Complete and accurate records documenting all medical examinations, medical findings, and medical treatment should be maintained under the supervision of the physician in charge.

The prescription, dispensing, and administration of medication should be under strict medical supervision.

Coverage of any governmental medical or health program should include offenders to the same extent as the general public.

Standard 1.7
Searches

Each correctional agency should immediately

develop and implement policies and procedures governing searches and seizures to insure that the rights of persons under their authority are observed.

1. Unless specifically authorized by the court or the parole board as a condition of release, persons supervised by correctional authorities in the community should be subject to the same rules governing searches and seizures that are applicable to the general public.

2. Correctional agencies operating institutions should develop and present to the appropriate judicial authority or the officer charged with providing legal advice to the corrections department for approval a plan for making regular administrative searches of facilities and persons confined in correctional institutions.

a. The plan should provide for:
   (1) Avoiding undue or unnecessary force, embarrassment, or indignity to the individual.
   (2) Using non-intensive sensors and other technological advances instead of body searches wherever feasible.
   (3) Conducting searches no more frequently than reasonably necessary to control contraband in the institution or to recover missing or stolen property.
   (4) Respecting an inmate's rights in property owned or under his control, as such property is authorized by institutional regulations.
   (5) Publication of the plan.

Any search for specific law enforcement purpose or one not otherwise provided for in the plan should be conducted in accordance with specific regulations which detail the officers authorized to order and conduct such a search and the manner in which the search is to be conducted. Only top management officials should be authorized to order such searches.

Standard 1.8
Nondiscriminatory Treatment

Each correctional agency should immediately develop and implement policies and procedures assuring the right of offenders not to be subjected to discriminatory treatment based on race, religion, nationality, sex, or political beliefs. The policies and procedures should assure:

1. An essential equality of opportunity in being considered for various program options, work assignments, and decisions concerning offender status.

2. An absence of bias in the decision process, either by intent or in result.

3. All remedies available to noninstitutionalized citizens open to prisoners in case of discriminatory treatment.

This standard would not prohibit segregation of juvenile or youthful offenders from mature offenders or male from female offenders in offender management and programming, except where separation of the sexes results in an adverse and discriminatory effect in program availability or institutional conditions.

Standard 1.9
Rehabilitation

Each correctional agency should immediately develop and implement policies, procedures, and practices to fulfill the right of offenders to rehabilitation programs. A rehabilitative purpose is or ought to be implicit in every sentence of an offender unless ordered otherwise by the sentencing court. A correctional authority should have the affirmative and enforceable duty to provide programs appropriate to the purpose for which a person was sentenced. Where such programs are absent, the correctional authority should (1) establish or provide access to such programs or (2) inform the sentencing court of its inability to comply with the purpose for which sentence was imposed. To further define this right to rehabilitative services:

1. The correctional authority and the governmental body of which it is a part should give first priority to implementation of statutory specifications or statements of purpose on rehabilitative services.

2. Each correctional agency providing parole, probation, or other community supervision, should supplement its rehabilitative services by referring offenders to social services and activities available to citizens generally. The correctional authority should, in planning its total range of rehabilitative programs, establish a presumption in favor of community-based programs to the maximum extent possible.

3. A correctional authority's rehabilitation program should include a mixture of educational, vocational, counseling, and other services appropriate to offender needs. Not every facility need offer the entire range of programs, except that:

a. Every system should provide opportunities for basic education up to high school equivalency, on a basis comparable to that available to citizens generally, for offenders capable and desirous of such programs;
b. Every system should have a selection of vocational training programs available to adult offenders; and
c. A work program involving offender labor on public maintenance, construction, or other projects should not be considered part of an offender's access to rehabilitative services when he requests (and diagnostic efforts indicate that he needs) educational, counseling, or training opportunities.

4. Correctional authorities regularly should advise courts and sentencing judges of the extent and availability of rehabilitative services and programs within the correctional system to permit proper sentencing decisions and realistic evaluation of treatment alternatives.

5. Governmental authorities should be held responsible by courts for meeting the requirements of this standard.

6. No offender should be required or coerced to participate in programs of rehabilitation or treatment nor should the failure or refusal to participate be used to penalize an inmate in any way in the institution.

Standard 1.10
Retention and Restoration of Rights

North Dakota should enact legislation immediately to assure that no person is deprived of any license, permit, employment, office, post of trust or confidence, or political or judicial rights based solely on an accusation of criminal behavior. Legislation depriving convicted persons of civil rights should be repealed. This legislation should provide further that a convicted and incarcerated person should have restored to him on release all rights not otherwise retained.

The appropriate correctional authority should:

1. With the permission of an accused person, explain to employers, families, and others the limited meaning of an arrest as it relates to the above rights.

2. Work for the repeal of all laws and regulations depriving accused or convicted persons of civil rights.

3. Provide services to accused or convicted persons to help them retain or exercise their civil rights or to obtain restoration of their rights or any other limiting civil disability that may occur.

Standard 1.11
Rules of Conduct

Each correctional agency should immediately promulgate rules of conduct for offenders under its jurisdiction. Such rules should:

1. Be designed to effectuate or protect an important interest of the facility or program for which they are promulgated.

2. Be the least drastic means of achieving that interest.

3. Be specific enough to give offenders adequate notice of what is expected of them.

4. Be accompanied by a statement of the range of sanctions that can be imposed for violations. Such sanctions should be proportionate to the gravity of the rule and the severity of the violation.

5. Be promulgated after appropriate consultation with offenders and other interested parties.

Correctional agencies should provide offenders under their jurisdiction with an up-to-date written statement of rules of conduct applicable to them.

Correctional agencies in promulgating rules of conduct should not attempt generally to duplicate the criminal law. Where an act is covered by administrative rules and statutory law the following standards should govern:

1. Acts of violence or other serious misconduct should be prosecuted criminally and not be the subject of administrative sanction.

2. Where the State intends to prosecute, disciplinary action should be deferred.

3. Where the State prosecutes and the offender is found not guilty, the correctional authority should not take further punitive action.

Standard 1.12
Disciplinary Procedures

Each correctional agency immediately should adopt disciplinary procedures for each type of residential facility it operates and for the persons residing therein.

Minor violations of rules of conduct are those punishable by no more than a reprimand, or loss of commissary, entertainment, or recreation privileges for not more than 24 hours. Rules governing minor violations should provide that:

1. Staff may impose the prescribed sanctions after informing the offender of the nature of his misconduct and giving him the chance to explain or deny it.

2. If a report of the violation is placed in the offender's file, the offender should be so notified.

3. The offender should be provided with the opportunity to request a review by an impartial officer or board of the appropriateness of the staff action.

4. Where the review indicates that the offender did not commit the violation or the staff's action was not appropriate, all reference to the incident should be removed from the offender's file.

Major violations of rules of conduct are those punishable by sanctions more stringent than those for minor violations, including but not limited to, loss of good time, transfer to segregation or solitary confinement, transfer to a higher level of institutional custody or any other change in status which may tend to affect adversely an offender's time of release or discharge.

Rules governing major violations should provide for the following prehearing procedures:

1. Someone other than the reporting officer should conduct a complete investigation into the facts of the alleged misconduct to determine if there is probable cause to believe the offender committed

a violation. If probable cause exists, a hearing date should be set.

2. The offender should receive a copy of any disciplinary report or charges of the alleged violation and notice of the time and place of the hearing.

3. The offender, if he desires, should receive assistance in preparing for the hearing from a member of the correctional staff, another inmate, or other authorized person (including legal counsel if available).

4. No sanction for the alleged violation should be imposed until after the hearing except that the offender may be segregated from the rest of the population if the head of the institution finds that he constitutes a threat to other inmates, staff members, or himself.

Rules governing major violations should provide for a hearing on the alleged violation which should be conducted as follows:

1. The hearing should be held as quickly as possible, generally not more than 72 hours after the charges are made.

2. The hearing should be before an impartial officer or board.

3. The offender should be allowed to present evidence or witnesses on his behalf.

4. The offender may be allowed to confront and cross-examine the witnesses against him.

5. The hearing officer or board should be required to find substantial evidence of guilt before imposing a sanction.

6. The hearing officer or board should be required to render its decision in writing setting forth its findings as to controverted facts, its conclusion, and the sanction imposed. If the decision finds that the offender did not commit the violation, all reference to the charge should be removed from the offender's file.

Rules governing major violations should provide for internal review of the hearing officer's or board's decision. Such review should be automatic. The reviewing authority should be authorized to accept the decision, order further proceedings, or reduce the sanction imposed.

Standard 1.13
Procedures for Nondisciplinary Changes of Status

Each correctional agency should immediately promulgate written rules and regulations to prescribe the procedures for determining and changing offender status, including classification, transfers, and major changes or decisions on participation in treatment, education, and work programs within the same facility.

1. The regulations should:
   a. Specify criteria for the several classifications to which offenders may be assigned and the privileges and duties of persons in each class.
   b. Specify frequency of status reviews or the nature of events that prompt such review.
   c. Be made available to offenders who may be affected by them.
   d. Provide for notice to the offender when his status is being reviewed.
   e. Provide for participation of the offender in decisions affecting his program.

2. The offender should be permitted to make his views known regarding the classification, transfer, or program decision under consideration. The offender should have an opportunity to oppose or support proposed changes in status or to initiate a review of his status.

3. Where reviews involving substantially adverse changes in degree, type, location, or level of custody are conducted, an administrative hearing should be held, involving notice to the offender, an opportunity to be heard, and a written report by the correctional authority communicating the final outcome of the review. Where such actions, particularly transfers, must be made on an emergency basis, this procedure should be followed subsequent to the action. In the case of transfers between correctional and mental institutions, whether or not maintained by the correctional authority, such procedures should include specified procedural safeguards available for new or initial commitments to the general population of such institutions.

4. Proceedings for nondisciplinary changes of status should not be used to impose disciplinary sanctions or otherwise punish offenders for violations of rules of conduct or other misbehavior.

Standard 1.14
Grievance Procedure

Each correctional agency immediately should develop and implement a grievance procedure. The procedure should have the following elements:

1. Each person being supervised by the correctional authority should be able to report a grievance.

2. The grievance should be transmitted without alteration, interference, or delay to the person or entity responsible for receiving and investigating grievances.
   a. Such person or entity preferably should be independent of the correctional authority. It should not, in any case, be concerned with the day-to-day administration of the corrections function that is the subject of the grievance.
   b. The person reporting the grievance should not be subject to any adverse action as a result of filing the report.

3. Promptly after receipt, each grievance not

patently frivolous should be investigated. A written report should be prepared for the correctional authority and the complaining person. The report should set forth the findings of the investigation and the recommendations of the person or entity responsible for making the investigation.

4. The correctional authority should respond to each such report, indicating what disposition will be made of the recommendations received.

Standard 1.15
Free Expression and Association

Each correctional agency should immediately develop policies and procedures to assure that individual offenders are able to exercise their constitutional rights of free expression and association to the same extent and subject to the same limitations as the public at large. Regulations limiting an offender's right of expression and association should be justified by a compelling state interest requiring such limitation. Where such justification exists, the agency should adopt regulations which effectuate the state interest with as little interference with an offender's rights as possible.

Standard 1.16
Exercise of Religious Beliefs and Practices

Each correctional agency immediately should develop and implement policies and procedures that will fulfill the right of offenders to exercise their own religious beliefs. These policies and procedures should allow and facilitate the practice of these beliefs to the maximum extent possible, and reflect the responsibility of the correctional agency to:

1. Provide access to appropriate facilities for worship or meditation.

2. Enable offenders to adhere to the dietary laws of their faith.

3. Arrange the institution's schedule to the extent reasonably possible so that inmates may worship or meditate at the time prescribed by their faith.

4. Allow access to clergymen or spirtual advisers of all faiths represented in the institution's population.

5. Permit receipt of any religious literature and publications that can be transmitted legally through the United States mails.

6. Allow religious medals and other symbols that are not unduly obtrusive.

Each correctional agency should give equal status and protection to all religions, traditional or unorthodox. In determining whether practices are religiously motivated, the following factors among others should be considered as supporting a religious foundation for the practice in question:

1. Whether there is substantial literature supporting the practice as related to religious principle.

2. Whether there is a formal, organized worship of shared belief by a recognizable and cohesive group supporting the practice.

3. Whether there is a loose and informal association of persons who share common ethical, moral, or intellectual views supporting the practice.

4. Whether the belief is deeply and sincerely held by the offender.

The following factors should not be considered as indicating a lack of religious support for the practice in question:

1. The belief is held by a small number of individuals.

2. The belief is of recent origin.

3. The belief is not based on the concept of a Supreme Being or its equivalent.

4. The belief is unpopular or controversial.

In determining whether practices are religiously motivated, the correctional agency should allow the offender to present evidence of religious foundations to the official making the determination.

The correctional agency should not proselytize persons under its supervision or permit others to do so without the consent of the person concerned. Reasonable opportunity and access should be provided to offenders requesting information about the activities of any religion with which they may not be actively affiliated.

In making judgments regarding the adjustment or rehabilitation of an offender, the correctional agency may consider the attitudes and perceptions of the offender but should not:

1. Consider, in any manner prejudicial to determinations of offender release or status, whether or not such beliefs are religiously motivated.

2. Impose, as a condition of confinement, parole, probation, or release, adherence to the active practice of any religion or religious belief.

Standard 1.17
Access to the Public

Each correctional agency should develop and implement immediately policies and procedures to fulfill the right of offenders to communicate with the public. Questions of right of access to the public arise primarily in the context of regulations affecting mail, personal visitation, and the communications media.

MAIL. Offenders should have the right to communicate or correspond with persons or organizations and to send and receive letters, packages, books, periodicals, and any other material that can be lawfully mailed. The following additional guidelines should apply:

1. Correctional authorities should not limit the volume of mail to or from a person under supervision.

2. Correctional authorities should have the right to inspect incoming and outgoing mail, but neither incoming nor outgoing mail should be read or censored. Cash, checks, or money orders should be removed from incoming mail and credited to offenders' accounts. If contraband is discovered in either incoming or outgoing mail, it may be removed. Only illegal items and items which threaten the security of the institution should be considered contraband.

3. Offenders should receive a reasonable postage allowance to maintain community ties.

VISITATION. Offenders should have the right to communicate in person with individuals of their own choosing. The following additional guidelines should apply:

1. Correctional authorities should provide for a reasonable number of visitors an offender may receive and for a reasonable length for such visits in accordance with regular institutional schedules and requirements.

2. The correctional agency may supervise the visiting area in an unobtrusive manner but should not eavesdrop on conversations or otherwise interfere with the participants' privacy.

MEDIA. Except in emergencies such as institutional disorders, offenders should be allowed to present their views through the communications media. Correctional authorities should encourage and facilitate the flow of information between the media and offenders by authorizing offenders, among other things, to:

1. Grant confidential and uncensored interviews to representatives of the media. Such interviews should be scheduled not to disrupt regular institutional schedules unduly unless during a newsworthy event.

2. Send uncensored letters and other communications to the media.

3. Publish articles or books on any subject.

4. Display and sell original creative works.

As used in this standard, the term "media" encompasses any printed or electronic means of conveying information to the public including but not limited to newspapers, magazines, books, or other publications regardless of the size or nature of their circulation and licensed radio and television broadcasting. Representatives of the media should be allowed access to all correctional facilities for reporting items of public interest consistent with the preservation of offenders' privacy.

Offenders should be entitled to receive any lawful publication, or radio and television broadcast.

Standard 1.18
Remedies for Violation of an Offender's Rights

Each correctional agency immediately should adopt policies and procedures, and where applicable should seek legislation, to insure proper redress where an offender's rights as enumerated in this chapter are abridged.

1. Administrative remedies, not requiring the intervention of a court, should include at least the following:

a. Procedures allowing an offender to seek redress where he believes his rights have been or are about to be violated. Such procedures should be consistent with Standard 1.14, Grievance Procedure.

b. Policies of inspection and supervision to assure periodic evaluation of institutional conditions and staff practices that may affect offenders' rights.

c. Policies which:

(1) Assure wide distribution and understanding of the rights of offenders among both offenders and correctional staff.

(2) Provide that the intentional or persistent violation of an offender's rights is justification for removal from office or employment of any correctional worker.

2. Judicial remedies for violation of rights should include at least the following:

a. Authority for an injunction either prohibiting a practice violative of an offender's rights or requiring affirmative action on the part of governmental officials to assure compliance with offenders' rights.

b. Authority for the court to exercise continuous supervision of a correctional facility or program including the power to appoint a special master responsible to the court to oversee implementation of offenders' rights.

c. Authority for the court to prohibit further commitments to an institution or program.

d. Authority for the court to shut down an institution or program and require either the transfer or release of confined or supervised offenders.

e. Criminal penalties for intentional violations of an offender's rights.

Recommendation 1.1

The Commission recommends that a resolution be drafted supporting the concept of legal counsel for a department of corrections and its affiliates, and that copies of the resolution be sent to the Governor, Attorney General, the Governor's budget analyst, the Department of Accounts and Purchases, and the House and Senate Appropriations Committees.

CHAPTER 2
Pretrial Release and Detention

Standard 2.1
Comprehensive Pretrial Process Planning

Each criminal justice jurisdiction immediately

should begin to develop a comprehensive plan for improving the pretrial process. In the planning process, the following information should be collected:

1. The extent of pretrial detention, including the number of detainees, the number of man-days of detention, and the range of detention by time periods.
2. The cost of pretial release programs and detention.
3. The disposition of persons awaiting trial, including the number released on bail, released on non-financial conditions, and detained.
4. The disposition of such persons after trial including, for each form of pretrial release or detention, the number of persons who were convicted, who were sentenced to the various available sentencing alternatives, and whose cases were dismissed.
5. Effectiveness of pretrial conditions, including the number of releasees who (a) failed to appear, (b) violated conditions of their release, (c) were arrested during the period of their release, or (d) were convicted during the period of their release.
6. Conditions of local detention facilities, including the extent to which they meet the standards recommended herein.
7. Conditions of treatment of and rules governing persons awaiting trial.
8. The need for and availability of resources that could be effectively utilized for persons awaiting trial, including the number of arrested persons suffering from problems relating to alcohol, narcotic addiction, or physical or mental disease or defects, and the extent to which community treatment programs are available.
9. The length of time required for bringing a criminal case to trial and, where such delay is found to be excessive, the factors causing such delay.

The comprehensive plan for the pretrial process should include the following:

1. Assessment of the status of programs and facilities relating to pretrial release and detention.
2. A plan for improving the programs and facilities relating to pretrial release and detention, including priorities for implementation of the recommendations in this chapter.
3. A means of implementing the plan and of discouraging the expenditure of funds for, or the continuation of, programs inconsistent with it.
4. A method of evaluating the extent and success of implementation of the improvements.
5. A strategy for processing large numbers of persons awaiting trial during mass disturbances, including a means of utilizing additional resources on a temporary basis.

The comprehensive plan for the pretrial process should be conducted by a group representing all major components of the criminal justice system that operate in the pretrial area. Included should be representatives of the police, sheriffs, prosecution, public defender, private defense bar, judiciary, court management, probation, corrections, and the community.

Standard 2.2
Construction Policy for Pretrial Detention Facilities

Each criminal justice jurisdiction, State or local as appropriate, should immediately adopt a policy that no new physical facility for detaining persons awaiting trial should be constructed and no funds should be appropriated or made available for such construction until:

1. A comprehensive plan is developed.
2. Alternative means of handling persons awaiting trial are implemented, adequately funded, and properly evaluated.
3. The constitutional requirements for a pretrial detention facility are fully examined and planned for.
4. The possibilities of regionalization of pretrail detention facilities are pursued.

Each jurisdiction should coordinate its plan with the LEC.

Standard 2.3
Organization of Pretrial Services

North Dakota should enact by 1977 legislation specifically establishing the administrative authority over and responsibility for persons awaiting trial. Such legislation should provide as follows:

1. The decision to detain a person prior to trial should be made by a judicial officer.
2. Information-gathering services for the judicial officer in making the decision should be provided in the first instance by the law enforcement agency and verified and supplemented by the agency that develops presentence reports.
3. Courts should be authorized to exercise continuing jurisdiction over persons awaiting trial in the same manner and to the same extent as recommended for persons serving sentences after conviction.
4. By 1983, facilities, programs, and services for those awaiting trial should be administered by the State correctional agency under a unified correctional system.

Standard 2.4
Persons Incompetent to Stand Trial

Each criminal justice jurisdiction, State or local as appropriate, should immediately develop procedures and seek enabling legislation, if needed, governing persons awaiting trial who are alleged to be or are

adjudicated incompetent to stand trial as follows:

1. Persons awaiting trial for a criminal offense who are alleged to be incompetent to stand trial should be eligible for bail or other alternative forms of release to the same extent as other persons awaiting trial. Where the court orders an examination and diagnosis to determine competency, the court should impose on the person the least restrictive measures required to assure his presence for trial and for effective examination and diagnosis. Outpatient diagnosis should be given preference over inpatient diagnosis.

2. Persons awaiting trial for a criminal offense who have been adjudicated incompetent to stand trial should be eligible for bail or alternative forms of release to the same extent as other persons awaiting trial. Where the court orders treatment to return the person to competency, it should impose the least restrictive measures appropriate. Outpatient treatment should be given preference over inpatient treatment, and detention should be imposed only upon substantial evidence that:

   a. There is a reasonable probability that the person will regain competency within the time limits recommended herein and detention is required to assure his presence for trial; or
   b. There is a substantial probability that treatment will return the person to competency and such treatment can be administered effectively only if the person is detained.

3. Each jurisdiction should adopt, through legislation or court rule, provisions which:

   a. Require periodic review of cases of persons adjudged incompetent to stand trial.
   b. Set a maximum time limit for the treatment of incompetency. Such maximum limits should not exceed 2 years or the maximum prison sentence for the offense charged, whichever is shorter.
   c. Provide that when the time limit expires or when it is determined that restoration to competency is unlikely, the person should be released and the criminal charge dismissed.
   d. Provide that where it is believed that the person adjudicated incompetent is dangerous to himself or others and should be detained, civil commitment procedures should be instituted.

Standard 2.5
Rights of Pretrial Detainees

Each criminal justice jurisdiction and facility for the detention of adults should immediately develop policies and procedures to insure that the rights of persons detained while awaiting trial are observed, as follows:

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

2. Where modification of the rights of persons detained awaiting trial is required by the fact of confinement, such modification should be as limited as possible.

3. The duty of showing that custody requires modification of such rights should be upon the detention agency.

4. Persons detained awaiting trial should be accorded the same rights recommended for persons convicted of crime. In addition, the following rules should govern detention of persons not yet convicted of a criminal offense:

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

5. Administrative cost or convenience should not be considered a justification for failure to comply with any of the above enumerated rights of persons detained awaiting trial.

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

Standard 2.6
Programs for Pretrial Detainees

Each criminal justice jurisdiction and agency responsible for the detention of persons awaiting trial immediately should develop and implement programs for these persons as follows:

1. Persons awaiting trial in detention should not be required to participate in any program of work, treatment, or rehabilitation. The following programs and services should be available on a voluntary basis for persons awaiting trial:

   a. Educational, vocational, and recreational programs.
   b. Treatment programs for problems associated with alcoholism, drug addiction, and mental

or physical disease or defects.

c. Counseling programs for problems arising from marital, employment, financial, or social responsibilities.

2. Participation in voluntary programs should be on a confidential basis, and the fact of participation or statements made during such participation should not be used at trial. Information on participation and progress in such programs should be available to the sentencing judge following conviction for the purpose of determining sentence.

Standard 2.7
Expediting Criminal Trials

North Dakota should enact legislation, and each criminal justice jurisdiction should develop policies and procedures, to expedite criminal trials and thus minimize pretrial detention.

1. To the extent practical, scheduling of cases shall be provided in accordance with the following priority:

a. Criminal cases where the defendant is detained awaiting trial.

b. Criminal cases where the defendant is at liberty awaiting trial and is believed to present unusual risks to himself or the public.

c. Criminal cases where the defendant is subject to substantial conditions or supervision awaiting trial.

d. All other criminal cases.

e. Civil cases.

CHAPTER 3
Sentencing

Standard 3.1
Probation

Each sentencing court immediately should revise its policies, procedures, and practices concerning probation, and where necessary, enabling legislation should be enacted, as follows:

1. A sentence to probation should be for a specific term not exceeding the maximum sentence authorized by law, except that probation for misdemeanants may be for a period not exceeding one year.

2. The court should be authorized to impose such conditions as are necessary to provide a benefit to the offender and protection to the public safety. The court also should be authorized to modify or enlarge the conditions of probation at any time prior to expiration or termination of sentence. The conditions imposed in an individual case should be tailored to meet the needs of the defendant and society, and mechanical imposition of uniform conditions on all defendants should be avoided.

3. The offender should be provided with a written statement of the conditions imposed and should be granted an explanation of such conditions. The offender should be authorized to request clarification of any condition from the sentencing judge. The offender should also be authorized on his own initiative to petition the sentencing judge for a modification of the conditions imposed.

4. Procedures should be adopted authorizing the revocation of a sentence of probation for violation of specific conditions imposed, such procedures to include:

a. Authorization for the prompt confinement of probationers who exhibit behavior that is a serious threat to themselves or others and for allowing probationers suspected of violations of a less serious nature to remain in the community until further proceedings are completed.

b. A requirement that for those probationers who are arrested for violation of probation, a preliminary hearing be held promptly by a neutral official other than his probation officer to determine whether there is probable cause to believe the probationer violated his probation. At this hearing the probationer should be accorded the following rights:

(1) To be given notice of the hearing and of the alleged violations.

(2) To be heard and to present evidence.

(3) To confront and cross-examine adverse witnesses unless there is substantial evidence that the witness will be placed in danger of serious harm by so testifying.

(4) To be represented by counsel and to have counsel appointed for him if he is indigent.

(5) To have the decisionmaker state his reasons for his decision and the evidence relied on.

c. Authorization of informal alternatives to formal revocation proceedings for handling alleged violations of minor conditions of probation. Such alternatives to revocation should include:

(1) A formal or informal conference with the probationer to reemphasize the necessity of compliance with the conditions.

(2) A formal or informal warning that further violations could result in revocation.

d. A requirement that, unless waived by the probationer after due notification of his rights, a hearing be held on all alleged violations of probation where revocation is a possibility to determine whether there is substantial evidence to indicate a violation has occurred, and if such a violation has occurred, the appropriate disposition.

e. A requirement that at the probation revocation hearing the probationer should have notice of the alleged violation, access to official records regarding his case, the right

to be represented by counsel including the right to appointed counsel if he is indigent, the right to subpoena witnesses in his own behalf, and the right to confront and cross-examine witnesses against him.

f. A requirement that before probation is revoked the court make written findings of fact based upon substantial evidence of a violation of a condition of probation.

g. Authorization for the court, upon finding a violation of conditions of probation, to continue the existing sentence with or without modification, to enlarge the conditions, or to impose any other sentence that was available to the court at the time of initial sentencing. In resentencing a probation violator, the following rules should be applicable:

(1) Criteria and procedures governing initial sentencing decisions should govern resentencing decisions.

(2) Failure to comply with conditions of a sentence that impose financial obligations upon the offender should not result in confinement unless such failure is due to a willful refusal to pay.

(3) Time served under probation supervision from initial sentencing to the date of violation should be credited against the sentence imposed on resentencing.

5. Probation should not be revoked for the commission of a new crime until the offender has been tried and convicted of that crime. At this time criteria and procedures governing initial sentencing decisions should govern resentencing decisions.

Standard 3.2
Fines

In enacting penal code revisions, the North Dakota legislature should determine the categories of offenses for which a fine is an appropriate sanction and provide a maximum fine for each category.

Criteria for the imposition of a fine also should be enacted, to include the following:

1. A fine should be imposed where it appears to be a deterrent against the type of offense involved or an appropriate correctional technique for an individual offender. Fines should not be imposed for the purpose of obtaining revenue for the government.

2. A fine should be imposed only if there is a reasonable chance that the offender will be able to pay without undue hardship for himself or his dependents.

3. A fine should be imposed only where the imposition will not interfere seriously with the offender's ability to make reparation or restitution to the victim.

Legislation authorizing the imposition of fines also should include the following provisions:

1. Authority for the court to impose a fine payable in installments.

2. Authority for the court to revoke part or all of a fine once imposed in order to avoid hardship either to the defendant or others.

3. A prohibition against court imposition of such sentences as "30 dollars or 30 days."

4. Authority for the imprisonment of a person who intentionally refuses to pay a fine or who fails to make a good-faith effort to obtain funds necessary for payment. Imprisonment solely for inability to pay a fine should not be authorized.

Legislation authorizing fines against corporations should include the following special provisions:

1. Authority for the court to base fines on sales, profits, or net annual income of a corporation where appropriate to assure a reasonably even impact of the fine on defendants of various means.

2. Authority for the court to proceed against specified corporate officers or against the assets of the corporation where a fine is not paid.

Standard 3.3
Credit for Time Served

Sentencing courts immediately should adopt a policy of giving credit to defendants against their maximum terms and against their minimum terms, if any, for time spent in custody and "good time" earned under the following circumstances:

1. Time spent in custody arising out of the charge or conduct on which such charge is based prior to arrival at the institution to which the defendant eventually is committed for service of sentence. This should include time spent in custody prior to trial, prior to sentencing, pending appeal, and prior to transportation to the correctional authority.

2. Where an offender is serving multiple sentences, either concurrent or consecutive, and he successfully invalidates one of the sentences, time spent in custody should be credited against the remaining sentence.

3. Where an offender successfully challenges his conviction and is retried and resentenced, all time spent in custody arising out of the former conviction and time spent in custody awaiting the retrial should be credited against any sentence imposed following the retrial.

The court should assume the responsibility for assuring that the record reveals in all instances the amount of time to be credited against the offender's sentence and that such record is delivered to the correctional authorities. The correctional authorities should assume the responsibility of granting all credit due an offender at the earliest possible time and of notifying the offender that such credit has been granted.

Credit as recommended in this standard should be automatic and a matter of right and not subject to the discretion of the sentencing court or the correctional authorities. The granting of credit should not depend on such factors as the offense committed or the number of prior convictions.

Time spent under supervision (in pretrial intervention projects, release on recognizance and bail programs, informal probation, etc.) prior to trial should be considered by the court in imposing sentence. The court should be authorized to grant the offender credit in an amount to be determined in the discretion of the court, depending on the length and intensity of such supervision.

Standard 3.4
Judicial Visits to Institutions

Court systems should adopt immediately, and correctional agencies should cooperate fully in the implementation of, a policy and practice to acquaint judges with the correctional facilities and programs to which they sentence offenders, so that the judges may obtain firsthand knowledge of the consequences of their snetencing decisions. It is recommended that:

1. During the first year of his tenure, a judge should visit all correctional facilities within his jurisdiction or to which he regularly sentences offenders.
2. Thereafter, he should make annual, unannounced visits to all such correctional facilities and should converse with both correctional staff and committed offenders.
3. No judge should be excluded from visiting and inspecting any part of any facility at any time or from talking in private to any person inside the facility, whether offender or staff.

Standard 3.5
Sentencing Institutes

Court systems immediately should adopt the practice of conducting sentencing institutes to provide judges with the background of information they need to fulfill their sentencing responsibilities knowledgeably. The practice should be governed by these considerations:

1. The State should provide for a biennial sentencing institute, which all sentencing judges should be eligible to attend without cost or expense.
2. Each judge who has been appointed or elected since the last convening should be required to attend the institute in order to acquaint himself further with sentencing alternatives available.
3. The institute should concern itself with all aspects of sentencing, among which should be establishment of more detailed sentencing criteria, alternatives to incarceration, and reexamination of sentencing procedures.
4. Defense counsel, prosecutors, police, correctional administrators, and interested members of the bar and other professions should be encouraged to attend. A stipend for at least some persons, including students, should be established.
5. To the extent possible, sentencing institutes should be held in a maximum or medium security penal institution in the State.

Standard 3.6
Sentencing Councils

Judges in courts with more than one judge immediately should adopt a policy of meeting regularly in sentencing councils to discuss individuals awaiting sentence, in order to assist the trial judge in arriving at an appropriate sentence. Sentencing councils should operate as follows:

1. The sentencing judge should retain the ultimate responsibility for selection of sentence, with the other members of the council acting in an advisory capacity.
2. Prior to the meeting of the council, all members should be provided with presentence reports and other documentary information about the defendant.
3. The council should meet after the sentencing hearing conducted by the sentencing judge but prior to the imposition of sentence.
4. Each member of the council should develop prior to the meeting a recommended sentence for each case with the factors he considers critical.
5. The council should discuss in detail those cases about which there is a substantial diversity of opinion among council members.
6. The council through its discussions should develop sentencing criteria.
7. The council should keep records of its agreements and disagreements and the effect of other judges' recommendations on the sentencing judge's final decision.

Standard 3.7
Requirements for Presentence Report and Content Specification

Sentencing courts immediately should develop standards for determining when a presentence report should be required and the kind and quantity of information needed to insure more equitable and correctionally appropriate dispositions. The guidelines should reflect the following:

1. A presentence report should be presented to the court in every case where there is a potential sentencing disposition involving incarceration and in all cases involving felonies or minors.
2. Gradations of presentence reports should be developed between a full report and a short-form report for screening offenders to determine whether more information is desirable or for use when a full report is unnecessary.

3. A full presentence report should be prepared where the court determines it to be necessary, and without exception in every case where incarceration for more than 5 years is a possible disposition. A short-form report should be prepared for all other cases.

4. In the event that an offender is sentenced, either initially or on revocation of a less confining sentence, to either community supervision or total incarceration, the presentence report should be made a part of his official file.

5. The full presentence report should contain a complete file on the offender—his background, his prospects of reform, and details of the crime for which he has been convicted. Specifically, the full report should contain at least the following items:

a. Complete description of the situation surrounding the criminal activity with which the offender has been charged, including a full synopsis of the trial transcript, if any; the offender's version of the criminal act; and his explanation for the act.
b. The offender's educational background.
c. The offender's employment background, including any military record, his present employment status, and capabilities.
d. The offender's social history, including family relationships, marital status, interests, and activities.
e. Residence history of the offender.
f. The offender's medical history and, if desirable, a psychological or psychiatric report.
g. Information about environments to which the offender might return or to which he could be sent should a sentence of nonincarceration or community supervision be imposed.
h. Information about any resources available to assist the offender, such as treatment centers, residential facilities, vocational training services, special educational facilities, rehabilitative programs of various institutions, and similar programs.
i. Views of the person preparing the report as to the offender's motivations and ambitions, and an assessment of the offender's explanations for his criminal activity.
j. A full description of defendant's criminal record, including his version of the offenses, and his explanations for them.
k. A recommendation as to disposition.

6. All information in the presentence report should be factual and verified to the extent possible by the preparer of the report. On examination at the sentencing hearing, the preparer of the report, if challenged on the issue of verification, should bear the burden of explaining why it was impossible to verify the challenged information. Failure to do so should result in the refusal of the court to consider the information.

Standard 3.8
Preparation of Presentence Report Prior to Adjudication

Sentencing courts immediately should develop guidelines as to the preparation of presentence reports prior to adjudication, in order to prevent possible prejudice to the defendant's case and to avoid undue incarceration prior to sentencing. The guidelines should reflect the following:

1. No presentence report should be prepared until the defendant has been adjudicated guilty of the charged offense unless:
   a. The defendant, on advice of counsel, has consented to allow the investigation to proceed before adjudication; and
   b. The defendant presently is incarcerated pending trial; and
   c. Adequate precautions are taken to assure that nothing disclosed by the presentence investigation comes to the attention of the prosecution, the court, or the jury prior to adjudication.

2. Upon a showing that the report has been available to the judge prior to adjudication of guilt, there should be a presumption of prejudice, which the State may rebut at the sentence hearing.

Standard 3.9
Disclosure of Presentence Report

Sentencing courts immediately should adopt a procedure to inform the defendant of the basis for his sentence and afford him the opportunity to challenge it.

1. The presentence report and all similar documents should be available to defense counsel and the prosecution.

2. The presentence report should be made available to both parties within a reasonable time, fixed by the court, prior to the date set for the sentencing hearing. After receipt of the report, the defense counsel may request:
   a. A presentence conference, to be held within the time remaining before the sentencing hearing.
   b. A continuance of one week, to allow him further time to review the report and prepare for its rebuttal. Either request may be made orally, with notice to the prosecutor. The request for a continuance should be granted only:
      (1) If defense counsel can demonstrate surprise at information in the report; and
      (2) If the defendant presently is incarcerated, he consents to the request.

CHAPTER 4
Classification of Offenders

Standard 4.1
Comprehensive Classification Systems

Each correctional agency, whether community-based or institutional, should immediately reexamine its classification system and reorganize it along the following principles:

1. Recognizing that corrections is now characterized by a lack of knowledge and deficient resources, and that classification systems therefore are more useful for assessing risk and facilitating the efficient management of offenders than for diagnosis of causation and prescriptions for remedial treatment, classification should be designed to operate on a practicable level and for realistic purposes, guided by the principle that:
   a. No offender should receive more surveillance or "help" than he requires; and
   b. No offender should be kept in a more secure condition or status than his potential risk dictates.
2. The classification system should specify:
   a. The objectives of the system based on a hypothesis for the social reintegration of offenders, detailed methods for achieving the objectives, and a monitoring and evaluation mechanism to determine whether the objectives are being met.
   b. The critical variables of the typology to be used.
   c. Detailed indicators of the components of the classification categories.
   d. The structure (committee, unit, team, etc.) and the procedures for balancing the decisions that must be made in relation to programming, custody, personal security, and resource allocation.
3. The system should provide full coverage of the offender population, clearly delineated categories, internally consistent groupings, simplicity, and a common language.
4. The system should be consistent with individual dignity and basic concepts of fairness (based on objective judgments rather than personal prejudices).
5. The system should provide for maximum involvement of the individual in determining the nature and direction of his own goals, and mechanisms for appealing administrative decisions affecting him.
6. The system should be adequately staffed, and the agency staff should be trained in its use.
7. The system should be sufficiently objective and quantifiable to facilitate research, demonstration, model building, intrasystem comparisons, and administrative decision making.
8. The correctional agency should participate in or be receptive to cross-classification research toward the development of a classification system that can be used commonly by all correctional agencies.

Standard 4.2
Classification for Inmate Management

Each correctional agency operating institutions for committed offenders should reexamine and reorganize its classification system immediately, as follows:

1. The use of reception-diagnostic centers should be discontinued.
2. Whether a reception unit or classification committee or team is utilized within the institution, the administration's classification issuance should:
   a. Describe the makeup of the unit, team, or committee, as well as its duties and responsibilities.
   b. Define its responsibilities for custody, employment, and vocational assignments.
   c. Indicate what phases of an inmate program may be changed without unit, team, or committee action.
   d. Specify procedures relating to inmate transfer from one program to another.
   e. Prescribe form and content of the classification interview.
   f. Develop written policies regarding initial inmate classification and reclassification.
3. The purpose of initial classification should be:
   a. To screen inmates for safe and appropriate placements and to determine whether these programs will accomplish the purposes for which inmates are placed in the correctional system, and
   b. Through orientation to give new inmates an opportunity to learn of the programs available to them and of the performance expected to gain their release.
4. The purpose of reclassification should be the increasing involvement of offenders in community-based programs as set forth in Standard 5.4 Inmate Involvement in Community Programs.
5. Initial classification should not take longer than 1 week.
6. Reclassification should be undertaken at intervals not exceeding 6 weeks.
7. The isolation or quarantine period, if any, should be as brief as possible but no longer than 24 hours.

Standard 4.3
Community classification teams

State and local correctional agencies should establish jointly and cooperatively by 1978, classification teams in the larger cities of the State for the

purpose of encouraging the diversion of selected offenders from the criminal justice system, minimizing the use of institutions for convicted or adjudicated offenders, and programming individual offenders for community-based programs. Establishment of community classification teams should be governed by the following considerations:

1. The planning and operation of community classification teams should involve State and local correctional personnel (institutions, jails, probation, and parole); personnel of specific community-based programs (employment programs, halfway houses, work-study programs, etc.); and police, court, and public representatives.

2. The classification teams should assist pretrial intervention projects in the selection of offenders for diversion from the criminal justice system, the courts in identifying offenders who do not require institutionalization, and probation and parole departments and State and local institutional agencies in original placement and periodic reevaluation and reassignment of offenders in specific community programs of training, education, employment, and related services.

3. The classification team, in conjunction with the participating agencies, should develop criteria for screening offenders according to:

a. Those who are essentially self-correcting and do not need elaborate programming.
b. Those who require different degrees of community supervision and programming.
c. Those who require highly concentrated institutional controls and services.

4. The policies developed by the classification team and participating agencies also should consider the tolerance of the general public concerning degrees of "punishment" that must be inflicted. In this connection the participation of the public in developing policies would be useful.

5. The work of the classification team should be designed to enable:

a. Departments, units, and components of the correctional system to provide differential care and processing of offenders.
b. Managers and correctional workers to array the clientele in caseloads of varying sizes and programs appropriate to the clients' needs as opposed to those of the agencies.
c. The system to match client needs and strengths with department and community resources and specifically with the skills of those providing services.

6. The classification team should have a role in recommending the establishment of new community programs and the modification of existing programs to involve volunteers, ex-offenders, and paraprofessionals. It should also have an evaluative and advisory role in the operation of community programs as they affect the fulfillment of the needs of offenders assigned to them.

7. The organization of the classification team should be flexible and involve rotating membership and chairmen selected on an alternating basis among participating agencies.

CHAPTER 5
Corrections and the Community

Standard 5.1
Development Plan for Community-Based Alternatives to Confinement

The North Dakota correctional system or correctional system of other units of government should begin immediately to analyze its needs, resources, and gaps in service and to develop by 1978 a systematic plan with timetable and scheme for implementing a range of alternatives to institutionalization. The plan should specify the services to be provided directly by the correctional authority and those to be offered through other community resources. Community advisory assistance is essential.

Minimum alternatives to be included in the plan should be the following:

1. Diversion mechanisms and programs prior to trial and sentence.

2. Nonresidential supervision programs in addition to probation and parole.

3. Residential alternatives to incarceration.

4. Community resources open to confined populations and institutional resources available to the entire community.

5. Prerelease programs.

6. Community facilities for released offenders in the critical reentry phase, with provision for short-term return as needed.

Standard 5.2
Marshaling and Coordinating Community Resources

The North Dakota correctional system or the systems of other units of government should take appropriate action immediately to establish effective working relationships with the major social institutions, organizations, and agencies of the community, including the following:

1. Employment resources—private industry, labor unions, employment services, civil service systems.

2. Educational resources—vocational and technical, secondary college and university, adult basic education, private and commercial training, government and private job development and skills training.

3. Social welfare services—public assistance, housing, rehabilitation services, mental health services, counseling assistance, neighborhood centers, unemployment compensation, private social service agencies of all kinds.

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

5. Other relevant community organizations and groups—ethnic and cultural groups, recreational and social organizations, religious and self-help groups, and others devoted to political or social action.

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

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

Standard 5.3
Corrections' Responsibility for Citizen Involvement

The North Dakota correctional system should create immediately (a) a multipurpose public information and education unit, to inform the general public on correctional issues and to organize support for and overcome resistance to general reform efforts and specific community-based projects; and (b) an administrative unit responsible for securing citizen involvement in a variety of ways within corrections, including advisory and policymaking roles, direct service roles, and cooperative endeavors with correctional clients.

1. The unit responsible for securing citizen involvement should develop and make public a written policy on selection process, term of service, tasks, responsibilities, and authority for any advisory or policymaking body.

2. The citizen involvement unit should be specifically assigned the management of volunteer personnel serving in direct service capacities with correctional clientele, to include:

a. Design and coordination of volunteer tasks.
b. Screening and selection of appropriate persons.
c. Orientation to the system and training as required for particular tasks.
d. Professional supervision of volunteer staff.
e. Development of appropriate personnel practices for volunteers, including personnel records, advancement opportunities, and other rewards.

3. The unit should be responsible for providing for supervision of offenders who are serving in volunteer roles.

4. The unit should seek to diversify institutional programs by obtaining needed resources from the community that can be used in the institution and by examining and causing the periodic reevaluation of any procedures inhibiting the participation of inmates in any community program.

5. The unit should lead in establishing and operating community-based programs emanating from the institution or from a satellite facility and, on an on-going basis, seek to develop new opportunities for community contacts enabling inmate participants and custodial staff to regularize and maximize normal interaction with community residents and institutions.

Standard 5.4
Inmate Involvement in Community Programs

Correctional agencies should begin immediately to develop arrangements and procedures for offenders sentenced to correctional institutions to assume increasing individual responsibility and community contact. A variety of levels of individual choice, supervision, and community contact should be specified in these arrangements, with explicit statements as to how the transitions between levels are to be accomplished. Progress from one level to another should be based on specified behavioral criteria rather than on sentence, time served, or subjective judgments regarding attitudes.

The arrangements and procedures should be incorporated in the classification system to be used at an institution and reflect the following:

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

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

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

4. Allowing for individual differences in time and progress or lack of progress, the inmate should

move through a series of levels broadly encompassing movement from (a) initial security involving few outside privileges and minimal contact with community participants in institutional programs, to (b) lesser degrees of custody with participation in institutional and community programs involving both citizens and offenders, to (c) partial-release programs under which he would sleep in the institution but have maximum participation in institutional and outside activities involving community residents, to (d) residence in a halfway house or similar noninstitutional residence, to (e) residence in the community at the place of his choice with moderate supervision, and finally to (f) release from correctional supervision.

5. The presumption should be in favor of decreasing levels of supervision and increasing levels of individual responsibility.

6. When an inmate fails to meet behavioral objectives, the team may decide to keep him in the same status for another period or move him back. On the other hand, his behavioral achievements may indicate that he can be moved forward rapidly without having to go through all the successive stages.

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

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

CHAPTER 6
Local Adult Institutions

Standard 6.1
Total System Planning

State and local corrections systems and planning agencies should immediately undertake, on a cooperative basis, planning for community corrections based on a total system concept that encompasses the full range of offenders' needs and the overall goal of crime reduction. Total system planning for a particular area should include the following concepts:

1. While the actual methodology may vary, total system planning should include these phases:
   a. A problem definition phase, including initial demarcation of the specific service area, as determined by the scope of the problem to be addressed. Its identification results in a preliminary statement of the correctional problem.
   b. Data survey and analysis designed to obtain comprehensive information on population trends and demography, judicial practices, offender profiles, service area resources, geographic and physical characteristics, and political and governmental composition. Such information is needed to assess service area needs and capability and to determine priorities.
   c. A program linkage phase involving examination of various ways to meet the problems identified. The linkages should emphasize service area resources that can be used to provide community-based correctional programs as alternatives to incarceration. Identification and development of diversion programs by program linkage will have significant implications for a service area's detention capacity and program requirements.
   d. A definition and description of the correctional delivery system for the service area developed on the basis of results of the previous phases. Facility and nonfacility program requirements should be included.
   e. Program and facility design, which proceed from delivery system definition. The resulting overall community correctional system design will vary with specific service area characteristics, but it should follow either a regional or a network approach.
      (1) A network service delivery system should be developed for urban service areas with large offender populations. This system should have dispersed components (programs and facilities) that are integrated operationally and administratively. The network should include all components necessary to meet the needs of clientele and the community. Court intake, social investigation, and pretrial release and detention programs should be located near the courts. Other residential and nonresidential components should be located in the clients' communities or neighborhoods and should use existing community resources.

      (2) A regionalized service delivery system should be developed for service areas that are sparsely populated and include a number of cities, towns, or villages. Such a system may be city-county or multicounty in composition and scope. Major facility and program components should be consolidated in a central area or municipality. Components should include intake and social investigations services, pretrial release services, pretrial and posttrial residential facilities, special

programs, and resource coordination. Extended components, such as prerelease, work/education release, alcoholic and narcotic addict treatment, and related program coordination units, should be located in smaller population centers with provision for operational and administrative coordination with the centralized components. The centralized system component should be located in close proximity to court services and be accessible to private and public transportation.

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

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

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

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

Standard 6.2
State Operation and Control of Local Detention Facilities

All local detention and correctional functions, both pre- and post-conviction, should be incorporated within the appropriate State system by 1982.

1. Community-based resources should be developed initially through subsidy contract programs, subject to State standards, which reimburse the local unit of government for accepting State commitments.

2. Coordinated planning for community-based correctional services should be implemented immediately on a State and regional basis. This planning should take place under jurisdiction of the State correctional system.

3. Special training and other programs operated by the State should be available immediately to offenders in the community by utilizing mobile service delivery or specialized regional centers.

4. Program personnel should be recruited from the immediate community or service area to the maximum extent possible. Employees' ties with the local community and identification with the offender population should be considered essential to community involvement in the correctional program. At the same time, professional services should not be sacrificed, and State training programs should be provided to upgrade employee skills.

Standard 6.3
State Inspection of Local Facilities

The North Dakota legislature should immediately authorize the formulation of State standards for correctional facilities and operational procedures and State inspection to insure compliance, including such features as:

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

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

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

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

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

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

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

Standard 6.4
Adult Intake Services

When staffing and finances permit each judicial jurisdiction should establish adult intake services to:

1. Perform investigative services, upon court

request, to enable the court to make its pretrial release decision.

2. Emphasize diversion of alleged offenders from the criminal justice system and referral to alternative community-based programs, once established.

3. Arrange for the secure detention for pretrial detainees who represent a serious threat to the safety of others.

4. Assist in program planning for sentenced offenders.

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

1. Intake services should be administratively part of the judiciary.

2. In cities with populations in excess of 10,000 persons, intake services should operate in conjunction with the community correctional facility.

3. Initiation of intake services should in no way imply that the client or recipient of its services is guilty. Protection of the rights of the accused must be maintained at every phase of the process.

4. Confidentiality should be maintained at all times.

5. Social inventory and offender classification should be a significant component of intake services.

6. Each jurisdiction should have the authority to contract for services or programs when existing institutional services or programs are inadequate.

7. The following persons should be available to intake service programs by contract:

a. Psychiatrists, psychologists, and/or physicians.
b. Social workers.
c. Interviewers.
d. Education specialists.

Standard 6.5
Pretrial Detention Admission Process

County, city, or regional jails or community correctional centers should immediately reorganize their admission processing for residential care as follows:

1. In addition to providing appropriate safeguards for the community, admission processing for pretrial detention should establish conditions and qualities conducive to overall correctional goals.

2. Detention center admission staffing should be sufficient to avoid use of holding rooms for periods longer than 2 hours. Emphasis should be given to prompt processing that allows the individual to be aware of his circumstances and avoid undue anxiety.

3. The admission process should be conducted within the security perimeter, with adequate physical separation from other portions of the facility and from the discharge process.

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

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

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

7. Each person should be interviewed by a counselor, social worker, or other program staff member whenever practical and appropriate.

8. A reasonable request for medical attention should be honored. When an examination is required, it shall be mandatory that the physician's orders be followed unless the patient objects.

Standard 6.6
Staffing Patterns

Every jurisdiction operating locally based correctional institutions and programs should immediately establish these criteria for staff:

1. All personnel should be placed on a merit or civil service status, with all employees except as noted below assigned to the facility on a full-time basis.

2. Correctional personnel should receive salaries equal to those of persons with comparable qualifications and seniority in the jurisdiction's police and fire departments.

3. Law enforcement personnel should not be assigned to the staffs of local correctional centers.

4. Qualifications for correctional staff members should be set at the State level and include requirement of a high school diploma.

5. A program of preservice and inservice training and staff development should be given all personnel. Provision of such a program should be a responsibility of the State government. New correctional workers should receive preservice training in the fundamentals of facility operation, correctional programming, and their role in the correctional process. With all workers, responsibilities and salaries should increase with training and experience.

6. Correctional personnel should be responsible for maintenance and security operations as well as for the bulk of the facility's in-house correctional programming for residents.

7. In all instances where correctional personnel engage in counseling and other forms of correctional programming, professionals should serve in a supervisory and advisory capacity. The same professionals should oversee the activities of volunteer workers within the institution. In addition, they themselves should engage in counseling and other activities as needs indicate.

8. Wherever feasible, professional services should be purchased on a contract basis from practitioners in the community or from other governmental agencies. Relevant State agencies should be provided space in the institution to offer services. Similarly, other criminal justice employees should be encouraged to utilize the facility, particularly parole and probation officers.

9. Every correctional worker should be assigned to a specific aspect of the facility's programming, such as the educational program, recreation activities, or supervision of maintenance tasks.

10. At least one correctional worker should be on the staff for every six inmates in the average daily population, with the specific number on duty adjusted to fit the relative requirements for three shifts.

Standard 6.7
Internal Policies

Every jurisdiction operating locally based correctional institutions and programs for adults should immediately adopt these internal policies:

1. A simplified classification system should be used to provide the basis for cell assignment and program planning for individuals. Where facilities permit, segregation of diverse categories of incarcerated persons, as well as identification of special supervision and treatment requirements, should be observed.

   a. The mentally ill should not be housed in a detention facility.
   b. Since local correctional facilities are not equipped to treat addicts or alcoholics, they should be diverted to available narcotic or detoxification centers. If such centers are not available, each jurisdiction should make a concerted effort to establish alternatives to detention, such as the use of local hospitals or other medical facilities. Addicted or alcoholic offenders should be given prompt medical attention and if none is available, should be under careful supervision.
   c. Where facilities permit, prisoners who suffer from various disabilities should have separate housing and close supervision to prevent mistreatment by other inmates. Any potential suicide risk should be under careful supervision. Epileptics, diabetics, and persons with other special problems should be treated as recommended by a physician.
   d. Beyond segregating these groups, where facilities permit, serious and multiple offenders should be kept separate from those whose charge or conviction is for a first or minor offense. In particular, persons charged with noncriminal offenses (for example, public drunkenness or traffic cases) should not be detained before trial. The State government should insist on the separation of pretrial and posttrial inmates, except where separation is not possible and every alternative is being used to reduce pretrial detention.

2. Detention rules and regulations should be provided each new admission and posted in a prominent place of the facility. These regulations should cover items discussed in Chapter 1, Rights of Offenders.

3. Every inmate has the right to visits from family and friends. Each facility should establish reasonable visiting hours and the environment in which visits take place should be designed and operated under conditions as normal as possible. Maximum security arrangements should be reserved for the few cases in which they are necessary.

4. The institution should obtain assistance from external medical and health resources (State agencies, medical societies, professional groups, hospitals, and clinics). Specifically:

   a. Each institution should make provisions for emergency medical and dental care.
   b. Reasonable requests for medical or dental care should be honored.
   c. Offenders detained in a local facility for a period exceeding 90 days should be given physical examinations upon their admission and the institution should keep a personal medical record for each inmate so detained.

5. Three meals daily should be provided at regular and reasonable hours. Meals should be of sufficient quantity, well prepared, served in an attractive manner, and nutritionally balanced. Service should be prompt, so that hot food remains hot and cold food remains cold.

6. The inmates' lives and health are the responsibility of the facility. Hence the facility should implement sanitation and safety procedures that help protect the inmate from disease, injury, and personal danger.

7. Each detention facility should have written provisions that deal with its management and administration.

8. The use of an inmate trusty system should be prohibited.

Standard 6.8
Local Correctional Facility Programming

Every jurisdiction operating locally based correctional facilities and programs for adults should immediately adopt the following programming practices:

1. A decisionmaking body should be established to follow and direct the inmate's progress through the local correctional system, either as a part of or in conjunction with the community classification team concept set forth in Standard 4.3. Members should include a parole and probation supervisor, the administrator of the correctional facility or his immediate subordinates, professionals whose services are purchased by the institution, representatives of community organizations running programs in the institution or with its residents, and inmates. This body should serve as a central information-gathering point. It should discuss with an individual inmate all major decisions pertaining to him.

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

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

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

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

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

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

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

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

Standard 6.9
Jail Release Programs

Every jurisdiction operating locally based correctional facilities and programs for convicted adults immediately should develop release programs drawing community leadership, social agencies, and business interest into action with the criminal justice system.

1. Since release programs rely heavily on the participant's self-discipline and personal responsibility, the offender should be involved as a member of the program planning team.

2. Release programs have special potential for utilizing specialized community services to meet offenders' special needs. This capability avoids the necessity of service duplication within corrections.

3. Weekend visits and home furloughs should be planned regularly, so that eligible individuals can maintain ties with family and friends.

4. Work release should be made available to persons in all offense categories who do not present a serious threat to others.

5. The offender in a work-release program should be paid at prevailing wages. The individual and the work-release agency may agree to allocation of earnings to cover subsistence, transportation cost, compensation to victims, family support payments, and spending money. The work-release agency should maintain strict accounting procedures open to inspection by the client and others.

6. Program location should give high priority to the proximity of job opportunities. Various modes of transportation may need to be utilized.

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

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

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

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

Standard 6.10
Local Facility Evaluation and Planning

Jurisdictions evaluating the physical plants of existing local facilities for adults or planning new facilities should be guided by the following considerations:

1. A comprehensive survey and analysis should be made of criminal justice needs and projections in a particular service area.
   a. Evaluation of population levels and projections should assume maximum use of pretrial release programs and postadjudication alternatives to incarceration.
   b. Diversion of sociomedical problem cases (alcoholics, narcotic addicts, mentally ill, and vagrants) should be provided for.
2. Facility planning, location, and construction should:
   a. Develop, maintain, and strengthen offenders' ties with the community. Therefore, convenient access to work, school, family, recreation, professional services, and community activities should be maximized.
   b. Increase the likelihood of community acceptance, the availability of contracted programs and purchased professional services, and attractiveness to volunteers, paraprofessionals, and professional staff.
   c. Afford easy access to the courts and legal services to facilitate intake screening, presentence investigations, postsentence programming, and pretrial detention.
3. A spatial "activity design" should be developed.
   a. Planning of sleeping, dining, counseling, visiting, movement, programs, and other functions should be directed at optimizing the conditions of each.
   b. Unnecessary distance between staff and resident territories should be eliminated.
   c. Transitional spaces should be provided that can be used by "outside" and inmate participants and give a feeling of openness.
4. Security elements and detention provisions should not dominate facility design.
   a. Appropriate levels of security should be achieved through a range of unobtrusive measures that avoid the ubiquitous "cage" and "closed" environment.
   b. Environmental conditions comparable to normal living should be provided to support development of normal behavior patterns.
   c. All inmates should be accomodated in individual rooms arranged in residential clusters of 8 to 24 rooms to achieve separation of accused and sentenced persons, male and female offenders, and varying security levels and to reduce the depersonalization of institutional living.
   d. A range of facility types and the quality and kinds of spaces comprising them should be developed to provide for sequential movement of inmates through different programs and physical spaces consistent with their progress.
5. Applicable health, sanitation, space, safety, construction, environmental, and custody codes and regulations must be taken into account.
6. Consideration must be given to resources available and the most efficient use of funds.
   a. Expenditures on security hardware should be minimized.
   b. Existing community resources should be used for provision of correctional services to the maximum feasible extent.
   c. Shared use of facilities with other social agencies not conventionally associated with corrections should be investigated.
   d. Facility design should emphasize flexibility and amenability to change in anticipation of fluctuating conditions and needs and to achieve highest return on capital investment.
7. Prisoners should be handled in a manner consistent with humane standards.
   a. Use of closed-circuit television and other electronic surveillance is detrimental to program objectives, particularly when used as a substitute for direct staff-resident interaction. Experience in the use of such equipment also has proved unsatisfactory for any purposes other than traffic control or surveillance of institutional areas where inmates' presence is not authorized.
   b. Individual residence space should provide sensory stimulation and opportunity for self-expression and personalizing the environment.
8. Existing community facilities should be explored as potential replacement for, or adjuncts to, a proposed facility.
9. Planning for network facilities should include no single component, or institution, housing more than 300 persons.

CHAPTER 7
Probation

Standard 7.1
Organization of Probation

North Dakota should take action to place probation organizationally in the executive branch of State government. The State correctional agency should be given responsibility for:

1. Establishing statewide goals, policies, and priorities that can be translated into measurable objectives by those delivering services.

2. Program planning and development of innovative service strategies.

3. Staff development and training.

4. Planning for manpower needs and recruitment.

5. Collecting statistics, monitoring services, and conducting research and evaluation.

6. Offering consultation to courts, legislative bodies, and local executives.

7. Coordinating the activities of separate systems for delivery of services to the courts and to probationers until separate staffs to perform services to the courts are established within the courts system.

During the period when probation is being placed under direct State operation, the State correctional agency should be given authority to supervise local probation and to operate regional units in rural areas where population does not justify creation or continuation of local probation. In addition to the responsibilities previously listed, the State correctional agency should be given responsibility for:

1. Establishing standards relating to personnel, services to courts, services to probationers, and records to be maintained, including format of reports to courts, statistics, and fiscal controls.

2. Consultation to local probation agencies, including evaluation of services with recommendations for improvement; assisting local systems to develop uniform record and statistical reporting procedures conforming to State standards; and aiding in local staff development efforts.

3. Assistance in evaluating the number and types of staff needed in each jurisdiction.

4. Financial assistance through reimbursement or subsidy to those probation agencies meeting standards set forth in this chapter.

Standard 7.2
Services to Probationers

The probation system should develop by 1977 a goal-oriented service delivery system that seeks to remove or reduce barriers confronting probationers. The needs of probationers should be identified, priorities established, and resources allocated based on established goals of the probation system.

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

2. The staff delivering services to probationers in urban areas should be separate and distinct from the staff delivering services to the courts, although they may be part of the same agency. The staff delivering services to probationers should be located in the communities where probationers live and in service centers with access to programs of allied human services.

3. The probation system should be organized to deliver to probationers a range of services by a range of staff. Various modules should be used for organizing staff and probationers into workloads or task groups, not caseloads. The modules should include staff teams related to groups of probationers and differentiated programs based on offender typologies.

4. The primary function of the probation officer should be that of community resource manager for probationers.

Standard 7.3
Misdemeanant Probation

North Dakota should develop additional probation manpower and resources to assure that the courts may use probation for persons convicted of misdemeanors in all cases for which this disposition may be appropriate. All standards of this report that apply to probation are intended to cover both misdemeanant and felony probation. Other than the possible length of probation terms, there should be no distinction between misdemeanant and felony probation as to organization, manpower, or services.

Standard 7.4
Probation Manpower

North Dakota should develop a comprehensive manpower development and training program to recruit, screen, utilize, train, educate, and evaluate a full range of probation personnel, including volunteers, women, and ex-offenders. The program should range from entry level to top level positions and should include the following:

1. Provision should be made for effective utilization of a range of manpower on a full- or part-time basis by using a systems approach to identify service objectives and by specifying job tasks and range of personnel necessary to meet the objectives. Jobs should be reexamined periodically to insure that organizational objectives are being met.

2. In addition to probation officers, there should be new career lines in probation, all built into career ladders.

3. Advancement (salary and status) should be along two tracks: service delivery and administration.

4. Educational qualification for probation officers should be graduation from an accredited 4-year college.

CHAPTER 8
Major Institutions

Standard 8.1
Planning New Correctional Institutions

Each correctional agency administering State institutions for juvenile or adult offenders should adopt immediately a policy of not building new major institutions for juveniles under any circumstances, and not building new institutions for adults unless an analysis of the total criminal justice and adult corrections systems produces a clear finding that no alternative is possible. In the latter instance, the analysis should conform generally to the "total system planning" discussed in Chapter 6. If this effort proves conclusively that a new institution for adults is essential, these factors should characterize the planning and design process:

1. A collaborative planning effort should identify the purpose of the physical plant.

2. The size of the inmate population of the projected institution should be small enough to allow security without excessive regimentation, surveillance equipment, or repressive hardware.

3. The location of the institution should be selected on the basis of its proximity to:
   a. The communities from which the inmates come.
   b. Areas capable of providing or attracting adequate numbers of qualified line and professional staff members of racial and ethnic origin compatible with the inmate population, and capable of supporting staff lifestyles and community service requirements.
   c. Areas that have community services and activities to support the correctional goal, including social services, schools, hospitals, universities, and employment opportunities.
   d. The courts and auxiliary correctional agencies.
   e. Public transportation.

4. The physical environment of a new institution should be designed with consideration to:
   a. Provision of privacy and personal space.
   b. Minimization of noise.
   c. Reduction of sensory deprivation.
   d. Encouragement of constructive inmate-staff relationships.
   e. Provision of adequate utility services.

5. Provision also should be made for:
   a. Dignified facilities for inmate visiting.
   b. Individual and group counseling.
   c. Education, vocational training, and workshops designed to accommodate small numbers of inmates and to facilitate supervision.
   d. Recreation yards for each housing unit as well as larger recreational facilities accessible to the entire inmate population.
   e. Medical and hospital facilities.

Standard 8.2
Modification of Existing Institutions

Each correctional agency administering state institutions for juvenile and adult offenders should undertake immediately a continuing program of examination. This examination should be followed by a planning effort to determine the legitimate role of each institution in the correctional system. The physical environment of our institutions should fully nurture the physical, intellectual, and emotional growth of those living there. Informal, dignified visiting facilities, vocational facilities, educational facilities, group meeting rooms, workshop facilities, recreation facilities, medical and hospital facilities, as well as other aspects of facilities of the institution must be reviewed to assure that the plant is providing a context in which the growth of the individuals living there is facilitated.

Standard 8.3
Social Environment of Institutions

Each correctional agency operating juvenile or adult institutions, and each institution, should undertake immediately to reexamine and revise its policies, procedures, and practices to bring about an institutional social setting that will stimulate offenders to change their behavior and to participate on their own initiative in programs intended to assist them in reintegrating into the community.

1. The institution's organizational structure should permit open communication and provide for maximum input in the decisionmaking process.
   a. Inmate advisory committees should be developed.
   b. A policy of participative management should be adopted.
   c. An ombudsman independent of institutional administration should receive and process inmate and staff complaints.
   d. Inmate newspapers and magazines should be supported.

2. The correctional agency and the institution should make explicit their correctional goals and program thrust.
   a. Staff recruitment and training should emphasize attitudes that support these goals.

b. Performance standards should be developed for programs and staff to measure program effectiveness.
c. An intensive public relations campaign should make extensive use of media to inform the public of the agency's goals.
d. The institution administration should be continuously concerned with relevance and change.

3. The institution should adopt policies and practices that will preserve the individual identity of the inmate and normalize institutional settings.
a. Each offender should be involved in program decisions affecting him.
b. Offenders should be identified by name and social security number rather than prison number.
c. Rules governing hair length and the wearing of mustaches and beards should be liberalized to reflect respect for individuality and cultural and subcultural trends.
d. Where possible, uniforms should be eliminated and replaced with civilian dress, with reasonable opportunity for individual choice of colors, styles, etc.
e. Institutional visitation should be held in an environment conducive to healthy relationships between offenders and their families and friends.
f. Home furlough should be allowed to custodially qualified offenders to maintain emotional involvement with families.
g. Telephone privileges, including reasonable provisions for long-distance calls, should be extended to all inmates.
h. No limitation should be imposed upon the amount of mail offenders may send or receive.

4. Each institution should make provision for the unique problems faced by minority offenders and take these problems into consideration in practices and procedures.
a. Subcultural groups should be formally recognized and encouraged.
b. Ethnic studies courses should be provided.
c. Staff members representative of minority groups in the institution should be hired and trained.
d. Minority residents of the community should be involved actively in institution programs.

5. The institution should actively develop the maximum possible interaction between community and institution, including involvement of community members in planning and in intramural and extramural activities.
a. Institutionally based work-release and study-release programs with an emphasis on community involvement should be adopted or expanded.
b. Ex-offenders and indigenous paraprofessionals should be used in institutional programs and activities.
c. Joint programming between the institution and the community should be developed, including such activities as drug counseling sessions, Alcoholics Anonymous meetings, recreation programs, theatre groups, and so on.
d. Offenders should be able to participate in educational programs in the community, and community members should be able to participate in educational programs in the institution.
e. Police officers should become involved, acquainting offenders with pertinent sections of the law and in general playing a supportive role.
f. Offenders should have opportunities to travel to and to participate in worship services of local churches, and representatives of the churches should participate in institutional services.
g. The institution should cultivate active participation of civic groups, and encourage the groups to invite offenders to become members.
h. The institution should arrange for representatives of government agencies to render services to offenders by traveling to the institution or by enabling offenders to appear at agency offices.
i. The institution should obtain the participation of business and labor in intramural and extramural programs and activities.
j. The institution should seek the participation of volunteers in institutional programs and activities.

6. The institution should apply only the minimum amount of security measures, both physical and procedural, that are necessary for the protection of the public, the staff, and inmates, and its disciplinary measures should emphasize rewards for good behavior rather than the threat of punishment for misbehavior.
a. Committed offenders initially should be assigned the least restrictive custodial level possible, as determined by the classification process.
b. Only those mechanical devices absolutely necessary for security purposes should be utilized.
c. Institutional regulations affecting inmate movements and activities should not be so restrictive and burdensome as to discourage participation in program activities and to give offenders a sense of oppression.

d. Disciplinary procedures should be adopted including the promulgation of reasonable rules of conduct and disciplinary hearings and decisions respecting the rights of offenders.
e. An incentive system should be developed to reward positive behavior and to reinforce desired behavioral objectives.
f. Security and disciplinary policies and methods should be geared to support the objective of social reintegration of the offender rather than simply to maintain order and serve administrative convenience.

Standard 8.4
Education and Vocational Training

Each institution for juveniles or adults should reexamine immediately its educational and vocational training programs to insure that they meet standards that will individualize education and training. These programs should be geared directly to the reintegration of the offender into the community. It is recognized that techniques and practices for juveniles may be somewhat different from those required for adults, but the principles are similar. Usually the programs for juveniles and youths are more adequately equipped and staffed, but this distinction should not continue. It is assumed that intensive efforts will be made to upgrade adult institutions and that juvenile institutions will be phased out in favor of community programs and facilities.

1. Each institution should have a comprehensive, continuous educational program for inmates.
   a. The educational department of the institution should establish a system of accountability to include:
      (1) An annual internal evaluation of achievement data to measure the effectiveness of the instruction program against stated performance objectives.
      (2) An appraisal comparable to an accreditation process, employing community representatives, educational department staff, and inmate students to evaluate the system against specific objectives. This appraisal should be repeated at least every 3 years.
   b. The educational curriculum should be developed with inmate involvement. Individualized and personalized programming should be provided.
   c. The educational department should have at least one learning laboratory for basic skill instruction. Occupational education should be correlated with basic academic subjects.
   d. In addition to meeting State certification requirements, teachers should have additional course work in social education, reading instruction, and abnormal psychology. Teachers in juvenile institutions also should be certified to teach exceptional children, have experience teaching inner city children, and have expertise in educational technology.
   e. Each educational department should make arrangements for education programs at local colleges where possible, using educational opportunities programs, work-study programs for continuing education, and work-furlough programs.
   f. Each educational department should have a guidance counselor (preferably a certificated school psychologist) and a student personnel worker. School records of juveniles should be available to these persons at the time of commitment.
   g. Social and coping skills should be part of the educational curriculum, particularly consumer and family life education.

2. Each institution should have prevocational and vocational training programs to enhance the offender's marketable skills.
   a. The vocational training program should be part of a reintegrative continuum, which includes determination of needs, establishment of program objectives, vocational training, and assimilation into the labor market.
   b. The vocational training curriculum should be designed in short, intensive training modules.
   c. Individual prescriptions for vocational training programs should include integration of academic work, remedial reading and math, high school graduation, and strong emphasis on the socialization of the individual as well as development of trade skills and knowledge.
   d. Vocational programs for offenders should be intended to meet their individual needs and not the needs of the instructor or the institution. Individual programs should be developed in cooperation with each inmate.
   e. An incentive pay scale should be a part of all on-the-job training programs for inmates.
   f. Vocational programs should be selected on the basis of the following factors related to increasing offenders' marketable skills:
      (1) Vocational needs analysis of the inmate population.
      (2) Job market analysis of existing or emerging occupations.
      (3) Job performance or specification analysis, including skills and knowledge needed to acquire the occupation.
   g. Vocational education and training programs

should be made relevant to the employment world.

(1) Programs of study about the work world and job readiness should be included in prevocational or orientation courses.

(2) Work sampling and tool technology programs should be completed before assignment to a training program.

(3) Use of vocational skill clusters, which provide the student with the opportunity to obtain basic skills and knowledge for job entry into several related occupations, should be incorporated into vocational training programs.

h. All vocational training programs should have a set of measurable behavioral objectives appropriate to the program. These objectives should comprise a portion of the instructor's performance evaluation.

i. Vocational instructors should be licensed or credentialed under rules and regulations for public education in the State or jurisdiction.

j. Active inservice instructor training programs should provide vocational staff with information on the latest trends, methods, and innovations in their fields.

k. Class size should be based on a ratio of 12 students to 1 teacher.

l. Equipment should require the same range and level of skills to operate as that used by private industry.

m. Trades advisory councils should involve labor and management to assist and advise in the ongoing growth and development of the vocational program.

n. Private industry should be encouraged to establish training programs within the residential facility and to commit certain numbers of jobs to graduates from these training programs.

o. The institution should seek active cooperative programs and community resources in vocational fields with community colleges, federally funded projects such as Job Corps, Neighborhood Youth Corps, and Manpower Development Training Act programs, and private community action groups.

p. On-the-job training and work release or work furloughs should be used to the fullest extent possible.

q. An active job placement program should be established to help residents find employment related to skills training received.

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

a. Emphasis should be placed on programmed instruction, which allows maximum flexibility in scheduling, enables students to proceed at their own pace, gives immediate feedback, and permits individualized instruction.

b. A variety of instructional materials — including audio tapes, teaching machines, books, computers, and television — should be used to stimulate individual motivation and interest.

c. Selected offenders should participate in instructional roles.

d. Community resources should be fully utilized.

e. Correspondence courses should be incorporated into educational and vocational training programs to make available to inmates specialized instruction that cannot be obtained in the institution or the community.

f. Credit should be awarded for educational and vocational programs equivalent to or the same as that associated with these programs in the free world.

Standard 8.5
Special Offender Types

Each correctional agency operating major institutions, and each institution, should reexamine immediately its policies, procedures, and programs for the handling of special problem offenders-the addict, the recalcitrant offender, the emotionally disturbed, and those associated with organized crime - and implement substantially the following:

1. The commitment of addicts to correctional institutions should be discouraged, and correctional administrators should actively press for the development of alternative methods of dealing with addicts, preferably community-based alternatives. Recognizing, however, that some addicts will commit crimes sufficiently serious to warrant a formal sentence and commitment, each institution must experiment with and work toward the development of institutional programs that can be related eventually to community programs following parole or release and that have more promise in dealing effectively with addiction.

a. Specially trained and qualified staff should be assigned to design and supervise drug offender programs, staff orientation, involvement of offenders in working out their own programs, and coordination of institutional and community drug programs.

b. Former drug offenders should be recruited and trained as change agents to provide program credibility and influence offenders' behavior patterns.

c. In addition to the development of social, medical, and psychological information, the classification process should identify motivations for change and realistic goals for the

reintegration of the offender with a drug problem.

d. A variety of approaches should provide flexibility to meet the varying needs of different offenders. These should include individual counseling, family counseling, and group approaches.

e. Programs should emphasize "alternatives" to drugs. These should include opportunities to affiliate with cultural and subcultural groups, social action alliances, and similar groups that provide meaningful group identification and new social roles which decrease the desire to rely on drugs. Methadone and other drug maintenance programs are not appropriate in institutions.

f. The major emphasis in institutional programs for drug users should be the eventual involvement of the users in community drug treatment programs upon their parole or release.

g. Because of the inherent limitations and past failure of institutions to deal effectively with drug addiction, research and experimentation should be an indispensable element of institutional drug treatment programs. Priorities include:

(1) Development of techniques for the evaluation of correctional therapeutic communities.

(2) Development of methods for surveying inmates to determine the extent of drug abuse and treatment needs.

(3) Evaluation of program effectiveness with different offender types.

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

a. The classification process should be used to attempt to obtain an understanding of the recalcitrant offender and to work out performance objectives with him.

b. A variety of staff should be provided to meet the different needs of these offenders.

(1) Staff selections should be made through in-depth interviews. In addition to broad education and experience backgrounds, personal qualities of tolerance and maturity are essential.

(2) Continuous on-the-job staff evaluation and administrative flexibility in removing ineffective staff are needed to meet the stringent demands of these positions.

(3) Training programs designed to implement new knowledge and techniques are mandatory.

c. Recalcitrant offenders who are too dangerous to be kept in the general institutional population should be housed in a unit of not more than 26 individual rooms providing safety and comfort.

(1) Good surveillance and perimeter security should be provided to permit staff time and efforts to be concentrated on the offenders' problems.

(2) No individual should remain in the unit longer than is absolutely necessary for the safety of others.

(3) Wherever possible the inmate of the special unit should participate in regular recreation, school, training, visiting, and other institution programs. Individual tutorial or intensive casework services should also be available.

(4) Tranquilizers and other medication should be used only under medical direction and supervision.

d. Procedures should be established to monitor the programs and services for recalcitrant offenders, and evaluation and research should be conducted by both internal staff and outside personnel.

3. Each correctional agency should provide for the psychiatric treatment of emotionally disturbed offenders. Psychotic offenders should be transferred to mental health facilities. Correctional institution treatment of the emotionally disturbed should be under the supervision and direction of psychiatrists.

a. Program policies and procedures should be clearly defined and specified in a plan outlining a continuum of diagnosis, treatment, and aftercare.

b. A diagnostic report including a physical examination, medical history, and tentative diagnosis of the nature of the emotional disturbance should be developed. Diagnosis should be a continuing process.

c. There should be a program plan for each offender based on diagnostic evaluation; assessment of current needs, priorities, and strengths; and the resources available within both the program and the correctional system. The plan should specify use of specific activities; for example, individual, group, and family therapy. Need for medication, educational and occupational approaches, and recreational therapy should be identified. The plan should be evaluated through frequent interaction between diagnostic and treatment staff.

d. All psychiatric programs should have access to a qualified neurologist and essential radiological and laboratory services, by contractual or other agreement.

e. In addition to basic medical services, psychiatric programs should provide for education,

occupational therapy, recreation, and psychological and social services.

f. On transfer from diagnostic to treatment status, the diagnostic report, program prescription, and all case material should be reviewed within 2 working days.
g. Within 4 working days of the transfer, case management responsibility should be assigned and a case conference held with all involved, including the offender. At this time, treatment and planning objectives should be developed consistent with the diagnostic program prescription.
h. Cases should be reviewed each month to reassess original treatment goals, evaluate progress, and modify program as needed.
i. All staff responsible for providing service in a living unit should be integrated into a multidisciplinary team and should be under the direction and supervision of a professionally trained staff member.
j. Each case should have one staff member (counselor, teacher, caseworker, or psychologist), assigned to provide casework services. The psychologist or caseworker should provide intensive services to those offenders whose mental or emotional disabilities are most severe.
k. Reintegration of the offender into the community or program from which he came should be established as the primary objective.
l. When an offender is released from a psychiatric treatment program directly to the community, continued involvement of a trained therapist during the first 6 months of the patient's reintegration should be provided, at least on a pilot basis.

4. Each correctional agency and institution to which convicted offenders associated with organized crime are committed should adopt special policies governing their management during the time they are incarcerated.

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

Standard 8.6
Women in Major Institutions

The State correctional agency operating institutions to which women offenders are committed should reexamine immediately its policies, procedures, and programs for women offenders, and make such adjustments as may be indicated to make these policies, procedures, and programs more relevant to the problems and needs of women.

1. Facilities for women offenders should be considered an integral part of the overall corrections system, rather than an isolated activity or the responsibility of an unrelated agency.

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

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

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

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

6. State correctional agencies with such small numbers of women inmates as to make adequate facilities and programming uneconomical should make every effort to find alternatives to imprisonment for them, including parole and local residential facilities. For those women inmates for

whom such alternatives cannot be employed, contractual arrangements should be made with nearby States with more adequate facilities and programs.

7. As a 5-year objective, male and female institutions of adaptable design and comparable populations should be converted to coeducational facilities.

a. In coeducational facilities, classification and diagnostic procedures also should give consideration to offenders' problems with relation to the opposite sex, and coeducational programs should be provided to meet those needs.
b. Programs within the facility should be open to both sexes.
c. Staff of both sexes should be hired who have interest, ability, and training in coping with the problems of both male and female offenders. Assignments of staff and offenders to programs and activities should not be based on the sex of either.

Standard 8.7
Religious Programs

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

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

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

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

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

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

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

Standard 8.8
Recreation Programs

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

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

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

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

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

Standard 8.9
Counseling Programs

Each institution should begin immediately to develop planned, organized, ongoing counseling programs.

1. Three levels of counseling programs should be provided:

a. Individual, for self-discovery in a one-to-one relationship.
b. Small group, for self-discovery in an intimate group setting with open communication.
c. Large group, for self-discovery as a member of a living unit community with responsibility for the welfare of that community.

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

3. Each institution should have a full-time counseling supervisor responsible for developing and maintaining an overall institutional program

through training and supervising staff and volunteers. A bachelor's degree with training in social work, group work, and counseling psychology should be required. Each unit should have at least one qualified counselor to train and supervise nonprofessional staff. Trained ex-offenders and paraprofessionals with well-defined roles should be used.

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

Standard 8.10
Prison Labor and Industries

Each correctional agency and each institution operating industrial and labor programs should take steps immediately to reorganize their programs to support the reintegrative purpose of correctional institutions.

1. Prison industries should be diversified and job specifications defined to fit work assignments to offenders' needs as determined by release planning.

2. All work should form part of a designed training program with provisions for:

   a. Involving the offender in the decision concerning his assignment.
   b. Giving him the opportunity to achieve on a productive job to further his confidence in his ability to work.
   c. Assisting him to learn and develop his skills in a number of job areas.
   d. Instilling good working habits by providing incentives.

3. Joint bodies consisting of institution management, inmates, labor organizations, and industry should be responsible for planning and implementing a work program useful to the offender, efficient, and closely related to skills in demand outside the prison.

4. Training modules integrated into a total training plan for individual offenders should be provided. Such plans must be periodically monitored and flexible enough to provide for modification in line with individuals' needs.

5. Where job training needs cannot be met within the institution, placement in private industry on work-furlough programs should be implemented consistent with security needs.

6. Inmates should be compensated for all work performed that is of economic benefit to the correctional authority or another public or private entity. As a long-range objective to be implemented by 1978, such compensation should be at rates representing the prevailing wage for work of the same type in the vicinity of the correctional facility.

CHAPTER 9
Parole

Standard 9.1
Organization of Paroling Authorities

North Dakota should establish parole decision-making bodies for adult and juvenile offenders that are independent of correctional institutions. These boards may be administratively part of an overall statewide correctional services agency, but they should be autonomous in their decisionmaking authority and separate from field services. The board responsible for the parole of adult offenders should have jurisdiction over both felons and misdemeanants.

1. The boards should be specifically responsible for articulating and fixing policy, for acting on appeals by correctional authorities or inmates on decisions made by hearing examiners, and for issuing and signing warrants to arrest and hold alleged parole violators.

2. The boards of larger States should have a staff of full-time hearing examiners appointed under civil service regulations.

3. The boards of smaller States may assume responsibility for all functions; but should establish clearly defined procedures for policy development, hearings, and appeals.

4. Hearing examiners should be empowered to hear and make initial decisions in parole grant and revocation cases under the specific policies of the parole board. The report of the hearing examiner containing a transcript of the hearing and the evidence should constitute the exclusive record. The decision of the hearing examiner should be final unless appealed to the parole board within 5 days by the correctional authority or the offender. In the case of an appeal, the parole board should review the case on the basis of whether there is substantial evidence in the report to support the finding or whether the finding was erroneous as a matter of law.

5. Both board members and hearing examiners should have close understanding of correctional institutions and be fully aware of the nature of their programs and the activities of offenders.

6. The parole board should develop a citizen committee, broadly representative of the community and including ex-offenders, to advise the board on the development of policies.

Standard 9.2
Parole Authority Personnel

North Dakota should specify by statute the qualifications and conditions of appointment of parole board members.

1. Members should possess academic training in fields such as criminology, education, psychology, psychiatry, law, social work, or sociology.

2. Members should have a high degree of skill in comprehending legal issues and statistical information and an ability to develop and promulgate policy.

3. Members should be appointed by the governor for staggered six-year terms from a panel of nominees selected by an advisory group broadly representative of the community. Besides being representative of relevant professional organizations, the advisory group should include all important ethnic and socioeconomic groups.

4. Parole boards in the small States should consist of one full-time and two part-time members. In most States, they should not exceed five members.

5. Parole board members should be compensated at a rate equal to that of a judge of a court of general jurisdiction.

6. Hearing examiners should have backgrounds similar to that of members but need not be as specialized. Their education and experiential qualifications should allow them to understand programs, to relate to people, and to make sound and reasonable decisions.

7. Parole board members should participate in continuing training on a national basis. The exchange of parole board members and hearing examiners between States for training purposes should be supported and encouraged.

Standard 9.3
Revocation Hearings

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

1. Warrants to arrest and hold alleged parole violators should be issued and signed by parole board members. Tight control should be developed over the process of issuing such warrants. They should never be issued unless there is sufficient evidence of probable serious violation. In some instances, there may be a need to detain alleged parole violators. In general, however, detention is not required and is to be discouraged. Any parolee who is detained should be granted a prompt preliminary hearing. Administrative arrest and detention should never be used simply to permit investigation of possible violations.

2. Parolees alleged to have committed a new crime but without other violations of conditions sufficient to require parole revocation should be eligible for bail or other release pending the outcome of the new charges, as determined by the court.

3. A preliminary hearing conducted by an individual not previously directly involved in the case should be held promptly on all alleged parole violations, including convictions of new crimes, in or near the community in which the violation occurred unless waived by the parolee after due notification of his rights. The purpose should be to determine whether there is probable cause or reasonable grounds to believe that the arrested parolee has committed acts that would constitute a violation of parole conditions and a determination of the value question of whether the case should be carried further, even if probable cause exists. The parolee should be given notice that the hearing will take place and of what parole violations have been alleged. He should have the right to present evidence, to confront and cross-examine witnesses, and to be represented by counsel.

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

4. At parole revocation hearings, the parolee should have written notice of the alleged infractions of his rules or conditions; access to official records regarding his case; the right to be represented by counsel, including the right to appointed counsel if he is indigent; the opportunity to be heard in person; the right to subpoena witnesses in his own behalf; and the right to cross-examine witnesses or otherwise to challenge allegations or evidence held by the State. Hearing examiners should be empowered to hear and decide parole revocation cases under policies established by the parole board. Parole should not be revoked unless there is substantial evidence of a violation of one of the conditions of parole. The hearing examiner should provide a written statement of findings, the reasons for the decision, and the evidence relied upon.

5. Each jurisdiction should develop alternatives to parole revocation, such as warnings, short-time local confinement, special conditions of future parole, variations in intensity of supervision or surveillance, fines, and referral to other community resources. Such alternative measures should be utilized as often as is practicable.

6. If return to a correctional institution is warranted, the offender should be scheduled for

subsequent appearances for parole considerations when appropriate. There should be no automatic prohibition against reparole of a parole violator.

Standard 9.4
Organization of Field Services

North Dakota should provide by 1978 for the consolidation of institutional and parole field services in departments or divisions of correctional services. Such consolidations should occur as closely as possible to operational levels.

1. Juvenile and adult correctional services may be part of the same parent agency but should be maintained as autonomous program units within it.

2. Regional administration should be established so that institutional and field services are jointly managed and coordinated at the program level.

3. Joint training programs for institutional and field staffs should be undertaken, and transfers of personnel between the two programs should be encouraged.

4. Parole services should be delivered, wherever practical, under a team system in which a variety of persons including parolees, parole managers, and community representatives participate.

5. Teams should be located, whenever practical, in the neighborhoods where parolees reside. Specific team members should be assigned to specific community groups and institutions designated by the team as especially significant.

6. Organizational and administrative practices should be altered to provide greatly increased autonomy and decisionmaking power to the parole teams.

Standard 9.5
Community Services for Parolees

North Dakota should begin immediately to develop a diverse range of programs to meet the needs of parolees. These services should be drawn to the greatest extent possible from community programs available to all citizens, with parole staff providing linkage between services and the parolees needing or desiring them.

1. Stringent review procedures should be adopted, so that parolees not requiring supervision are released from supervision immediately and those requiring minimal attention are placed in minimum supervision caseloads.

2. Parole officers should be selected and trained to fulfill the role of community resource manager.

3. Parole staff should participate fully in developing coordinated delivery systems of human services.

4. Funds should be made available for parolees without interest charge. Parole staff should have authority to waive repayment to fit the individual case.

5. State funds should be available to offenders, so that some mechanism similar to unemployment benefits may be available to inmates at the time of their release, in order to tide them over until they find a job.

6. North Dakota should use, as much as possible, a requirement that offenders have a visible means of support, rather than a promise of a specific job, before authorizing their release on parole.

7. Parole and State employment staffs should develop effective communication systems at the local level. Joint meetings and training sessions should be undertaken.

8. Each parole agency should have one or more persons attached to the central office to act as liaison with major program agencies, such as the Office of Economic Opportunity, Office of Vocational Rehabilitation, and Department of Labor.

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

10. Parole boards should encourage institutions to maintain effective quality control over programs.

11. Small community-based group homes should be available to parole staff for prerelease programs, for crises, and as a substitute to recommitment to an institution in appropriately reviewed cases of parole violation.

12. Funds should be made available to parole staffs to purchase needed community resources for parolees.

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

Standard 9.6
Measures of Control

North Dakota should take immediate action to reduce parole rules to an absolute minimum, retaining only those critical in the individual case, and to provide for effective means of enforcing the conditions established.

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

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

3. Special caseloads for intensive supervision

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

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

Standard 9.7
Manpower for Parole

North Dakota should develop a comprehensive manpower and training program which would make it possible to recruit persons with a wide variety of skills, including significant numbers of minority group members and volunteers, and use them effectively in parole programs.

Among the elements of State manpower and training programs for corrections, the following apply with special force to parole.

1. A functional workload system linking specific tasks to different categories of parolees should be instituted by the State and should form the basis of allocating manpower resources.

2. The bachelor's degree should constitute the requisite educational level for the beginning parole officer.

3. Provisions should be made for the employment of parole personnel having less than a college degree to work with parole officers on a team basis, carrying out the tasks appropriate to their individual skills.

4. Career ladders that offer opportunities for advancement of persons with less than college degrees should be provided.

5. Recruitment efforts should be designed to produce a staff roughly proportional in ethnic background to the offender population being served.

6. Ex-offenders should receive high priority consideration for employment in parole agencies.

7. Use of volunteers should be extended substantially.

8. Training programs designed to deal with the organizational issues and the kinds of personnel required by the program should be established in each parole agency.

CHAPTER 10
Organization and Administration

Standard 10.1
Professional Correctional Management

Each corrections agency should begin immediately to train a management staff that can provide, at minimum, the following system capabilities:

1. Managerial attitude and administrative procedures permitting each employee to have more say about what he does, including more responsibility for deciding how to proceed for setting goals and producing effective rehabilitation programs.

2. A management philosophy encouraging delegation of work-related authority to the employee level and acceptance of employee decisions, with the recognition that such diffusion of authority does not mean managerial abdication but rather that decisions can be made by the persons most involved and thus presumably best qualified.

3. Administrative flexibility to organize employees into teams or groups, recognizing that individuals involved in small working units become concerned with helping their teammates and achieving common goals.

4. Desire and administrative capacity to eliminate consciously as many as possible of the visible distinctions between employee categories, thereby shifting organizational emphasis from an authority or status orientation to a goal orientation.

5. The capability of accomplishing promotion from within the system through a carefully designed and properly implemented career development program.

Standard 10.2
Planning and Organization

Each correctional agency should begin immediately to develop an operational, integrated process of long-, intermediate-, and short-range planning for administrative and operation functions. This should include:

1. An established procedure open to as many employees as possible for establishing and reviewing organizational goals and objectives at least annually.

2. A research capability for adequately identifying the key social, economic, and functional influences impinging on that agency and for predicting the future impact of each influence.

3. The capability to monitor, at least annually, progress toward previously specified objectives.

4. An administrative capability for properly assessing the future support services required for effective implementation of formulated plans.

These functions should be combined in one organizational unit responsible to the chief executive officer but drawing heavily on objectives, plans, and information from each organizational subunit.

Each agency should have an operating cost-accounting system which should include the following capabilities:

1. Classification of all offender functions and

activities in terms of specific action programs.

2. Allocation of costs to specific action programs.

3. Administrative conduct, through program analysis, of ongoing programmatic analyses for management.

Standard 10.3
Employee-Management Relations

Each correctional agency should begin immediately to develop the capability to relate effectively to and negotiate with employees and offenders. This labor—offender—management relations capability should consist, at minimum, of the following elements:

1. All management levels should receive in-depth management training designed to reduce interpersonal friction and employee-offender alienation. Such training specifically should include methods of conflict resolution, psychology, group dynamics, human relations, interpersonal communication, motivation of employees, and relations with minority and disadvantaged groups.

2. All nonmanagement personnel in direct, continuing contact with offenders should receive training in psychology, basic counseling, group dynamics, human relations, interpersonal communication, motivation with emphasis on indirect offender rehabilitation, and relations with minority groups and the disadvantaged.

3. All system personnel, including executives and supervisors, should be evaluated, in part, on their interpersonal competence and human sensitivity.

4. All managers should receive training in the strategy and tactics of union organization, managerial strategies, tactical responses to such organizational efforts, labor law and legislation with emphasis on the public sector, and the collective bargaining process.

5. Top management should have carefully developed and detailed procedures for responding immediately and effectively to problems that may develop in the labor-management or inmate-management relations. These should include specific assignment of responsibility and precise delegation of authority for action, sequenced steps for resolving grievances and adverse actions, and an appeal procedure from agency decisions.

6. Each such system should have, designated and functioning, a trained, compensated, and organizationally experienced ombudsman. He would hear complaints of employees or inmates who feel aggrieved by the organization or its management, or (in the case of offenders) who feel aggrieved by employees or the conditions of their incarceration. Such an ombudsman would be roughly analogous to the inspector general in the military and would require substantially the same degree of authority to stimulate changes, ameliorate problem situations, and render satisfactory responses to legitimate problems. The ombudsman should be located organizationally in the office of the top administrator.

CHAPTER 11
Manpower for Corrections

Standard 11.1
Recruitment of Correctional Staff

Correctional agencies should continue to develop personnel policies and practices that will improve the image of corrections and facilitate the fair and effective selection of the best persons for correctional positions.

Standard 11.2
Recruitment from Minority Groups

Correctional agencies should take immediate, affirmative action to recruit and employ minority group individuals (black, Chicano, American Indian, Puerto Rican, and others) for all positions.

1. All job qualifications and hiring policies should be reexamined with the assistance of equal employment specialists from outside the hiring agency. All assumptions (implicit and explicit) in qualifications and policies should be reviewed for demonstrated relationship to successful job performance. Particular attention should be devoted to the meaning and relevance of such criteria as age, educational background, specified experience requirements, physical characteristics, prior criminal record or "good moral character" specifications, and "sensitive job" designations. All arbitrary obstacles to employment should be eliminated.

2. If examinations are deemed necessary, outside assistance should be enlisted to insure that all tests, written and oral, are related significantly to the work to be performed and are not culturally biased.

3. Training programs, more intensive and comprehensive than standard programs, should be designed to replace educational and previous experience requirements. Training programs should be concerned also with improving relationships among culturally diverse staff and clients.

4. Recruitment should involve a community relations effort in areas where the general population does not reflect the ethnic and cultural diversity of the correctional population. Agencies should develop suitable housing, transportation, education, and other arrangements for minority staff, where these factors are such as to discourage their recruitment.

Standard 11.3
Employment of Women

Correctional agencies immediately should develop policies and implement practices to recruit and hire more women for all types of positions in corrections, to include the following:

1. Change in correctional agency policy to eliminate discrimination against women for correctional work.

2. Provision for lateral entry to allow immediate placement of women in administrative positions.

3. Development of better criteria for selection of staff for correctional work, removing unreasonable obstacles to employment of women.

4. Assumption by the personnel system of aggressive leadership in giving women a full role in corrections.

Standard 11.4
Employment of Ex-Offenders

Correctional agencies should take immediate and affirmative action to recruit and employ capable and qualified ex-offenders in correctional roles.

1. Policies and practices restricting the hiring of ex-offenders should be reviewed and, where found unreasonable, eliminated, or changed.

2. Agencies not only should open their doors to the recruitment of ex-offenders but also should actively seek qualified applicants.

3. Training programs should be developed to prepare ex-offenders to work in various correctional positions, and career development should be extended to them so they can advance in the system.

Standard 11.5
Employment of Volunteers

Correctional agencies immediately should begin to recruit and use volunteers from all ranks of life as a valuable additional resource in correctional programs and operations, as follows:

1. Volunteers should be recruited from the ranks of minority groups, the poor, inner-city residents, ex-offenders who can serve as success models, and professionals who can bring special expertise to the field.

2. Training should be provided volunteers to give them an understanding of the needs and lifestyles common among offenders and to acquaint them with the objectives and problems of corrections.

3. A paid volunteer coordinator should be provided for efficient program operation.

4. Administrators should plan for and bring about full participation of volunteers in their programs; volunteers should be included in organizational development efforts.

5. Insurance plans should be available to protect the volunteer from any mishaps experienced during participation in the program.

6. Monetary rewards and honorary recognition should be given to volunteers making exceptional contribution to an agency.

Standard 11.6
Personnel Practices for Retaining Staff

Correctional agencies should immediately reexamine and revise personnel practices to create a favorable organizational climate and eliminate legitimate causes of employee dissatifaction in order to retain capable staff. Policies should be developed that would provide:

1. Salaries for all personnel that are competitive with other parts of the criminal justice system as well as with comparable occupation groups of the private sector of the local economy. An annual cost-of-living adjustment should be mandatory.

2. Opportunities for staff advancement within the system. The system also should be opened to provide opportunities for lateral entry and promotional mobility within jurisdictions and across jurisdictional lines.

3. Elimination of excessive and unnecessary paperwork and chains of command that are too rigidly structured and bureaucratic in function, with the objective of facilitating communication and decisionmaking so as to encourage innovation and initiative.

4. Appropriate recognition for jobs well done.

5. Workload distribution and schedules based on flexible staffing arrangements. Size of the workload should be only one determinant. Also to be included should be such others as nature of cases, team assignments, and the needs of offenders and the community.

6. A criminal justice career pension system to include investment in an annuity and equity system for each correctional worker. The system should permit movement within elements of the criminal justice system and from one corrections agency to another without loss of benefits.

Standard 11.7
Participatory Management

Correctional agencies should adopt immediately a program of participatory management in which everyone involved — managers, staff, and offenders — shares in identifying problems, finding mutually agreeable solutions, setting goals and objectives, defining new roles for participants, and evaluating effectiveness of these processes.

This program should include the following:

1. Training and development sessions to prepare managers, staff, and offenders for their new roles in organizational development.

2. An ongoing evaluation process to determine progress toward participatory management and role changes of managers, staff, and offenders.

3. A procedure for the participation of other elements of the criminal justice system in long-range planning for the correctional system.

4. A change of manpower utilization from traditional roles to those in keeping with new management and correctional concepts.

Standard 11.8
Coordinated State Plan for Criminal Justice Education

North Dakota should establish a State plan for coordinating criminal justice education to assure a sound academic continuum from an associate of arts through graduate studies in criminal justice, to allocate education resources to sections of the State with defined needs, and to work toward proper placement of persons completing these programs.

1. Where a State higher education coordinating agency exists, it should be utilized to formulate and implement the plan.

2. Educational leaders, State planners, and criminal justice staff members should meet to chart current and future statewide distribution and location of academic programs, based on proven needs and resources.

3. Award of Law Enforcement Education Program funds should be based on a sound educational plan.

4. Preservice graduates of criminal justice education programs should be assisted in finding proper employment.

Each unified State correctional system should insure that proper incentives are provided for participation in higher education programs.

1. Inservice graduates of criminal justice education programs should be aided in proper job advancement or reassignment.

2. Rewards (either increased salary or new work assignments) should be provided to encourage in-service staff to pursue these educational opportunities.

Standard 11.9
Intern and Work-Study Programs

Correctional agencies should immediately begin to plan, support, and implement internship and work-study programs to attract students to corrections as a career and improve the relationship between educational institutions and the field of practice.

These programs should include the following:

1. Recruitment efforts concentrating on minority groups, women, and socially concerned students.

2. Careful linking between the academic component, work assignments, and practical experiences for the students.

3. Collaborative planning for program objectives and execution agreeable to university faculty, student interns, and agency staff.

4. Evaluation of each program.

5. Realistic pay for students.

6. Followup with participating students to encourage entrance into correctional work.

Standard 11.10
Staff Development

Correctional agencies immediately should plan and implement a staff development program that prepares and sustains all staff members.

1. Qualified trainers should develop and direct the program.

2. Training should be the responsibility of management and should provide staff with skills and knowledge to fulfill organizational goals and objectives.

3. To the fullest extent possible, training should include all members of the organization, including the clients.

4. Training should be conducted at the organization site and also in community settings reflecting the context of crime and community resources.

   a. All top and middle managers should have at least 40 hours a year of executive development training, including training in the operations of police, courts, prosecution, and defense attorneys.
   b. All new staff members should have at least 40 hours of orientation training during their first week on the job and at least 60 hours additional training during their first year.
   c. All staff members, after their first year, should have at least 40 hours of additional training a year to keep them abreast of the changing nature of their work and introduce them to current issues affecting corrections.

5. Financial support for staff development should continue from the Law Enforcement Assistance Administration, but State and local correctional agencies must assume support as rapidly as possible.

6. Trainers should cooperate with their counterparts in the private sector and draw resources from higher education.

7. Sabbatical leaves should be granted for correctional personnel to teach or attend courses in colleges and universities.

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Recommendation 11.1

The Commission requests that a resolution be drafted supporting salaries for North Dakota correctional personnel on a level comparable to that of federal personnel and that such resolution be conveyed to the Governor and the Budget Director.

CHAPTER 12
The Statutory Framework of Corrections

Standard 12.1
Comprehensive Correctional Legislation

North Dakota, by 1978, should enact a comprehensive correctional code, which should include statutes governing:

1. Services for persons awaiting trial.
2. Sentencing criteria, alternatives, and procedures.
3. Probation and other programs short of institutional confinement.
4. Institutional programs.
5. Community-based programs.
6. Parole.
7. Pardon.

The code should include statutes governing the preceding programs for:

1. Felons, misdemeanants, and delinquents.
2. Adults, juveniles, and youth offenders.
3. Male and female offenders.

Each legislature should state the "public policy" governing the correctional system. The policy should include the following premises:

1. Society should subject persons accused of criminal conduct or delinquent behavior and awaiting trial to the least restraint or condition which gives reasonable assurance that the person accused will appear for trial. Confinement should be used only where no other measure is shown to be adequate.
2. The correctional system's first function is to protect the public welfare by emphasizing efforts to assure than an offender will not return to crime after release from the correctional system.
3. The public welfare is best protected by a correctional system characterized by care, differential programming, and reintegration concepts rather than punitive measures.
4. An offender's correctional program should be the least drastic measure consistent with the offender's needs and the safety of the public. Confinement, which is the most drastic disposition for an offender and the most expensive for the public, should be the last alternative considered.

Standard 12.2
Administrative Justice

North Dakota should enact by 1977 legislation patterned after the Model State Administrative Procedure Act, to regulate the administrative procedures of correctional agencies. Such legislation, as it applies to corrections, should:

1. Require the use of administrative rules and regulations and provide a formal procedure for their adoption or alteration which will include:
   a. Publication of proposed rules.
   b. An opportunity for interested and affected parties, including offenders, to submit data, views, or arguments orally or in writing on the proposed rules.
   c. Public filing of adopted rules.
2. Require in a contested case where the legal rights, duties, or privileges of a person are determined by an agency after a hearing, that the following procedures be implemented:
   a. The agency develop and publish standards and criteria for decisionmaking of a more specific nature than that provided by statute.
   b. The agency state in writing the reason for its action in a particular case.
   c. The hearings be open except to the extent that confidentiality is required.
   d. A system of recorded precedents be developed to supplement the standards and criteria.
3. Require judicial review for agency actions affecting the substantial rights of individuals, including offenders, such review to be limited to the following questions:
   a. Whether the agency action violated constitutional or statutory provisions.
   b. Whether the agency action was in excess of the statutory authority of the agency.
   c. Whether the agency action was made upon unlawful procedure.
   d. Whether the agency action was clearly erroneous in view of the reliable, probative, and substantial evidence on the record.

The above legislation should require the correctional agency to establish by agency rules procedures for:

1. The review of grievances of offenders.
2. The imposition of discipline on offenders.
3. The change of an offender's status within correctional programs.

Standard 12.3
Code of Offenders' Rights

North Dakota should immediately enact legislation that defines and implements the substantive rights of offenders. Such legislation should be governed by the following principles:

1. Offenders should be entitled to the same rights as free citizens except where the nature of confinement necessarily requires modification.

2. Where modification of the rights of offenders is required by the nature of custody, such modification should be as limited as possible.

3. The duty of showing that custody requires modification of such rights should be upon the correctional agency.

Standard 12.4
Unifying Correctional Programs

North Dakota should enact legislation by 1978 to unify all correctional facilities and programs. The board of parole may be administratively part of an overall statewide correctional services agency, but it should be autonomous in its decisionmaking authority and separate from field services. Programs for adult, juvenile, and youthful offenders that should be within the agency include:

1. Services for persons awaiting trial.

2. Probation supervision.

3. Institutional confinement.

4. Community-based programs, whether prior to or during institutional confinement.

5. Parole and other aftercare programs.

6. All programs for misdemeanants including probation, confinement, community-based programs, and parole.

The legislation also should authorize the correctional agency to perform the following functions:

1. Planning of diverse correctional facilities.

2. Developement and implementation of training programs for correctional personnel.

3. Development and implementation of an information-gathering and research system.

4. Evaluation and assessment of the effectiveness of its functions.

5. Periodic reporting to governmental officials including the legislature and the executive branch.

6. Development and implementation of correctional programs including academic and vocational training and guidance, productive work, religious and recreational activity, counseling and psychotherapy services, organizational activity, and other such programs that will benefit offenders.

7. Contracts for the use of nondepartmental and private resources in correctional programming.

This standard should be regarded as a statement of principle applicable to most State jurisdictions. It is recognized that exceptions may exist, because of local conditions or history, where juvenile and adult corrections or pretrial, and postconviction correctional services may operate effectively on a separated basis.

Standard 12.5
Recruiting and Retaining Professional Personnel

North Dakota should enact legislation entrusting the operation of correctional facilities and programs to professionally trained individuals.

Legislation creating top management correctional positions should be designed to protect the position from political pressure and to attract professionals. Such legislation should include:

1. A statement of the qualifications thought necessary for each position, such qualifications to be directly related to the position created.

2. A stated term of office.

3. A procedure, including a requirement for a showing of cause, for removal of an individual from office during his term.

For purposes of this standard, "top management correctional positions" include:

1. The chief executive officer of the correctional agency.

2. Members of the board of parole.

3. Chief executive officers of major divisions within the correctional agency, such as director of probation, director of parole field services, and director of community-based programs.

This standard assumes a unified correctional system that includes local jails used for service of sentence. In the event that such a system is not adopted, the definition of Item 3 immediately above should include the chief executive officer of each correctional facility including local jails.

The foregoing legislation should authorize some form of personnel system for correctional personnel below the top management level. The system so authorized should promote:

1. Reasonable job security.

2. Recruitment of professionally trained individuals.

3. Utilization of a wide variety of individuals, including minority group members and ex-offenders.

Legislation affecting correctional personnel should not include:

1. Residency requirements.

2. Age requirements.

3. Sex requirements.

4. A requirement that an employee not have been convicted of a felony.

5. Height, weight, or similar physical requirements.

Standard 12.6
Regional Cooperation

North Dakota should immediately adopt legislation specifically ratifying the following interstate agreements:

1. Interstate Compact for the Supervision of Parolees and Probationers.
2. Interstate Compact on Corrections.
3. Interstate Compact on Juveniles.
4. Agreement on Detainers.
5. Mentally Disordered Offender Compact.

In addition, statutory authority should be given to the chief executive officer of the correctional agency to enter into agreements with local jurisdictions, other States, and the Federal Government for cooperative correctional activities.

Standard 12.7
Sentencing Legislation

North Dakota, in enacting sentencing legislation, should classify all crimes into not more than 10 categories based on the gravity of the offense. The legislature should state for each category, a maximum term for State control over the offender that should not exceed 5 years - except for the crime of murder and except that, where necessary for the protection of the public, extended terms of up to 25 years may be imposed on the following categories of offenders:

1. Persistent felony offenders.
2. Dangerous offenders.
3. Professional criminals.

Standard 12.8
Sentencing Alternatives

North Dakota should enact sentencing legislation reflecting the following major provisions:

1. All sentences should be determined by the court rather than by a jury.

2. The court should be authorized to utilize a variety of sentencing alternatives including:
   a. Unconditional release.
   b. Conditional release.
   c. A fine payable in installments with a civil remedy for nonpayment.
   d. Release under supervision in the community.
   e. Sentence to a halfway house or other residential facility located in the community.
   f. Sentence to partial confinement with liberty to work or participate in training or education during all but leisure time.
   g. Imposition of a maximum sentence of total confinement less than that established by the legislature for the offense.

3. Where the court imposes an extended term and feels that the community requires reassurance as to the continued confinement of the offender, the court should be authorized to:
   a. Recommend to the board of parole that the offender not be paroled until a given period of time has been served.
   b. Impose a minimum sentence to be served prior to eligibility for parole, not to exceed one-third of the maximum sentence imposed or be more than three years.
   c. Allow the parole of an offender sentenced to a minimum term prior to service of the minimum upon the request of the board of parole.

4. The legislature should delineate specific criteria patterned after the Model Penal Code for imposition of the alternatives available.

5. The sentencing court should be required to make specific findings and state specific reasons for the imposition of a particular sentence.

6. The court should be required to grant the offender credit for all time served in jail awaiting trial or appeal arising out of the conduct for which he is sentenced.

Sentencing legislation should not contain:

1. Mandatory sentences of any kind for any offense.

2. Ineligibility for alternative dispositions for any offense except murder.

Standard 12.9
Probation Legislation

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

Criteria for the granting of probation should:

1. Require probation over confinement unless specified conditions exist.

2. State factors that should be considered in favor of granting probation.

3. Direct the decision on granting probation toward factors relating to the individual offender rather than to the offense.

Criteria for probation conditions should:

1. Authorize but not require the imposition of a range of specified conditions.

2. Require that any condition imposed in an individual case be reasonably related to the correctional program of the defendant and not unduly restrictive of his liberty or imcompatible with his constitutional rights.

3. Direct that conditions be fashioned on the basis of factors relating to the individual offender rather than to the offense committed.

Criteria and procedures for revocation of probation should provide that probation should not be revoked unless:

1. There is substantial evidence of a violation of one of the conditions of probation;

2. The probationer is granted notice of the alleged

violation, access to official records regarding his case, the right to be represented by counsel including the right to appointed counsel if he is indigent, the right to subpoena witnesses in his own behalf, and the right to confront and cross-examine witnesses against him; and

3. The court provides the probationer a written statement of the findings of fact, the reasons for the revocation, and the evidence relied upon.

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

The legislation should authorize an appellate court on the initiation of the defendant to review decisions that deny probation, impose conditions, or revoke probation. Such review should include determination of the following:

1. Whether the decision is consistent with statutory criteria.

2. Whether the decision is unjustifiably disparate in comparison with cases of a similar nature.

3. Whether the decision is excessive or inappropriate.

4. Whether the manner in which the decision was arrived at is consistent with statutory and constitutional requirements.

Standard 12.10
Commitment Legislation

North Dakota should enact legislation governing the commitment, classification, and transfer of offenders sentenced to confinement. Such legislation should include:

1. Provision requiring that offenders sentenced to confinement be sentenced to the custody of the chief executive officer of the correctional agency rather than to any specific institution.

2. Requirement that sufficient information be developed about an individual offender and that assignment to facility, program, and other decisions affecting the offender be based on such information.

3. Authorization for the assignment or transfer of offenders to facilities or programs administered by the agency, local subdivisions of government, the Federal Government, other States, or private individuals or organizations.

4. Prohibition against assigning or transferring juveniles to adult institutions or assigning nondelinquent juveniles to delinquent institutions.

5. Authorization for the transfer of offenders in need of specialized treatment to institutions that can provide it. This should include offenders suffering from physical defects or disease, mental problems, narcotic addiction, or alcoholism.

6. Provision requiring that the decision to assign an offender to a particular facility or program shall not in and of itself affect the offender's eligibility for parole or length of sentence.

7. A requirement that the correctional agency develop through rules and regulations (a) criteria for the assignment of an offender to a particular facility and (b) a procedure allowing the offender to participate in and seek administrative review of decisions affecting his assignment or transfer to a particular facility or program.

Standard 12.11
Prison Industries

North Dakota should amend its statutory authorization for prison industries programs so that, as applicable, they do not prohibit:

1. Specific types of industrial activity from being carried on by a correctional institution.

2. The sale of products of prison industries on the open market.

3. The transport or sale of products produced by prisoners.

4. The employment of offenders by private enterprise at full market wages and comparable working conditions.

5. Payment to offenders working in State-operated prison industries shall be made on a profit-sharing basis after deduction of all cost inputs.

6. All monies from any source which go to the inmate are to be kept in the inmate's account and the warden, through his staff, is responsible in guiding the inmate in making proper use of his funds to pay his obligations, and if possible, to provide for his dependent relatives or family and purchase for himself medical, surgical or dental treatment not generally provided by the State.

Standard 12.12
Community-Based Programs

Legislation should be enacted immediately authorizing the chief executive officer of the correctional agency to extend the limits of confinement of a committed offender so the offender can participate in a wide variety of community-based programs. Such legislation should include these provisions:

1. Authorization for the following programs:
   a. Foster homes and group homes, primarily for juvenile and youthful offenders.
   b. Prerelease guidance centers and halfway houses.
   c. Work-release programs providing that rates of pay and other conditions of employment

are similar to those of free employees.

d. Community-based vocational training programs, either public or private.

e. Participation in academic programs in the community.

f. Utilization of community medical, social rehabilitation, vocational rehabilitation, or similar resources.

g. Furloughs of short duration to visit relatives and family, contact prospective employers, or for any other reason consistent with the public interest.

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

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

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

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

Standard 12.13
Pardon Legislation

North Dakota should enact legislation detailing the procedures (1) governing the application by an offender for the exercise of the pardon powers, and (2) for exercise of the pardon powers.

Standard 12.14
Collateral Consequences of a Criminal Conviction

North Dakota should enact legislation repealing all mandatory provisions depriving persons convicted of criminal offenses of civil rights or other attributes of citizenship. Such legislation should include:

1. Repeal of all existing provisions by which a person convicted of any criminal offense suffers civil death, corruption of blood, loss of civil rights, or forfeiture of estate or property.

2. Repeal of all restrictions on the ability of a person convicted of a criminal offense to hold and transfer property, enter into contracts, sue and be sued, and hold offices of private trust.

3. Repeal of all mandatory provisions denying persons convicted of a criminal offense the right to engage in any occupation or obtain any license issued by government.

4. Repeal of all statutory provisions prohibiting the employment of ex-offenders by State and local governmental agencies.

Statutory provisions may be retained or enacted that:

1. Restrict or prohibit the right to hold public office during actual confinement.

2. Forfeit public office upon confinement.

3. Restrict the right to serve on juries during actual confinement.

4. Authorize a procedure for the denial of a license or governmental privilege to selected criminal offenders when there is a direct relationship between the offense committed or the characteristics of the offender and the license or privilege sought.

The legislation also should:

1. Authorize a procedure for an ex-offender to have his conviction expunged from the record.

2. Require the restoration of civil rights upon the expiration of sentence.

Recommendation 12.1
Commitment to Treatment Programs or Facilities

The Commission recommends that the following subsection be added to North Dakota Century Code §12.1-32-02:

h. Commitment to any other facility or program deemed appropriate for the treatment of the individual offender including available community-based treatment programs.

CRIMINAL JUSTICE SYSTEMS

CHAPTER 1
Planning for Crime Reduction

Standard 1.1
Crime-Oriented Planning

Every criminal justice planning agency and coordinating council should:

1. Analyze the crime problems in its jurisdiction;

2. Identify specific crimes deserving priority attention;

3. Establish quantifiable and time-phased goals for the reduction of priority crimes.

4. Evaluate and select alternative strategies and programs for reducing priority crimes;

5. Allocate its own funds and staff resources in accordance with the crime goals, strategies, and programs chosen;

6. Maintain close working relationships with criminal justice and other public agencies to implement crime reduction goals and objectives; and

7. Assume responsibility for the effective evaluation of its planning and funding decisions, and the use of evaluation results to refine goals, strategies, and programs.

Standard 1.2
Improving the Linkage Between Planning and Budgeting

State and local governments should develop mechanisms for introducing the analyses and recommendations of criminal justice planning agencies into their budgetary processes. These mechanisms may include formal integration of planning and budgeting efforts through program budgeting systems, the institution of planning and budgeting staff coordination procedures, and the development of detailed master plans for specific areas of criminal justice operations.

1. By 1978, State criminal justice planning agencies should develop a general system of multiyear planning that takes into account all funds directed to crime control activities within the State. This would include all sources of Federal funds; State, general, and capital funds; State subsidy funds to local government; local government funds; and private donations, endorsements, and contributions. Where available, the relevant State program budgeting format should be employed. Substate criminal justice planning agencies and councils should establish congruent and supportive systems of multiyear planning to those established by the State.

2. Planning and budgeting units should immediately adopt additional coordinating mechanisms such as joint staff teams on special problems and planning staff participation budget hearings.

3. Detailed "master plans" should be developed where appropriate for those specific areas of criminal justice operations that require forecasts of long-term problems and needs. Assuming continuous evaluation and update, such plans should serve as a basis for annual budgeting and appropriations decisions. Although either operating agencies or criminal justice planning agencies may provide and direct staff effort, both should be directly involved in the development of master plans.

Standard 1.3
Setting Minimum Statewide Standards for Recipients of Grants and Subgrants

The North Dakota criminal justice planning agency should establish minimum standards for making grants and subgrants from all funds under its control to criminal justice and related public and private agencies. Grants and subgrants to specific agencies should be contingent upon the agency's adoption of established minimum standards.

1. Standard-setting efforts should be limited to those human resources, physical resources, and management and operations requirements that are clearly essential to the achievement of the goals of the criminal justice system.

2. Where existing State bodies have established standards, such standards should be considered controlling, and State planning agencies should use them as minimum standards for funding.

3. Standards should be adopted by State criminal justice planning agencies only after a thorough effort has been made to notify all interested and affected parties and to solicit their opinions.

4. State criminal justice planning agencies in their standard-setting efforts should refer to and consider major national studies on standards, such as the National Advisory Commission on Criminal Justice Standards and Goals, and the standards of major professional associations.

5. Continuous evaluation of the usefulness of adopted standards in meeting established goals should be undertaken by every State planning agency.

Standard 1.4
Developing Planning Capabilities

State and local governments should provide support for planning capabilities at the several major levels of decisionmaking: agency, local, and State.

1. States should, by statute, establish permanent State criminal justice planning agencies.

2. Cities and counties should establish criminal justice coordinating councils under the leadership of local chief executives.

3. Cities and counties should be encouraged to consolidate criminal justice planning operations, and should not be penalized for doing so through restrictions of funds or loss of representation on State criminal justice policy boards.

4. Large and medium-sized operating agencies of law enforcement and criminal justice should establish separate planning sections. In smaller agencies, the performance of the planning function should be done either by the senior executive or by staff on a part-time basis.

5. The administration of grants should be subordinate to planning efforts at all levels and should not be permitted to dominate agency operations.

6. Planners at all levels should be placed on the staff of the chief executive and should have open and free access to him.

Standard 1.5
Participation in the Planning Process

Criminal justice planning agencies and coordinating councils should seek the participation of criminal justice operating agencies, governmental departments, and private citizens and groups in the planning process. Coordinating mechanisms include the following:

1. Where supervisory boards are established for planning agencies, at least one-third of their membership should be from non-criminal justice agencies and private citizens. Meetings of boards should be publicized and open to the public.

2. Criminal justice planning agencies and councils should request direct written communication from operating agencies to assist them in defining the jurisdiction's needs, problems, and priorities.

3. The results of planning agency studies and activities should be communicated through the public dissemination of planning documents, newsletters, sponsorship of intergovernmental conferences, and formal and informal briefings.

4. Temporary exchanges of personnel between criminal justice planning agencies and councils—and operating agencies—should be undertaken on a regularized basis.

CHAPTER 2
Jurisdictional Responsibility

Standard 2.1
Coordination of Information Systems Development

North Dakota should create an organizational structure for coordinating the development of information systems and for making maximum use of collected data in support of criminal justice management by taking the following steps:

1. Establish a criminal justice information planning and analysis unit that will coordinate the development of an integrated network of information systems in the State and will satisfy information needs of management decisionmaking for State and local criminal justice agencies as well as satisfying established Federal requirements for information.

2. While making provisions for continual review and refinement, prepare a master plan for the development of an integrated network of criminal justice information systems (including the production of data needed for statistical purposes) specifying organizational roles and timetables.

3. Provide technical assistance and training to all jurisdiction levels and agencies in data collection methods, system concept development, and related areas.

4. Arrange for system audit and inspection to insure the maintenance of maximum quality in each operating system.

Standard 2.2
State Role in Criminal Justice Information and Statistics

The State should establish a criminal justice information system that provides the following services:

1. On-line files fulfilling a common need of all criminal justice agencies, including wanted persons (felony and misdemeanor), and identifiable stolen items;

2. Computerized criminal history files for persons arrested for an NCIC-qualified offense, with on-line availability of at least a summary of criminal activity and current status of offenders;

3. Access by computer interface to vehicle and driver files, if computerized and maintained separately by another State agency;

4. A high-speed interface with NCIC providing access to all NCIC files;

5. All necessary telecommunications media and terminals for providing access to local users, either by computer-to-computer interface or direct terminal access;

6. The computerized switching of agency-to-agency messages for all intrastate users and routing (formating) of messages to and from qualified agencies in other States;

7. The collection, processing, and reporting of Uniform Crime Reports (UCR) from all law enforcement agencies in the State with report generation for the Federal Government agencies, appropriate State agencies, and contributors;

8. In conjunction with criminal history files, the collection and storage of additional data elements and other features to support offender-based transaction statistics;

9. Entry and updating of data to a national index of criminal offenders as envisioned in the NCIC Computerized Criminal History file; and

10. Reporting offender-based transaction statistics to the Federal Government.

Standard 2.3
Local Criminal Justice Information Systems

Every locality should be serviced by a local criminal justice information system which supports the needs of criminal justice agencies.

1. The local criminal justice information system (LCJIS) as defined in the commentary should contain information concerning every person arrested within that locality from the time of arrest until no further criminal justice transactions can be expected within the locality concerning that arrest.

2. The LCJIS should contain a record of every local agency transaction pertaining to a criminal offense concerning such persons, the reason for the transaction, and the result of each such transaction. A transaction is defined as a formal and public activity of a criminal justice agency, the results of which are a matter of a public record.

3. The LCJIS should contain the present criminal justice status for each individual under the cognizance of criminal justice agencies.

4. The LCJIS should provide prompt response to inquiries from criminal justice agencies that have provided information to the data base of LCJIS.

5. If the LCJIS covers a geographical area containing contiguous jurisdictions, it should provide investigative field support to police agencies within this total area.

6. LCJIS should provide a master name index of persons of interest to the criminal justice agencies in its jurisdiction. This index should include identifying information concerning persons within the locality under the cognizance of criminal justice agencies.

7. The LCJIS should provide to the proper State agencies all information concerning postarrest offender statistical data as required.

8. The LCJIS should provide to the proper State agencies all postarrest data necessary to maintain a current criminal history record on persons arrested and processed within a locality.

9. If automated, LCJIS should provide telecommunications interface between the State CJIS and criminal justice agencies within its locality.

Standard 2.4
Criminal Justice Component Information Systems

Every component agency of the criminal justice system (police, courts, corrections) should be served by an information system which supports its intra agency needs.

1. The component information system (CIS) should provide the rationale for the internal allocation of personnel and other resources of the agency.

2. The CIS should provide a rational basis for scheduling of events, cases, and transactions within the agency.

3. The CIS should provide the agency administrator with clear indications of changes in workload and workload composition, and provide the means of distinguishing between short-term variations (e.g., seasonal variations) and long-term trends.

4. The CIS should provide data required for the proper functioning of other systems as appropriate, and should retain only that data required for its own specific purposes.

5. The CIS should provide the interface between LCJIS and individual users within its own agency. This interface provision should include telecommunications facilities as necessary.

6. The CIS should create and provide access to files needed by its users that are not provided by the State or local criminal justice information systems to which it is interfaced.

7. The CIS should support the conduct of research and program evaluation to serve agency managers.

CHAPTER 3
Police Information Systems

Standard 3.1
Police Information Systems

Every police agency should have a well-defined information system. Proper functions of such a system include:

1. Dispatch information, including the generation of data describing the dispatch operation and data useful in the dispatching process;

2. Event information, including the generation and analysis of data on incidents and crimes;

3. Case information, including data needed during followup until police disposition of the case is completed;

4. Reporting and access to other systems which provide required data for operational or statistical purposes; and

5. Patrol or investigative support data not provided by external systems, such as misdemeanor want/warrant data, traffic and citation reporting, and local property data.

Standard 3.2
Crime Analysis Capability

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

1. Methods of operation of individual criminals;
2. Pattern recognition;
3. Field interrogation and arrest data;
4. Crime report data;
5. Incident report information;
6. Dispatch information; and
7. Traffic reports, both accidents and citations.

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

Standard 3.3
Manpower Resource Allocation and Control

Every police agency should be encouraged to develop a manpower resource allocation and control system that will support major efforts to:

1. Identify through empirical means the need for manpower within the department;
2. Provide planning for maximum utilization of available resources;
3. Provide information for the allocation and instruction of patrol officers and specialist officers; and
4. Provide for the evaluation of the adopted plan.

Standard 3.4
Police Information System Response Time

Information should be provided to users in sufficient time to affect the outcome of their decisions. The maximum allowable delay for information delivery, measured from initiation of the request to the delivery of a response, varies according to user type.

1. For users engaged in unpredictable field activity of high potential danger (e.g., vehicle stop) the maximum delay should be 120 seconds.
2. For users engaged in field activity without direct exposure to high potential danger (e.g., checking parked vehicles) the maximum delay should be 5 minutes.
3. For users engaged in investigatory activity without personal contact (e.g., developing suspect lists), the maximum delay should be 8 hours.
4. For users engaged in postapprehension identification and criminal history determinations, the maximum delay should be 4 hours.

Standard 3.5
UCR Participation

Every police agency should, as a minimum, participate fully in the Uniform Crime Reporting program.

Standard 3.6
Expanded Crime Data

For use at the local level, or for State and regional planning and evaluation, data collected concerning an incident regarded as a crime should include as a minimum:

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

The data should be obtained at least for murder, forcible rape, robbery, aggravated assault, and burglary (both residential and commercial).

Standard 3.7
Quality Control of Crime Data

Every police agency should make provision for an independent audit of incident and arrest reporting. The audit should verify that:

1. Crime reports are being generated when appropriate;
2. Incidents are being properly classified; and
3. Reports are being properly prepared and submitted.

To establish an "audit trail" and to provide the basic documentation needed by management, the following key characteristics or records should be adopted:

1. The police response made to every call for police service should be recorded, regardless of whether a unit is dispatched. Dispatch records should be numbered and timed; if the service leads to a complaint, the complaint should be registered on a numbered crime report, and that number also be shown on the dispatch record.
2. All dispatches should be recorded, indicating time of dispatch and arrival on scene.
3. Dispatch records should show the field unit disposition of the event, and should be numbered in such a way as to link dispatches to arrest reports or other event disposition reports.
4. All self-initiated calls should be recorded in the same manner as citizen calls for service.

Standard 3.8
Geocoding

Where practical, police should establish a geographical coding system that allows addresses to be located on a coordinate system as a basis for collecting crime incidence statistics by beat, district, census tract, and by other "zoning" systems such as schools, planning zones, and zip codes.

CHAPTER 4
Courts Information Systems

Standard 4.1
Decisionmaking in Individual Cases

A court information system should provide information unique to the defendant and to the case. Required information includes:

1. Defendant background data and other characteristics needed in decisionmaking such as defendant's family status, employment, residence, education, past history, and indigency information relative to appointment of counsel.
2. Current case history stating the proceedings already completed, the length of time between proceedings, continuances (by reason and source), representation, and other participants.

Standard 4.2
Calendar Management in the Courts

Criminal courts should be provided with sufficient information on case flow to permit efficient calendar management. Basic data to support this activity include the following:

1. Periodic disposition rates by proceeding; these statistics can be used to formulate and adjust calendar caseload limits;
2. An attorney and police witness schedule which can be used to minimize scheduling conflicts;
3. Judge and courtroom schedule;
4. Range of time which proceedings consume;
5. An age index of all cases in pretrial or awaiting trial (by type of trial requested) to determine if special attention is required or the speedy trial rule endangered;
6. An index relating scheduled cases to whether the defendant is confined, released, rearrested, at large, or undergoing adjudication on a separate offense;
7. A recapitulation of offenders booked in jail but not released, to determine if special attention is required;
8. An index of multiple cases pending against individual defendants, to permit consolidation;
9. An index of information on possible or existing case consolidations; and
10. An index of defendants whose existing probation or parole status may be affected by the outcome of current court action.

Standard 4.3
Court Management Data

For effective court administration, criminal courts must have the capability to determine monthly case flow and judicial personnel workload patterns. This capability requires the following statistical data for both in misdemeanors and felonies:

1. Filing and dispositions—number of cases filed and the number of defendants disposed of by offense categories;
2. Monthly backlog—cases in pretrial or preliminary hearing stage; cases scheduled for trial (by type of trial) or preliminary hearing; and cases scheduled for sentencing, with delay since previous step in adjudication;
3. Status of cases on pretrial, settlement, or trial calendars—number and percent of cases sent to judges; continued (listed by reason and source), settled, placed off-calendar; nolle prosequi, bench warrants; terminated by trial (according to type of trial);
4. Time periods between major steps in adjudication, including length of trial proceedings by type of trial;
5. Judges' weighted workload—number of cases disposed of by type of disposition and number of cases heard per judge by type of proceeding or calendar;
6. Prosecutor/defense counsel workload—number of cases disposed of by type of disposition and type of proceeding or calendar according to prosecutor, appointed defense counsel, or private defense counsel representation;
7. Jury utilization—number of individuals called, placed on panels, excused, and seated on criminal or civil juries;
8. Number of defendants admitted to bail, released on their own recognizance, or retained in custody, listed by most serious offense charged;
9. Number of witnesses called at hearings on serious felonies, other felonies, and misdemeanors; and
10. Courtroom utilization record.

Standard 4.4
Case Management for Prosecutors

For the purpose of case management, prosecutors shall be provided with the data and statistics to support charge determination and case handling. This capability shall include, as appropriate, the following:

1. A means of weighting cases according to prosecution priority, policy, and the probability of success;
2. Time periods between major steps in adjudication;
3. Daily calendar workloads and dispositions;
4. Age of cases in pretrial or awaiting trial (by type of trial) to determine in part whether the right to a speedy trial is enforced;
5. Case schedule index listing police witnesses, expert witnesses, defense counsel, assigned prosecutor, and type of hearing;
6. Record of continuances, by case, number, and party requesting;

7. Selection criteria for witnesses at court hearings; and

8. Criteria for rating adequacy of investigation and legality of procedure by each police unit.

Standard 4.5
Research and Evaluation in the Courts

To create the capability for continued research and evaluation, courts should participate in or adopt for their own use a minimum set of data on the transactions between defendant and various court agencies, including the outcome of such transactions.

Standard 4.6
Case Counting

Transactional and Event Data Elements shall be recorded for counting purposes as follows:

1. Data elements using individual defendants as the basic statistical unit shall record action taken in regard to one individual and one distinct offense. The term "distinct offense" refers to those sets of related criminal activities for which, under State law, only one conviction is possible, plus conspiracy.

Under this standard, if two men are charged for the same criminal activities, this is reported as two defendant cases. If two charges for which an individual might receive two separate convictions are consolidated at one trial, it is to be reported as two trials. If a jury trial is held for three men on the same crime, the event should be reported as three jury trials.

2. Data elements that describe events occurring in the criminal justice system shall record the number of events, regardless of the number of defendant transactions involved. Those data elements may report the number of individual transactions as an additional explanatory item.

Under this standard, if two men are charged for the same criminal activities, this is reported as one charge or one charge with two defendants. If two charges are consolidated at one trial, it is to be reported as one trial or one trial on two charges. If a jury trial is held for three men for the same crime, the event should be reported as one jury trial or one jury trial for three defendants.

CHAPTER 5
Corrections Information Systems

Standard 5.1
Development of a Corrections Information System

A corrections information system must satisfy the following requirements:

1. The information/statistics functions of offender accounting, administrative decisionmaking, ongoing research, and rapid response to questions should be supported.

2. The information now used or needed by corrections personnel at each decision point in the corrections system should be ascertained before the information system is designed.

3. The requirements of other criminal justice information systems for corrections data should be considered in the data base design. Interface between the corrections system and other criminal justice information systems should be developed.

Standard 5.2
Uniform Classification of Data

Uniform definitions should apply to all like data in all institutions and divisions of the corrections system. Standard procedures should be established and clearly outlined for recording, collecting, and processing each item of statistical data.

Standard 5.3
Expansion of Corrections Data Base

The corrections information/statistics system should be flexible enough to allow for expansion of the data base and to meet new information needs. A modular system should be designed and implemented to provide this flexibility. Techniques should be established for testing new modules without disrupting the ongoing operation of the system. Interaction with planners and administrators should take place before the data base is expanded or new techniques are introduced.

Standard 5.4
Offender Statistical Base

The following types of corrections data about the offender should be collected. Minimum requirements are:

1. Official data, including date of entry into the correctional system, offenses and sentences, concurrent or consecutive sentences, recommendations of the court, conditions of work release or assignment to halfway houses or other community supervision, and county (court) of commitment or entry into the correctional system;

2. Personal data, including age, race, and sex; marital/family status; intelligence classification; military experience; classification category; other test and evaluative information, job placement, housing arrangements, and diagnostic data; and

3. Historical data, including family background, educational background, occupational record, alcohol and drug use background, and prior criminal history.

The correctional system may not need all of the information described above for persons involved in short-term custody. Each system should make a careful determination of its information needs concerning short-term detainees.

Standard 5.5
Corrections Population and Movement

The corrections information and statistics system should account for the number of offenders in each corrections program and the daily changes in those numbers. Offenders should be identified by the institution or jail in which they are incarcerated or the probation, parole, or other community program to which they are assigned.

Movement of an individual from one institution or program to another should be recorded in the corrections information system as soon as possible. Assignment to special status such as work release or weekend furlough also should be recorded to enable the system to account for all persons under supervision. Sufficient information must be recorded to identify the offender and the reason for movement. Each agency should record admissions and departures and give the reasons for each.

Standard 5.6
Corrections Experience Data

Prior to the release of the offender, data describing his corrections experiences should be added to his statistical record. When associated with postrelease outcomes, these data can be particularly valuable in evaluating correctional programs. Such data should include:

1. Summary of work and training experience, attitude, job placement, salary, etc.;
2. Summary of educational experience and accomplishments;
3. Participation in counseling or other specialized programs;
4. Participation in treatment for drug addiction or alcoholism;
5. Participation in special organizations (self-help groups, civic associations);
6. Frequency of contacts with corrections staff, attempts to match offenders with corrections personnel, and direct service provided by the staff;
7. Services provided by other agencies outside the corrections system;
8. Summary of disciplinary infractions in an institution or violations of probation or parole; and
9. Special program exposure.

Much of this information will not be applicable to persons involved in short-term custody. Each system should make an appropriate determination of its information needs concerning short-term detainees. The current narrative behavior report should be discarded and an objective data form developed.

Standard 5.7
Evaluating the Performance of the System

An information system for corrections should provide performance measures that serve as a basis for evaluation on two levels - overall performance or system reviews as measured by recidivism and other performance measures, and program reviews that emphasize more immediate program goal achievement.

CHAPTER 6
Operations

Standard 6.1
Data Collection Techniques

The Commission recognizes the need for an Offender-Based Transaction Statistics (OBTS) system and recommends that such a system be developed, that a combination of manual and automated data collection techniques be used, that data collection burdens placed on law enforcement agencies be held to a minimum, and that strict considerations of cost effectiveness be adhered to in the development of such a system.

CHAPTER 7
Privacy and Security

Standard 7.1
Security and Privacy Administration

1. North Dakota should adopt enabling legislation for protection of security and privacy in criminal justice information systems. The enabling statute shall establish an administrative structure, minimum standards for protection of security and privacy, and civil and criminal sanction for violation of statutes or rules and regulations adopted under it.

2. Security and Privacy Council. The State shall establish a Security and Privacy Council. Fifty percent of the members named to the Council shall be private citizens who are unaffiliated with the State's criminal justice system. The remainder shall include representatives of the criminal justice information systems and other appropriate government agencies. The Security and Privacy Council shall be vested with sufficient authority to adopt and administer security and privacy standards for criminal justice information systems.

The Council should further have authority to establish rules and regulations in this field and to sanction agencies which fail to comply with them.

Civil and criminal sanctions should be set forth in the enabling act for violation of the provision of the statute or rules or regulations adopted under it. Penalties should apply to improper collection, storage, access, and dissemination of criminal justice information.

3. Training of System Personnel and Public Education. All persons involved in the direct operation of a criminal justice information system should be required to attend approved courses of instruction concerning the system's proper use and control. Instruction may be offered by any agency or facility, provided that curriculum, materials, and instructors' qualifications have been reviewed and approved by the Council.

Minimum course time should be 10 hours for operators, with 15 hours required of immediate supervisors. Each operator or supervisor shall attend a course of instruction within a reasonable period of time after assignment to the criminal justice information system.

The Council should conduct a program of public education concerning the purposes, proper use, and control of criminal justice information. It may make available upon request facilities, materials, and personnel to educate the public about the purposes, proper use, and control of criminal justice information.

Standard 7.2
Scope of Files

An item of data may be collected and stored in a criminal justice information system only if the potential benefits from its use outweigh the potential injury to privacy and related protected interests.

Standard 7.3
Access and Dissemination

1. General Limits on Access. Information in criminal justice files should be made available only to public agencies which have both a "need to know" and a "right to know". The user agency should demonstrate, in advance, that access to such information will serve a criminal justice purpose.

2. Terminal Access. Criminal justice agencies should be permitted to have terminal access to computerized criminal justice information systems where they have both a need and a right to know. Non-criminal justice agencies having a need or right to know or being authorized by statute to receive criminal justice information should be supplied with such information only through criminal justice agencies.

3. Certification of Non-Criminal-Justice Users. The Security and Privacy Council should receive and review applications from non-criminal-justice government agencies for access to criminal justice information. Each agency which has, by statute, a right to such information or demonstrates a need to know and a right to know in furtherance of a criminal justice purpose should be certified as having access to such information through a designated criminal justice agency.

4. Full and Limited Access to Data. Criminal justice agencies should be entitled to all unpurged data concerning an individual contained in a criminal justice information system. Non-criminal-justice agencies should receive only those portions of the file directly related to the inquiry. Special precautions should be taken to control dissemination to non-criminal-justice agencies of information which might compromise personal privacy including strict enforcement of need to know and right to know criteria.

5. Arrest Without Conviction. All copies of information filed as a result of an arrest that is legally terminated in favor of the arrested individual should be returned to that individual within 60 days of final disposition, if a court order is presented, or upon formal notice from one criminal justice agency to another. Information includes fingerprints and photographs. Such information should not be disseminated outside criminal justice agencies.

However, files may be retained if another criminal action or proceeding is pending against the arrested individual, or if he has previously been convicted in any jurisdiction in the United States of an offense that would be deemed a crime in the State in which the record is being held.

6. Dissemination. Dissemination of personal criminal justice information should be on a need and right to know basis within the government. There should be neither direct nor indirect dissemination of such information to nongovernmental agencies or personnel. Each receiving agency should restrict internal dissemination to those employees with both a need and right to know.

Legislation should be enacted which limits questions about arrests on applications for employment, licenses, and other civil rights and privileges to those arrests where records have not been returned to the arrested individual or purged. Nor shall employers be entitled to know about offenses that have been expunged by virtue of lapse of time.

7. Accountability for Receipt, Use, and Dissemination of Data. Each person and agency that obtains access to criminal justice information should be subject to civil, criminal, and administrative penalties for the improper receipt, use, and dissemination of such information.

The penalties imposed would be those generally

applicable to breaches of system rules and regulations as noted earlier.

8. Currency of Information. Each criminal justice agency must ensure that the most current record is used or obtained.

Standard 7.4
Information Review

1. Right to Review Information. Except for intelligence files and undisseminated psychological evaluations for clinical use, every person should have the right to review criminal justice information relating to him. Each criminal justice agency with custody or control of criminal justice information shall make available convenient facilities and personnel necessary to permit such reviews.

2. Review Procedures.
   a. Reviews should occur only within the facilities of a criminal justice agency and only under the supervision and in the presence of a designated employee or agent of a criminal justice agency. The files and records made available to the individual should not be removed from the premises of the criminal justice agency at which the records are being reviewed.
   b. At the discretion of each criminal justice agency such reviews may be limited to ordinary daylight business hours.
   c. Reviews should be permitted only after verification that the requesting individual is the subject of the criminal justice information which he seeks to review. Each criminal justice agency should require fingerprinting for this purpose. Upon presentation of a sworn authorization from the individual involved, together with proof of identity, an individual's attorney may be permitted to examine the information relating to such individual.
   d. A record of such review should be maintained by each criminal justice agency by the completion and preservation of an appropriate form. Each form should be completed and signed by the supervisory employee or agent present at the review. The reviewing individual should be asked, but may not be required, to verify by his signature the accuracy of the criminal justice information he has reviewed. The form should include a recording of the name of the reviewing individual, the date of the review, and whether or not any exception was taken to the accuracy, completeness, or contents of the information reviewed.
   e. The reviewing individual may make a written summary or notes in his own handwriting of the information reviewed, and may take with him such copies. Such individuals may not, however, take any copy that might reasonably be confused with the original. Criminal justice agencies are not required to provide equipment for copying.
   f. Each reviewing individual should be informed of his rights of challenge. He should be informed that he may submit written exceptions as to the information's contents, completeness, or accuracy to the criminal justice agency with custody or control of the information. Should the individual elect to submit such exceptions, he should be furnished with an appropriate form. The individual should record any such exceptions on the form. The form should include an affirmance, signed by the individual or his legal representative, that the exceptions are made in good faith and that they are true to the best of the individual's knowledge and belief. One copy of the form shall be forwarded to the Security and Privacy Council.
   g. The criminal justice agency should in each case conduct an audit of the individual's criminal justice information to determine the accuracy of the exceptions. The Council and the individual should be informed in writing of the results of the audit. Should the audit disclose inaccuracies or omissions in the information, the criminal justice agency should within 60 days, cause appropriate alterations or additions to be made to the information, and should cause notice of such alterations or additions to be given to the Council, the individual involved and any other agencies in this or any other jurisdiction to which the criminal justice information has previously been disseminated.

3. Challenges to Information.
   a. Any person who believes that criminal justice information that refers to him is inaccurate, incomplete, or misleading may request any criminal justice agency with custody or control of the information to purge, delete, modify, or supplement that information. Should the agency decline to do so, or should the individual believe the agency's decision to be otherwise unsatisfactory, the individual may request review by the Security and Privacy Council.
   b. Such requests to the Council (in writing) should include a concise statement of the alleged deficiencies of the criminal justice information, shall state the date and result of any review by the criminal justice agency, and shall append a sworn verification of the facts alleged in the request signed by the individual or his attorney.

c. Each Council should establish a review procedure for such appeals that incorporates appropriate assurances of due process for the individual.

Standard 7.5
Data Sensitivity Classification

Places and things included in criminal justice information systems should be classified by criminal justice agencies in accordance with the following system:

1. Highly Sensitive - places and things which require maximum special security provisions and particularized privacy protection. Items that should be included in this category include, for example:
   a. Criminal history record information accessed by using other than personal identifying characteristics, i.e., class access;
   b. Criminal justice information disclosing arrest information without conviction disseminated to criminal justice agencies;
   c. Criminal justice information marked as "closed";
   d. Computer, primary, and auxiliary storage devices and physical contents, peripheral hardware, and certain manual storage devices and physical contents;
   e. Security system and backup devices; and
   f. Intelligence files.
   g. Additional items that may be included in this category are: computer programs and system design; communication devices and networks; criminal justice information disseminated to non-criminal-justice agencies; and research and analytical reports derived from identified individual criminal justice information.

2. Confidential - places and things which require a high degree of special security and privacy protection. Items that may be included in this category, for example, are:
   a. Criminal justice information on individuals disseminated to criminal justice agencies;
   b. Documentation concerning the system; and
   c. Research and analytical reports derived from criminal justice information on individuals.

3. Restricted - places and things which require minimum special security consistent with good security and privacy practices. Places that may be included in this category are, for example, areas and spaces that house criminal justice information.

Each criminal justice agency maintaining criminal justice information should establish procedures in order to implement a sensitivity classification system. The general guidelines for this purpose are:

a. Places and things should be assigned the lowest classification consistent with their proper protection.
b. Appropriate utilization of classified places and things by qualified users should be encouraged.
c. Whenever the sensitivity of places or things diminishes or increases it should be reclassified without delay.
d. In the event that any place or thing previously classified is no longer sensitive and no longer requires special security or privacy protection it should be declassified.
e. The originator of the classification is wholly responsible for reclassification and declassification.
f. Overclassification should be considered to be as dysfunctional as underclassification.

It shall be the responsibility of the Security and Privacy Council to assure that appropriate classification systems are implemented, maintained, and complied with by criminal justice agencies, within a given State.

Standard 7.6
System Security

1. Protection from Accidental Loss. Information system operators should institute procedures for protection of information from environmental hazards including fire, flood, and power failure. Appropriate elements may include:
   a. Adequate fire detection and quenching systems;
   b. Watertight facilities;
   c. Protection against water and smoke damage;
   d. Liaison with local fire and public safety officials, including a warning system;
   e. Fire resistant materials on walls and floors;
   f. Air conditioning systems;
   g. Emergency power sources; and
   h. Backup files.

2. Intentional Damage to System. Agencies administering criminal justice information systems should adopt security procedures which limit access to information files. These procedures should include use of guards, keys, badges, passwords, access restrictions, sign-in logs, or like controls.

Facilities which house criminal justice information files should be so designed and constructed as to reduce the possibility of physical damage to the information. Appropriate steps in this regard may include: physical limitations on access; security storage for information media; heavy duty, nonexposed walls; perimeter barriers; adequate lighting; detection and warning devices; and closed circuit television.

3. Unauthorized Access. Criminal justice information systems should maintain controls over access to information by requiring identification, authorization, and authentication of system users and their need and right to know. Processing restrictions,

threat monitoring, privacy transformations (e.g., scrambling, encoding/decoding), and integrity management should be employed to insure system security.

4. Personnel Security.

a. Preemployment Screening: Applicants for employment in information systems should be expected to consent to an investigation of their character, habits, previous employment, and other matters necessary to establish their good moral character, reputation, and honesty. Knowingly giving false information of a substantial nature should disqualify an applicant from employment.

Investigation should be designed to develop sufficient information to enable the appropriate officials to determine employability and fitness of persons entering critical/sensitive positions. Whenever practicable, investigations should be conducted on a preemployment basis and the resulting reports used as a personnel selection device.

b. Clearance, Annual Review, Security Manual, and In-Service Training: System personnel including terminal operators in remote locations, as well as programmers, computer operators, and others working at, or near the central processor, should be assigned appropriate security clearances and should have their clearances renewed annually.

Each criminal justice information system should prepare a security manual listing the rules and regulations applicable to maintenance of system security. Each person working with or having access to criminal justice information files should know the contents of the manual. To this end, each employee should receive training each year concerning system security.

c. System Discipline: The management of each criminal justice information system should establish sanctions for accidental or intentional violation of system security standards. Supervisory personnel should be delegated adequate authority and responsibility to enforce the system's security standards. The security system of each law enforcement agency should contain safeguards commensurate with the number of files in the system and the size of the agency.

Any violations of the provisions of these standards by any employee or officer of any public agency, in addition to any applicable criminal or civil penalties, shall be punished by suspension, discharge, reduction in grade, transfer, or such other administrative penalties as are deemed by the criminal justice agency to be appropriate.

Standard 7.7
Personnel Clearances

1. The Security and Privacy Council shall also have the responsibility of assuring that a personnel clearance system is implemented and complied with by criminal justice agencies within the State.

2. Personnel shall be granted clearances for access to sensitive places and things in accordance with strict right to know and need to know principles.

3. In no event may any person who does not possess a valid sensitivity clearance indicating right to know have access to any classified places or things, and in no event may any person have access to places or things of a higher sensitivity classification than the highest valid clearance held by that person.

4. The possession of a valid clearance indicating right to know does not warrant unconditional access to all places and things of the sensitivity classification for which the person holds clearance. In appropriate cases, such persons may be denied access because of absence of need to know.

5. In appropriate cases, all persons in a certain category may be granted blanket right to know clearance for access to places and things classified as restricted or confidential.

6. Right to know clearances for highly sensitive places and things shall be granted on a selective and individual basis only and must be based upon the strictest of personnel investigations.

7. Clearances shall be granted by the head of the agency concerned and shall be binding only upon the criminal justice agency itself, except that right to know clearances for members of the Council shall be granted and shall be valid for all purposes where a need to know exists.

8. Clearances granted by one agency may be given full faith and credit by another agency; however, ultimate responsibility for the integrity of the persons granted right to know clearances remains at all times with the agency granting the clearance.

9. Right to know clearances are executory and may be revoked or reduced to a lower sensitivity classification at the will of the grantor. Adequate notice must be given of the reduction or revocation to all other agencies that previously relied upon such clearances.

10. It shall be the responsibility of the criminal justice agency with custody and control of classified places and things to prevent compromise of such places and things by prohibiting access to persons without clearances or with inadequate clearance status.

11. The Council shall carefully audit the granting of clearances to assure that they are valid in all respects, and that the categories of personnel

clearances are consistent with right to know and need to know criteria.

12. Criminal justice agencies shall be cognizant at all times of the need periodically to review personnel clearances so as to be certain that the lowest possible clearance is accorded consistent with the individual's responsibilities.

13. To provide evidence of a person's sensitivity classification clearance, the grantor of such clearance may provide an authenticated card or certificate. Responsibility for control of the issuance, adjustment, or revocation of such documents rests with the grantor. In any event, all such documents must have an automatic expiration date requiring affirmative renewal after a reasonable period of time.

Standard 7.8
Information for Research

1. Research Design and Access to Information. Researchers who wish to use criminal justice information shall submit to the agency holding the information a completed research design that guarantees adequate protection of security and privacy. Authorization to use criminal justice information shall only be given when the benefits reasonably anticipated from the project outweigh the potential harm to security or privacy.

2. Limits on Criminal Justice Research. Research shall preserve the anonymity of all subjects to the maximum extent possible. In no case shall criminal justice research be used to the detriment of persons to whom information relates nor for any purposes other than those specified in the research proposal. Each person having access to criminal justice information shall execute a binding nondisclosure agreement with penalties for violation.

3. Role of Security and Privacy Council. The Security and Privacy Council shall establish uniform criteria for protection of security and privacy in research programs. If a researcher or an agency is in doubt about the security or privacy aspects of particular research projects or activities the advice of the Council shall be sought. The Council shall maintain general oversight of all research projects using criminal justice information.

4. Duties and Responsibilities of the Holding Agency. Criminal justice agencies shall retain and exercise the authority to approve in advance, monitor, and audit all research using criminal justice information. All data generated by the research program shall be examined and verified. Data shall not be released for any purposes if material errors or omissions have occurred which would affect security and privacy.

CHAPTER 8
Technical System Design

Standard 8.1
Standarized Terminology

To establish appropriate communications among local, State, and Federal criminal justice agencies, the data elements for identification, offense category, and disposition on each offender shall be consistent with specifications prescribed in the National Crime Information Center (NCIC) operating manual, or if not covered in NCIC, the Project SEARCH Implementing Statewide Criminal Justice Statistics Systems - The Model and Implementation Environment Technical Report No. 4 and the National Criminal Justice Information and Statistics Service Comprehensive Data System guidelines. There may be a need for additional or translated equivalents of the standard data elements at individual agencies; if so, it shall be the responsibility of that agency to assure that the basic requirements of this standard are met.

Standard 8.2
Programming Language

Every agency contemplating the implementation of computerized information systems should insure that specific programming language requirements are established prior to the initiation of any programming effort. The controlling agency should provide the direction concerning programming language requirements already in force, or establish the requirements based on current or projected hardware installation and programming needs (especially from a system standpoint) of present and potential users.

Standard 8.3
Teleprocessing

During the design phase of the development of information and statistics systems, each agency must provide sufficient resources to assure adequate teleprocessing capability to satisfy the intra- and inter-agency communications requirements. Attention should be given to other criminal justice information systems (planned or in operation) at the national, State, and local levels to insure the design includes provision for interfacing with other systems as appropriate. Additionally, the specific requirements for internal communications must be included in the technical system design.

CHAPTER 9
Strategy for Implementing Standards

Standard 9.1
Legislative Actions

To provide a solid basis for the development of systems supporting criminal justice, at least three legislative actions are needed:

1. Statutory authority should be established for planning, developing, and operating State level information and statistical systems.

2. North Dakota should establish, by statute, mandatory reporting of data necessary to operate the authorized systems.

3. Statutes should be enacted to establish security and confidentiality controls on all systems.

4. The Commission favors legislation authorizing the withholding of pay for those who fail to meet reporting requirements.

Standard 9.2
The Establishment of Criminal Justice User Groups

All criminal justice information systems, regardless of the level at which they operate, must establish user groups. These groups should, depending on the particular system, have considerable influence over the operation of the system, its continuing development, and modifications to it.

1. A user group should be established from representatives of all agencies who receive service from the criminal justice information system.

2. The user group should be responsible for encouraging utilization of the system in all agencies and should be directly concerned with training provided by both their own staff and the central agency.

3. Membership in the user group should include the officials who are actually responsible for the various agencies within the criminal justice system.

4. Technical representation on the user group should be of an advisory nature, should assist in providing information to the user group, but should not be a voting or full member of the user group.

Standard 9.3
System Planning

North Dakota should establish a plan for the development of information and statistical systems at State and local levels. Critical elements of the plan are as follows:

1. The plan should specify system objectives and services to be provided, including:
   a. Jurisdictional (State, local) responsibilities;
   b. Organizational responsibilities at the State level;
   c. Scope of each system; and
   d. Priorities for development.

2. The plan should indicate the appropriate funding source both for development and operation of the various systems.

3. The plan should provide mechanisms for obtaining user acceptance and involvement.

Standard 9.4
Consolidation and Surrogate Service

In those cases where it is not feasible to provide the information support functions described in Chapter 2 at the organizational level specified, these services should be provided through consolidation of adjacent units at the organizational level specified, or by the establishment of a "surrogate" at the next higher organizational level.

1. Agency support should be provided within the agency requiring the support. When infeasible, such services should be provided by a consortium of nearby agencies of similar type (e.g., two nearby police departments). Alternatively, such services can be provided by the local CJIS on a "service bureau" basis.

2. Local criminal justice information system services, if unjustified for an individual locality, should be provided by a regional CJIS composed of adjacent localities. Alternatively, such services can be provided by the State CJIS on a service bureau basis.

3. Financial responsibility for the provision of services in cases where consolidation or surrogate provisions are carried out should remain at the organizational levels specified in this chapter. The basis for establishing the costs of such service, and the quality of performance deemed adequate for the provision of each individual service rendered, should be expressed in contractual terms and agreed to by all parties to the consolidation or surrogate relationship.

4. In cases of consolidation or surrogate relationships, a strong voice in the policies and general procedures of the information system should be vested in a users group in which all users of the system are represented.

5. If at all practical, surrogate agencies should provide the same level of data that would be provided if the lower level agencies had their own systems.

Standard 9.5
Systems Analysis and Design

Any individual systems covered under the plan described above, funded by Safe Streets Act moneys

or other State grant programs, should be predicated on a system analysis and design consistent with the standards in this report.

CHAPTER 10
Evaluation Strategy

Standard 10.1
Preimplementation Monitoring

Preimplementation monitoring should consist of a continuous review, analysis, and assessment of available documentation and milestone achievement covering system analysis, design, development, and initial steps leading toward actual implementation. All items should be monitored relative to costs (both dollars and man-hours); milestone accomplishment (time); and quality (response time, scope, sophistication, and accuracy). Both intra- and interagency considerations should be included, particularly with respect to consistency with other planned or operational information and statistical systems.

The following items should be considered in this monitoring standard:

1. System Analyses Documentation.
2. System Recruitment Documentation.
3. System Design Documentation.
   a. Functional specifications;
   b. Component flow charts;
   c. Data base design (or administration);
   d. Groupings of files;
   e. Structure of data in files;
   f. File maintenance;
   g. File capacity;
   h. Timeliness of data inputs to file;
   i. Data standards;
   j. Module interfaces/data links;
   k. Edit criteria;
   l. Output reports; and
   m. Response time requirements.
4. System Development Documentation.
   a. Module description;
   b. Component description;
   c. User manuals;
   d. Operations description;
   e. Data base description; and
   f. Processing modes description (manual, computer-based batch, on-line, real-time).
5. System Implementation Documentation.
   a. Component implementation report;
   b. Data base implementation report;
   c. Test plan report;
   d. Hardware requirements report;
   e. Software requirements report;
   f. Physical site report;
   g. Data security and confidentiality report;
   h. Implementation monitoring report;
   i. Impact evaluation report; and
   j. System training report.

Standard 10.2
Implementation Monitoring

A key consideration in implementing systems is providing maximum assurance that the eventual operating system meets the design objectives. Implementation monitoring should employ a specific series of quantifiable measuring instruments that report on the cost and performance of component parts and the total system. The cost/performance monitoring of an operating or recently developed system should focus on: man-machine interaction, software (computer and/or manual processes), and hardware (computer and/or nonautomated equipment).

Standard 10.3
Impact Evaluation

Impact evaluation should begin with an investigation of system outputs at the component level. Once individual components have been assessed as to their capability for supporting users, impact analyses should be conducted for larger aggregations made up first of multiple and then total components. This process permits criminal justice agencies to draw conclusions about the immediate and long-range effects of various inputs.

In general, an impact evaluation should determine: (1) what information, communication, and decision processes in a criminal justice agency exhibit the greatest positive and negative impact due to the information and statistic system; and (2) what relationships exist between specific features of the system and the benefits to the user.

Impact evaluation should adhere to the following criteria:

1. Installation of the impact plan. Operation of each component of the system should be evaluated. Quantifiable data that is needed to evaluate an investigative file/data base includes:
   a. Number of inquiries or file searches per specified time period;
   b. Number of investigative leads or clues provided per specified period;
   c. Number of accurate versus erroneous suspects identified;
   d. Number of arrests as a result of identification by the system;
   e. Number of criminal cases cleared as a result of an arrest and/or conviction; and
   f. Dollar value of property recovered.

This should be computed on a per capita basis and cost ratio with the system. Similar formal evaluation should be undertaken of such files as traffic citations, calls for service, case reporting, in-custody, want/warrant, court scheduling, criminal histories, and so forth.

2. Analysis of operational impacts over time. Each component of the system as well as the entire system should be regularly analyzed. These evaluations should include the more significant data suggested above and should be focused on how much more effectively an agency is attaining its goals and objectives. For information systems serving multiple agencies, the evaluations should focus on achieving integrated criminal justice system goals.

3. Analysis of attitudinal and behavioral impacts over time. The entire system should be assessed for a change in the attitudes and behavior of the users. This is a relatively subjective evaluation but can be quantified by appropriate, periodic user surveys.

4. Analysis of management and planning capabilities. The system should be evaluated to learn if it aids criminal justice managers and planners in achieving coordination of resources. For example, how many criminal justice managers used the system and how often? What degree of support did the system provide the manager? In retrospect, how accurate was the system in planning? Was it accurate, for example, in predicting the calls for service in a reporting district over the subsequent 12 months? Or how effectively was a court calendar scheduled?

5. Analysis of management decisions as they relate to the cost of criminal justice operations. The system should be designed to report on the ratio of its cost to the expenses of overall agency operations. Cost centers should be established and the expense of the system reported by user and organizational unit. Costs should also be determined for criminal justice programs and processes (e.g., public relations programs, probation programs, the prevention/suppression process, etc.) on regional bases (county, area, State, country) as well as on a user or agency basis.

The revenue derived from the service of warrants, cost of the system per suspect arrested, and cost of the system in reducing response time are a few of the possible criteria to be used for a police agency. Similar standards can be generated for court and corrections systems. It may prove worthwhile to allocate a portion of each user unit's budget to support the cost of the information system.

6. Analysis of technology or equipment. The cost of a hardware should be subjected to a tradeoff analysis. For example, if a rotating filing cabinet were installed, what would be the monetary savings and user advantages in terms of more rapid access to warrants or prisoner records, accuracy of filing, and ease of file maintenance? Similarly, for computer systems: What are the savings and advantages? Will the information be available and helpful to more people? Are there some other uses for the equipment which would affect the net cost of the system?

7. Analysis of program and policy change. All programmatic and policy changes within the criminal justice agency should be related to the influence that the information and statistical system may exert on them.

8. Evaluation of achievement. Criminal justice personnel, management, and citizens in need of service are best qualified to measure how effectively the system aids accomplishment of the agency's goals. By far, the most challenging requirement is to assess the "worth" of an information system as it relates to a particular set of goals. To illustrate: Does the information system reduce police response time from 4 minutes to 2 on an average per call for service? Or, does the system aid in rehabilitation by predicting effective treatment methods for individual offenders? This analysis will necessarily be more subjective than others.

CHAPTER 11
Development, Implementation, and Evaluation of Education Curricula and Training Programs for Criminal Justice Personnel

Standard 11.1
Development, Implementation, and Evaluation of Criminal Justice Education and Training Programs

In selecting and placing personnel with the necessary skill and knowledge to fulfill efficiently and effectively the objectives of the criminal justice system, criminal justice agencies and agencies of education should undertake the following activities:

1. Identify specific and detailed roles, tasks, and performance objectives for each criminal justice position in agencies of various jurisdiction, size, and locale and in relation to other positions in the criminal justice system and the public. These perceptions should be compared with actual practice, and an acceptable level of expected behavior established.

2. Establish clearly the knowledge and skill requirements of all criminal justice positions at the operational, support, and management level on the basis of roles, tasks, and performance objectives identified for each position.

3. Develop educational curricula and training programs only on the basis of identified knowledge and skill requirements; terminate all unnecessary programs.

4. Develop implementation plans that recognize priorities and constraints and use the most effective learning techniques for these education and training programs.

5. Develop and implement techniques and plans for evaluating the effectiveness of education and training programs as they relate to on-the-job performance.

6. Develop for all criminal justice positions recruitment and selection criteria that incorporate the appropriate knowledge and skill requirements.

7. Develop techniques for a continuous assessment of education and training needs as they relate to changes in social trends and public needs on a national and local basis.

8. Require all criminal justice personnel to possess the requisite knowledge and skills prior to being authorized to function independently. Require personnel already employed in these positions to obtain the requisite knowledge and skills within a specified period of time as a condition of continued employment.

Standard 11.2
Criminal Justice System Curriculum

Criminal justice system curricula and programs should be established by agencies of higher education to unify the body of knowledge in criminology, social science, law, public administration, and corrections, and to serve as a basis for preparing persons to work in the criminal justice system.

The following factors should be included in the development of curricula and programs:

1. A range of associate arts programs through graduate offerings should be established as rapidly as possible.

2. Care should be taken to separate the academic nature of the curricula from training content and functions best performed by police, courts, and corrections agencies.

3. Liaison should be established with criminal justice agencies to insure that theoretical content keeps pace with rapid new developments in the field.

CHAPTER 12
Criminal Code Revision

Standard 12.1
Corrections Law Revision

North Dakota should immediately undertake a complete revision of its corrections laws to promote effective, fair prison administration, relevant staff and inmate education, and modernized prison industries. The code should specify prisoners' duties and rights, and should establish disciplinary proceedings compatible with administrative due process. Federal or State funds should be provided as appropriate.

To accomplish corrections law revision within the time limits set in this standard, Safe Streets Act funding could be the financial basis of the proposed statutory changes needed to complement and to make effective the act's other crime reduction programs.

Standard 12.2
Organization for Revision

In determining eligibility for funding of corrections law revision projects, a drafting body should be favored that, in the case of substantive and corrections code revision, maintains maximum effective liaison with the legislature or, in the case of procedural revision, maintains liaison with the State Supreme Court if this court has broad rulemaking powers. An applicant agency should rely either on law faculty members for the preparation of drafts, or should employ qualified full-time committee or commission staff members to prepare drafts and commentaries.

The drafting commission membership, in combination with special advisory committees, should reflect the experience of all branches of the legal profession, corrections, law enforcement, and key community leadership. There are several alternative methods of organization for revision commissions:

1. Legislative Commission;
2. Augmented Legislative Commission;
3. Executive Commission;
4. State Bar Committee; and
5. Judicial Council or Advisory Committee.

Standard 12.3
Code Commentaries

All interim and final code drafts should be supported by detailed commentaries that show the derivation of language of each section, the relationship of the section to existing State law, and the changes proposed through the draft. A list of statutes to be repealed, amended, or transferred by the effective date of the code also should be submitted to the legislature.

Standard 12.4
Education on the New Code

After a new code has been enacted and before its effective date, intensive continuing education of bench, bar, prosecution, law enforcement, and citizens is essential to a smooth transition to the new law. Federal or State funds should be allocated to support continuing education programs whenever fees to be charged by continuing education organizations cannot meet the costs of presenting a program series. Subsidy is essential to programs of this nature for judges, prosecutors, and law enforcement officers, because local budgets rarely authorize reimbursement of tuition fees.

Standard 12.5
Continuing Law Revision

Continuing law revision is required if the achievements of initial code reform are to be maintained. Federal or State funds, therefore, should underwrite the creation of criminal law review commissions, or review functions within existing law revision commissions: (1) to screen all legislative proposals bearing criminal penalties in order to ascertain whether a need for them actually exists; (2) to review the penalties in proposed criminal statutes to insure that they are consonant with the revised criminal code sentencing and penalty structure; (3) to propose draft statutes for legislative consideration whenever functional gaps in criminal law enforcement appear; and (4) to correlate criminal statutes with cognate statutes elsewhere in the body of State statute law. Placement of the review function with the legislative, executive, or judicial branch should be made in view of the State's governmental and political needs.

Recommendation 12.1
Review by Legislative Council

The Commission recommends a study of the corrections laws by the legislative council or a committee of the legislature.

JUVENILE JUSTICE STANDARDS

CHAPTER 1
Police Standards

Standard 1.1
Diversion

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

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

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

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

Standard 1.2
Juvenile Operations

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

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

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

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

   a. The specific form of agency cooperation with other governmental agencies concerned with delinquent behavior, abandonment, neglect, and juvenile crime;
   b. The specific form of agency cooperation with nongovernmental agencies and organizations where assistance in juvenile matters may be obtained;
   c. The procedures for release of juveniles into parental custody; and
   d. The procedures for the detention of juveniles.

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

   a. The specific duties and responsibilities of these positions should be based upon the particular juvenile problems within the community.
   b. The juvenile specialists, besides concentrating on law enforcement as related to juveniles, should provide support and coordination of all community efforts for the benefit of juveniles.

5. Every policy agency having more than 50 employees should establish a juvenile investigation unit, and every smaller police agency should establish a juvenile investigation unit if community conditions warrant. This unit:

a. Should be assigned responsibility for conducting as many juvenile investigations as practicable, assisting field officers in juvenile matters, and maintaining liaison with other agencies and organizations interested in juvenile matters; and
b. Should be functionally decentralized to the most effective command level.

CHAPTER 2
Courts Standards

Standard 2.1
General Criteria for Diversion

In appropriate cases, offenders should be diverted into noncriminal programs before formal trial or conviction.

Such diversion is appropriate where there is a substantial likelihood that conviction could be obtained and the benefits to society from channeling an offender into an available noncriminal diversion program outweigh any harm done to society by abandoning criminal prosecution. Among the factors that should be considered favorable to diversion are: (1) the relative youth of the offender; (2) the willingness of the victim to have no conviction sought; (3) any likelihood that the offender suffers from a mental illness or psychological abnormality which was related to his crime and for which treatment is available; and (4) any likelihood that the crime was significantly related to any other condition or situation such as unemployment or family problems that would be subject to change by participation in a diversion program.

Among the factors that should be considered unfavorable to diversion are: (1) any history of the use of physical violence toward others; (2) involvement with syndicated crime; (3) a history of antisocial conduct indicating that such conduct has become an ingrained part of the defendant's lifestyle and would be particularly resistant to change; and (4) any special need to pursue criminal prosecution as a means of discouraging others from committing similar offenses.

Another factor to be considered in evaluating the cost to society is that the limited contact a diverted offender has with the criminal justice system may have the desired deterrent effect.

Standard 2.2
Procedure for Diversion Programs

The appropriate authority should make the decision to divert as soon as adequate information can be obtained.

Guidelines for making diversion decisions should be established and made public. Where it is contemplated that the diversion decision will be made by police officers or similar individuals, the guidelines should be promulgated by the police or other agency concerned after consultation with the prosecutor and after giving all suggestions due consideration. Where the diversion decision is to be made by the prosecutor's office, the guidelines should be promulgated by that office.

When a defendant is diverted in a manner not involving a diversion agreement between the defendant and the prosecution, a written statement of the fact of, and reason for, the diversion should be made and retained. When a defendant who comes under a category of offenders for whom diversion regularly is considered is not diverted, a written statement of the reasons should be retained.

Where the diversion program involves significant deprivation of an offender's liberty, diversion should be permitted only under court-approved diversion agreement providing for suspension of criminal proceedings on the condition that the defendant participate in the diversion program. Procedures should be developed for the formulation of such agreements and their approval by the court. These procedures should contain the following features:

1. Emphasis should be placed on the offender's right to be represented by counsel during negotiations for diversion and entry and approval of the agreement.
2. Suspension of criminal prosecution for longer than one year should not be permitted.
3. An agreement that provides for a substantial period of institutionalization should not be approved unless the court specifically finds that the defendant is subject to nonvoluntary detention in the institution under noncriminal statutory authorizations for such institutionalization.
4. The agreement submitted to the court should contain a full statement of those things expected of the defendant and the reason for diverting the defendant.
5. The court should approve an offered agreement only if it would be approved under the applicable criteria if it were a negotiated plea of guilty.
6. Upon expiration of the agreement, the court should dismiss the prosecution and no future prosecution based on the conduct underlying the initial charge should be permitted.
7. For the duration of the agreement, the prosecutor should have the discretionary authority to determine whether the offender is performing his duties adequately under the agreement and, if he determines that the offender is not, to reinstate the prosecution.

Whenever a diversion decision is made by the prosecutor's office, the staff member making it should specify in writing the basis for the decision, whether or not the defendant is diverted. These statements, as well as those made in cases not

requiring a formal agreement for diversion, should be collected and subjected to periodic review by the prosecutor's office to insure that diversion programs are operating as intended.

The decision by the prosecutor not to divert a particular defendant should not be subject to judicial review.

Standard 2.3
Judicial Education

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

The State program should have the following features:

1. All new trial judges, within 3 years of assuming judicial office, should attend both local and national orientation programs as well as one of the national judicial educational programs. The local orientation program should come immediately before or after the judge first takes office. It should include visits to all institutions and facilities to which criminal offenders may be sentenced.

2. The State should develop its own State judicial college, which should be responsible for the orientation program for new judges and which should make available to all State judges the graduate and refresher programs of the national judicial educational organizations. The State also should plan specialized subject matter programs as well as 2- or 3-day annual State seminars for trial and appellate judges.

3. The failure of any judge, without good cause, to pursue educational programs as prescribed in this standard should be considered by the judicial conduct commission as grounds for discipline or removal.

4. The State should prepare a bench manual on procedural laws, with forms, samples, rule requirements, and other information that a judge should have readily available. This should include sentencing alternatives and information concerning correctional programs and institutions.

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

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

Standard 2.4
Court Judisdiction Over Juveniles

Jurisdiction over juveniles of the sort presently vested in juvenile courts should be extended to include jurisdiction over all legal matters related to family life. This jurisdiction should include delinquency, unruliness, neglect, support, adoption, child custody, paternity actions, divorce and annulment only insofar as it relates to custody of minors, and assault offenses in which both the victim and the alleged offender are minors. The juvenile court should have adequate resources to enable it to deal effectively with family problems that may underlie the legal matters coming before it.

The juvenile court should be authorized to order the institutionalization of a juvenile only upon a determination of unruliness or delinquency and a finding that no alternative disposition would accomplish the desired result.

The juvenile court's jurisdiction should not include so-called dependent children, that is, juveniles in need of care or treatment through no fault of their parents or other persons responsible for their welfare. Situations involving those juveniles should be handled without official court intervention. The definition of neglected children or its equivalent, however, should be broad enough to include those children whose parents or guardians are incarcerated, hospitalized, or otherwise incapacitated for protracted periods of time.

Specialized training should be provided for all persons participating in the processing of cases through the juvenile court, including prosecutors, defense and other attorneys, and the juvenile court judge. Law schools should recognize the need to train attorneys to handle legal matters related to family problems, and should develop programs for the training. These programs should have a heavy clinical component.

Standard 2.5
Intake, Detention, and Shelter Care in Delinquency Cases

An intake unit of the juvenile court should be created and should:

1. Make the initial decision whether to place a juvenile referred to the juvenile court in detention or shelter care;

2. Make the decision whether to offer a juvenile referred to the juvenile court the opportunity to participate in diversion programs; and

3. Make, in consultation with the prosecutor, the decision whether to file a formal petition in the

juvenile court alleging that the juvenile is delinquent and ask that the juvenile court assume jurisdiction over him.

A juvenile placed in detention or shelter care should be released if no petition alleging delinquency (or, in the case of a juvenile placed in shelter care, no petition alleging neglect) is filed in the juvenile court within 24 hours of the placement. A juvenile placed in detention or shelter care should have the opportunity for a judicial determination of the propriety of continued placement in the facility at the earliest possible time, but no later than 96 hours after placement.

Criteria should be formulated for the placement of juveniles in detention and shelter care. These criteria must be applied in practice.

Standard 2.6
Processing Certain Delinquency Cases as Adult Criminal Prosecutions

The juvenile court should have the authority to order certain delinquency cases to be processed as if the alleged delinquent was above the maximum age for juvenile court delinquency jurisdiction. After such action, the juvenile should be subject to being charged, tried, and (if convicted) sentenced as an adult.

An order directing that a specific case be processed as an adult criminal prosecution should be entered only under the following circumstances:

1. The juvenile involved is above a designated age;
2. A full and fair hearing has been held on the propriety of the entry of such an order; and
3. The judge of the juvenile court has found that such action is in the best interests of the public and of the child.

In each jurisdiction, more specific criteria should be developed, either through statute or rules of court, for determining when juveniles should be processed as criminal defendants.

If an order is entered directing the processing of a case as an adult criminal prosecution and the juvenile is convicted of a criminal offense, he should be permitted to assert the impropriety of the order or the procedure by which the decision to enter the order was made on review of his conviction.

Standard 2.7
Adjudicatory Hearing in Delinquency Cases

The hearing to determine whether the State can produce sufficient evidence to establish that a juvenile who is allegedly delinquent is in fact delinquent (the adjudicatory hearing) should be procedurally distinct and separate from the proceedings at which—assuming a finding of delinquency—a decision is made as to what disposition should be made concerning the juvenile. At the adjudicatory hearing, the juvenile alleged to be delinquent should be afforded all of the rights given a defendant in an adult criminal prosecution, except that trial by jury should not be available in delinquency cases.

In all delinquency cases, a legal officer representing the State should be present in court to present evidence supporting the allegation of delinquency.

If requested by the juvenile, defense counsel should use all methods permissible in a criminal prosecution to prevent a determination that the juvenile is delinquent. He should function as the advocate for the juvenile, and his performance should be unaffected by any belief he might have that a finding of delinquency might be in the best interests of the juvenile. As advocate for the juvenile alleged to be delinquent, counsel's actions should not be affected by the wishes of the juvenile's parents or his guardian if those differ from the wishes of the juvenile.

Standard 2.8
Dispositional Hearings in Delinquency Cases

The dispositional hearing in delinquency cases should be procedurally separate and distinct from the adjudicatory hearing. The procedures followed at the dispositional hearing should be identical to those followed in the sentencing procedure for adult offenders.

Recommendation 2.1
Waiver of Counsel in Juvenile Cases

The Commission recommends that waiver of counsel be prohibited in juvenile cases.

CHAPTER 3
Corrections Standards

Standard 3.1
Use of Diversion

Each local jurisdiction, in cooperation with related State agencies, should develop and implement by 1977 formally organized programs of diversion that can be applied in the criminal justice process from the time an illegal act occurs to adjudication.

1. The planning process and the identification of diversion services to be provided should follow generally and be associated with "total system planning."
   a. With planning data available, the responsible authorities at each step in the criminal justice process where diversion may occur

should develop priorities, lines of responsibility, courses of procedure, and other policies to serve as guidelines to its use.

b. Mechanisms for review and evaluation of policies and practices should be established.

c. Criminal justice agencies should seek the cooperation and resources of other community agencies to which persons can be diverted for services relating to their problems and needs.

2. Each diversion program should operate under a set of written guidelines that insure periodic review of policies and decisions. The guidelines should specify:

a. The objectives of the program and the types of cases to which it is to apply.

b. The means to be used to evaluate the outcome of diversion decisions.

c. A requirement that the official making the diversion decision state in writing the basis for his determination denying or approving diversion in the case of each offender.

d. A requirement that the agency operating diversion programs maintain a current and complete listing of various resource dispositions available to diversion decisionmakers.

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

a. Prosecution toward conviction may cause undue harm to the defendant or exacerbate the social problems that led to his criminal acts.

b. Services to meet the offender's needs and problems are unavailable within the criminal justice system or may be provided more effectively outside the system.

c. The arrest has already served as a desired deterrent.

d. The needs and interests of the victim and society are served better by diversion than by official processing.

e. The offender does not present a substantial danger to others.

f. The offender voluntarily accepts the offered alternative to further justice system processing.

g. The facts of the case sufficiently establish that the defendant committed the alleged act.

Standard 3.2
Development Plan for Community-Based Alternatives to Confinement

The North Dakota correctional system or correctional system of other units of government should begin immediately to analyze its needs, resources, and gaps in service and to develop by 1980 a systematic plan with timetable and scheme for implementing a range of alternatives to institutionalization. The plan should specify the services to be provided directly by the correctional authority and those to be offered through other community resources.

Minimum alternatives to be included in the plan should be the following:

1. Diversion mechanisms and programs prior to trial and sentence.

2. Nonresidential supervision programs in addition to probation and parole.

3. Residential alternatives to incarceration.

4. Community resources open to confined populations and institutional resources available to the entire community.

5. Prerelease programs.

6. Community facilities for released offenders in the critical reentry phase, with provision for short-term return as needed.

Standard 3.3
Marshaling and Coordinating Community Resources

The North Dakota correctional system or the systems of other units of government should take appropriate action immediately to establish effective working relationships with the major social institutions, organizations, and agencies of the community, including the following:

1. Employment resources - private industry, labor unions, employment services, civil service systems.

2. Educational resources - vocational and technical, secondary college and university, adult basic education, private and commercial training, government and private job development and skills training.

3. Social welfare services - public assistance, housing, rehabilitation services, mental health services, counseling assistance, neighborhood centers, unemployment compensation, private social service agencies of all kinds.

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

5. Other relevant community organizations and groups - ethnic and cultural groups, recreational and social organizations, religious and self-help groups, and others devoted to political or social action.

At the management level, correctional agencies should seek to involve representatives of these community resources in policy development and interagency procedures for consultation, coordinated planning, joint action, and shared programs and facilities. Correctional authorities also should

enlist the aid of such bodies in formation of a broad-based and aggressive lobby that will speak for correctional and inmate needs and support community correctional programs.

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

Standard 3.4
Inmate Involvement in Community Programs

Correctional agencies should begin immediately to develop arrangements and procedures for offenders sentenced to correctional institutions to assume increasing individual responsibility and community contact. A variety of levels of individual choice, supervision, and community contact should be specified in these arrangements, with explicit statements as to how the transitions between levels are to be accomplished. Progress from one level to another should be based on specified behavioral criteria rather than on sentence, time served, or subjective judgments regarding attitudes.

The arrangements and procedures should be incorporated in the classification system to be used at an institution and reflect the following:

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

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

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

4. Allowing for individual differences in time and progress or lack of progress, the inmate should move through a series of levels broadly encompassing movement from (a) initial security involving few outside privileges and minimal contact with community participants in institutional programs, to (b) lesser degrees of custody with participation in institutional and community programs involving both citizens and offenders, to (c) partial-release programs under which he would sleep in the institution but have maximum participation in institutional and outside activities involving community residents, to (d) residence in a halfway house or similar noninstitutional residence, to (e) residence in the community at the place of his choice with moderate supervision, and finally to release from correctional supervision.

5. The presumption should be in favor of decreasing levels of supervision and increasing levels of individual responsibility.

6. When an inmate fails to meet behavioral objectives, the team may decide to keep him in the same status for another period or move him back. On the other hand, his behavioral achievements may indicate that he can be moved forward rapidly without having to go through all the successive stages.

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

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

Standard 3.5
Role of Police in Intake and Detention

Each juvenile court jurisdiction immediately should take the leadership in working out with local police agencies policies and procedures governing the discretionary diversion authority of police officers and separating police officers from the detention decision in dealing with juveniles.

1. Police agencies should establish written policies and guidelines to support police discretionary authority, at the point of first contact as well as at the police station, to divert juveniles to alternative community-based programs and human resource agencies outside the juvenile justice system, when the safety of the community is not jeopardized. Disposition may include:
   a. Release on the basis of unfounded charges.
   b. Referral to parents (warning and release).
   c. Referral to social agencies.
   d. Referral to juvenile court intake services.

2. Police should not have discretionary authority to make detention decisions. This reponsibility rests with the court, which should assume control over admissions on a 24-hour basis.

When police have taken custody of a minor, and prior to disposition under Paragraph 2 above, the following guidelines should be observed:

1. Under the provisions of Gault and Miranda, police should first warn juveniles of their right to counsel and the right to remain silent while under custodial questioning.

2. The second act after apprehending a minor should be the notification of his parents.

3. Extrajudicial statements to police or court officers not made in the presence of counsel should be inadmissible in court.

4. Juveniles should not be fingerprinted or photographed or otherwise routed through the usual adult booking process.

5. Juvenile records should be maintained physically separate from adult case records.

Standard 3.6
Juvenile Intake Services

Predetention screening of children and youths referred for court action should place into their parental home, a shelter, or nonsecure residential care as many youngsters as may be consistent with their needs and the safety of the community. Detention prior to adjudication of delinquency should be based on these criteria:

a. Detention should be considered a last resort where no other reasonable alternative is available.
b. Detention should be used only where the juvenile has no parent, guardian, custodian, or other person able to provide supervision and care for him and able to assure his presence at subsequent judicial hearings.
c. Detention decisions should be made only by court or intake personnel, not by police officers.
d. Prior to first judicial hearing, the juvenile ordinarily should not be detained longer than overnight.
e. Juveniles should not be detained in jails, lockups, or other facilities in the same area used for adults.

Standard 3.7
Juvenile Detention Center Planning

When total system planning indicates need for renovation of existing detention facilities to accommodate an expanded function involving intake services or shows need for construction of a new juvenile detention facility, each jurisdiction should take the following principles into consideration in planning the indicated renovations or new construction.

1. The detention facility should be located in a residential area in the community and near court and community resources.

2. Population of detention centers should not exceed 30 residents. When population requirements significantly exceed this number, development of separate components under the network system concept should be pursued.

3. Living area capacities within the center should not exceed 10 or 12 youngsters each. Only individual occupancy should be provided, with single rooms and programming regarded as essential. Individual rooms should be pleasant, adequately furnished, and homelike rather than punitive and hostile in atmosphere.

4. Security should not be viewed as an indispensable quality of the physical environment but should be based on a combination of staffing patterns, technological devices, and physical design.

5. Existing residential facilities within the community should be used in preference to new construction.

6. Facility programming should be based on investigation of community resources, with the contemplation of full use of these resources, prior to determination of the facility's in-house program requirements.

7. New construction and renovation of existing facilities should be based on consideration of the functional interrelationships between program activities and program participants.

8. Detention facilities should be coeducational and should have access to a full range of supportive programs, including education, library, recreation, arts and crafts, music, drama, writing, and entertainment. Outdoor recreational areas are essential.

9. Citizen advisory boards should be established to pursue development of in-house and community-based programs and alternatives to detention.

10. Planning should comply with pertinent State and Federal regulations and the Environmental Policy Act of 1969.

Standard 3.8
Juvenile Intake and Detention Personnel Planning

Each jurisdiction immediately should reexamine its personnel policies and procedures for juvenile intake and detention personnel and make such adjustments as may be indicated to insure that they are compatible with and contribute toward the goal of reintegrating juvenile offenders into the community without unnecessary involvement with the juvenile justice system.

Personnel policies and procedures should reflect the following considerations:

1. While intake services and detention may have separate directors, they should be under a single administrative head to assure coordination and the pursuit of common goals.

2. There should be no discriminatory employment practice on the basis of race or sex.

3. All personnel should be removed from political influence and promoted on the basis of a merit system.

4. Job specifications should call for experienced specialized professionals, who should receive salaries commensurate with their education, training, and experience and comparable to the salaries of administrative and governmental positions requiring similar qualifications.

5. Job functions and spheres of competency and authority should be clearly outlined, with stress on teamwork.

6. Staffing patterns should provide for the use of professional personnel, administrative staff, indigenous community workers, and counselors.

7. Particular care should be taken in the selection of line personnel, whose primary function is the delivery of programs and services. Personnel should be selected on the basis of their capacity to relate to youth and to other agencies and their willingness to cooperate with them.

8. The employment of rehabilitated ex-offenders, new careerists, paraprofessionals, and volunteers should be pursued actively.

9. Staff development and training programs should be regularly scheduled.

Standard 3.9
Counseling Programs

Each institution should begin immediately to develop planned, organized, ongoing counseling programs intended to provide a social-emotional climate conducive to the motivation of behavioral change and interpersonal growth.

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

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

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

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

Standard 3.10
Administrative Justice

North Dakota should enact legislation patterned after the Model State Administrative Procedure Act, to regulate the administrative procedures of correctional agencies. Such legislation, as applicable to the juvenile justice system, should:

1. Require the use of administrative rules and regulations and provide a formal procedure for their adoption or alteration which will include:
   a. Publication of proposed rules.
   b. An opportunity for interested and affected parties, including offenders, to submit data, views, or arguments orally or in writing on the proposed rules.
   c. Public filing of adopted rules.

2. Require in a contested case where the legal rights, duties, or privileges of a person are determined by an agency after a hearing, that the following procedures be implemented:
   a. The agency develop and publish standards and criteria for decisionmaking of a more specific nature than that provided by statute.
   b. The agency state in writing the reason for its action in a particular case.
   c. The hearings be open except to the extent that confidentiality is required.
   d. A system of recorded precedents be developed to supplement the standards and criteria.

3. Require judicial review for agency actions affecting the substantial rights of individuals, including offenders, such review to be limited to the following questions:
   a. Whether the agency action violated constitutional or statutory provisions.
   b. Whether the agency action was in excess of the statutory authority of the agency.
   c. Whether the agency action was made upon unlawful procedure.
   d. Whether the agency action was clearly erroneous in view of the reliable, probative, and substantial evidence on the record.

The above legislation should require the correctional agency to establish by agency rules procedures for:

1. The review of grievances of offenders.
2. The imposition of discipline on offenders.
3. The change of an offender's status within correctional programs.

Standard 3.11
Detention and Disposition of Juveniles

North Dakota should enact legislation limiting the

delinquency (as defined in North Dakota law) jurisdiction of the courts to those juveniles who commit acts that if committed by an adult would be crimes.

The legislation should also include provisions governing the detention of juveniles accused of delinquent conduct, as follows:

1. A prohibition against detention of juveniles in jails, lockups, or other facilities used for housing adults accused or convicted of crime.
2. Criteria for detention prior to adjudication of delinquency matters which should include the following:
   a. Detention should be considered as a last resort where no other reasonable alternative is available.
   b. Detention should be used only where the juvenile has no parent, guardian, custodian, or other person able to provide supervision and care for him and able to assure his presence at subsequent judicial hearings.
3. Prior to first judicial hearing, juveniles should not be detained longer than overnight.
4. Law enforcement officers should be prohibited from making the decision as to whether a juvenile should be detained. Detention decisions should be made by intake personnel and the court.

The legislation should authorize a wide variety of diversion programs as an alternative to formal adjudication. Such legislation should protect the interests of the juvenile by assuring that:

1. Diversion programs are limited to reasonable time periods.
2. The juvenile or his representative has the right to demand formal adjudication at any time as an alternative to participation in the diversion program.
3. Incriminating statements made during participation in diversion programs are not used against the juvenile if a formal adjudication follows.

Legislation should be enacted for the disposition of juveniles:

1. The court should be able to permit the child to remain with his parents, guardian, or other custodian, subject to such conditions and limitations as the court may prescribe.
2. Detention, if imposed, should not be in a facility used for housing adults accused or convicted of crime.
3. Detention, if imposed, should be in a facility used only for housing juveniles who have committed acts that would be criminal if committed by an adult.
4. The maximum terms, which should not include extended terms, established for criminal offenses should be applicable to juveniles or youth offenders who engage in activity prohibited by the criminal code even though the juvenile or youth offender is processed through separate procedures not resulting in a criminal conviction.

Standard 3.12
Presentence Reports

North Dakota should enact legislation authorizing a presentence investigation in juvenile court following a formal determination of delinquency.

The legislation should require disclosure of the presentence report to the delinquent's counsel, the prosecutor, and to the juvenile to the extent the report pertains to the disputed facts with the exception of medical reports.

Standard 3.13
Probation Legislation

North Dakota should enact by 1977 probation legislation (1) providing probation as an alternative for all offenders; and (2) establishing criteria for (a) the granting of probation, (b) probation conditions, (c) the revocation of probation, and (d) the length of probation.

Criteria for the granting of probation should:

1. Require probation over confinement unless specified conditions exist.
2. State factors that should be considered in favor of granting probation.
3. Direct the decision on granting probation toward factors relating to the individual offender rather than to the offense.

Criteria for probation conditions should:

1. Authorize but not require the imposition of a range of specified conditions.
2. Require that any condition imposed in an individual case be reasonably related to the correctional program of the defendant and not unduly restrictive of his liberty or incompatible with his constitutional rights.
3. Direct that conditions be fashioned on the basis of factors relating to the individual offender rather than to the offense committed.

Criteria and procedures for revocation of probation should provide that probation should not be revoked unless:

1. There is substantial evidence of a violation of one of the conditions of probation;
2. The probationer is granted notice of the alleged violation, access to official records regarding his case, the right to be represented by counsel including the right to appointed counsel if he is indigent, the right to subpoena witnesses in his own behalf, and the right to confront and cross-examine witnesses against him; and
3. The court provides the probationer a written statement of the findings of fact, the reasons for the revocation, and the evidence relied upon.

In defining the term for which probation may be granted, the legislation should require a specific term not to exceed the maximum sentence authorized by law except that probation for misdemeanants should not exceed one year. The court

should be authorized to discharge a person from probation at any time.

The legislation should authorize an appellate court, on the initiation of the defendant, to review decisions that deny probation, impose conditions, or revoke probation. Such review should include determination of the following:

1. Whether the decision is consistent with statutory criteria.
2. Whether the decision is unjustifiably disparate in comparison with cases of similar nature.
3. Whether the decision is excessive or inappropriate.
4. Whether the manner in which the decision was arrived at is consistent with statutory and constitutional requirements.

Standard 3.14
Community-Based Programs

Legislation should be enacted immediately authorizing the chief executive officer of the correctional agency to extend the limits of confinement of a committed offender so the offender can participate in a wide variety of community-based programs. Such legislation should include these provisions:

1. Authorization for the following programs:
   a. Foster homes and group homes, primarily for juvenile and youthful offenders.
   b. Prerelease guidance centers and halfway houses.
   c. Work-release programs providing that rates of pay and other conditions of employment are similar to those of free employees.
   d. Community-based vocational training programs, either public or private.
   e. Participation in academic programs in the community.
   f. Utilization of community medical, social rehabilitation, vocational rehabilitation, or similar resources.
   g. Furloughs of short duration to visit relatives and family, contact prospective employers, or for any other reason consistent with the public interest.
2. Authorization for the development of community-based residential centers either directly or through contract with governmental agencies or private parties, and authorization to assign offenders to such centers while they are participating in community programs.
3. Authorization to cooperate with and contract for a wide range of community resources.
4. Specific exemption for participants in community-based work programs from State-use and other laws restricting employment of offenders or sale of "convict-made" goods.
5. Requirements that the correctional agency promulgate rules and regulations specifying conduct that will result in revocation of community-based privileges and procedures for such revocation. Such procedures should be governed by the same standards as disciplinary proceedings involving a substantial change in status of the offender.

CHAPTER 4
Community Crime Prevention Recommendations

Recommendation 4.1

The Commission approves the concept of community-based programs to encourage the development and coordination of services to juveniles, recommending that they be locally controlled, with assistance available at the State level in setting them up.

Recommendation 4.2
Alcohol and Drug Abuse Prevention Program

The Commission recommends for alcohol and drug abuse prevention the following:

1. The roles of educating and informing youth about alcohol and drugs should be assumed by parents and teachers in the early stages of a child's life. It is from these sources that a child should first learn about alcohol and drugs. Information should be presented without scare techniques or undue emphasis on the authoritarian approach. Parental efforts at alcohol and drug education should be encouraged before a child enters school and teachers should receive special training in alcohol and drug prevention education techniques.
2. Peer group influence and leadership also should be part of alcohol and drug prevention efforts. Such influence could come from youth who have tried alcohol or drugs and stopped; these youths have the credibility that comes from firsthand experience. They first must be trained to insure that they do not distort their educational efforts toward youth by issuing the kind of double messages described previously.
3. Professional organizations of pharmacists and physicians should educate patients and the general public on alcohol and drug abuse prevention efforts and should encourage responsible use of alcohol and drugs. The educational efforts of these organizations should be encouraged to include factual and timely information on current trends in the abuse of alcohol and drugs and prescription substances.
4. Materials on preventing alcohol and drug abuse should focus not only on alcohol and drugs and their effects but also on the person involved in such

abuse. That person, particularly a young one, should be helped to develop problem-solving skills.

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

Recommendation 4.3
Expansion of Job Opportunities for Youth

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

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

Recommendation 4.4
After-School and Summer Employment

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

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

Recommendation 4.5
Pretrial Intervention Program

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

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

Recommendation 4.6
The School as a Model of Justice

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

Recommendation 4.7
Literacy

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

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

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

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

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

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

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

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

Recommendation 4.8
Improving Language Skills

The Commission recommends that schools provide special services to students who come from environments in which English is not the dominant language, or who use a language in which marked dialectal differences from the prevailing version of the English language represent an impediment to effective learning.

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

1. Bilingual instructors, aides, assistants, and other school employees;

2. Instruction in both English and the second language;

3. Active recognition of the customs and traditions of all cultures represented at the school;

4. Hiring school staff from all racial, ethnic, and cultural backgrounds; and

5. Special efforts to involve parents of students with bicultural backgrounds.

Recommendation 4.9
Reality-Based Curricula

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

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

1. Adoption of the basic concepts, philosophy, and components of career education, as proposed by the Office of Education;

2. Use of the microsociety model in the middle grades. Where this model is adopted, it will be important to realize that its central purpose is to create a climate in which learning is enhanced by underlining its relevance to the larger society outside the shcool;

3. Awareness, through experiences, observations, and study in grades kindergarten through 6, of the total range of occupations and careers;

4. Exploration of selected occupational clusters in the junior high school;

5. Specialization in a single career cluster or a single occupation during the 10th and 11th grades;

6. Guarantee of preparation for placement in entry-level occupation or continued preparation for a higher level of career placement, at any time the student chooses to leave the regular school setting after age 16;

7. Use of community business, industrial, and professional facilities as well as the regular school for career education purposes;

8. Provision of work-study programs, internships, and on-the-job training;

9. Enrichment of related academic instruction — communication, the arts, math, and science — through its relevance to career exploration; and

10. Acceptance of responsibility by the school for students after they leave, to assist them in the next move upward, or to reenroll them for more preparation.

Recommendation 4.10
Supportive Services

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

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

1. Greater emphasis on counseling and human development services in the primary and middle grades;

2. Personnel who understand the needs and problems of students, including minority and disadvantaged students;

3. The creation of the position of student advocate in every school system. Such person should be independent of the system and be available for students during regular hours.

4. The legal means whereby personnel who are otherwise qualified but lack official credentials or licenses may be employed as human development specialists, counselors, and advocates with school children of all ages; and

5. Coordination of delivery of all child services in a locality through a school facilitator.

Recommendation 4.11
Alternative Educational Experiences

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

1. An acknowledgment that a considerable number of students do not learn in ways or through

experiences that are suitable for the majority of individuals.

2. A recognition that services previously provided through the criminal justice system for students considered errant or uneducable should be returned to the schools as an educational responsibility.

Recommendation 4.12
Use of School Facilities for Community Programs

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

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

1. Scheduling of facilities on a 12-month, 7-day-a-week basis;

2. Elimination or amendment of archaic statutory or other legal prohibitions regarding use of school facilities; and

3. Extended use of cafeteria, libraries, vehicles, equipment, and buildings by parents, community groups, and agencies.

Recommendation 4.13
Use of Recreation to Prevent Delinquency

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

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

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

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

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

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

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

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

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

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

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

11. Recreation leaders should be required to learn preventive and constructive methods of dealing with disruptive behavior, and they should recognize that an individual can satisfy his recreational needs in many environments. Leaders should assume responsibility for mobilizing resources and helping people find personally satisfying experiences suited to their individual needs.

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

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

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

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

POLICE STANDARDS

CHAPTER 1
The Police Role

Standard 1.1
The Police Function

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

provision of services necessary to reduce crime, to maintain public order, and to respond to the needs of the community.

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

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

3. Every police chief executive should recognize that some government services that are not essentially a police function are, under some circumstances, appropriately performed by the police. Such services include those provided in the interest of effective government or in response to established community needs. A chief executive:

a. Should determine if the service to be provided has a relationship to the objectives established by the police agency. If not, the chief executive should resist that service becoming a duty of the agency;
b. Should determine the budgetary cost of the service; and
c. Should inform the public and its representatives of the projected effect that provision of the service by the police will have on the ability of the agency to continue the present level of enforcement services.
d. If the service must be provided by the police agency, it should be placed in perspective with all other agency services and it should be considered when establishing priorities for the delivery of all police services.
e. The service should be made a part of the agency's police role until such time as it is no longer necessary for the police agency to perform the service.

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

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

Standard 1.2
Limits of Authority

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

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

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

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

a. There will be appropriate publicity to inform the public that complaints and commendations will be received and acted upon by the police agency;
b. Every person who commends the performance of an individual officer in writing will receive a personal letter of acknowledgment; and
c. Every allegation of misconduct will be investigated fully and impartially by the police agency, and the results made known to the complainant or the alleged victim of police misconduct.

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

a. There will be appropriate notice to the public acknowledging that the police agency desires community involvement;
b. The public will be involved in the development of formal procedures as well as in the policies that result from their establishment; and
c. Periodic public surveys will be made to elicit evaluations of police service and to determine the law enforcement needs and expectations of the community.

Standard 1.3
Police Discretion

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

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

a. Should seek legislation that grant him the authority to exercise his discretion in allocating police resources and in establishing his agency's fundamental objectives and priorities;
b. Should review all existing criminal statutes, determine the ability of the agency to enforce these statutes effectively, and advise the legislature of the statutes' practicality from an enforcement standpoint; and
c. Should advise the legislature of the practicality of each proposed criminal statute from an enforcement standpoint, and the impact of such proposed statutes on the ability of the agency to maintain the existing level of police services.

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

a. Should establish the limits of discretion by specifically identifying, insofar as possible, situations calling for the use of alternatives to continued physical custody;
b. Should establish criteria for the selection of appropriate enforcement alternatives;
c. Should require enforcement action to be taken in all situations where all elements of a crime are present and all policy criteria are satisfied;
d. Should be jurisdictionwide in both scope and application; and
e. Specifically should exclude offender lack of cooperation, or disrespect toward police personnel, as a factor in arrest determination unless such conduct constitutes a separate crime.

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

a. Should be based on codified laws, judicial decisions, public policy, and police experience in investigating criminal conduct;
b. Should identify situations where there can be no investigative discretion; and
c. Should establish guidelines for situations requiring the exercise of investigative discretion.

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

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

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

Police chief executives should seek passage of State statutes that specify their role as a law enforcement administrator. It is preferable that the legislature confer these policymaking procedures on police administrators.

Even without the statutory delineation of their policy making role, police chief executives should immediately and openly assert an active role in this area.

Police agencies through rule-making procedures should adopt clear rules to help police officers understand court rulings on criminal investigations and arrest procedures. Once these rules and guidelines are established they should be uniformly applied and reviewed routinely to ascertain that the guidelines are being followed in practice.

Standard 1.4
Communicating with the Public

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

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

a. That every employee with duties involving public contact has sufficient information with which to respond to questions regarding agency policies; and
b. That information he receives is transmitted through the chain of command and acted upon at the appropriate level.

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

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

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

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

a. The unit should establish lines of communication between the agency and recognized community leaders and should elicit information from the citizen on the street who may feel that he has little voice in government or in the provision of its services.
b. The unit should be no more than one step removed from the chief executive in the chain of command.
c. The unit should identify impediments to communication with the community, research and devise methods to overcome those impediments, and develop programs which facilitate communication between the agency and the community.
d. The unit should conduct constant evaluations of all programs intended to improve communication and should recommend discontinuance of programs when their objectives have been achieved or when another program might more beneficially achieve the identified functional objective.

The Commission recommends that all police agencies adopt policies and procedures that provide for better communication with the public, and that one of these be providing officers with accurate information. This could be accomplished through training programs and specific policy and information discussions by police executives with line officers.

Standard 1.5
Police Understanding of Their Role

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

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

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

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

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

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

This small town effectiveness should be maintained even in our larger cities, while making sure the rural policeman does not represent only one segment of the community or its prejudices. Every police employee should receive written instructions involving the police role, and instruction should be required for all personnel.

The Law Enforcement Council should require this type of training for all law enforcement personnel.

Standard 1.6
Public Understanding of the Police Role

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

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

a. The content of the presentation should be tailored to the learning needs of the students; however, each presentation should include a basic description of the police role.
b. Every agency should work through the school to develop a basic study unit to be presented by the teacher prior to the officer's arrival, and every officer assigned to a school visit should be provided with prepared subject matter to be reviewed prior to making his visit.

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

a. The officer's assignment should include teaching classes in the role of the police, and serving as a counselor. His assignment should not include law enforcement duties except as related to counseling.
b. Course content should be developed in cooperation with the schools and should include discussion of the police role,

juvenile laws, and enforcement policies and practices relating to juveniles.

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

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

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

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

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

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

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

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

The Commission recommends implementation of paragraphs 1, 3, 4, 5, 7, and 8, of this standard by all police agencies with more than 12 sworn personnel. The Law Enforcement Council should require that as a condition for the continuing eligibility for funding of programs, each police chief executive of such an agency submit a report on the public relations program which his department has conducted, and designate an officer responsible for supervision of this program.

Standard 1.7
News Media Relations

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

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

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

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

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

d. The mutual benefits to the police agency and the media when relations between the two are characterized by candor, cooperation, and mutual respect.

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

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

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

CHAPTER 2
Role Implementation

Standard 2.1
Development of Goals and Objectives

Every police agency immediately should develop short- and long-range goals and objectives to guide

agency functions. To assist in this development, every unit commander should review and put into writing the principal goals and objectives of his unit.

1. Every police agency and every unit within the agency should insure that its goals and objectives are:
   a. Consistent with the role of the police as defined by the agency's chief executive;
   b. Responsive to community needs;
   c. Reasonably attainable;
   d. Sufficiently flexible to permit change as needed; and
   e. Quantifiable and measurable where possible.

2. Every police agency should provide for maximum input both within and outside the agency in the development of its goals and objectives. It should:
   a. Create an atmosphere that encourages unrestricted submission of ideas by all employees regardless of rank; and
   b. Establish methods to obtain ideas from a variety of organizations and individuals outside the agency.

3. Every police agency and every unit within each agency should publish and disseminate it goals and objectives to provide uniform direction of employee efforts.

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

All police agencies should comply with this standard in developing goals and objectives. Special emphasis should be given to encouragement of the submission of ideas from all levels within the agency. Proper implementation of this standard would boost morale among the lower level employees and give added incentive in performance of their duties. The Law Enforcement Council should insure that this standard be implemented.

Standard 2.2
Establishment of Policy

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

1. Every police chief executive should promulgate policy that provides clear direction without unnecessarily limiting employee's exercise of discretion.

2. Every police chief executive should provide for maximum participation in the policy formulation process. This participation should include at least:
   a. Input from all levels within the agency—from the level of execution to that of management—through informal meetings between the police chief executive and members of the basic rank, idea incentive programs, and any other methods that will promote the upward flow of communication; and
   b. Input from outside the agency as appropriate —from other government agencies, community organizations, and the specific community affected.

3. Every police chief executive should provide written policies in those areas in which direction in needed, including:
   a. General goals and objectives of the agency;
   b. Administrative matters;
   c. Community relations;
   d. Public and press relations;
   e. Personnel procedures and relations;
   f. Personal conduct of employees;
   g. Specific law enforcement operations with emphasis on such sensitive areas as the use of force, the use of lethal and nonlethal weapons, and arrest and custody; and
   h. Use of support services.

Local police chief executives should take steps to bring their agencies into compliance with paragraphs 1, 2c, 2d, and 2e.

To assure a certain degree of standardization, it is recommended that legislation be enacted to grant to the Combined Law Enforcement Council state inspectorate functions.

Standard 2.3
Inspections

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

1. Every police agency should require ongoing line inspections. Every police chief executive should give every manager and supervisor the responsibility and the authority to hold inspections and:
   a. To conduct continual inspections of all personnel subordinate and directly responsible to him through any level of the chain of command and to inspect the equipment used and the operations performed by such subordinate personnel;
   b. To take immediate action indicated by the results of such inspections: commendation for exemplary performance and correction of deficiences.

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

a. Every police agency with 400 or more personnel should establish a unit staffed with at least one employee whose full-time responsibility is staff inspection. The size and organization of the inspection unit should correspond to the size of the agency and the complexity of the inspections task;
b. Every police agency with at least 75 but fewer than 400 personnel should, where necessary, establish an inspection unit or assign an employee whose full-time responsibility is staff inspection. If a full-time assignment is not justified, staff inspections should be assigned to an employee who performs related duties but is neither responsible to supervisors of the units being inspected nor responsible for the operations of such units;
c. Every police agency with fewer than 75 personnel, and in which the chief executive cannot conduct his own inspections, should assign responsibility for staff inspections to an employee who performs related duties but is neither responsible to supervisors of the units being inspected nor responsible for the operations of such units;
d. Staff inspections should include inspection of materials, facilities, personnel, procedures and operations. A written report of the findings of the inspection should be forwarded to the chief executive; and
e. Where possible, the rank of the employee responsible for staff inspections or that of the employee in charge of the inspections unit should be no lower than the rank of the employee in charge of the unit being inspected. There should be no more than one person between the inspecting employee and the chief executive in the chain of command. The person conducting a staff inspection should be a direct representative of the police chief executive.

CHAPTER 3
Developing Community Resources

Standard 3.1
Crime Problem Identification and Resource Development

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

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

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

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

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

Standard 3.2
Crime Prevention

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

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

a. The police agency should provide the community with information and assistance regarding means to avoid being victimized by crime and should make every effort to inform neighborhoods of developing crime trends that may affect their area.
b. The police agency should instruct neighborhood volunteers to telephone the police concerning suspicious situations and to identify themselves as volunteers and provide necessary information.
c. Participating volunteers should not take enforcement action themselves.
d. Police units should respond directly to the incident rather than to the reporting volunteer.

e. If further information is required from the volunteer, the police agency should contact him by telephone.
f. If an arrest results from the volunteer's information, the police agency should immediately notify him by telephone.
g. The police agency should acknowledge through personal contact, telephone call, or letter, every person who provides information.

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

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

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

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

It is recommended that some of the larger police forces study the experience of the Fargo Crime Prevention Bureau to determine if it is commensurate with their needs. Section 40-05.1-06 of the North Dakota Century Code should be amended to give cities the power to enact security standards for structures.

CHAPTER 4
Criminal Justice Relations

Standard 4.1
Cooperation and Coordination

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

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

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

The Council:
a. Should have as its overall objective the fair and effective disposition of all criminal cases and other more specific goals and activities related to crime prevention and reduction; and
b. Should develop policy and institute planning and coordination programs that serve to achieve its objective.

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

Those programs:
a. Should provide for the instruction of police personnel in the functions of all criminal justice agencies in order to place the police role in proper perspective;
b. Should encourage, where appropriate, the participation of other criminal justice agencies in police training; and
c. Should encourage, where appropriate, police participation in training given to members of other criminal justice agencies.

Standard 4.2
Police Operational Effectiveness Within the Criminal Justice System

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

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

2. Every police agency should develop and maintain liaison with:
a. Local courts and prosecutors to facilitate the timely issuance of arrest and search warrants, issuance of criminal complaints, and arraignment of prisoners;
b. Juvenile courts to divert, in appropriate circumstances, juveniles from the juvenile justice system and to preserve confidentiality of proceedings to the greatest extent possible;
c. Corrections agencies, including probation and parole, in order to exchange information on the status and activities of released persons who are still under sentence; and
d. Other Federal, State, and local law enforcement agencies in order to arrange for the arrest and return of fugitives, to exchange information in criminal investigations, to establish joint plans for dealing with criminal

conduct, and to share statistical and support services.

3. Every police agency should cooperate in the establishment of task force efforts with other criminal justice agencies and Federal, State, and local law enforcement agencies, where appropriate, to deal with major crime problems.

Local police agencies should develop procedures concerning cooperation among all elements of the criminal justice system. The Combined Law Enforcement Council as part of its inspectorate function should oversee the drafting of procedures involving the liaison suggested in paragraph 2. These procedures should be required of all agencies with more than 12 sworn personnel.

Standard 4.3
Diversion

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

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

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

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

The Law Enforcement Council should require police agencies to develop policy statements concerning the use of discretionary diversion in the cases of juveniles, mentally ill persons, alcoholics, and aged persons accused of relatively minor offenses.

These policy statements should be concerned with diversion, the amount of discretion possessed by the peace officer, available alternatives, and followup by the officer in diversion cases. Alternative agencies should be developed to allow peace officers a diversion option other than the parent or guardian. These policy statements should be required of all police agencies with more than 12 sworn personnel.

Standard 4.4
Citation and Release on Own Recognizance

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

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

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

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

The Commission recommends that police agencies with over 12 sworn personnel publish policy statements concerning release on recognizance and written summonses and citations in lieu of arrest. Factors such as an overly burdensome, expensive, or time consuming arrest and booking process or the necessity of protecting the public should be considered in deciding whether or not to confine the offender.

Standard 4.5
Criminal Case Followup

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

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

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

personally all open judicial proceedings related to these cases, and to maintain close personal liaison with assigned prosecutors.

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

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

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

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

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

Recommendation 4.1
Telephonic Search Warrants

It is recommended that North Dakota enact legislation that provides for the issuance of search warrants pursuant to telephoned petitions and affidavits from police officers, similar to the provisions of the Arizona State Statutes.

Recommendation 4.2
Court Supervised Electronic Surveillance

The Commission recommends that North Dakota enact legislation:

1. Prohibiting private electronic surveillance; and

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

CHAPTER 5
Planning and Organizing

Standard 5.1
Responsibility for Police Service

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

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

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

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

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

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

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

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

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

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

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

Standard 5.2
Combined Police Services

The State and every local government entity and every police agency should provide police services by the most effective and efficient organizational means available to it. In determining this means, each should acknowledge that the police organization (and any functional unit within it) should be large enough to be effective but small enough to be responsive to the people. If the most

effective and efficient police service can be provided through mutual agreement or joint participation with other criminal justice agencies, the governmental entity or the police agency immediately should enter into the appropriate agreement or joint operation. At a minimum, police agencies that employ fewer than 10 sworn employees should consolidate for improved efficiency and effectiveness.

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

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

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

3. Neither the State nor any local government entity of police agency should enter into any agreement for or participate in any police service that would not be responsive to the needs of its jurisdiction and that does not at least:

a. Maintain the current level of a service at a reduced cost;
b. Improve the current level of a service either at the same cost or at an increased cost if justified; or
c. Provide an additional service at least as effectively and economically as it could be provided by the agency alone.

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

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

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

a. Total consolidation of local government services: the merging of two city governments, or city-county governments;
b. Total consolidation of police services: the merging of two or more police agencies or of all police agencies (i.e., regional consolidation, in a given geographic area;
c. Partial consolidation of police services: the merging of specific functional units of two or more agencies;
d. Regionalization of specific police service: the combination of personnel and material resources to provide specific police services on a geographic rather than jurisdictional basis;
e. Metropolitanization: the provision of public services (including police) through a single government to the communities within a metropolitan area;
f. Contracting for total police services: the provision of all police services by contract with another government (city with city, city with county, county with city, or city or county with State);
g. Contracting for specific police services: the provision of limited or special police services by contract with another police or criminal justice agency; and
h. Service sharing: the sharing of support services by two or more agencies.

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

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

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

a. Confer regularly with all other chief executives within his area, exchange information about regional criminal activity, and jointly develop and maintain the best organizational means for regional control of this activity; and
b. Cooperate in planning, organizing, and implementing regional law enforcement efforts where such efforts will directly or indirectly benefit the jurisdiction he serves.

Standard 5.3
Commitment to Planning

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

1. Every police agency should establish written policy setting out specific goals and objectives of the planning effort, quantified and measurable where possible, which at least include the following:
   a. To develop and suggest plans that will improve police service in furthering the goals of the agency;
   b. To review existing agency plans to ascertain their suitability, to determine any weaknesses, to update or devise improvement when needed, and to assure they are suitably recorded;
   c. To gather and organize into usable format information needed for agency planning.

2. Every police agency should stress the necessity for continual planning in all areas throughout the agency, to include at least:
   a. Within administrative planning: long range, fiscal and management plans;
   b. Within operational planning: specific operational, procedural, and tactical plans;
   c. Extradepartmental plans; and
   d. Research and development.

3. Every police agency should establish written qualifications for employees assigned specifically to planning activities.

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

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

Standard 5.4
Agency and Jurisdictional Planning

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

1. Every police agency with 75 or more personnel should establish a unit staffed with at least one employee whose full-time responsibility will be intra-agency administrative planning and coordination of all planning activities for the agency.
   a. The size and composition of this planning unit should be proportionate to the size of the agency and the magnitude of the present and anticipated planning task.
   b. The employee in charge of the planning unit should have no more than one person in the chain of command between him and the police chief executive.

2. Every police agency organized into subdivisions should delineate divisional planning responsibilities and should provide personnel accordingly.
   a. To the extent feasible, divisional planning should be a staff activity performed by the agency's central planning unit. If centralized planning for a division is not feasible, the agency should assign planning personnel to the division.
   b. The agency should assign a specialized section of the central planning unit or a separate specialized planning unit to specialized divisions or to divisions with specialized planning requirements.
   c. The agency should insure coordination of all agency planning efforts.

3. Every police agency with fewer than 75 personnel should assign responsibility for administrative planning and coordination of all planning activities of the agency.
   a. If the magnitude of the agency's planning task justifies a full-time employee, one should be assigned; and
   b. If it does not, this task should be assigned to to an employee with related duties.

4. Every police agency should assign responsibility for maintaining close interagency planning.
   a. Interagency planning should be engaged in by police agencies that are geographically close, that regularly operate concurrently within the same jurisdictional boundaries, that participate in a plan for mutual aid, or that logically should participate in any combined or regional police effort.
   b. Where regional police planning agencies exist, every police agency should assign responsibility for planning with those regional police planning agencies whose decisions might affect the assigning agency. This responsibility should include liaison with the established regional planning agency or other representative of the State Planning Agency.

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

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

Standard 5.5
Police-Community Physical Planning

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

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

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

a. Industrial area development;
b. Business and commercial area development;
c. Residential area development, both low rise and high rise;
d. Governmental or health facility complex development;
e. Open area development, both park and other recreation;
f. Redevelopment projects such as urban renewal; and
g. Building requirements (target hardening), both residential and commerical.

Standard 5.6
Responsibility for Fiscal Management

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

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

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

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

Standard 5.7
Fiscal Management Procedures

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

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

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

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

a. Developing policy and procedures for highly flexible interaccount transfers as changing needs arise during budget years; and
b. Preparing, on a quarterly basis in large agencies and on a monthly basis in small ones, summaries of expenditures, balances, and interaccount transfers.

4. Every police agency should study and experiment with various forms of systems budgeting: budgeting based on the consolidation of functionally unrelated tasks and corresponding resources to form a system that will achieve an identified

objective. If the value of systems budgeting will offset the simplicity and convenience of line item or other modified budgeting methods already in use, the agency should adopt such a system.

a. If systems budgeting is adopted, it should be under the control of the police agency fiscal affairs officer.
b. The police agency fiscal affairs officer should be thoroughly competent in whatever systems budgeting might be adopted, and the chief executive and the major organizational element commanders should be thoroughly oriented in it.
c. Preferably, systems budgeting should be adopted by the police agency when it is adopted by all other governmental agencies of the jurisdiction.

Standard 5.8
Funding

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

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

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

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

a. Functional responsibility for the procurement of grants from Federal and State agencies and foundations should be made the specific responsibility of a police agency employee designated by the chief executive.
b. Grants should not be sought to initiate long-range programs unless the jurisdiction will commit itself to continued funding on successful completion of the funded portion of the project.
c. Any employee assigned to grant procurement should be given appropriate training.

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

Recommendation 5.1
National Institute of Law Enforcement and Criminal Justice Advisory Committee

It is recommended that a committee composed of criminal justice practitioners and outside professionals be established to advise the National Institute of Law Enforcement and Criminal Justice in criminal justice research and development.

Recommendation 5.2
Measures of Effectiveness

It is recommended that a national study be undertaken to determine methods to evaluate and measure the effectiveness of individual police agencies in performing their crime control functions. Reliable indicators of police effectiveness beyond those set forth in this report should be determined to provide valid estimates of the productivity of police agencies in preventing, deterring, and controlling crime. A study of measures of effectiveness specifically concerned with rural policing in areas of low population density should be undertaken by the Law Enforcement Council.

CHAPTER 6
Unusual Occurrences

Standard 6.1
Command and Control Planning

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

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

a. Liaison with other organizations to include the participation of those organizations in quickly restoring normal order;
b. Mutual assistance agreements with other local law enforcement agencies and with State and Federal authorities, where effective control resources may be limited by agency size; and
c. The participation of other government and private agencies.

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

organization likely to participate directly in the control effort.

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

Standard 6.2
Executive Responsibility

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

1. Every local government should provide by law that the police chief executive be responsible for all law enforcement resources used to control unusual occurrences within the jurisdiction. The police chief executive immediately should establish a system designating executive command in his absence.
   a. A system of succession of command should be established; and
   b. A senior officer should be designated the acting chief executive in the absence of the chief executive.

2. The chief executive or his delegate should be available to assume command without delay at all times. This individual should:
   a. Assess the agency's needs in the involved area and in the remainder of the jurisdiction;
   b. Make decisions based on available information, and issue appropriate instructions to the agency to insure coordinated and effective deployment of personnel and equipment for control of the occurrence and for effective minimum policing of the remainder of the agency's jurisdiction;
   c. Insure that all actions taken by law enforcement personnel deployed in the affected area are supervised and directed; and
   d. Apply control measures according to established command and control plans and predetermined strategies.

Standard 6.3
Organizing for Control

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

1. A control center should be established to act as the agency command post responsible for:
   a. Coordinating all agency unusual occurrence control activities;
   b. Obtaining all resources and assistance required for the field forces from agency and outside sources;
   c. Maintaining chronological logs and preparing periodic reports concerning the unusual occurrence situations; and
   d. Collecting and disseminating information from field forces, agency sources, and outside agencies.

2. An intelligence organization should be responsible for collecting, evaluating, and disseminating information. The intelligence function should be performed by:
   a. Field units;
   b. A coordinating unit located at the agency control center; and
   c. Outside agencies contributing intelligence through the coordinating unit.

3. A personnel unit should be established to:
   a. Activate a predetermined personnel call-up system;
   b. Maintain current personnel availability information and a continuous accounting of all agency personnel;
   c. Anticipate the personnel needs of the field forces and provide for them;
   d. Advise the agency commanding officer of the availability of personnel when the number of officers committed to the unusual occurrence indicates the need for partial or total mobilization, or a request for mutual aid or military assistance; and
   e. Make proper and timely notifications of deaths and injuries of agency personnel.

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

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

staffed and organized to enable the field commander to:

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

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

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

Standard 6.4
Mass Processing of Arrestees

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

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

a. A procedure for gathering and preserving available evidence to connect the arrestee to the crime he is to be charged with. The evidence may include photographs, recordings, videotapes, statements of witnesses, or other evidence;
b. A procedure for receiving each prisoner from the arresting officer and facilitating the officer's return to his field assignment as soon as possible;
c. Positive identification of the arrestee and the arresting officer;
d. A procedure for receiving and maintaining continuity of evidence;
e. Rapid removal of arrestees from the affected area. Security should be provided en route to prevent attempts to free prisoners;
f. A secure detention area to prevent escape or attempts to free prisoners. The facility should be adequate to maintain custody of a number of prisoners in safety;
g. Prearranged interagency agreements to facilitate the assimilation of the arrestees into the jail system when the arresting agency is not the custodial agency;
h. Defense counsel visitations after processing. These visitations should not be permitted under field conditions or at temporary detention facilities unless adequate security is provided. Prisoners should be transported to a secure detention facility without delay; and
i. Liaison with local courts and prosecutors to determine procedures and temporary court sites for speedy arraignment of arrestees.

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

Standard 6.5
Legal Considerations

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

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

a. Federal and State reimbursement of local law enforcement agencies required to react to Federal and State events, such as conventions, campaigns, or VIP visits, and extraordinary costs incurred in responding to mutual aid requests;
b. Mutual aid agreements between local, county, and State police, and the National Guard;
c. The prohibition of unnecessary force or violence in making arrest;
d. The prohibition of any sanctuary by providing police access to any area, public or private, within the jurisdiction or close enough to constitute an immediate threat to public order within the jurisdiction;
e. The prohibition of interference with or

attacks upon firemen or other emergency personnel;
f. The prohibition against failure to disperse any unlawful assemblies;
g. Prohibition of impeding pedestrian or vehicular traffic;
h. Strict controls on the manufacture, possession, transportation, or distribution of incendiary or explosive devices; and
i. Permits for parades, assemblies, and public events and regulation of the size and material used in picket signs and sign handles or any other device used in a public demonstration.

2. Emergency statutes specifically designed to cope with unusual occurrences should be enacted to provide for:
a. The arrest powers of county and State police and National Guard forces when engaged with or without the local police agency's assistance in control operations within a local jurisdiction;
b. Emergency police authority enabling local police to maintain public order by suspending due process where a clear and present danger exists that mob action will render ineffective any local police agency's ability to maintain order;
c. Restrictions upon sales of gasoline, liquor, and weapons;
d. The restriction of public access to certain geographic areas under specifically defined circumstances;
e. Curfew, loitering, and other crowd control measures;
f. The restriction of public use of schools, places of amusement, water, and private aircraft; and
g. Control of the storage of firearms, firearms parts, and ammunition.

Standard 6.6
Training for Unusual Occurrences

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

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

1. Formal instruction should be implemented through:
a. Frequent inservice training, such as roll-call training, to serve as a refresher course, to practice techniques, or to introduce new procedures;
b. Periodic agency-conducted schools to familiarize personnel with agency unusual occurrence control procedures and organizational structure;
c. Regional or Federal courses, particularly when agency size does not permit development of local schools; and
d. A regional training institute to train instructors for local agencies.

2. Practical exercises should be conducted periodically to develop proficiency and teamwork among personnel through:
a. Field exercises for operational personnel to practice tactics and procedures;
b. Command post exercises for formulating strategy and evaluating existing and new procedures;
c. Regional exercises for familiarizing command personnel with mutual aid procedures and developing coordination between other local control agencies and nonlaw enforcement agencies; and
d. Criminal justice system exercises to develop coordinated participation of all interrelated criminal justice and noncriminal justice agencies.

3. The training curriculum and the subjects for practice should be directed to:
a. Administrative level personnel to familarize them with agency and criminal justice system emergency organizational structure and procedures for requesting additional personnel and equipment from the military or through mutual aid; and
b. Operational personnel to familiarize them with strategy, tactics, and standard operating procedures. The emphasis should be placed on a coordinated effort rather than individual action; use of chemical agents, communications equipment, and other specialized equipment; applicable laws; human relations training; and procedures for procuring logistical support.

Recommendation 6.1
Funding of Public Safety Coordinator, Additional Highway Patrolmen, and Crime Study

The Commission recommends:

1. That the position of public safety coordinator be funded;

2. That North Dakota explore the possibility of LEAA funding for a separate grant to be used to determine the extent of crime in North Dakota; and

3. That North Dakota support state funding of personnel required to continue the selective traffic enforcement program by the State Highway Patrol and endorse the Patrol's request for additional personnel for driver's license examinations, capitol grounds security and course evaluation at the Law Enforcement Training Center.

CHAPTER 7
Patrol

Standard 7.1
Establishing the Role of the Patrol Officer

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

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

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

a. Should insure that resources are concentrated on fundamental police duties;
b. Should insure that patrol officers are engaged in tasks that are related to the police function;
c. Should require immediate response to incidents where there is an immediate threat to the safety of an individual, a crime in progress, or a crime committed and the apprehension of the suspected offender is likely. Urban area response time—from the time a call is dispatched to the arrival at the scene—under normal conditions should not exceed 3 minutes for emergency calls, and 20 minutes for nonemergency calls;
d. Should emphasize the need for preventive patrol to reduce the opportunity for criminal activity; and
e. Should provide a procedure for accepting reports of criminal incidents not requiring a field investigation.

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

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

Standard 7.2
Enhancing the Role of the Patrol Officer

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

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

a. Multiple pay grades within the basic rank;
b. Opportunity for advancement within the basic rank to permit equality between patrol officers and investigators;
c. Parity in top salary step between patrol officers and nonsupervisory officers assigned to other operational functions;
d. Proficiency pay for personnel who have demonstrated expertise in specific field activities that contribute to more efficient police service.

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

a. Provide distinctive insignia indicating demonstrated expertise in specific field activities;
b. Insure that all elements within the agency provide maximum assistance and cooperation to the patrol officer;
c. Implement a community information program emphasizing the importance of the patrol officer in the life of the community and encouraging community cooperation in providing police service;
d. Provide comprehensive initial, inservice and promotional-level training in accordance with NAC Police Standard 15.3;
e. Insure that field supervisory personnel posses the knowledge and skills necessary to guide the patrol officer;
f. Implement procedures to provide agency-wide recognition of patrol officers who have consistently performed in an efficient and commendable manner;
g. Encourage suggestions on changes in policies, procedures, and other matters that affect the delivery of police services and reduction of crime;
h. Provide deployment flexibility to facilitate various approaches to individual community crime problems;
i. Adopt policies and procedures that allow the patrol officer to conduct the complete investigation of crimes which do not require

extensive followup investigation, and allow them to close the investigation of those crimes; and

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

The standard should be reviewed and implemented, where appropriate, by State and municipal funding Commissions and all police chief executives.

Standard 7.3
Deployment of Patrol Officers

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

1. Every police agency should establish a system for the collection and analysis of patrol deployment data according to area and time.
   a. A census tract, reporting area, or permanent grid system should be developed to determine geographical distribution of data; and
   b. Seasonal, daily, and hourly variations should be considered in determining chronological distribution of data.

2. Every police agency should conduct a comprehensive workload study to determine the nature and volume of the demands for police service and the time expended on all activities performed by patrol personnel. The workload study should be the first step in developing a deployment data base and should be conducted at least annually thereafter. Information obtained from the workload study should be used:
   a. To develop operational objectives for patrol personnel;
   b. To establish priorities on the types of activities to be performed by patrol personnel; and
   c. To measure the efficiency and effectiveness of the patrol operation in achieving agency goals.

3. Every police agency should implement an allocation system for the geographical and chronological proportionate need distribution of patrol personnel. The allocations system should emphasize agency efforts to reduce crime, increase criminal apprehensions, minimize response time to calls for services, and equalize patrol personnel workload. This system should provide for the allocation of personnel to:
   a. Divisions or precincts in those agencies which are geographically decentralized;
   b. Shifts;
   c. Days of the week;
   d. Beats; and
   e. Fixed-post and relief assignments.

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

CHAPTER 8
Operations Specialization

Standard 8.1
Specialized Assignment

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

1. Every police chief executive should define the specific problem in concise written terms and in doing so should consider at least:
   a. Whether the problem requires the action of another public or private organization;
   b. The severity of the problem;
   c. The period of time the problem is expected to exist; and
   d. The community's geographic, physical, and population conditions that contribute to the problem or which may affect or be affected by the specialization.

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

3. Every police chief executive should—based on his definition of the problem, community perception of it, and the pertinent legal requirements—assess all resources and tactical alternatives available to the agency, and in doing so determine at least:
   a. Whether the problem requires specialization;
   b. The degree of specialization required;
   c. The manpower and equipment resources required by specialization;
   d. Which of the needed resources are available within the agency and which are available outside it;
   e. The availability of necessary specialized training;

f. The expected duration of the need for specialization; and
g. The organizational changes needed as a result of specialization.

4. Every police chief executive should give special consideration to the impact of specialization on:
a. The identified problem;
b. Personnel and fiscal resources;
c. Community attitudes toward the agency; and
d. The agency's delivery of general police services.

5. Every police agency should develop an operations effectiveness review for each new specialization. This review process should be carried out:
a. As a goal-oriented activity analysis; and
b. On a specific schedule for the expected duration of the need.

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

Police chief executives in larger municipalities should examine the standard in determining if there is at least a need for temporary or part-time specialization in particular problem areas.

Standard 8.2
Selection for Specialized Assignment

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

1. Every police agency should maintain a comprehensive personnel records system from which information is readily retrievable. This system should:
a. Include all pertinent data on every agency employee;
b. Employ a consistent format on all personnel records; and
c. Include procedures for continual updating.

2. Every police agency should disseminate agencywide written announcements describing anticipated specialist position openings. These announcements should include:
a. The minimum personnel requirements for each position; and
b. The specialized skills or other attributes required by the position.

3. Every police agency should establish written minimum requirements for every specialist position. These requirements should stipulate the required:
a. Length and diversity of experience;
b. Formal education; and
c. Specialized skills, knowledge, and experience.

4. Command personnel within the specialty should interview every candidate for a specialist position. Interviewers should:
a. Review the pertinent personnel records of every candidate;
b. Consider the candidate's attitude toward the position as well as his objective qualifications for it; and
c. Conduct a special personnel investigation where the specific position or candidate requires it.

5. Every police agency should establish written training requirements for each specialty. These requirements may include:
a. Formal preassignment training; and
b. Formal on-the-job training.

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

7. Every police agency should establish a rotation system that requires specialists to be regularly rotated from positions where potential for officer compromise is high to positions where this potential is low or the criminal "clientele" is different. This rotation system should include:
a. Identification of all positions—including vice, narcotics, and all types of undercover assignments—where potential for officer compromise is high;
b. Written policies that specifically limit the duration of assignment to any identified position. Because limitations may differ, these policies and procedures should stipulate those for personnel at the supervisory and administrative level and those for personnel at the level of execution;
c. Provisions for extensions with the specific approval of the chief executive; and
d. Provisions that insure the maintenance of a high level of operational competence within the specialty and throughout the agency.

Standard 8.3
Annual Review of Agency Specialization

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

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

2. Every police chief executive should assess the cost-effectiveness of the specialty over the past year and from that assessment, determine whether the

current level of resource commitment to the specialty is adequate or warranted.

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

a. Continuation of the specialization in its present form;

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

Standard 8.4
State Specialists

North Dakota, by 1977, should provide, upon the request of any local police agency in the State, specialists to assist in the investigation of crimes and other incidents that may require extensive or highly specialized investigative resources not otherwise available to the local agency. The State may also fund regional operational specialist activities. The State or regional specialists should not provide everyday needs to local law enforcement.

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

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

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

The Law Enforcement Council should survey local agencies to determine whether further consolidation of local, special investigative or other specialized resources is possible, and make recommendations to the Legislative Council.

Standard 8.5
Traffic Operations

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Investigation of traffic accidents;

c. Interjurisdictional responsibility and authority for traffic supervision; and

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

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

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

b. Observed failure to comply with driver licensing, vehicle registration, and equip-

ment and safety regulations, should be subject to citation or reported to the appropriate agency through clearly established channels of communication.

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

7. Municipal police agencies employing more than 100 personnel should, consistent with an analysis of need, establish specialized accident investigation and traffic enforcement units. These units:

a. Should be staffed with as few personnel as the local traffic problem will permit; and
b. Should be functionally decentralized to the most effective command level.

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

a. Selective enforcement techniques should be implemented through assignment of men and equipment by time and location on the basis of demonstrated need.
b. The establishment of a selective enforcement task force should be considered when the State or community accident death rate exceeds the national average or exceeds the average for the State or community for the last 3 years.
c. Every police agency should have at least one employee specially trained in highway safety management and able to plan and evaluate effective traffic safety programs.
d. Specialization should be limited according to the need, and the major street traffic duties should be performed by patrol officers.

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

a. May include administration, planning, budgeting, personnel management, research and analysis, public information, training, communications, transportation, records and identification, property control, equipment supply, and laboratory services; and
b. Should enable the police agency to gather and analyze traffic information and to maintain records to guide the agency in the safe movement of traffic.

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

Standard 8.6
Criminal Investigation

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

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

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

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

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

a. Specialization within the criminal investigation unit should take place only when necessary to improve overall efficiency within the agency.
b. Criminal investigation operations should be decentralized to the most effective command level. However, unusual cases or types of cases may be investigated by a centralized unit.

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

a. A followup report of each open investigation every 10 days and command approval of every continuance of an investigation past 30 days;
b. Constant inspection and review of individual, team, and unit criminal investigation reports and investigator activity summaries; and
c. Individual, team, and unit performance measures based at least on arrests and disposi-

tions, crimes cleared, property recovered, and caseload.

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

a. Policies and procedures should be developed in cooperation with representatives of the local prosecutorial and judicial systems, and should contain the information required by all three systems.
b. All police information on each case prepared for prosecution should be in a systematically prepared, written report that contains the following documentation: copies of the incident report, followup reports, identification and laboratory reports, and any other reports necessitated by the investigation.
c. Every case also should contain written documentation relating to all case disposition information and notification records.
d. The case preparation technician may: establish case files and insure their completeness; present case files to prosecutors; present subjects in custody for arraignment, or obtain a warrant and disseminate warrant information; represent the agency at all pretrial hearings; notify witnesses; document final dispositions of cases; and return the case report file to the originating unit for retention.

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

a. Clearly defined procedures for the exchange of information between investigative specialists and between those specialists and uniformed patrol officers;
b. Systematic rotation of generalists into investigative specialties; and
c. Equitable publicity of the efforts of all agency elements.

Police agencies should establish written policy involving criminal investigations, especially involving the preliminary investigation accomplished by the patrol officers. The larger police agencies should examine paragraphs 4, 5, and 6 to determine the feasibility of their implementation. Paragraph 7 should be adopted by State police agencies.

Standard 8.7
Special Crime Tactical Forces

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

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

a. That the tactical force will be deployed on the basis of current crime pattern analyses or validated current information on expected crime activity;
b. That the tactical force will be deployed against a problem only when the regularly assigned patrol force is not adequate to be effective against that problem; and
c. That tactical force deployment strategy will be based on an objective analysis of the problem: overt saturation as a highly visible preventive strategy, and covert saturation as low visibility detection and apprehension operation.

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

a. The numerical strength of the tactical force should depend on agency needs and local problems.
b. A full-time tactical force should include an analytical staff element.
c. A part-time tactical force should use qualified personnel from anywhere within the agency.
d. Every tactical force should have a central headquarters and should operate from that headquarters when deployed against a problem.
e. Field commanders should be informed of tactical force activities within their area of of responsibility. Tactical force activities should be consistent with the policies of the field commander of the area in which they are working.
f. Every tactical force should be equipped with necessary specialized equipment, vehicles, radios, vision devices, and weapons.

Standard 8.8
Vice Operations

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

1. Every chief executive should establish written

policies governing vice operations. These policies, consistent with existing statutes:

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

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

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

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

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

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

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

b. Information received on vice problems; and

c. Current vice operations directed against area vice problems.

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

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

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

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

The standard should be reviewed by all police agencies and implemented as required. Police agencies should be aware that violations involving vice operations are often not reported and require an aggressive departmental investigative policy to adequately meet the standard. Steps should be taken to resist external pressure attempting to limit vice investigations.

Standard 8.9
Narcotic and Drug Investigations

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

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

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

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

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

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

c. Drug and narcotic operations should be decentralized to the extent that the agency is; however, a central drug and narcotic unit should be maintained to coordinate the decentralized operations.

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

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

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

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

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

d. Individual, team, and unit performance measures continually be applied to drug and

narcotic operations. These measures should include arrests and dispositions; number of purchases by type of drug or narcotic, quantity and quality of seized narcotics and drugs, other crimes cleared, and working caseload.

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

Standard 8.10
Intelligence Operations

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

1. North Dakota should establish a central gathering, analysis, and storage capability, and intelligence dissemination system.
   a. Every police agency should actively participate in providing information and receiving intelligence from this system.
   b. Every police agency should designate at least one person to be responsible for liaison with the State intelligence system.
   c. The State intelligence system should disseminate specific intelligence to local agencies according to local needs and should disseminate general information throughout the State.

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

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

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

CHAPTER 9
Manpower Alternatives

Standard 9.1
Assignment of Civilian Police Personnel

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

1. Should identify those sworn positions which:
   a. Do not require that the incumbent have peace officer status under local, State, or Federal statute;
   b. Do not require that the incumbent exercise the full police power and authority normally exercised by a peace officer;
   c. Do not require that the incumbent possess expertise which can be acquired only through actual field experience as a sworn police officer; and
   d. Do not contribute significantly to the professional development of sworn personnel.

2. Should designate as civilian those positions that can be filled by a civilian employee according to the foregoing criteria;

3. Should staff with qualified civilian personnel all positions designated for civilians;

4. Should provide a continuing audit of all existing and future positions to determine the feasibility of staffing with civilian personnel;

5. Should develop a salary and benefit structure for civilian personnel commensurate with their position classifications;

6. Should insure that an opportunity for career development exists within each civilian position classification where the nature of the position does not limit or bar such opportunity;

7. Should conduct indepth personal background investigations of civilian applicants for confidential or sensitive positions. These background investigations should be as thorough as those of sworn applicants;

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

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

10. Should assign those civilian employees who express a desire to seek sworn status later to positions that will contribute to their professional development as police officers.

Standard 9.2
Selection and Assignment of Reserve Police Officers

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

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

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

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

a. Should establish recruitment and selection criteria equivalent to those for regular sworn personnel, with the exception of medical and age requirements;
b. Should provide reserve generalist training equivalent to that provided regular sworn personnel, and should provide reserve specialist training required by the specialty to which the reservist will be assigned;
c. Should insure that the reserve training program meets or exceeds State standards that regulate the training of regular, part-time, or reserve officers;
d. Should assign the reserve generalist to supplement regular police personnel in the day-to-day delivery of police services and assign the reserve specialist to perform services within a particular field of expertise;
e. Should establish a reserve inservice training program equivalent to that for regular sworn personnel; and
f. Should furnish the reserve officer with the same uniform and equipment as a regular sworn officer only upon his completion of all training requirements. Until he has completed all training requirements, his uniform should readily identify him as a reserve officer, and he should perform his duties only under the direct supervision of a regular sworn officer.

CHAPTER 10
Professional Assistance

Standard 10.1
Use of Professional Expertise

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

1. Medical professions, particularly those with specific expertise in:
   a. Pathology;
   b. Gynecology;
   c. Psychiatry;
   d. Dentistry and orthodontics;
   e. Traumatic injuries;
   f. Medical laboratory technology; and
   g. Pharmacology.
2. Business, trade, and industrial professionals, particularly those knowledgeable in:
   a. Banking;
   b. Bookkeeping and accounting;
   c. Labor relations;
   d. The local economy; and
   e. Local industry, business, and trades.
3. Education professionals, particularly those with expertise in:
   a. Elementary, secondary, and vocational education;
   b. The physical, natural, and behavioral sciences; and
   c. Research.
4. Behavioral science resources with expertise in:
   a. Personnel selection, vocational assessment, and career counseling;
   b. Teaching, training, and educational programming;
   c. Research;
   d. Management consultation;
   e. Personal problem counseling; and
   f. Specialist consultation.
5. Members of the clergy.

Standard 10.2
Legal Assistance

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

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

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

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

b. Liaison with the city or county attorney, the county prosecutor, the State attorney general, the United States attorney, the courts, and the local bar association;
c. Review of general orders, training bulletins, and other directives to insure legal sufficiency;
d. Case consultation with arresting officers and review of affidavits in support of arrest and search warrants in cooperation with the prosecutor's office;
e. Advisory participation in operations where difficult legal problems can be anticipated;
f. Attendance at major disturbances—and an oncall status for minor ones—to permit rapid consultation regarding legal aspects of the incident;
g. Participation in training to insure continuing legal training at all levels within the agency;
h. Drafting of procedural guides for the implementation of recent court decisions and newly enacted legislation; and
i. Provision of legal counsel for ad hoc projects, grant proposal development, and special enforcement problems.

3. Every police agency with 200 or more personnel should establish a police legal unit with at least one attorney as a full-time legal adviser.
a. The size and composition of the legal unit should be proportionate to the size of the agency and the complexity of the legal assistance task.
b. One attorney should be designated as the director or administrative head when two or more attorneys are employed.
c. Adequate secretarial and clerical help should be provided, as well as police officers or law student interns for paralegal work.
d. Organizationally, the legal unit should be a separate entity, similar to the house counsel of a corporation, reporting directly to the chief executive and readily available to him.
e. Legal advisers should be civilian attorneys who serve at the request of the police chief executive.

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

5. Every police agency, in determining the need for a legal unit and the size of its staff, should consider at least the following:
a. Whether the city or county attorney and the county prosecutor are located near police headquarters;
b. Whether the staffs of the city or county attorney and the county prosecutor are full-time or part-time, and whether they are permitted to engage in private practice;
c. Whether the city or county attorney and the county prosecutor have effective legislative programs;
d. Whether the county prosecutor's office can be consulted routinely on planned enforcement actions prior to arrests;
e. Whether assistant prosecutors discuss pending cases adequately with arresting officers prior to trial;
f. Whether the county prosecutor's office will draft affidavits for arrest and search warrants and give other legal assistance whenever needed;
g. Whether the city or county attorney's staff is willing to answer routine questions; how promptly they respond to requests for written opinions; and how detailed and complete such opinions are;
h. How willingly the city or county attorney files suits on behalf of the agency; how vigorously he defends suits against the agency and its members; and how experienced his staff is in matters of criminal law and police liability;
i. The educational level of police agency employees, comprehensiveness of preservice training given officers, and the quantity and quality of agency inservice training.

6. Every police agency should set firm minimum qualifications for the position of police legal adviser. These qualifications should require that each candidate for this position:
a. Be a qualified attorney eligible, except for residence requirements, for admission to the State bar in the State in which he is employed, and either licensed in that State or licensed in a State where licensing requires examination. He should become licensed in the State in which he is employed as soon as possible;
b. Have a wide breadth of professional and practical experience in criminal justice, preferably in criminal trial work; and
c. Have attitudes and personality conducive to the development of trust and acceptance by police personnel.

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

a. Prosecute criminal cases;
b. Decide what cases are to be prosecuted or what charges are to be brought except by agreement with the prosecutor;
c. Be assigned tasks unrelated to the legal assistance function that would interfere with performance of that function; nor
d. Either prosecute infractions of discipline before internal trial boards, or serve as a member of any trial or arbitration board.

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

Standard 10.3
Management Consultation and Technical Assistance

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

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

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

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

4. The State of North Dakota should make available from available resources, police management services under the auspices of the Law Enforcement Council.

CHAPTER 11
Support Services

Standard 11.1
The Evidence Technician

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

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

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

3. Every police agency should immediately provide for all incoming sworn personnel a formalized basic training course in evidence-gathering techniques to develop the agency's capacity to retrieve and use any physical evidence present at the scene of a criminal investigation. Every sworn officer should then be held responsible for evidence collection in cases where an evidence technician or a specially trained patrol officer is not available.

4. Every police agency with 400 or more personnel should immediately maintain a mobile evidence-collection van containing equipment for securing and illuminating large crime scene areas and for storing and preserving physical evidence. The van should be staffed by qualified evidence technicians and should be used for major occurrences.

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

6. North Dakota should, by 1977, provide specialized training for local evidence technicians on a centralized or regional basis in order to achieve a statewide level of proficiency in the collection of physical evidence.

The Law Enforcement Council in conjunction with local police agencies should insure that paragraphs 3, 5, and 6 are implemented fully. Paragraph 1 should be examined to determine if North Dakota's situation requires the use of specially trained regular patrol officers devoting a portion of their regular duty time to physical evidence.

Standard 11.2
The Crime Laboratory

North Dakota by 1982 should establish a consoli-

dated criminal laboratory system composed of local, regional, or State facilities capable of providing the most advanced forensic science services to police agencies.

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

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

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

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

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

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

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

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

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

d. All laboratory personnel be adequately trained and experienced;

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

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

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

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

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

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

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

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

7. Every crime laboratory director should, by 1978, design and implement a reporting system that provides data relative to its involvement in:

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

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

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

b. The scientific and academic establishments, to insure use of the latest techniques and

devices available to the criminalist and the investigator.

The Commission recommends that funds be solicited to insure adequate funding of the existing facilities.

Standard 11.3
The Property System

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

1. Every police agency should establish a filing system that includes, but is not limited to:
   a. A chronological record of each occasion when property is taken into police custody;
   b. A separate itemized list of all items of property that are taken into custody;
   c. A record that indicates the continuity of the property from its entry into the system to its final disposition. This record should include the name of each person accountable for each item of property at any given time.

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

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

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

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

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

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

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

9. Every police agency should institute procedures to facilitate the removal of property from the system as soon as possible.
   a. All identifiable property should be returned as soon as practicable after the rightful owner is located. Prior to disposition, all such property should be checked against stolen property records and all firearms should be compared with gun records to make certain that no "wants" or "holds" exist for such items.
   b. Personnel assigned to locate the owners of identifiable property should not be involved in the arrest or prosecution of the persons accused of crimes involving that property.
   c. When property is no longer needed for presentation in court, and the owner cannot be determined, it should be disposed of promptly.

10. Every police agency should insure that the property room includes:
   a. A sufficient amount of space and facilities for efficient storage of property and records;
   b. Easy access by agency personnel and by the public without lessening security or subjecting property to contamination;
   c. A temporary storage area for perishable property; and
   d. An area that provides and extra measure of security for the storage of narcotics and firearms.

Police chiefs should see that their agencies are in compliance with this standard. This is true, especially regarding paragraphs 2 and 3.

Standard 11.4
The Detention System

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

1. Every police agency that anticipates the need for full-time detention employees after 1977 should immediately hire and train civilian personnel to perform its jail functions.

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

should also consider using State or county facilities for the transfer of arrestees from initial processing detention to arraignment detention.

CHAPTER 12
Recruitment and Selection

Standard 12.1
General Police Recruiting

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

1. The police agency should administer its own recruitment program.
   a. The agency should assign to specialized recruitment activities employees who are thoroughly familiar with the policies and procedures of the agency and with the ideals and practices of professional law enforcement;
   b. Agencies without the expertise to recruit police applicants successfully should seek expertise from the central personnel agency at the appropriate level of State or local government, or form cooperative personnel systems with other police agencies that are likely to benefit from such an association: every police agency, however, should retain administrative control of its recruitment activities.

2. The police agency should direct recruitment exclusively toward attracting the best qualified candidates. In so doing it:
   a. Should make college-educated applicants the primary targets of all recruitment efforts.
   b. Should concentrate recruitment resources according to the agency's need for personnel from varied ethnic backgrounds.

3. Residency should be eliminated as a preemployment requirement.

4. The police agency should provide application and testing procedures at decentralized locations in order to facilitate the applicant's access to the selection process.
   a. The initial application form should be a short simple record of the minimum information necessary to initiate the selection process.

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

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

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

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

Standard 12.2
College Recruiting

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

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

2. The police agency should implement a police student worker program that provides part-time employment for college students between the ages of 17 and 25 who have shown a sincere interest in a law enforcement career. Police student workers:
   a. Should be full-time students carrying a study load of at least 12 units per semester and should work for the police agency no more than 20 hours per week; during school vacations, full-time employment may be appropriate.
   b. Should meet the same physical, mental, and character standards required of police officers; appropriate and reasonable exceptions may be made for height and weight in relation to age.
   c. Should be assigned duties that prepare them for their future responsibilities as regular police officers; student workers, however, should not have the authority of a regular police officer or be authorized to carry firearms.
   d. Should, after earning a baccalaureate degree, continue in the cadet program until a vacancy occurs on the regular police force.
   e. Should continue in the cadet program for the period of time required to earn the baccalaureate degree, if by age 25 they are 1 academic year away from earning the degree.

3. The police agency should compete actively with other governmental and private sector employers in recruitment efforts at nearby colleges and universities. The opportunity for a police officer to perform

a valuable social service, and the opportunity for a progressive career, should be emphasized in college recruiting.

Standard 12.3
Minority Recruiting

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

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

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

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

a. Assignment of minority police officers to the specialized recruitment efforts;
b. Liaison with local minority community leaders to emphasize police sincerity and encourage referral of minority applicants to the police agency;
c. Recruitment advertising and other material that depict minority group police personnel performing the police function;
d. Active cooperation of the minority media as well as the general media in minority recruitment efforts;
e. Emphasis on the community service aspect of police work; and
f. Regular personal contact with the minority applicant from initial application to final determination of employability.

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

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

Standard 12.4
State Mandated Minimum Standards for the Selection of Police Officers

North Dakota, by 1977, should enact legislation establishing a State commision empowered to develop and enforce State minimum mandatory standards for the selection of police officers. This legislation should provide that the commission represent local government.

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

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

a. Age, with consideration given to lowering the present minimum age of 21 and to establishing a maximum recruitment age that reflects the physical demands placed upon a police officer and the retirement liability of police agencies;
b. Physical health, strength, stature, and ability, with consideration given to the physical demands of police work;
c. Character, with consideration given to the responsibilities of police officers and the need for public trust and confidence in police personnel;
d. Personality profile, with consideration given to the need for personnel who are psychologically healthy and capable of enduring emotional stress; and
e. Education, with consideration given to the mental skills and knowledge necessary to perform the police function properly.

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

4. North Dakota should provide sufficient funds to enable this commission:

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

Standard 12.5
The Selection Process

Every police agency immediately should employ a

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

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

2. Every police agency, by 1977, should retain the services of a qualified psychiatrist or psychologist to conduct psychological testing of police applicants in order to screen out those who have mental disorders or are emotionally unfit for police work.

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

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

a. To the extent practicable, investigations are based upon personal interviews with all persons who have valuable knowledge of the applicant;
b. The polygraph examination is used where appropriate, but is not allowed to substitute for a field investigation;
c. The rejection of police applicants is job related; and
d. Police applicants are not disqualified on the basis of arrest or conviction records alone, without consideration of circumstances and disposition.

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

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

Standard 12.6
Employment of Women

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

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

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

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

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

Recommendation 12.1
Job-Related Ability and Personality Inventory Tests for Police Applicants

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

1. This research should identify the personality profile, mental skills, aptitude, and knowledge necessary for successful performance of various police tasks.

a. The functional complexity of the police mission in urban and nonurban law enforcement should be defined specifically, following a comprehensive analysis of the police tasks involved in each environment.
b. Various mental skills, knowledge levels, and personality profiles should be defined and matched to the urban and nonurban police function.

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

Recommendation 12.2
Development and Validation of a Selection Scoring System

It is recommended that a competent group of police practitioners, behaviroal scientists, and professional personnel administrators research, develop, and validate a selection scoring system based on physical, mental, psychological, and achievement characteristics that are reliable and

valid predictors of police officer performance. This group:

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

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

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

CHAPTER 13
Classification and Pay

Standard 13.1
Police Salaries

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

1. Every local government should immediately establish an entry-level sworn police personnel salary that enables the agency to compete successfully with other employers seeking individuals of the same age, intelligence, abilities, integrity, and education. The entry-level salary should be at least equal to any minimum entry-level salary set by the State. In setting an entry-level salary which exceeds the State minimum, the following should be considered:
   a. The employment standards of the agency;
   b. The specific police functions performed by the agency;
   c. The economy of the area served by the agency; and
   d. The availability of qualified applicants in the local labor market.

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

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

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

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

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

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

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

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

Standard 13.2
Position Classification Plan

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

and opportunities to retain qualified generalists and specialists in nonmanagement positions.

1. Every police agency with more than three levels of classification below the chief executive should consider the adoption of three broad occupational classifications for sworn personnel, to permit mobility within each classification and salary advancement without promotion. The three fundamental classifications should include:
   a. A patrolman-investigator classification for the generalist and specialist at the basic rank level;
   b. A supervisor-manager classification for supervisory and midmanagement personnel; and
   c. A command-staff classification for police executives and administrators.

2. Every agency's classification plan should include, within each position classification, several pay grade levels, each of which requires a certain degree of experience, skill, and ability, or which entails the performance of a specialized function. The plan should provide compensation commensurate with the duties and responsibilities of the job performed, and should permit flexibility in the assignment of personnel.

3. Every police agency should provide career paths that allow sworn personnel to progress not only as managers but as generalists and specialists as well. Nonmanagerial career paths should provide the incentive necessary to encourage personnel with proven professional and technical expertise to remain within the functions they choose, while continuing to provide efficient and effective delivery of police service.
   a. Nonmanagerial career paths should incorporate progressive career steps for the generalist and specialist; these steps should be predicated on the completion of appropriate levels of education and training, and the achievement of experience and expertise within a professional-technical area. Progression to the end of a nonmanagerial career path should bring a salary greater than that for the first level of supervision.
   b. Managerial career paths should also incorporate progressive career steps, predicated on the completion of appropriate levels of education and training and the achievement of management skills necessary to function satisfactorily at the next level of management.

4. Every police agency should insure that the merit principle dominates promotions and assignments. Any existing civil service procedure should apply only to retention in, or promotion to, broad position classifications. Movement between pay-grade levels within such position classifications should remain free from restrictive civil service procedures, but subject to internal controls, to insure placement and corresponding pay on the basis of merit.
   a. Every classification plan that encourages the practices of a "spoils system," or in which the advancement of personnel is not governed by the merit principle, should be corrected or abolished.
   b. Every agency should insure that no civil service system imposes any restriction on the agency's classification plan that would unnecessarily inhibit flexibility in the assignment of personnel or encourage mediocrity in job performance.

CHAPTER 14
Education

Standard 14.1
Educational Standards for the Selection of Police Personnel

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

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

2. Every police agency should, no later than 1978, require as a condition of initial employment the completion of at least 2 years of education (60 semester units) at an accredited college or university.

3. Every police agency should, no later than 1982, require as a condition of initial employment the completion of at least 3 years of education (90 semester units) at an accredited college or university.

4. Every police agency should, no later than 1985, require as a condition of initial employment the completion of at least 4 years of education (120 semester units or a baccalaureate degree) at an accredited college or university in a related law enforcement program.

Standard 14.2
Educational Incentives for Police Officers

Every police agency should immediately adopt a

formal program of educational incentives to encourage police officers to achieve a college-level education. Colleges and universities, particularly those providing educational programs expressly for police personnel, should schedule classes at a time when police officers can attend.

1. When it does not interfere with the efficient administration of police personnel, duty and shift assignments should be made to accommodate attendance at local colleges; any shift or duty rotation system should also be designed to facilitate college attendance.

2. Financial assistance to defray the expense of books, materials, tuition, and other reasonable expenses should be provided to a police officer when:

a. He is enrolled in courses or pursuing a degree that will increase, directly or indirectly, his value to the police service; and
b. His job performance is satisfactory.

3. Incentive pay should be provided for the attainment of specified levels of academic achievement. This pay should be in addition to any other salary incentive.

4. Colleges and universities, particularly those providing educational programs expressly for police personnel, should schedule classes at hours and locations that will facilitate the attendance of police officers.

a. Classes should be scheduled for presentation during the daytime and evening hours within the same academic period, semester, or quarter.
b. When appropriate, colleges and universities should present classes at locations other than the main campus so police officers can attend more conveniently.

Standard 14.3
College Credit for the Completion of Police Training Programs

Every police agency should pursue the affiliation of police training programs with academic institutions to upgrade its level of training and to provide incentive for further education.

1. All police training courses for college credit should be academically equivalent to courses that are part of the regular college curriculum.

2. Every member of the faculty who teaches any course for credit in the police training curriculum should be specifically qualified to teach that course.

a. The instructor in a police training course, for which an affiliated college is granting credit, should be academically qualified to teach that course.
b. Police personnel not academically qualified to teach a course in the regular college curriculum may, if otherwise qualified, serve as teaching assistants under the supervision of an academically qualified instructor.

The Commission recommends that legislation be enacted providing a penalty clause for non-compliance with the North Dakota Law Enforcement Council standards. The Law Enforcement Council should be charged with administration of the program and overseeing that corresponding salary increases are forthcoming upon completion of college courses.

Recommendation 14.1
Identification of Police Educational Needs

It is recommended that a national body comprised of educators, police, and other criminal justice administrators be formed immediately to establish curriculum guidelines for police educational programs.

This national body should identify the educational needs of the police service, including the needs of the police generalist, the police specialist, and the police manager.

1. Having identified these educational needs, this national body should prepare a model curriculum that will satisfy the Nation's law enforcement needs.

2. This national body should urge the modification of existing police educational programs and, where none exist, the institution of new programs designed upon the model curriculum.

The Commission recommends that through the cooperation of the University of North Dakota, Minot State College, Bismarck Junior College, other educational institutions, and the Combined Law Enforcement Council, a coordinated education program be developed.

CHAPTER 15
Training

Standard 15.1
State Legislation and Fiscal Assistance for Police Training

North Dakota, by 1977, should enact legislation establishing mandatory minimum basic training for police, a representative body to develop and administer training standards and programs for police, and financial support for mandated training for police on a continuing basis to provide the public with a common quality of protection and service from police employees throughout the State. By 1980, the State should certify all sworn police employees.

1. North Dakota should enact legislation that mandates minimum basic training for every sworn police employee prior to the exercise of authority of his position.

2. North Dakota should enact legislation establishing a State commission to develop and administer State standards for the training of criminal justice personnel. The members of this commission should be composed of representatives of local and State criminal justice agencies. Such representation shall be based upon membership proportionate to the actual criminal justice personnel employed by each criminal justice agency in the State. Other members should be from the criminal justice system, local government, and criminal justice education and training centers. The State should provide sufficient funds to enable this commission to meet periodically and to employ a full-time staff large enough to carry out the basic duties of the commission. In addition to any other duties deemed necessary, this commission should:

a. Develop minimum curriculum requirements for mandated training for police;
b. Certify police training centers and institutions that provide training that meets the requirements of the State's police training standards;
c. Establish minimum police instructor qualifications and certify individuals to act as police instructors;
d. Inspect and evaluate all police training programs to insure compliance with the State's police training standards;
e. Provide a consulting service for police training and education centers; and
f. Administer the financial support for police training and education.

3. North Dakota should reimburse every police agency 100 percent of the salary or provide appropriate State financed incentives for every police employee's satisfactory completion of any State mandated and approved police training program.

4. The State, through the police training body, should, by 1980, certify as qualified to exercise police authority every sworn police employee who satisfactorily completes the State basic police training and meets other entrance requirements.

Standard 15.2
Program Development

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

1. Every police training academy should insure that the duration and content of its training programs cover the subjects every police employee needs to learn to perform acceptably the tasks he will be assigned.

2. Every police training academy should define specific courses according to the performance objective of the course and should specify what the trainee must do to demonstrate achievement of the performance objective.

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

4. Every police training academy should insure that its training programs satisfy State standards for police training as well as meet the needs of participating police agencies and that its training is timely and effective. These measures should at least include:

a. Regular review and evaluation of all training programs by an advisory body composed of police practitioners from participating agencies;
b. Continual critique of training programs through feedback from police employees who have completed the training programs and have subsequently utilized that training in field operations and from their field supervisors.

Standard 15.3
Preparatory Training

Every police agency should take immediate steps to provide training for every police employee prior to his first assignment within the agency, prior to his assignment to any specialized function requiring additional training, and prior to his promotion. In States where preparatory training is currently mandated by State law, every police agency should provide all such training by 1977; in all other States, every agency should provide all such training by 1980.

1. North Dakota should require that every sworn police employee satisfactorily complete a minimum of 400 hours of basic police training. In addition to traditional basic police subjects, this training should include:

a. Instruction in law, psychology, and sociology specifically related to interpersonal communication, the police role, and the community the police employee will serve;
b. Assigned activities away from the training academy to enable the employee to gain specific insight in the community, criminal justice system, and local government;
c. Remedial training for individuals who are deficient in their training performance but who, in the opinion of the training staff and employing agency, demonstrate potential for satisfactory performance; and
d. Additional training by the employing agency in its policies and procedures, if basic police training is not administered by that agency.

2. During the first year of employment with a police agency, and in addition to the minimum basic police training, every police agency should provide full-time sworn police employees with additional formal training, coached field training, and supervised field experience.

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

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

5. Every police agency should provide sufficient training to enable every newly promoted employee to perform the intended assignment satisfactorily.

Standard 15.4
Interpersonal Communications Training

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

1. Where appropriate, an outside consultant should be used to advise on program methodology, to develop material, to train sworn officers as instructors and discussion leaders, and to participate to the greatest extent possible in both the presentation of the program and its evaluation.

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

3. Every police agency should develop programs such as workshops and seminars that bring officers, personnel from other elements of the criminal justice system, and the public together to discuss the role of the police and participants' attitudes toward that role.

Standard 15.5
Inservice Training

Every police agency should, by 1977, provide for annual and routine training to maintain effective performance throughout every sworn employee's career.

1. Every police agency should provide 40 hours of formal inservice training annually to sworn police employees up to and including captain or its equivalent. This training should be designed to maintain, update, and improve necessary knowledge and skills. Where practicable and beneficial, employees should receive training with persons employed in other parts of the criminal justice system, local government, and private business when there is a common interest and need.

2. Every police agency should recognize that formal training cannot satisfy all training needs and should provide for decentralized training. To meet these day-to-day training needs, every police agency should have access to:

a. As soon as practicable, but in no event later than 1980, a minimum of one police employee who is a State certified training instructor;
b. Audio-visual equipment compatible with training material available to the police agency;
c. Home study materials available to all police employees; and
d. Periodic 1-day on-duty training programs directed at the specific needs of the police employees.

3. Every police agency should insure that the information presented during annual and routine training is included, in part, in promotion examinations and that satisfactory completion of training programs is recorded in the police employee's personnel folder in order to encourage active participation in these training programs.

Standard 15.6
Instruction Quality Control

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

1. Every police training academy should present all training programs with the greatest emphasis on student-oriented instruction methods to increase trainee receptivity and participation. Training sessions of 1-hour's duration or longer should include at least one of the following:

a. Active student involvement in training through instructional techniques such as role playing, situation simulation, group discussions, reading and research projects, and utilization of individual trainee response systems; passive student training such as the lecture presentation should be minimized;
b. Where appropriate, team teaching by a police training instructor and a sworn police employee assigned to field duty;

c. The use of audiovisual aids to add realism and impact to training presentations;
d. Preconditioning materials, such as correspondence courses and assigned readings, made available prior to formal training sessions;
e. By 1980, self-paced, individualized instruction methods for appropriate subject matter; and
f. Where appropriate, computer assistance in the delivery of instruction material.

2. Every police training academy should, by 1977, restrict formal classroom training to a maximum of 25 trainees.

3. Every police training academy and every police agency should, by 1980, insure that all its instructors are certified by the State by requiring:
a. Certification for specific training subjects based on work experience and educational and professional credentials;
b. Satisfactory completion of a State-certified minimum 80-hour instructor training program; and
c. Periodic renewal of certification based in part on the evaluation of the police training academy and the police agency.

4. Every police training academy should distribute instructional assignments efficiently and continually update all training materials. These measures should include:
a. Periodic monitoring of the presentations of every police training instructor to assist him in evaluating the effectiveness of his methods and the value of his materials;
b. Rotation of police training instructors through operational assignments or periodic assignment to field observation tours of duty;
c. Use of outside instructors whenever their expertise and presentation methods would be beneficial to the training objective;
d. Continual assessment of the workload of every police training instructor; and
e. Administrative flexibility to insure efficient use of the training academy staff during periods of fluctuation in trainee enrollment.

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

Standard 15.7
Police Training Academies and Criminal Justice Training Centers

North Dakota should, by 1980, guarantee the availability of State-approved police training to every sworn police employee. The State should encourage local, cooperative, or regional police training programs to satisfy State training requirements; when these programs cannot satisfy the requirements, criminal justice training centers including police training academies should be established by the State.

1. State certification of a basic police training program should, as a minimum, require the training facility to operate for 9 months a year.

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

3. The State should establish strategically located criminal justice training centers independent of operating agencies including police training academies, to provide training that satisfies State-mandated training standards for all police agencies that are unable to provide it themselves or in cooperation with other agencies.

4. The State should develop means for bringing mandated or other necessary training to employees of police agencies when it is impracticable or inefficient to bring these employees to the nearest training center or academy.

5. The State should encourage police agencies to participate in specialized training offered through academic institutions, government agencies, and professional and business organizations.

CHAPTER 16
Developing, Promotion and Advancement

Standard 16.1
Personnel Development for Promotion and Advancement

Every police agency should adopt a policy of promoting to higher ranks and advancing to higher paygrades only those personnel who successfully demonstrate their ability to assume the responsibilities and perform the duties of the position to which they will be promoted or advanced. Personnel who have the potential to assume increased responsibility should be identified and placed in a program that will lead to full development of that potential.

1. Every police agency should screen all personnel in order to identify their individual potential and to guide them toward achieving their full potential. Every employee should be developed to his full potential as an effective patrol officer, a competent detective, a supervisor or manager, or as a specialist capable of handling any of the other tasks within a police agency. This screening should consist of one or more of the following:
a. Management assessment of past job performance and demonstrated initiative in the pursuit of self-development;

b. Oral interviews; and
c. Job-related mental ability tests.

2. Every police agency should offer comprehensive and individualized programs of education, training, and experience designed to develop the potential of every employee who wishes to participate. These individualized development programs should be based on the potential identified through the screening process and the specific development needs of the employee. These individualized programs should consist of one or more of the following:

a. College seminars and courses;
b. Directed reading;
c. In-house and out-of-house training classes;
d. Job rotation;
e. Internship; and
f. The occasional opportunity to perform the duties of the position for which an individual is being developed.

3. Personnel who choose to pursue a course of self-development rather than participate in the agency-sponsored development program should be allowed to compete for promotion and advancement.

Standard 16.2
Formal Personnel Development Activities

Every police agency should immediately implement formal programs of personnel development. Such programs should be designed to further the employee's professional growth and increase his capacity for his present or future role within the agency.

Standard 16.3
Personnel Evaluation for Promotion and Advancement

Every police agency should immediately begin a periodic evaluation of all personnel in terms of their potential to fill positions of greater responsibility. The selection of personnel for promotion and advancement should be based on criteria that relate specifically to the responsibilities and duties of the higher position.

1. Every agency periodically should evaluate the potential of every employee to perform at the next higher level of responsibility.

a. This evaluation should form a part of the regular performance evaluation that should be completed at least semiannually.
b. Specific data concerning every employee's job performance, training, education, and experience should support the periodic evaluation for promotion and advancement.

2. Every police agency should use job analyses in the development of job related tests and other criteria for the selection of personnel for promotion and advancement. Selection devices should consist of one or more of the following:

a. Management assessment of past job performance, performance in the individualized development program, and demonstrated initiative in the pursuit of self-development;
b. Oral interviews; and
c. Job related mental aptitude tests.

3. Every police agency should disallow the arbitrary awarding of bonus points for experience and achievement not related to the duties of the position for which the individual is being considered. Arbitrary awards include:

a. Bonus points for seniority;
b. Bonus points for military service;
c. Bonus points for heroism.

4. No agency should use any psychological test as a screening device or evaluation tool in the promotion and advancement process until scientific research confirms a reliable relationship between personality and actual performance.

5. Every agency should require that personnel demonstrate the ability to assume greater responsibility prior to promotion or advancement and should continue to observe employee performance closely during a probationary period of at least 1 year from the date of promotion or advancement.

Standard 16.4
Administration of Promotion and Advancement

Every police chief executive, by assuming administrative control of the promotion and advancement system, should insure that only the best qualified personnel are promoted or advanced to positions of greater authority and responsibility in higher pay grades and ranks. Agencies that have not developed competent personnel to assume positions of higher authority should seek qualified personnel from outside the agency rather than promote or advance personnel who are not ready to assume positions of greater responsibility.

1. The police chief executive should oversee all phases of his agency's promotion and advancement system including the testing of personnel and the appointing of personnel to positions of greater responsibility. The police chief executive should make use of the services of a central personnel agency when that personnel agency is competent to develop and administer tests and is responsive to the needs of the police agency.

2. The police chief executive should consider recruiting personnel for lateral entry at any level from outside the agency when it is necessary to do so in order to obtain the services of an individual who is qualified for a position or assignment.

Standard 16.5
Personnel Records

Every police agency immediately should establish a central personnel information system to facilitate management decisionmaking in assignment, promotion, advancement, and the identification and selection of individuals for participation in personnel development programs.

1. The personnel information system should contain at least the following personnel information:
   a. Personal history;
   b. Education and training history;
   c. Personnel performance evaluation history;
   d. Law enforcement experience;
   e. Assignment, promotion, and advancement history;
   f. Commendation records;
   g. Sustained personnel complaint history;
   h. Medical history;
   i. Occupational and skills profile;
   j. Results of special tests; and
   k. Photographs.

2. The personnel information system should be protected against unauthorized access; however, employees should have access to agency records concerning them, with the exception of background investigation data;

3. The system should be updated at least semi-annually and, ideally, whenever a significant change in information occurs; and

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

CHAPTER 17
Employee Relations

Standard 17.1
The Police Executive and Employee Relations

Every police chief executive should immediately acknowledge his responsibility to maintain effective employee relations and should develop policies and procedures to fulfill this responsibility.

1. Every police chief executive should actively participate in seeking reasonable personnel benefits for all police employees.

2. Every police chief executive should provide an internal two-way communication network to facilitate the effective exchange of information within the agency and to provide himself with an information feedback device.

3. Every police chief executive should develop methods to obtain advisory information from police employees—who have daily contact with operational problems—to assist him in reaching decisions on personnel and operational matters.

4. Every police chief executive should provide a grievance procedure for all police employees.

5. Every police chief executive should have employee relations specialists available to provide assistance in:
   a. Developing employee relations programs and procedures;
   b. Providing general or specific training in management-employee relations; and
   c. Collective negotiations.

6. Recognizing that police employees have a right, subject to certain limitations, to engage in political and other activities protected by the first amendment, every police agency should promulgate written policy that acknowledges this right and specifies proper and improper employee conduct in these activities.

7. Every police chief executive should acknowledge the right of police employees to join or not join employee organizations that represent their employment interests, and should give appropriate recognition to these employee organizations.

Standard 17.2
Police Employee Organizations

Every police employee organization should immediately formalize written policies, rules, and procedures that will protect the rights of all members and insure that they can remain responsible to their oath of office.

1. Every police employee organization should place in writing the scope of its activities to inform all members of their organization's programs and their representatives' activities.

2. Every police employee organization should adhere to rules and procedures designed to insure internal democracy and fiscal integrity. These rules and procedures should include:
   a. Provisions to protect members in their relations with the police employee organization;
   b. Standards and safeguards for periodic elections;
   c. Identification of the responsibilities of the police employee organization officers;
   d. Provisions for maintenance of accounting and fiscal controls, including regular financial reports;
   e. Provisions for disclosure of financial reports and other appropriate documents to members, regulating agencies, and the public; and
   f. Acknowledgment of responsibility to the governmental entity legally charged with regulation of such employee organizations.

Standard 17.3
Work Stoppages and Job Actions

Every police chief executive should immediately prepare his agency to react effectively to neutralize any concerted work stoppage or job action by police employees. Any such concerted police employee action should be prohibited by law.

1. The Commission favors legislation that would prohibit employees of law enforcement organizations from participating in any work stoppages and requiring a system of binding arbitration.

2. Every police agency should develop a plan to maintain emergency police service in the event of a concerted employee work stoppage.

3. Every police chief executive should consider the initiation of internal disciplinary action, including dismissal, against police employees who participate in a concerted job action or work stoppage. Among the many disciplinary alternatives available to the chief executive are actions against:

a. All participating employees for violating prohibitive legislation and policy;
b. Individual employees when their individual conduct warrants special action;
c. Only those employees who encouraged, instigated, or led the activity; and
d. None of the participating employees; however, criminal or civil action may be sought for violations of legislative prohibitions.

CHAPTER 18
Internal Discipline

Standard 18.1
Foundation for Internal Discipline

Every police agency immediately should formalize policies, procedures, and rules in written form for the administration of internal discipline. The internal discipline system should be based on essential fairness, but not bound by formal procedures or proceedings such as are used in criminal trials.

1. Every police agency immediately should establish formal written procedures for the administration of internal discipline and an appropriate summary of those procedures should be made public.

2. The chief executive of every police agency should have ultimate responsibility for the administration of internal discipline.

3. The policies, procedures, and rules governing employee conduct and the administration of discipline should be strengthened by incorporating them in training programs and promotional examinations and by encouraging employee participation in the disciplinary system.

Standard 18.2
Complaint Reception Procedures

Every police agency immediately should implement procedures to facilitate the making of a complaint alleging employee misconduct, whether that complaint is initiated internally or externally.

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

2. Every police agency, on a continuing basis, should inform the public of its complaint reception and investigation procedures.

3. All persons who file a complaint should be notified of its final disposition; personal discussion regarding this disposition should be encouraged.

4. Every police agency should develop procedures that will insure that all complaints, whether from an external or internal source, are permanently and chronologically recorded in a central record. The procedure should insure that the agency's chief executive or his assistant is made aware of every complaint without delay.

5. Complete records of complaint reception, investigation, and adjudication should be maintained. Statistical summaries based on these records should be published regularly for all police personnel and should be available to the public.

Standard 18.3
Investigative Responsibility

The chief executive of every police agency immediately should insure that the investigation of all complaints from the public, and all allegations of criminal conduct and serious internal misconduct, are conducted by a specialized individual or unit of the involved police agency. This person or unit should be responsible directly to the agency's chief executive or the assistant chief executive. Minor internal misconduct may be investigated by first line supervisors, and these investigations should be subject to internal review.

1. The existence or size of this specialized unit should be consistent with the demands of the work load.

2. Police agencies should obtain the assistance of prosecuting agencies during investigation of criminal allegations and other cases where the police chief executive concludes that the public interest would best be served by such participation.

3. Specialized units for complaint investigation should employ a strict rotation policy limiting assignments to 18 months.

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

Standard 18.4
Investigation Procedures

Every police agency immediately should insure that internal discipline complaint investigations are performed with the greatest possible skill. The investigative effort expended on all internal discipline complaints should be at least equal to the effort expended in the investigation of felony crimes where a suspect is known.

1. All personnel assigned to investigate internal discipline complaints should be given specific training in this task and should be provided with written investigative procedures.

2. Every police agency should establish formal procedures for investigating minor internal misconduct allegations. These procedures should be designed to insure swift, fair, and efficient correction of minor disciplinary problems.

3. Every investigator of internal discipline complaints should conduct investigations in a manner that best reveals the facts while preserving the dignity of all persons and maintaining the confidential nature of the investigation.

4. Every police agency should provide—at the time of employment, and again, prior to the specific investigation—all its employees with a written statement of their duties and rights when they are the subject of an internal discipline investigation.

5. Every police chief executive should have legal authority during an internal discipline investigation to relieve police employees from their duties when it is in the interests of the public and the police agency. A police employee normally should be relieved from duty whenever he is under investigation for a crime, corruption, or serious misconduct when the proof is evident and the presumption is great, or when he is physically or mentally unable to perform his duties satisfactorily.

6. Investigators should use all available investigative tools that can reasonably be used to determine the facts and secure necessary evidence during an internal discipline investigation. The polygraph should be administered to employees only at the express approval of the police chief executive.

7. All internal discipline investigations should be concluded 30 days from the date the complaint is made unless an extension is granted by the chief executive of the agency. The complainant and the accused employee should be notified of any delay.

Standard 18.5
Adjudication of Complaints

Every police agency immediately should insure that provisions are established to allow the police chief executive ultimate authority in the adjudication of internal discipline complaints, subject only to appeal through the courts or established civil service bodies, and review by responsible legal and governmental entities.

1. A complaint disposition should be classified as sustained, not sustained, exonerated, unfounded, or misconduct not based on the original complaint.

2. Adjudication and—if warranted—disciplinary action should be based partially on recommendations of the involved employee's immediate supervisor. The penalty should be at least a suspension up to 6 months or, in severe cases, removal from duty.

3. An administrative factfinding trial board should be available to all police agencies to assist in the adjudication phase. It should be activated when necessary in the interests of the police agency, the public, or the accused employee, and should be available at the direction of the chief executive or upon the request of any employee who is to be penalized in any manner that exceeds verbal or written reprimand. The chief executive of the agency should review the recommendations of the trial board and decide on the penalty.

4. The accused employee should be entitled to representation and logistical support equal to that afforded the person representing the agency in a trial board proceeding.

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

6. The chief executive of every police agency should establish written policy on the retention of internal discipline complaint investigation reports. Only the reports of sustained and—if appealed—upheld investigations should become a part of the accused employee's personnel folder. All disciplinary investigations should be kept confidential.

7. Administrative adjudication of internal discipline complaints involving a violation of law should neither depend on nor curtail criminal prosecution. Regardless of the administrative adjudication, every police agency should refer all complaints that involve violations of law to the prosecuting agency for the decision to prosecute criminally. Police employees should not be treated differently from other members of the community in cases involving violations of law.

Standard 18.6
Positive Prevention of Police Misconduct

The chief executive of every police agency immediately should seek and develop programs and techniques that will minimize the potential for employee misconduct. The chief executive should in-

sure that there is a general atmosphere that rewards self-discipline within the police agency.

1. Every police chief executive should implement, where possible, positive programs and techniques to prevent employee misconduct and encourage self-discipline. These may include:
   a. Analysis of the causes of employee misconduct through special interviews with employees involved in misconduct incidents and study of the performance records of selected employees;
   b. General training in the avoidance of misconduct incidents for all employees and special training for employees experiencing special problems;
   c. Referral to psychologists, psychiatrist, clergy, and other professional whose expertise may be valuable; and
   d. Application of peer group influence.

CHAPTER 19
Health Care, Physical Fitness, Retirement, and Employee Services

Standard 19.1
Entry-Level Physical and Psychological Examinations

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

1. Every agency, by 1977, should furnish, and require, as a condition of employment, that each applicant pass a thorough physical and psychological examination. This examination should:
   a. Be designed to detect conditions that are likely to cause nonjob-related illnesses, inefficiency, unnecessary industrial accidents, and premature retirement;
   b. Be conducted under the supervision of a licensed, competent physician; and
   c. Include a psychological evaluation conducted under the supervision of a licensed, competent psychologist or psychiatrist.

Standard 19.2
Continuing Physical Fitness

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

1. Every agency should immediately establish realistic weight standards that take into account each officer's height, body build, and age.

2. Every agency should, by 1977, require for each officer a physical examination administered biannually, annually, or semiannually to determine the officer's level of physical fitness. The frequency of the examinations should increase with the officer's age. If the officer fails to meet the predetermined standards, a program should be prescribed to improve his physical condition.

3. Every agency should, by 1977, provide or make available facilities and programs that enable every officer to maintain good physical condition, to monitor his condition, and to meet predetermined physical standards through program enforcement measures. Consideration should be given to intramural athletics, exercise, weight reduction, and other physical fitness programs.

Standard 19.3
Employee Services

Every police agency should, by 1980, establish or provide for an employee services unit to assist all employees in obtaining the various employment benefits to which they and their dependents are entitled.

1. The employee services unit should be responsible for at least the following specific employee service functions:
   a. Employee services unit personnel thoroughly informed on employee benefits should inform fellow agency employees of these benefits and the means for taking advantage of them.
   b. In the event an officer is injured, the employee services unit should insure that the resulting needs of the officer and his family are cared for, with a minimum of inconvenience to the officer or his family.
   c. In the event an officer is killed, the employee services unit should assist survivors in settling the officer's affairs.

2. Every agency with 100 or more personnel should assign at least one full-time employee to the employee services unit.

3. Every agency with fewer than 100 personnel should join with other local agencies to appoint a regional coordinator for employee services and, where appropriate, should establish a regional police employee services organization.

Standard 19.4
Health Insurance

Every police agency should, by 1982, make available a complete health care program for its officers and their immediate families to insure adequate health care at minimum cost to the agency and the employee.

1. Every police agency should establish a health care program that provides for the particular health

care needs of its employees and their immediate families.

a. The health care program should provide at least (1) surgery and related services; (2) diagnostic services; (3) emergency medical care; (4) continuing medical care for pulmonary tuberculosis, mental disorders, drug addiction, alcoholism, and childbirth; (5) radiation, inhalation, and physical therapy; (6) ambulance service; (7) nursing care; (8) prescribed medication and medical appliances; (9) complete dental and vision care; (10) hospital room; and (11) income protection.

b. Every agency should pay all or a major portion of the cost of the health care program to insure that the expense to employees, if any, is as small as possible. The agency should establish controls to insure that the highest available quality and quantity of medical services are provided under its plan. These controls should include a system of record handling that facilitates swift, efficient provision of services and feedback of employee reaction to the program.

2. Every police agency should insure that an officer or his beneficiaries are allowed to continue as members of the health care program after the officer's retirement, and that benefit and cost change under these circumstances are reasonable.

Standard 19.5
State Retirement Plan

North Dakota should, by 1982, provide an actuarily sound statewide police retirement system for all sworn personnel employed within the State. This system should be designed to facilitate lateral entry.

1. Local agency membership in the retirement system should be voluntary.

2. The system should be designed to accommodate diverse salary schedules of member agencies and to insure equitable distribution of costs and benefits within the system.

3. The system should require a minimum of 25 years of service for normal retirement and a mandatory retirement age of 60 for all police personnel.

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

Recommendation 19.1
Police Officer Benefits for Duty-Connected Injury, Disease, and Death

It is recommended that Congress extend the benefits of Title 5, Section 8191, of the United States Code to every Federal, State, and local law enforcement officer who in the performance of any police duty is killed, injured, or contracts a sustaining disease.

CHAPTER 20
Personal Equipment

Standard 20.1
Police Uniforms

Every police chief executive should immediately develop and designate complete standard specifications for apparel and equipment to be worn by every agency employee when performing the duties of a uniformed police officer. To deter criminal activity, uniformed police officers should be highly visible, easily identifiable and readily distinguishable from other uniformed persons. Every officer's appearance should reflect favorably on his agency and profession; however, to insure maximum efficiency, this should not be accomplished at the expense of physical comfort.

1. Every police chief executive should consider seasonal changes and climate when developing the agency's standard police uniform.

2. Every police chief executive should insure that the agency's police uniform identifies the wearer by name and agency, and makes him plainly recognizable as a police officer. Such items should be visible at all times.

3. Every police executive should insure that the uniforms of agency employees other than police officers - such as civilian traffic control, parking control, and security officers - are, by color, design, and items of identification, plainly distinguishable from those of police officers.

4. North Dakota should enact legislation fixing the color and style of uniforms worn by private patrolmen of security guards to insure that they are readily distinguishable from police uniforms.

5. Every police agency should conduct daily uniform inspections to insure that every officer's appearance conforms to agency specifications and reflects favorably on the agency and the law enforcement profession.

Standard 20.2
Firearms and Auxiliary Equipment

Every police chief executive should immediately specify the type of firearms, ammunition, and auxiliary equipment to be used by the agency's police officers. To enhance police efficiency, personal equipment items should be interchangeable among all officers of the agency. Once established, these specified standards should be maintained by frequent, periodic inspections and

appropriate disciplinary action when agency regulations are violated.

1. Every police agency should establish written specifications for agency-approved sidearms and ammunition to be carried by officers on uniformed duty, or plainclothes duty, or off duty. The specifications should include the type, caliber, barrel length, finish, and style of the sidearms, and the specific type of ammunition.

2. Every police agency should designate all items of auxiliary equipment to be worn or carried by its uniformed officers. To insure intra-agency uniformity, the approved type, size, weight, color, style, and other relevant variables of each auxiliary equipment item, along with the position on the uniform or belt where it is to be worn or carried, should be specified in writing.

3. Every police agency should initiate a program of frequent, regular equipment inspections to insure that personal equipment items conform to agency specifications and are maintained in a presentable and serviceable condition. To insure that each officer's weapon functions properly, firearm practice should be required for all officers at least monthly, and all firearms should be examined at regular intervals by a qualified armorer.

4. To insure shooting competency, every agency's policy relative to firearms practice should require each officer to maintain a minimum qualifying score in the firearms practice course adopted by the agency.

Standard 20.3
Agency Provision of Uniforms and Equipment

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

1. Every police agency should determine the minimum uniform requirements for its police officers, including alternate items of apparel for warm, cold, and foul weather. The agency should furnish all required items at no cost to officers. Continuing conformity to uniform standards and appearance should be insured by regular replacement of uniforms or a uniform allowance.

2. Every police agency should furnish and replace at no cost to officers the ammunition and auxiliary personal equipment specified by the agency.

CHAPTER 21
Transportation

Standard 21.1
Transportation Equipment Utility

Every police agency should annually evaluate the tasks performed within the agency and the transportation equipment which may be utilized by the agency to determine how the proper application of transportation equipment can improve the agency's ability to accomplish its objectives.

1. Every police agency should, prior to submitting its annual budget, evaluate all existing and potential transportation equipment applications within the agency. The evaluation should include the examination of all tasks which may facilitate the objectives of the agency to determine if new or different equipment will result in:

   a. More efficient use of human resources; and
   b. Improved police service that is cost-effective.

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

Standard 21.2
Transportation Equipment Acquisition and Maintenance

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

1. Every police agency acquiring ground vehicles should determine whether the acquisition should be made by purchasing, leasing, or reimbursing for officer-owned vehicles. This determination should be based upon the following considerations:

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

2. Every police agency acquiring aircraft should determine the most advantageous form of acquisition by considering the maintenance and service requirements, the availability of the equipment when it will be needed, pilot-training and insurance costs, the availability of auxiliary police equipment, and the cost per hour of:

   a. Purchasing by the agency;
   b. Leasing;
   c. Purchasing jointly with other agencies;
   d. Renting; and
   e. Acquiring surplus military aircraft.

Standard 21.3
Fleet Safety

Every police agency should implement a fleet safety program in insure the safety of its employees and the public, minimize unnecessary expenditure of public funds, and increase agency efficiency.

1. Every agency fleet safety program should include:
   a. A driver training program for all employees who operate agency vehicles;
   b. Procedures for problem-driver detection and retraining;
   c. Procedures insuring employee inspection of agency vehicles prior to use; and
   d. A maintenance program which will minimize the hazard of malfunctioning equipment.

2. Every agency fleet safety program should emphasize the personal involvement of employees in meeting the objectives of the program through:
   a. Peer group involvement in the classification of employee accidents;
   b. Recognition for safe driving; and
   c. An education program with emphasis on the personal benefits to be derived from safe driving.

Recommendation 21.1
Transportation Testing

The Federal Government should immediately provide for the testing of vehicles and aircraft that have potential for police application. The objective of this program should be to determine the transportation equipment that will satisfy police requirements, to inform police agencies of the results of these tests, and to promote the development of needed police transportation equipment.

1. The testing agency, in cooperation with State and local police officials, should determine the safety, performance, and operating features of transportation equipment which meet each of the special requirements of police use.

2. The testing agency should initially test all models of aircraft, automobiles, motorcycles, and motor scooters currently in use by police. Subsequently, it should test prototypes and existing equipment whenever significantly changed. The test results should compare the safety, performance, and operating characteristics of the transportation equipment; these results, including cost data, should be published and distributed to all police agencies in time to assure their availability for local use in purchasing new equipment.

3. The Federal Government should, through technical advice and, if necessary, research and development subsidies, develop transportation equipment to satisfy specific police requirements.

CHAPTER 22
Communications

Standard 22.1
Police Use of the Telephone System

Every police agency should develop as a subsystem of its overall communications system a telephone communications component designed to reduce crime through rapid and accurate communication with the public. This design may require an upgraded physical plant and supportive equipment, and procedures to shorten the time of the internal message handling.

1. Every police agency should immediately implement a full-time telephone service sufficient to provide prompt answering of calls for service.
   a. Emergency telephone calls should be answered within 30 seconds, and non-emergency telephone calls should be answered within 60 seconds.
   b. Procedures should be adopted to control the quality of police response to telephonic requests for service and information.

2. Every police agency should immediately install a sufficient number of emergency trunk lines, in addition to and separate from business trunk lines, to insure that an emergency caller will not receive a busy signal during normal periods of peak activity, excluding catastrophic or unusual occurrences.

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

4. Every police agency with a full-time telephone service should, by 1978, acquire and operate fail-safe recording equipment that will allow endless or continuous recording of all incoming complaint calls and instantaneous playback of those calls.

5. Every police agency with full-time telephone service should, by 1984, operate that service from facilities designed to be reasonably secure from physical attack and sabotage. This security should extend to overhead telephone trunk line drop-wires running between aerial cables and the full-time telephone service facility.

6. Every police agency should, by 1984, obtain single universal emergency telephone service, and the cost of such service should be borne by the private telephone subscriber.

7. Pilot Automatic Number Identification Universal Emergency Telephone Systems should be installed to assess technical feasibility, cost-effectiveness for police, and public acceptance.

Standard 22.2
Command and Control Operations

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

1. Every police agency should immediately install a 24-hour two-way radio capability providing continuous communication between a communications center and field units. Agencies too small to maintain a full-time communications center should immediately arrange for that service to be provided by the nearest full-time communications center of a neighboring public safety emergency agency or a public safety emergency agency operated by the next highest political subdivision in the State.

2. Every police chief executive should immediately insure that delay time - the elapsed time between receipt of a complaint emergency call and the time of message radio transmission - in the case of an emergency call does not exceed 2 minutes, and in the case of a nonemergency call, does not exceed 6 minutes. By 1978, communications center delay time in cases of emergency calls should not exceed 1 minute and in cases of nonemergency calls should not exceed 4 minutes.

3. Every agency should acquire and operate fail-safe recording equipment which will allow continuous recording of every radio transmission and recording equipment designed to allow instantaneous playback of field unit radio transmission.

4. Every police agency should immediately seek action by the appropriate legislative or regulatory body to regulate private agencies that provide central-station alarm service. Appropriate steps should be taken to minimize field-unit response to the location of any alarm not caused by a criminal attack.

5. Every agency operating a full-time communications center and employing 15 or more persons should install suitable equipment to provide access to local, State, and Federal criminal justice information systems. The minimum suitable equipment should be a teletypewriter capable of being connected to a data base.

6. Every police agency having a full-time communications center should, by 1978, operate from facilities designed to be reasonably secure from physical attack and sabotage.

Standard 22.3
Radio Communications

Every police agency should immediately insure that its radio communications system makes the most efficient use of its radio frequency.

1. The State should immediately establish common statewide police radio frequencies for use by State and local law enforcement agencies during periods of local disaster or other emergencies requiring interagency coordination.

2. Every agency should have a base station, mobile, and portable radio equipment capable of two-way operation on a common statewide police radio frequency.

3. Every agency should acquire and operate multichannel mobile and portable radio equipment capable of two-way operation on operational frequencies, daily car-to-car tactical frequencies, joint public safety tactical frequencies and statewide tactical frequencies.

4. Every agency should equip every on-duty uniformed officer with a portable radio transceiver capable of providing adequate two-way communications and capable of being carried with reasonable comfort on the person.

Recommendation 22.1
Digital Communications System

It is recommended that the Law Enforcement Assistance Administration stimulate competitive research and development for the design, manufacture, operation, and study of a pilot digital communications system. Such a system should include, as a minimum, automated vehicle locater devices, realtime unit status reporting devices, and vehicular visual display devices with hardcopy capability.

Recommendation 22.2
Standardized Radio Equipment

It is recommended that a national commission be formed to study, develop, and supervise implementation of a program for communications equipment standardization. Once specifications have been set, police agencies should adhere to them and not buy equipment that does not meet these standards.

Recommendation 22.3
Frequency Congestion

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

CHAPTER 23
Information System

Standard 23.1
Police Reporting

Every police agency should establish procedures that will insure simple and efficient reporting of

criminal activity, assist in criminal investigations, and provide complete information to other components of the criminal justice system.

1. Every police agency should immediately publish the circumstances which require an officer to complete a report, and should provide printed forms for crime, arrest, and other reports. Such forms should have enough appropriately headed fill-in boxes and companion instructions to assist the officer in obtaining and reporting all necessary information.

   a. There should be a forms control procedure which subjects every departmental form to initial approval and periodic review to determine if the form's use is appropriate and the information called for is necessary.
   b. Field reports should be as simple as possible to complete, and their design should permit systematic collection of summary and management data.

2. Every agency should immediately consider adopting policies that allow reports of misdemeanors and miscellaneous incidents to be accepted by telephone when:

   a. No field investigation appears necessary; and
   b. The efforts of the patrol force would otherwise be diverted from higher priority duties.

3. Where the volume of calls for service dictates, every agency should free its patrol units immediately for priority calls by assigning other personnel to one-man units whose primary function is preliminary investigation and the subsequent completion of reports.

4. North Dakota should, by 1977, enact legislation requiring that, at the time arrest warrants are issued or recalled, notification be made to the State or other State designated agency by the court that issues such warrants. Every police agency should insure that, when it contacts or arrests an individual named in want or warrant information generated by any criminal justice agency, it notifies that agency of the contact or arrest within 3 hours. To insure that the right person is arrested, police agencies should provide sufficient identifying data to courts issuing warrants. This data should include, at least, the offender's:

   a. Name;
   b. Residence address;
   c. Sex;
   d. Color of hair and eyes;
   e. Height and weight; and
   f. Date of birth.

5. North Dakota should, by 1977, require every police agency to report to a State or other designated agency information necessary for:

   a. The identification of persons known to have been armed, considered dangerous, or known to have resisted arrest;
   b. The identification of unrecovered stolen vehicles;
   c. The identification of vehicles wanted in connection with the investigation of felonies or serious misdemeanors;
   d. The identification of unrecovered stolen Vehicle Identification Number (VIN) plates and serially identified engines and transmissions;
   e. The identification of unrecovered stolen or missing license plates;
   f. Identification of serially numbered stolen or lost weapons; and
   g. The identification of serially numbered stolen property items.

Standard 23.2
Basic Police Records

Every police agency should immediately establish a records system that collects crime data and records operational activities so crime conditions and the effects of agency operations can be systematically evaluated.

1. Every police agency should develop and maintain a "reportable incident file" based on agency needs, that contains documentation on all crimes; essential noncriminal incidents such as missing persons, lost and found property, suicides, and accidental deaths; and, where appropriate, traffic incidents.

2. North Dakota should require every police agency within the State to contribute to, and maintain access in, a summary dossier file maintained by a designated agency. Summary dossier files should contain an FBI fingerprint card, State and Federal individual record sheets, an accurate and up-to-date arrest disposition record, photographs, booking forms, arrest reports, and requests from other agencies for notification of arrest.

Standard 23.3
Data Retrieval

Every police agency should establish a cost-effective, compatible information system to collect, store, and retrieve information moving through the agency. The use of such a system should be directed toward crime reduction without sacrificing local autonomy.

1. Every police agency should, by 1977, have the capability to retrieve statewide criminal information and provide it to field personnel within 3 minutes of the time requested for noncomputerized systems and within 30 seconds for computerized system. This capability should at least include information on:

a. Individuals who are the subject of an arrest warrant for a felony or serious misdemeanor;
b. Individuals known to have been armed, considered dangerous, or known to have resisted arrest;
c. Unrecovered stolen vehicles;
d. Vehicles wanted in connection with the investigation of felonies or serious misdemeanors;
e. Unrecovered stolen Vehicle Information Number plates and serially identified engines and transmissions;
f. Unrecovered stolen or missing license plates;
g. Serially identified stolen or lost weapons; and
h. Serially numbered stolen property items.

2. Every police agency using, or planning to use, a computer-based information system should take immediate steps to insure that the primary objective of such a system is rapid response to the information needs of field units. Agencies developing or operating a computer-based information system should immediately identify critical information groups and assign priorities to them according to the requirements of the system user. Critical information groups should include at least:
a. Information on wanted persons;
b. Abstract data on criminal convictions, parole status, penitentiary releases, and vital criminal record information;
c. Information that forewarns an officer of persons known to have been armed, and other potential dangers; and
d. Information on stolen property and vehicles.

3. Every agency developing or operating a computer-based information system should immediately establish advisory user groups consisting of field policemen, police managers, computer technicians, and hardware engineers. User groups should be charged with the responsibility for system implementation and operating strategies.

Standard 23.4
Police Telecommunications

Every agency should coordinate its information system with those of other local, regional, State, and Federal law enforcement agencies to facilitate the exchange of information.

1. Every police agency should develop and maintain immediate access to existing local, State and Federal law enforcement telecommunications networks.

2. Every agency operating a full-time communications center and employing 15 or more persons should install a basic telecommunications terminal capable of transmitting to and receiving from established national, State, and local criminal justice information systems. The telecommunications network should provide network switching compatible with computer-based information systems.

PART IX
IMPLEMENTATION

The development of standards and goals for the state is, of course, only a first step in the process of improving the criminal justice system. Implementation of the standards is the real point of interest of a project such as this and will be the focal point of the second phase of the project. Of the 432 standards and recommendations developed, approximately one fourth or 110 will require legislative action to implement the charges recommended. This is not to say, of course, that 110 separate pieces of legislation will be required. In many instances, several standards can be implemented through one statutory change.

The standards developed call for a considerable number of major legislative programs, as well as several minor changes in the law. Major legislative programs called for in the standards are set forth below with the standard calling for the program in parentheses:

1. Legislation insuring privacy and security and the right of access and review of criminal justice files. (Criminal Justice Systems Standards 7.1, 7.3, 7.4, and 7.7).

2. Legislation creating a mandatory system of reporting, compiling, disseminating, and storing criminal justice information. (Criminal Justice Systems Standards 3.1, 6.1, and 9.1).

3. Legislation causing a comprehensive review and revision of the corrections laws of the state. (Criminal Justice Systems Standard 12.1 and Recommendation 12.1).

4. Legislation authorizing the Law Enforcement Council to set standards for jails in North Dakota. (Corrections Standard 6.3). This would require amendments to NDCC Chapter 12-44.

5. Legislation making correctional agencies subject to the Administrative Agencies Practices Act. (Corrections Standard 9.1). This would require amendment of NDCC §28-32-01(2).

6. Legislation permitting the issuance of telephonic search warrants. (Police Recommendation 4.2).

7. Legislation permitting electronic surveillance of suspects when ordered by the court and conducted by a law enforcement agency. (Police Recommendation 4.3).

8. Legislation mandating minimum standards for police officers. This would require increasing the powers of the Law Enforcement Council. (Police Standard 12.4).

9. Legislation establishing mandatory minimum training for police officers. (Police Standard 15.1).

10. Legislation prohibiting work stoppages by police officers. (Police Standard 17.3).

11. Legislation creating a statewide retirement system for police officers. (Police Standard 19.5).

12. Legislation creating a regional prosecutor system in North Dakota. (Courts Standards 11.1, 11.2, and 11.3).

13. Legislation creating a unified court system in North Dakota. (Courts Standard 8.1).

14. Legislation assigning permanent registration numbers to motor vehicles and requiring more identifying numbers on motor vehicles. (Community Crime Prevention Recommendation 5.5).

15. Legislation creating an ethics code for employees of state government. (Community Crime Prevention Standards 6.1 and 6.2).

16. Legislation requiring disclosure of campaign finances and expenditures. (Community Crime Prevention Standard 7.1).

17. Legislation prohibiting campaign contributions by corporations and organized labor. (Community Crime Prevention Standard 7.2).

18. Legislation amending NDCC §27-20-26 making it illegal to waive one's right to counsel in a juvenile proceeding. (Juvenile Justice Recommendation 2.1).

19. Legislation limiting the delinquency jurisdiction of the juvenile court to cases where an act has been committed by a juvenile that, if committed by an adult, would be a crime. (Juvenile Justice Standard 3.11).

20. Legislation prohibiting incarceration of juveniles in facilities used to house adults. (Juvenile Justice Standard 3.11).

21. Legislation authorizing the director of the State Industrial School to allow juveniles to participate in a wide range of community programs. (Juvenile Justice Standard 3.14).

The majority of the standards and recommendations can be implemented without legislative action. In many instances, implementation can be accomplished through inclusion of the standard in the "plan of action" of a state agency. This is particularly true with the Law Enforcement Council Plan. It appears that primary responsibility for implementation falls upon the Law Enforcement Council regarding the following subject areas:

1. Planning for crime reduction (Criminal Justice Systems Standards 1.1, 1.2, 1.3, 1.4, and 1.5).

2. Implementation of the standards relating to creation and evaluation of a criminal justice information system and training of personnel to

work in the system (Criminal Justice Systems Standards 9.2, 9.3, 10.1, 10.2, 10.3, 10.5, 11.1, and 11.2).

3. Implementing of the standards relating to construction policies for new detention facilities (Corrections Standard 2.2), planning of a system of community-based correction facilities (Corrections Standards 6.1 and 9.5), and incorporation of all local facilities into a state system (Corrections Standard 6.2).

4. Providing state specialists to local agencies (Police Standard 8.4) as well as technical and managerial services (Police Standard 10.3).

5. Training of local specialists (Police Standard 11.1 part 6).

In addition to these areas of primary responsibility, the Law Enforcement Council is in a position because of its planning, funding, and supervisory functions to implement, on a secondary basis, all police standards. This is true even though these standards generally relate to local operations. In addition, the Law Enforcement Council should be instrumental in implementing portions of the Community Crime Prevention standards and recommendations.

Several other state agencies and organizations should be instrumental in the implementation process. The penitentiary, Industrial School, and Pardon and Parole Board should be involved in the implementation of the Corrections standards and some of the Criminal Justice Systems standards. The Judicial Council, State Court Administrator, State's Attorneys' Association, and State Bar Association should assist in the implementation of the Courts standards and several Juvenile Justice standards. The Peace Officers' Association should become involved in the implementation of the Police standards.

In addition to state agencies, local organizations can assist in the implementation of some standards. The local council of churches, YMCA, PTA, school boards, and labor unions could implement many of the Community Crime Prevention standards.

Specific implementation techniques will be developed for all of the standards in each of the categories following publication, dissemination, and public hearing on the material contained herein. Organizing for development of these techniques is underway and will be refined over the next few weeks. Essentially, close liaison will be established between the staff of the Commission and the staffs of the Law Enforcement Council and the Legislative Council. It is anticipated that the bulk of the standards developed by the Commission can receive a thorough review by these two bodies, and a decision on whether the proposals are feasible can be made.

In addition, contacts will be made, by the Commission staff, with the agencies, organizations, and groups listed previously, once a suggested technique for implementation has been developed, in the hope that these agencies, organizations, and groups will consider carrying these standards and recommendations into operation.

Finally, the staff of the Commission will serve as a liaison between the various interest groups and the agencies responsible for the administration of criminal justice in North Dakota. In this way, suggestions for improvements in the system, whether from groups or individuals, can be directed through the Commission structure to the appropriate agency for a determination of the merits of the suggestion. The Commission staff also is prepared to assist in seeking funding for projects designed to implement these standards and recommendations and can serve as a liaison between the general public and those who manage the criminal justice system in this regard as well.

PART X
STAFF COMMENTS

As a final statement to this report, it is the recommendation of the staff of the Commission that a permanent standards and goals body be created in the state. We recommend that this body be composed primarily of non-criminal justice professionals, and that it be created in a manner similar to that in which this Commission was created. Further, it should receive staff support from the Law Enforcement Council. Legislation required to create this body, adequately fund and staff it, and give it purpose should be introduced in the next legislative session.

Planning for management of the criminal justice system is a dynamic and ongoing process. What is a good goal for today may not be ten years from now. A priority of yesterday may no longer be a priority today. All too often, the bulk of our resources are expended upon continuation of an existing system, without examining the system's effectiveness. All too often those who work in the system forget the needs of those whom the system is designed to benefit, and all too often those who work in one segment of the system fail to consider the implications of their operations upon those who work in other segments of the system. It has been the experience of the staff that an entity such as this Commission resolves these problems to a certain extent and it is the opinion of the staff that continuation of efforts to resolve these problems will ultimately inure to the benefit of the criminal justice system and the people of the state of North Dakota.

APPENDIX A

CRIME RATES OF NORTH DAKOTA AND BORDERING STATES — 1973 —

	North Dakota	Minnesota	South Dakota	Montana
TOTAL	2,078.4	3,535.6	2,175.8	3,395.3
Violent	60.8	177.7	126.9	167.4
Murder	.8	2.7	3.8	6.0
Rape	7.3	14.9	12.8	16.4
Robbery	7.3	88.7	24.7	36.3
Assault	45.3	71.5	85.5	108.7
Property	2,017.7	3,357.8	2,048.9	3,227.9
Burglary	383.4	1,016.4	498.7	755.6
Larceny	1,502.8	2,004.7	1,406.0	2,241.7
Auto Theft	131.4	336.7	144.2	230.5

SOURCE: FBI, UNIFORM Crime Reports (Rates per 100,000 population)

APPENDIX B

FOOTNOTES

1. Information Please Almanac 1975, 699.
2. Id.
3. U.S. Dept. of Commerce, Statistical Abstract of the United States 1974, Table No. 11, at 12.
4. Id., Table No. 18, at 19.
5. North Dakota 1975 Official Highway Map.
6. See n.1, supra, at 84.
7. The World Almanac and Book of Facts 1975, 966-67.
8. North Dakota Combined Law Enforcement Council, Crime and Delinquency in North Dakota - 1975 Comprehensive Plan for Action, at II-33.
9. Id., at II-38.
10. See n.3, supra, Table No. 399, at 244.
11. See n.8, supra.
12. Id., at II-39.
13. N.D. Cent. Code § 11-15-27 (1960).
14. See n.8, supra.
15. N.D. Constitution § 173 (1973 Supp.).
16. N.D. Cent. Code § 11-15-03 (1960).
17. See n.8, supra, at II-34.
18. See n.15, supra.
19. See n.8, supra, at II-37.
20. N.D. Cent. Code § 11-19-01 (1960).
21. See n.8, supra, at II-39.
22. Id.
23. N.D. Cent. Code § 39-03-02 (1972).
24. N.D. Cent. Code § 39-03-09 (12) (1972).
25. N.D. Cent. Code § 12-60-01 (1973 Supp.).
26. N.D. Cent. Code § 12-60-07 (1973 Supp.).
27. See n.8, supra, at II-41.
28. Id., at II-43.
29. Id.
30. Id., at II-45.
31. N.D. Cent. Code Chap. 20-02 (1970).
32. See n.8, supra, at II-45.
33. Id.
34. United States Government Manual 1974-75, at 301.
35. See n.8, supra, at II-45, 46.
36. Id., at II-46.
37. N.D. Cent. Code Chap. 11-16.
38. Kittler v. Kelsch, 56 N.D. 227, 216 N.W. 898 (1927).
39. N.D. Constitution § 173 (1973 Supp.).
40. State v. Stepp, 45 N.D. 516, 178 N.W. 951 (1920).
41. See n.8, supra, at II-75.
42. N.D. Constitution, §§ 82 and 83 (1973 Supp. & 1960 Vol.).
43. N.D. Cent. Code § 54-12-01 (1974).
44. N.D. Cent. Code §§ 54-12-03, 04 (1974).
45. Argersinger v. Hamlin, 404 U.S. 982 (1972).
46. Johnson v. Zerbst, 304 U.S. 458 (1938), and N.D.R. Crim. P. Rule 44.
47. N.D. Cent. Code § 29-07-01.1 (1974).
48. N.D. Cent. Code § 40-18-15 (1968).
49. See n.8, supra, at II-69.
50. N.D. Cent. Code § 40-18-01 (1968).
51. Id.
52. N.D. Cent. Code § 40-18-12 (1968).
53. N.D. Cent. Code § 40-18-19 (1968).
54. N.D. Cent. Code § 27-07-09 (1974).
55. N.D. Cent. Code § 33-01-04 (1960).
56. Misdemeanors are divided into two classes:
    1. Class A misdemeanor, for which a maximum penalty of one year's imprisonment, a fine of one thousand dollars, or both, may be imposed.
    2. Class B misdemeanor, for which a maximum penalty of thrity days' imprisonment, a fine of five thousand dollars, or both may be imposed.

    Felonies are divided into three categories: Class A (with maximum penalty of 20 years and/or $10,000), Class B (maximum penalty of 10 years and/or $10,000), and Class C (maximum penalty of 5 years and/or $5,000). See N.D. Cent. Code § 12.1-32-01 (1975 Supp.).
57. N.D. Cent. Code § 33-01-08 (1960).
58. Id.
59. N.D.R. Crim. P. Rule 5.1 (a).
60. N.D.R. Crim. P. Rule 5.1 (b).
61. N.D. Cent. Code § 33-12-19 (1960).
62. N.D. Cent. Code § 33-12-34 (1960).
63. State v. Baner, 153 N.W. 2d 895 (1967).
64. N.D. Cent. Code §§ 27-18-01,02 (1974).
65. Id. Also, see n.52, supra, at 10.
66. N.D. Cent. Code § 27-08-20 (1974).
67. N.D. Cent. Code §§ 27-08-30 and 33 (1974).
68. N.D. Cent. Code § 27-08-40 (1974).
69. N.D. Cent. Code § 27-08-21 (1974).
70. N.D. Constitution §§ 111 and 107.
71. N.D. Constitution § 103, and N.D. Cent. Code § 27-05-06 (1974).
72. State ex rel. Johnson v. Broderick, 75 N.D. 340, 27 N.W. 2d 849 (1947).
73. N.D. Cent. Code § 27-20-02 (1974).
74. N.D. Cent. Code § 27-20-24 (1974).
75. N.D.R. Crim. P. Rule 23.
76. N.D.R. Crim. P. Rule 31.
77. N.D. Constitution § 107.
78. N.D. Cent. Code § 27-05-02 (1974).
79. N.D. Constitution § 94.
80. N.D. Constitution § 90.
81. N.D. Cent. Code § 27-02-01 (1974).
82. N.D. Cent. Code § 27-02-04 (1974).
83. N.D. Cent. Code § 27-02-23 (1974).
84. N.D. Cent. Code § 27-02-04 (1974).
85. N.D. Constitution § 87.

86. N.D. Cent. Code § 27-15-01 (1974).
87. N.D. Cent. Code § 27-15-05 (1974).
88. N.D. Cent. Code § 27-15-06 (1974).
89. N.D. Cent. Code § 27-15-07 (1974).
90. N.D. Cent. Code § 27-15-04 (1974).
91. N.D. Cent. Code § 27-15-08 (1974).
92. See n.8, supra, at II-72, 73.
93. 18 U.S.C. § 3231.
94. 28 U.S.C. § 2254.
95. See n.8, supra, at II-83.
96. N.D. Cent. Code §§ 12-44-01, 11, and 29 (1960 and 1973 Supp.).
97. N.D. Cent. Code §§ 12-44-12, 20 (1960).
98. See n.8, supra, at Ii-82.
99. N.D. Cent. Code § 12-44-02 (1960).
100. LEC Jail Survey, 1971, Table 11B, reported in North Dakota Combined Law Enforcement Council, Crime and Delinquency in North Dakota — 1975 Comprehensive Plan for Action, at II-81.
101. Id., at 83.
102. Id., at 88.
103. North Dakota Judicial Council Statistical Compilation and Report, July—December 1973, Table 69. At the end of Fical Year 1973 (June 30, 1973), the 1975 Comprehensive Plan for Action (see n.8, supra, at II-90) listed 145 inmates at the penitentiary.
104. See n.8, supra, at II-91.
105. Id., at II-92.
106. Id., at II-90.
107. N.D. Cent. Code § 54-21-25 (1974).
108. See n.8, supra, at II-94.
109. N.D. Cent. Code § 12-51-09 (1960) and § 12-51-07 (1973 Supp.).
110. N.D. Cent. Code § 12-51-07 (1973 Supp.).
111. See n.8, supra, at II-95.
112. Id., at II-94.
113. Id., at II-97.
114. Id., at II-99.
115. N.D. Cent. Code § 12-46-01 (1973 Supp.).
116. See n.8, supra, at II-105, 06.
117. N.D. Cent. Code § 12-46-13 (1973 Supp.).
118. See n.8, supra, at II-106.
119. Id., at II-104.
120. Id., at II-107.
121. N.D. Cent. Code § 27-20-17 (2) (1974).
122. Id., § 27-20-14.
123. See n.8, supra, at II-108, 109.
124. Id., at II-109, 110.
125. N.D. Cent. Code § 27-21-02 (1974).
126. See n.8, supra, at II-113.
127. Id., at II-114.
128. Id., at II-115.

APPENDIX C

The following is a list of organizations or individuals submitting names in nomination for the 50 Commission positions:

1. AREA Low Income Council, Incorporated
2. American Dairy Association of North Dakota
3. Association of County Judges and Clerks of District Court
4. Association of General Contractors
5. Automobile Dealers Association of North Dakota
6. Common Cause
7. County Treasurers Association
8. Farmers Grain Dealers Association
9. Governor's Office
10. North Dakota Association of Cleaners and Laundrymen
11. North Dakota Association of County Welfare Boards of Directors
12. North Dakota Association of Life Underwriters
13. North Dakota Association of Rural Electric and Telephone Cooperatives
14. North Dakota Association of School Administrators
15. North Dakota Association of Soil Conservation Districts
16. North Dakota Bankers Association
17. North Dakota Chapter of National Association of Social Workers
18. North Dakota Combined Law Enforcement Council
19. North Dakota Commission on the Status of Women
20. North Dakota Conference of Churches
21. North Dakota Catholic Conference
22. North Dakota Council on Education
23. North Dakota County Auditors Association
24. North Dakota Cowbelles
25. North Dakota Criminal Justice Commission Advisory Committee
26. North Dakota Education Association
27. North Dakota Farm Bureau
28. North Dakota Farmers Union
29. North Dakota Grazing Association
30. North Dakota Hospital Association
31. North Dakota Hospitality Association
32. North Dakota Implement Dealers Association
33. North Dakota Indian Affairs Association
34. North Dakota Judicial Council
35. North Dakota League of Cities
36. North Dakota Legislative Council
37. North Dakota Mental Health Association
38. North Dakota Motor Carriers
39. North Dakota Newspaper Association
40. North Dakota Parent Teachers Association
41. North Dakota Peace Officers Association
42. North Dakota Retail Lumbermen's Association
43. North Dakota Retired Citizens Association
44. North Dakota School Boards Association
45. North Dakota Society of Certified Public Accountants
46. North Dakota State Employees Association
47. North Dakota State Nurses' Association
48. North Dakota State's Attorneys' Association
49. North Dakota Stockmen's Association
50. North Dakota Supreme Court
51. North Dakota Wildlife Federation

52. Staff of North Dakota Criminal Justice Commission
53. State Bar Association
54. State Court Administrator's Office
55. University of North Dakota Law School Faculty
56. University of North Dakota Student Body President
57. University of North Dakota Student Government

APPENDIX D

MEMBERS OF THE NORTH DAKOTA CRIMINAL JUSTICE COMMISSION

1. ALLMARAS, ED
   New Rockford
2. ANDERSON, ED
   Fargo
3. ANDERSON, LESTER
   Leonard
4. ANSETH, LEROY
   Williston
5. ATKINSON, JUDY
   New Town
6. ATOL, RAY
   Williston
7. BACHMEIER, BEN
   Marion
8. BAKER, PAIGE
   Mandaree
9. BARNHART, JERRY
   Dickinson
10. BECKER, EDWIN
    Willow City
11. BLORE, WILLIAM
    Minot
12. BOURN, ROGER
    Scranton
13. BROSSEAU, JAMES
    St. Paul, MN
14. CANTARINE, ELIZABETH
    Williston
15. DAWES, KEN
    Grand Forks
16. FLECK, MARLYS
    Bismarck
17. FREDERICK, RICHARD
    Belcourt
18. FREED, HOWARD
    Dickinson
19. GEHRKE, WILLIAM
    Fargo
20. GUY, WILLIAM III
    Grand Forks
21. HALL, REIS
    Mandan
22. HARVEY, BOB
    Bismarck
23. HAVENER, JOSEPH
    Bismarck
24. HEEN, DOUGLAS
    Devils Lake
25. HIGGINS, KENT
    Bismarck
26. HOFFNER, S.F.
    Esmond
27. HUBBARD, ROBERT
    Minot
28. HUBRIG, SYLVAN
    Minot
29. JOHNSON, GEORGE
    Minot
30. JOHNSTON, MARION
    Grafton
31. KRETSCHMAR, WILLIAM
    Venturia
32. LANDON, ROBERT
    Virginia
33. LANGE, NORBERT
    Bismarck
34. LIMVERE, KARL
    Jamestown
35. LUNDENE, HENRY
    Adams
36. MURPHY, JACK
    Killdeer
37. OLIN, JACK
    Dickinson
38. PAULSON, WILLIAM
    Bismarck
39. PETERSON, BEA
    New England
40. PETERSON, DAVE
    Bismarck
41. POITRA, LARRY
    Bismarck
42. QUANRUD, REBECCA
    Bismarck
43. RADERMACHER, SYLVESTER
    Monango
44. REIDMAN, IRV
    Bismarck
45. RISKEDAHL, BURT
    Bismarck
46. SAND, ROBERT
    Bismarck
47. SCHELL, DONALD
    Mandan
48. SCHMIDT, PAUL
    Grand Forks
49. SCHUSTER, RODERIC
    Fargo
50. SINCLAIR, SHIRLEY
    Fargo
51. SMITH, KIRK
    Grand Forks
52. STEGNER, WILLIAM
    Rhame
53. STOERKER, J. WINFRED
    Bismarck
54. SVEEN, GERALD
    Bottineau
55. SWIONTEK, STEVE
    Fargo
56. TJADEN, ROD
    Medora
57. VOGEL, ROBERT
    Bismarck
58. WEBB, RODNEY
    Grafton
59. WHEELER, GERIDEE
    Bismarck
60. WOOD, RALPH
    Bismarck

Although limited to 50 members at any one time, several people served only a portion of the two-year period outlined for the Commission and replacements were appointed. Consequently, there were more than 50 commissioners.

APPENDIX E

STAFF OF THE NORTH DAKOTA CRIMINAL JUSTICE COMMISSION

Directors

John T. (Jack) McDonald: May 1, 1974 - June 15, 1975
Dwight F. Kalash: June 15, 1975 - Present

Assistant Directors

Thomas Hamlin: June 3, 1974 - July 31, 1974
David Maring: June 15, 1974 - October 11, 1974
Michael Lochow: September 6, 1974 - August 31, 1975
Dwight F. Kalash: October 7, 1974 - June 14, 1975
John N. Fleur: August 16, 1975 - Present

Officer Manager

Kathy Benson: June 3, 1974 - Present

Secretary

Bridget Gedzala: June 17, 1974 - Present

Research Attorneys

Professor W. Jeremy Davis
Professor Daniel Guy
Professor Thomas Lockney
Professor William Thoms
Professor Edward Ward

Research Assistants

Swain Benson
Kelly Boyum
John Foster
Sharon Gallagher
Donna Geck
Gail Hagerty
Linus Johnson
Robert S.T. Johnson
Thomas Kuchera
Thomas Metelmann
Peter Pantaleo
Cindy Phillips
Dale Sandstrom
Mark Suby
Robert Udland

APPENDIX F

COMMITTEES OF THE NORTH DAKOTA CRIMINAL JUSTICE COMMISSION

Advisory Committee

Governor Arthur Link	Bismarck
Attorney General Allen I. Olson	Bismarck
Chief Justice Ralph Erickstad	Bismarck

Executive Committee

Professor Robert Hubbard - Chairperson	Minot
Mr. David Peterson - Vice-Chairperson	Bismarck
Mr. William Blore	Minot
Mr. Reis Hall	Mandan
Mr. Robert W. Holte	Bismarck
Mrs. Marion Johnston	Grafton
Mr. Karl Limvere	Jamestown
Dean Robert K. Rushing	Grand Forks
Judge Kirk Smith	Grand Forks

Plans Committee

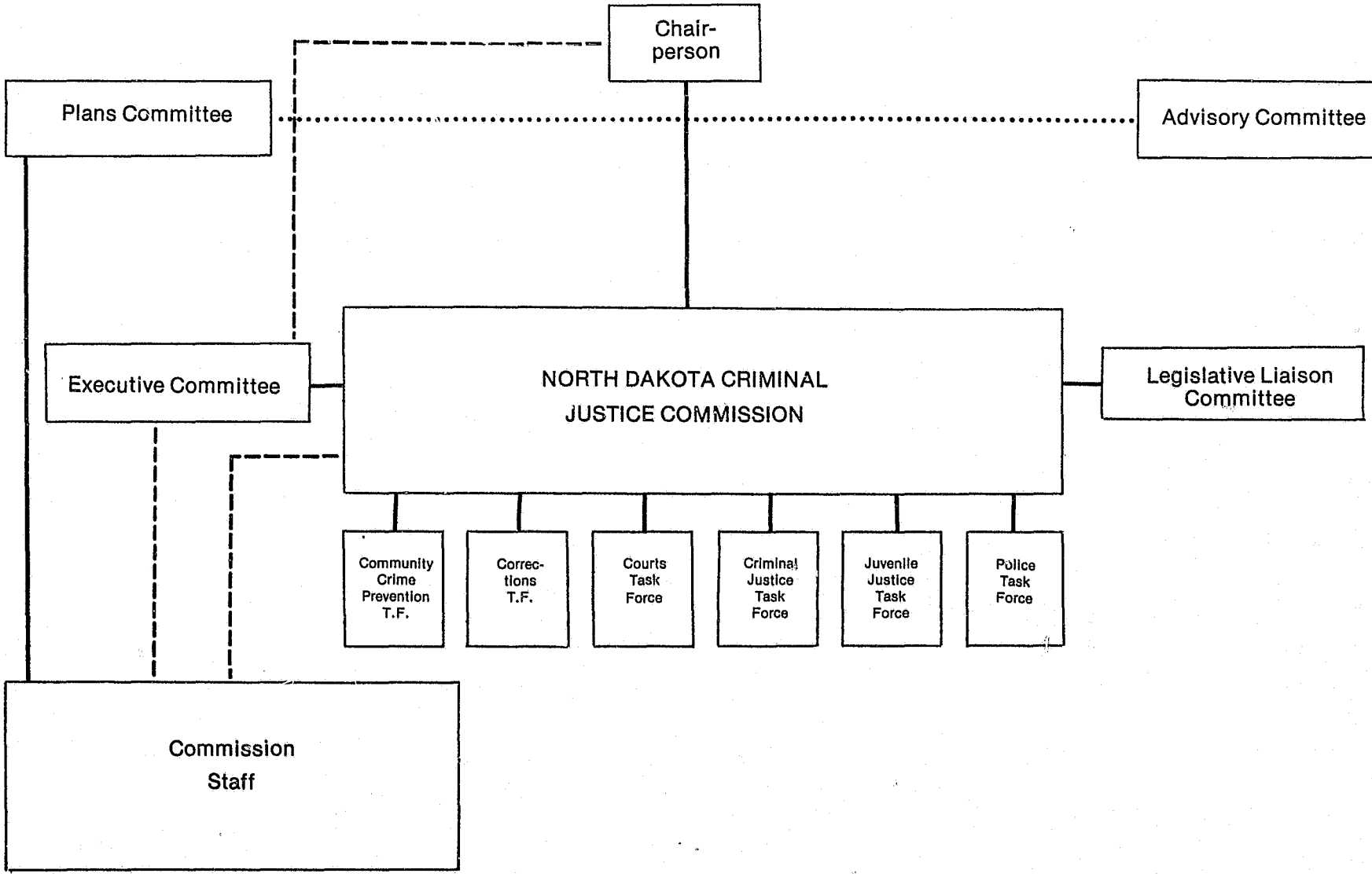
Dean Robert K. Rushing	Grand Forks
Professor Bruce Bohlman	Grand Forks
Professor W. Jeremy Davis	Grand Forks
Professor Larry Kraft	Grand Forks

Legislative Liaison Committee

Senator Howard Freed	Dickinson
Senator S.F. Hoffner	Esmond
Senator Roderic Schuster	Fargo
Representative William Kretschmar	Venturia
Representative Henry Lundene	Adams

APPENDIX G

STRUCTURE OF THE NORTH DAKOTA CRIMINAL JUSTICE COMMISSION



CONTINUED

2 OF 3

APPENDIX H

PAST AND PRESENT COMMISSION MEMBERSHIP BY TASK FORCE

Community Crime Prevention Task Force

1. Baker, Paige
2. Barnhart, Jerry
3. Becker, Edwin
4. Bourn, Roger
5. Limvere, Karl
6. Lundene, Henry
7. Sinclair, Shirley

Corrections Task Force

1. Anseth, LeRoy
2. Blore, William
3. Brosseau, James
4. Gehrke, William
5. Hall, Reis
6. Havener, Joseph
7. Hoffner, S.F.
8. Hubrig, Sylvan
9. Landon, Robert
10. Poitra, Larry
11. Reidman, Irv
12. Riskedahl, Burt
13. Sand, Robert
14. Stegner, William
15. Tjaden, Rod
16. Vogel, Robert

Courts Task Force

1. Atkinson, Judy
2. Fleck, Marlys
3. Frederick, Richard
4. Freed, Howard
5. Guy, William III
6. Heen, Douglas
7. Higgins, Kent
8. Johnson, George
9. Paulson, William
10. Peterson, David
11. Quanrud, Rebecca
12. Schuster, Roderic
13. Smith, Kirk
14. Webb, Rodney
15. Wheeler, Gerridee

Criminal Justice Systems Task Force

1. Allmaras, Ed
2. Johnston, Marion
3. Kretschmar, William
4. Lange, Norbert
5. Peterson, Bea
6. Radermacher, Sylvester
7. Schell, Donald

Juvenile Justice Task Force

1. Bachmeier, Ben
2. Baker, Paige
3. Blore, William
4. Fleck, Marlys
5. Hall, Reis
6. Higgins, Kent
7. Swiontek, Steve

Police Task Force

1. Anderson, Ed
2. Anderson, Lester
3. Atol, Ray
4. Bachmeier, Ben
5. Cantarine, Elizabeth
6. Dawes, Kenneth
7. Harvey, Bob
8. Hubbard, Robert
9. Murphy, Jack
10. Olin, Jack
11. Schmidt, Paul
12. Stoerker, J. Winfred
13. Sveen, Gerald
14. Swiontek, Steve
15. Wood, Ralph

APPENDIX I

I. Standard 4.1 Time Frame for Prompt Processing of Criminal Cases

THE PERIOD FROM ARREST TO THE BEGINNING OF TRIAL OF A FELONY PROSECUTION GENERALLY SHOULD NOT BE LONGER THAN 60 DAYS. IN A MISDEMEANOR PROSECUTION, THE PERIOD FROM ARREST TO TRIAL GENERALLY SHOULD BE 30 DAYS OR LESS.

II. North Dakota Status and Comments

NDCC 29-19-02:

In a criminal prosecution, the state and the defendant each shall have the right to a speedy trial.

N.D.R. Crim. P. 48(b):

If there is unnecessary delay in presenting the charge to a grand jury or in filing an information or complaint against a defendant who has been arrested or for whose arrest a warrant has been issued, or if there is unnecessary delay in bringing a defendant to trial, the court may dismiss the indictment, information or complaint.

North Dakota law does not comply with the standard since no specific length of time, expressed in terms of days or months, is established.

According to the ROC commentary on the standard, "because the Commission views as the relevant issue prompt processing of cases for the good of the community, this standard does not purport to define a right of defendants." The commentary goes on to explain that the time periods set relate only to the norm or average and do not impose outside limits.

> "Generally, four factors may be considered relevant in determining whether the right to a speedy trial has been denied: 'the length of delay, the reason for the delay, the prejudice to the defendant, and waiver by the defendant.' (Wright, Federal Practice and Procedure: Criminal, § 307 at p. 307, citing United States ex rel. Von Cseh v. Fay, 313 F. 2d 620, 623 (2nd Cir. 1963). (As utilized by the courts, however, the casual factor actually encompasses two issues: (1) who caused the delay, and (2) the motives or reasons for the delay. (The Right to Speedy Trial, 1968, 20 Stan. L. Rev. 476, 478 n. 15.) A defendant can waive his speedy trial claim in four ways: (1) by failing to present the claim prior to or at the trial, (2) by entering a voluntary plea of guilty, (3) by failing to 'demand' a prompt trial, or (4) by expressly consenting to the delay. The first two forms of waiver have no relevance to the reasonableness of the delay in bringing the defendant to trial: they are merely procedural rules designed to give finality to criminal convictions. Although the last two forms of waiver do have some relevance to the reasonableness of a delay, they have no independent significance. Under the demand doctrine a defendant must preserve his right to a speedy trial by taking in open court some affirmative action—such as objecting to the trial adjournment or demanding that he be brought to trial. Any delay occurring before such action has been taken cannot be challenged even though it may have been unreasonable. Thus, a waiver cannot be considered a substantive factor in a speedy-trial determination. (The Right to Speedy Trial, 1968, 20 Stan. L. Rev. 476, 478-480.)"
>
> Explanatory Note to N.D.R. Crim. P. 48 (b).

The Supreme Court has found no constitutional basis for holding that the speedy trial right can be quantified into a specified number of days or months and has rejected the rule that a defendant who fails to demand a speedy trial forever waives his right, although the defendant's assertion or failure to assert his right to a speedy trial is one of the factors to be considered in an inquiry into the deprivation of the right. Barker v. Wingo, 407 U.S. 514 (1971).

Dismissal has been held by the Supreme Court to be the only possible remedy when a defendant has been denied a speedy trial. Strunk v. United States, 412 U.S. 434 (1973).

III. Staff Recommendations

Since the North Dakota law provides for a speedy trial, and the time periods suggested are neither enforceable nor constitutionally required, no action is recommended by the staff, although hortatory approval may be in order.

IV. Methods of Implementation

Any change would probably have to be brought about by amending the Rules of Criminal Procedure.

V. Task Force Action

APPENDIX J
STANDARDS RELATED TO GOALS

		COURTS GOALS									
		1	2	3	4	5	6	7	8	9	Other
Standard	1.1	x									
" "	1.2	x									
" "	2.1	x									
" "	2.2	x									
" "	3.1		x								
" "	3.2		x								
" "	3.3		x								
" "	3.4		x								
" "	3.5		x								
" "	3.6		x								
" "	3.7		x								
" "	3.8		x								
" "	4.1			x							
" "	4.2			x							
" "	4.3										x
" "	4.4			x							
" "	4.5										x
" "	4.6			x							
" "	4.7			x							
" "	4.8			x							
" "	4.9										x
" "	4.10										x
Recommendation	4.1										x
Standard	5.1										x
" "	6.1				x						
" "	7.1					x					
" "	7.2					x					
" "	7.3					x					
" "	7.4					x					
" "	7.5					x					
" "	8.1						x				
" "	8.2										x
" "	9.1						x				
" "	9.2										x
" "	9.3										x
" "	9.4							x			
" "	10.1							x			
" "	10.2							x			
" "	10.3							x			
" "	10.4							x			
" "	10.5							x			
" "	10.6							x			
" "	10.7							x			
" "	11.1										x
" "	11.2										x
" "	11.3										x
" "	11.4										x
" "	11.5										x
" "	11.6										x
" "	11.7										x
" "	11.8										x
Recommendation	11.1										x

COMMUNITY CRIME PREVENTION
GOALS

		1	2	3	4	5	6	7	8	9	Other
Recommendation	1.1	x									
" "	1.2	x									
" "	1.3	x									
" "	1.4	x									
" "	1.5	x									
" "	1.6	x									
" "	2.1			x							
" "	2.2			x							
" "	2.3			x							
" "	2.4			x							
" "	2.5			x							
" "	2.6			x							
" "	2.7			x							
" "	2.8			x							
" "	2.9			x							
" "	2.10			x							
" "	2.11			x							
" "	2.12			x							
" "	2.13			x							
" "	2.14			x							
" "	3.1				x						
" "	3.2				x						
" "	3.3				x						
" "	3.4				x						
" "	3.5				x						
" "	3.6				x						
" "	3.7				x						
" "	4.1	x									
" "	4.2	x									
" "	4.3	x									
" "	4.4	x									
" "	4.5	x									
" "	5.1				x						
" "	5.2				x						
" "	5.3				x						
" "	5.4				x						
" "	5.5				x						
" "	5.6				x						
Standard	6.1					x					
" "	6.2					x					
" "	6.3					x					
" "	6.4					x					
" "	7.1					x					
" "	7.2					x					
" "	8.1										x
" "	9.1										x
" "	9.2										x
" "	9.3										x
" "	10.1					x					
" "	10.2					x					

CORRECTIONS GOALS

		1	2	3	4	5	6	7	8	9	Other
Standard	1.1	x									
" "	1.2	x									
" "	1.3	x									
" "	1.4	x									
" "	1.5	x									
" "	1.6	x									
" "	1.7	x									
" "	1.8	x									
" "	1.9	x									
" "	1.10	x									
" "	1.11	x									
" "	1.12	x									
" "	1.13	x									
" "	1.14	x									
" "	1.15	x									
" "	1.16	x									
" "	1.17	x									
" "	1.18	x									
Recommendation	1.1	x									
Standard	2.1										x
" "	2.2										x
" "	2.3										x
" "	2.4										x
" "	2.5	x									
" "	2.6										x
" "	3.1										x
" "	3.2										x
" "	3.3										x
" "	3.4										x
" "	3.5										x
" "	3.6										x
" "	3.7										x
" "	3.8										x
" "	3.9										x
" "	4.1										x
" "	4.2										x
" "	4.3										x
" "	5.1			x							
" "	5.2			x							
" "	5.3						x				
" "	5.4			x							
" "	6.1				x						
" "	6.2				x						
" "	6.3				x						
" "	6.4			x							
" "	6.5										x
" "	6.6			x							
" "	6.7			x							
" "	6.8			x							
" "	6.9			x							
" "	6.10			x							
" "	7.1				x						
" "	7.2				x						
" "	7.3				x						
" "	7.4				x						

CORRECTIONS [con't]
GOALS

		1	2	3	4	5	6	7	8	9	Other
Standard	8.1										X
" "	8.2										X
" "	8.3										X
" "	8.4										X
" "	8.5										X
" "	8.6										X
" "	8.7										X
" "	8.8										X
" "	8.9										X
" "	8.10										X
" "	9.1										X
" "	9.2										X
" "	9.3										X
" "	9.4										X
" "	9.5			X							
" "	9.6										X
" "	9.7										X
" "	10.1										X
" "	10.2										X
" "	10.3										X
" "	11.1					X					
" "	11.2					X					
" "	11.3					X					
" "	11.4					X					
" "	11.5					X					
" "	11.6										X
" "	11.7										X
" "	11.8										X
" "	11.9					X					
" "	11.10										X
Recommendation	11.1										X
Standard	12.1										X
" "	12.2										X
" "	12.3	X									
" "	12.4				X						
" "	12.5				X	X					
" "	12.6										X
" "	12.7										X
" "	12.8										X
" "	12.9										X
" "	12.10										X
" "	12.11										X
" "	12.12			X							
" "	12.13										X
" "	12.14										X
Recommendation	12.1			X							

CRIMINAL JUSTICE SYSTEMS
GOALS

		1	2	3	4	5	6	7	8	9	Other
Standard	1.1	x									
" "	1.2	x									
" "	1.3	x									
" "	1.4	x									
" "	1.5	x									
" "	2.1		x								
" "	2.2		x								
" "	2.3		x								
" "	2.4		x								
" "	3.1		x								
" "	3.2		x								
" "	3.3		x								
" "	3.4		x								
" "	3.5		x								
" "	3.6		x								
" "	3.7		x								
" "	3.8		x								
" "	4.1		x								
" "	4.2		x								
" "	4.3		x								
" "	4.4		x								
" "	4.5		x								
" "	4.6		x								
" "	5.1		x								
" "	5.2		x								
" "	5.3		x								
" "	5.4		x								
" "	5.5		x								
" "	5.6		x								
" "	5.7		x								
" "	6.1		x								
" "	7.1		x								
" "	7.2		x								
" "	7.3		x								
" "	7.4		x								
" "	7.5		x								
" "	7.6		x								
" "	7.7		x								
" "	7.8		x								
" "	8.1		x								
" "	8.2		x								
" "	8.3		x								
" "	9.1		x								
" "	9.2		x								
" "	9.3		x								
" "	9.4		x								
" "	9.5		x								
" "	10.1		x								
" "	10.2		x								
" "	10.3		x								
" "	11.1										x
" "	11.2										x

CRIMINAL JUSTICE SYSTEMS [con't]

GOALS

		1	2	3	4	5	6	7	8	9	Other
Standard	12.1										x
" "	12.2										x
" "	12.3										x
" "	12.4										x
" "	12.5										x
Recommendation	12.1										x

JUVENILE JUSTICE
GOALS

		1	2	3	4	5	6	7	8	9	Other
Standard	1.1				x-a						
" "	1.2				x-f						
" "	2.1				x-a						
" "	2.2				x-a						
" "	2.3		x								
" "	2.4										x
" "	2.5	x-b									
" "	2.6	x-b									
" "	2.7	x-a									
" "	2.8	x-a									
Recommendation	2.1	x-a									
Standard	3.1				x-a						
" "	3.2				x-a						
" "	3.3	x-d									
" "	3.4										x
" "	3.5				x-e						
" "	3.6	x-b									
" "	3.7										x
" "	3.8		x								
" "	3.9				x-d						
" "	3.10										x
" "	3.11										x
" "	3.12	x-a									
" "	3.13				x-a						
" "	3.14				x-a						
Recommendation	4.1				x-a						
" "	4.2				x-d						
" "	4.3				x-d						
" "	4.4				x-d						
" "	4.5										x
" "	4.6				x-d						
" "	4.7				x-d						
" "	4.8				x-d						
" "	4.9				x-d						
" "	4.10				x-d						
" "	4.11				x-d						
" "	4.12				x-b						
" "	4.13				x-d						

		POLICE GOALS									
		1	2	3	4	5	6	7	8	9	Other
Standard	1.1	x									
" "	1.2						x				
" "	1.3	x									
" "	1.4						x				
" "	1.5	x									
" "	1.6						x				
" "	1.7						x				
" "	2.1	x									
" "	2.2	x									
" "	2.3	x									
" "	3.1			x							
" "	3.2			x							
" "	4.1				x						
" "	4.2				x						
" "	4.3				x						
" "	4.4				x						
" "	4.5				x						
Recommendation	4.1				x						
" "	4.2				x						
Standard	5.1				x						
" "	5.2		x								
" "	5.3				x						
" "	5.4				x						
" "	5.5			x							
" "	5.6				x						
" "	5.7				x						
" "	5.8				x						
Recommendation	5.1										x
" "	5.2										x
Standard	6.1				x						
" "	6.2				x						
" "	6.3				x						
" "	6.4				x						
" "	6.5										x
" "	6.6				x						
Recommendation	6.1										x
Standard	7.1				x						
" "	7.2					x					
" "	7.3				x						
" "	8.1				x						
" "	8.2				x						
" "	8.3				x						
" "	8.4										x
" "	8.5				x						
" "	8.6				x						
" "	8.7				x						
" "	8.8				x						
" "	8.9				x						
" "	8.10				x						
" "	9.1				x						
" "	9.2				x						
" "	10.1				x						
" "	10.2				x						
" "	10.3										x

POLICE [con't]
GOALS

		1	2	3	4	5	6	7	8	9	Other
Standard	11.1				x						
" "	11.2				x						
" "	11.3				x						
" "	11.4				x						
" "	12.1				x						
" "	12.2				x						
" "	12.3				x						
" "	12.4										x
" "	12.5				x						
" "	12.6				x						
Recommendation	12.1										x
" "	12.2										x
Standard	13.1					x					
" "	13.2					x					
" "	14.1										x
" "	14.2										x
" "	14.3										x
Recommendation	14.1										x
Standard	15.1										x
" "	15.2										x
" "	15.3										x
" "	15.4										x
" "	15.5										x
" "	15.6										x
" "	15.7										x
" "	16.1					x					
" "	16.2					x					
" "	16.3					x					
" "	16.4					x					
" "	16.5					x					
" "	17.1					x					
" "	17.2					x					
" "	17.3					x					
" "	18.1										x
" "	18.2										x
" "	18.3										x
" "	18.4										x
" "	18.5										x
" "	18.6										x
" "	19.1										x
" "	19.2										x
" "	19.3					x					
" "	19.4					x					
" "	19.5					x					
Recommendation	19.1					x					
Standard	20.1					x					
" "	20.2					x					
" "	20.3					x					
" "	21.1										x
" "	21.2										x
" "	21.3										x
Recommendation	21.1										x
Standard	22.1										x
" "	22.2										x

POLICE [con't]
GOALS

		1	2	3	4	5	6	7	8	9	Other
Standard	22.3										x
Recommendation	22.1										x
" "	22.2										x
" "	22.3										x
Standard	23.1										x
" "	23.2										x
" "	23.3										x
" "	23.4										x

END