

Criminal Justice
Planning and Budget
Workshop

THE FISCAL IMPACTS
OF
CRIMINAL JUSTICE STANDARDS

SPONSORED BY
AMERICAN BAR ASSOCIATION SECTION OF CRIMINAL JUSTICE



St. Paul, Minnesota
The St. Paul Hilton
March 26, 1976

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ACQUISITIONS

INTRODUCTION

One of the most important elements in any effort to implement standards and goals for criminal justice is the planning process, which must take into account all implications of the changes that implementation will bring about.

As the state and local governments continue to grapple with rising expenses on the one hand, and shrinking tax bases on the other, the role of fiscal planners in the standards and goals process becomes increasingly important. Bringing the fiscal planner into the implementation process therefore becomes a matter of high priority.

The emerging importance of the fiscal planning expert in this effort reinforces the underlying premise of the implementation project; criminal justice reform through standards and goals requires a cooperative effort that brings all elements of the criminal justice system together.

Therefore the American Bar Association's Criminal Justice Section brought together criminal justice professionals from law enforcement, the courts, prosecution and defense, and corrections with state and local government budget officers and officials including mayors, commissioners, and city managers. The purpose of this program was to assess the financial impact and problems in implementation of criminal justice standards and goals. Minnesota was selected for the forum because of that state's experience through implementation by means of court-promulgated Rules of Criminal Procedure.

AMERICAN BAR ASSOCIATION
Criminal Justice Section

CRIMINAL JUSTICE PLANNING AND BUDGET WORKSHOP
"THE FISCAL IMPACTS OF CRIMINAL JUSTICE STANDARDS"

The St. Paul Hilton, St. Paul, Minnesota
March 26, 1976

AM

8:30- Registration (Lower Lobby)

9:00 General Session (Minnesota West Ballroom)

Presiding: E. JAMES GEORGE, Professor, Wayne State

University Law School; Director, Center for Administration of
Criminal Justice, Detroit, Michigan; Vice-Chairman, ABA Section of
Criminal Justice

9:00- Opening Remarks

9:45 Hon. WARREN SPANNAUS, Attorney General of the State of
Minnesota, St. Paul, Minnesota

*Fiscal Implications of Implementing Criminal Justice Standards and
Goals:* B. JAMES GEORGE, Detroit, Michigan

9:45 *Fiscal Planning for Standards and Goals:* Panel Discussion

10:45 BILLY L. WAYSON, Moderator

Director, ABA Correctional Economics Center,
Washington, D.C.

WILLIAM NUGENT, Director of the Budget)
State of Michigan, Lansing, Michigan)

DR. STEPHEN G. BUCKLES, Consultant, National) Panelists
Center for State Courts—South Central Region,)
Nashville, Tennessee)

DANIEL SKOLER, Visiting Fellow, LEAA)
National Institute of Law Enforcement)
and Criminal Justice, U.S. Department of)
Justice, Washington, D.C.)

10:45- Coffee Break (Outside Indian Suite)

11:00

11:00- Workshops: *Fiscal Planning for Standards and Goals Implementation—*
12:00 *How To Do It*

11:00- A. Law Enforcement (Pioneer West)

12:00

Moderator: MYRON H. BLANCH, Police Training Coordinator
Dakota County, Hastings, Minnesota

Program (page two)

Resource: JOYCE BLALOCK, Assistant Director, Research
Division, International Association of Chiefs of
Police, Gaithersburg, Maryland

B. *Pretrial Release (Pioneer East)*

Moderator: ROBERT A. HANSON, Director
Project REMAND, St. Paul, Minnesota

Resource: BRUCE BEAUDIN, Director
District of Columbia Bail Agency
Washington, D.C.

C. *Speedy Trial (Senate West)*

Moderator: JAMES P. FLANNERY, ESQ., Consultant to
U.S. District Court, St. Paul, Minnesota

Resource: BRUCE EICHNER, Assistant Director
Institute of Judicial Administration
New York, NY

D. *Corrections (Senate East)*

Moderator: DR. JOSEPH HUDSON, Director, Research and
Development, Minnesota Department of Corrections,
St. Paul, Minnesota

Resource: BILLY L. WAYSON, Washington, D.C.

E. *Criminal Justice Budget Planning (Indian Suite)*

Moderator: PROFESSOR B. JAMES GEORGE

Resources: PENELOPE D. CLUTE, Hearings Officer
Administrator, Michigan Department of
Corrections, Lansing, Michigan

PAUL BISHOP, ESQ., Studies in Justice, Inc.,
Washington, D.C.

12 noon Luncheon (Wabasha Hall—IV)

Presiding: LAUREN A. ARN, Esq.

Deputy Project Director for Implementation, ABA Section of
Criminal Justice, Washington, D.C.

Standards and Goals Implementation: A Local Approach

HONORABLE LAWRENCE D. COHEN, Mayor, St. Paul, Minnesota

PM

1:30-
2:30

Workshops: *Fiscal Planning for Standards and Goals Implementation—
How To Do It (cont'd)*

A. Law Enforcement (Pioneer West)

B. Pretrial Release (Pioneer East)

Program (page three)

- C. Speedy Trial (Senate West)
- D. Corrections (Senate East)
- E. Criminal Justice Budget Planning (Indian Suite)

2:30-
2:45 Refreshment Break (Minnesota West Ballroom Foyer)

2:45 General Session (Minnesota West Ballroom)
Presiding: LAUREN A. ARN, Esq.

2:45- Coordinating Standards and Goals Implementation:
4:00 Panel Discussion

LAUREN A. ARN, Moderator

BETSY REVEAL, Director of Planning, State of)
Minnesota, Governor's Commission on Crime)
Prevention and Control, St. Paul, Minnesota)

HON. WILLIAM McCUTCHEON, Senator, 67th)
Senatorial District, St. Paul, Minnesota;)
Deputy Chief of Police, City of St. Paul)

HON. THOMAS JOHNSON, Alderman, Second Ward,)
City of Minneapolis, Minnesota;) Panelists
Co-Chairman, Hennepin County Criminal Justice)
Council)

HON. ROBERT JOHNSON, County Attorney, Anoka)
County, Minnesota; Treasurer, National District)
Attorneys Association)

HENRY FEIKEMA, Esq., Minneapolis, Minnesota;)
Member, Minnesota Supreme Court Advisory)
Committee on Rules of Criminal Procedure)

4:00- Implementation of Standards by Judicial Rule-Making
4:30 HON. GEORGE M. SCOTT, Justice, Supreme Court of Minnesota;
Member, Advisory Committee on Pretrial Proceedings, ABA
Standards for Criminal Justice
C. PAUL JONES, Esq., State of Minnesota Public Defender,
Minneapolis, Minnesota; Member, Minnesota Supreme Court Advisory
Committee on Rules of Criminal Procedure

4:30- Closing Remarks
4:45 LAUREN A. ARN, Esq.
PROFESSOR B. JAMES GEORGE

AMERICAN BAR ASSOCIATION
CRIMINAL JUSTICE SECTION

CRIMINAL JUSTICE PLANNING
AND BUDGET WORKSHOP
ON
THE FISCAL IMPACTS OF
CRIMINAL JUSTICE STANDARDS

MARCH 26, 1976

AN EXECUTIVE SUMMARY



AMERICAN BAR ASSOCIATION

SECTION OF CRIMINAL JUSTICE

1800 M ST., N.W., 2ND FL., WASHINGTON DC 20036 TELEPHONE (202) 331-2260

March 26, 1976

Dear Participant:

We are pleased to welcome you as a specially selected participant to the American Bar Association Section of Criminal Justice pilot planning and budget workshop on "The Fiscal Impacts of Criminal Justice Standards."

This workshop is a significant part of the Section program for the "Nationwide Coordination of Standards and Goals for Criminal Justice," funded by a grant from the Law Enforcement Assistance Administration.

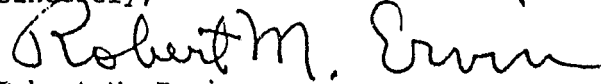
The objectives of this workshop are (1) to provide a pilot forum for specially selected state and local officials to assess the financial impact and problems in the implementation of criminal justice standards and goals; and (2) to obtain input based upon experience and accomplishments in the improvement and finalization of the series of "how to do it" implementation brochures that are included in this notebook. The published results of this workshop and the series of "how to do it" brochures will be utilized in fiscal planning and standards and goals implementation nationwide.

Minnesota was chosen for this pilot workshop because of the progressiveness of the recently adopted Rules of Criminal Procedure and other initiatives for the overall improvement of criminal justice at state and local levels.

The Section gratefully acknowledges the assistance of the Association of Minnesota Counties, the League of Minnesota Municipalities, the Metropolitan Inter-County Council, the Minnesota County Attorneys Council, the Office of Continuing Education for State Court Personnel, the International City Management Association, the National Association of Counties, and the National League of Cities/U.S. Conference of Mayors in the development and planning of this workshop.

On behalf of the Section of Criminal Justice, I wish you a most pleasant and productive workshop.

Sincerely,


Robert M. Ervin
Chairman

CHAIRMAN

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P.O. Box 1170
Tallahassee, FL 32302

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OPENING REMARKS

Professor B. James George, Jr., Vice-Chairman of the ABA Section of Criminal Justice, convened the workshop with a brief explanation of the ABA Criminal Justice Section's role in implementing the ABA Standards for Criminal Justice. He observed that one difficulty with the legal profession is that lawyers often tend to associate only with other lawyers. Similarly, those who specialize in criminal justice tend to think only in the terms of their profession and its priorities.

Early in the implementation process it became apparent that lawyers cannot rely on themselves to achieve success in such a monumental undertaking but must ally themselves with other professionals and other groups. With this in mind, Prof. George said, the ABA Criminal Justice Section has actively cosponsored implementation activities with a number of groups, including chiefs of police, special court judges, law teachers, court administrators, district attorneys and the press.

Prof. George then noted that implementation cannot be accomplished by one segment of government alone. Therefore, it is essential that criminal justice planners work closely with fiscal planners and budget specialists. The time of "full funding" is past, he said, and the criminal justice system, and other segments of society, are going to have to learn to function with scarcer resources.

This workshop, he said, had two goals: First, to assess the fiscal impact of the criminal justice standards in Minnesota and, by indirection, in the country as a whole. Second, to gain the benefit of the participants' experience and expertise in advising future directions to the implementation effort.

Minnesota Attorney General Warren Spannaus observed that the problems confronting the administration of justice become more difficult every day. While other problems such as energy, detente and Watergate can be overcome, increases in the crime rate have far more direct consequences for the average citizen. Our technology, he said, has solved many of our problems but sociological difficulties persist and intensify. The public has lost its freedom from fear. "The people who don't get mugged have to live behind a dozen chain locks and they live in fear of becoming one of the victims."

All of these problems are compounded by the fact that the money which was so plentiful in the 1960's seems to have vanished. However, he added, that doesn't alter the fact that something has to be done today about the problems this society faces. Spannaus reported that Minnesota has just completed a comprehensive and far-reaching set of Rules of Criminal Procedure. This marks the first time the state has had a single set of standards aiding prosecutors, judges, police, and everyone in the criminal justice system. These rules are patterned after the ABA Criminal Justice Standards and the office of the Attorney General is currently conducting an evaluation of the effectiveness of the new Rules with a report expected by July 1976.

"FISCAL IMPLICATIONS OF IMPLEMENTING CRIMINAL JUSTICE STANDARDS AND GOALS"

Prof. George emphasized that the combination of reduced tax bases and skyrocketing costs of governmental administration and social programs has placed many governments, especially the cities, in tight financial straits. Prof. George warned that what is done today in the name of economy to care for one segment of the population is almost certainly going to have explosive and expensive future consequences for other segments of society unless something is done to facilitate the distribution of tax revenues. For example, he noted, that Michigan had to apply an increased percentage of its revenues to welfare administration, often at the expense of other corrections programs, at a time when judges were sentencing more defendants to terms of incarceration.

The question thus becomes: what do the fiscal planners do about these problems and how far can certain needs in the civic spectrum as a whole be met disproportionately without doing far more harm to the community? A second question, and the primary issue in this workshop, Prof. George said, is how does this all tie in to the question of standards and goals implementation?

The first factor the criminal justice planners must take into account is that in the aftermath of the National Advisory Commission (NAC) Standards and Goals project each state was required to draft its own standards and goals. It is the policy of the U. S. Department of Justice, Law Enforcement Assistance Administration (LEAA), to urge the states to consider the NAC recommendations, the ABA Criminal Justice Standards, and other appropriate guidelines in developing state standards and goals.

The next step required by LEAA, beginning with fiscal year 1977, is that each state's plan must reflect its standards and goals. This means that the planners must show that they have at least considered aspects of the state standards and goals and have begun to identify areas of priority that can be initially funded under the state FY 1977 plan.

While some states could adopt the California's position of rejecting LEAA funds, Prof. George doubted that this was a reasonable alternative. In Michigan, he noted, the planners, after assessing the alternatives, found it imperative to continue to try to meet federal guidelines in order to take advantage of the federal funds.

However, federal funding is not without its problems. Even though there has been no decrease in appropriations, inflation in the past few years has reduced the purchasing power of the block grant allocations. This reduced buying power, coupled with rising costs in maintaining existing programs, leaves little for new programs, Prof. George said.

This leads to another important question: should the state planning agency approach be one of management by objective, zero budget planning, or some other method? Must every program be justified anew each year?

As the state enters the implementation phase the planning agency must determine how to select the standards that are to receive priority funding. This process must involve both fiscal planners and legislators on key appropriation committees and include an evaluation of the budget implications of implementation.

It is also essential, he said, that this decision-making process operate with adequate data to ensure that the decisions reached are informed and reasonable. In itself this presents problems because the cost of collecting the necessary data must be considered.

Another imperative, Prof. George noted, is that consideration be given to the need within a fairly short period of time to pick up the amount contributed by federal funds. What happens to programs if and when IEAA money is no longer forthcoming?

Therefore, from the outset the implementation planning process must bring together as many agencies of state and local government and as many interested private and public organizations as possible. Any planning action must be systemwide.

PANEL: FISCAL PLANNING FOR STANDARDS AND GOALS

General Observations

Daniel Skoler, Visiting Fellow at the National Institute of Law Enforcement and Criminal Justice Law Enforcement Assistance Administration, offered some broad national observations about criminal justice financing.

1. Criminal Justice is now the fifth largest expenditure of government for domestic services, totalling some \$15 billion.
2. Criminal justice expenses have risen in terms of real dollars, some 80-85 percent in the past decade.
3. The percentage amount of money invested by state and local governments has remained relatively stable, at about five percent for the states and 12 percent for the local governments.
4. The shares of the criminal justice dollar for the major criminal justice functions such as police, courts, prosecution, corrections, etc., have also remained fairly stable. The biggest increases, in this area, however have been for the smallest functions, prosecution and defense.
5. The biggest government spending increases have been at the federal level. The amount of money spent by the federal government has increased 500 percent.
6. Each new set of standards is getting more explicit on who pays for improved criminal justice services.

7. If fully implemented, the NAC Standards and Goals would radically reverse state and local responsibility for criminal justice financing. Currently the states pick up about 30 percent of the cost of criminal justice and the local governments 70 percent. If the NAC standards are implemented the ratio would be closer to 60 for the state and 40 for the localities'.

8. The move to state funding, especially in view of the localities' shrinking tax bases and the states' superior revenue generating capacity, might be a viable approach.

9. Finally, state funding may or may not mean centralization of criminal justice services, which is a very sensitive issue.

Mr. Skoler closed with a suggestion that consideration of the fiscal impact of implementation include a "long look" at the specific NAC standards and ABA standards relating to the financing of criminal justice entities, such as ABA Standards Relating to Providing Defense Services and Standards Relating to Court Organization.

Cost Analysis: Problems

Billy L. Wayson, Director of the ABA Correctional Economics Center, observed that some of the solutions to crime being proposed today, such as restitution, are really economic in one sense or another. Restitution is really a way to redistribute the cost of crime away from society and the victim and to the individual offender.

One of the problems encountered in attempting to evaluate the cost impact of the standards, he noted, is a phenomenon called "external cost". This refers to costs of a particular operation which aren't taken into consideration before a decision is made. These costs are borne by other units of government and even other organizational units in the same department. For example, a study of the operation of a prison in Massachusetts revealed that the actual cost of operating the facility in terms of dollar outlay was 28 percent larger than reported anywhere in the budget documents or accounting reports.

The underlying assumption, Mr. Wayson pointed out, is that bad information leads to bad decisions. "If you really don't know the cost of something, it's hard to say whether you should do this or that based on that criterion alone." However, cost should not be the only criterion. For example, whether halfway houses are cheaper than prison depends on how they are organized and what criteria are used to determine real cost.

Moving from costs to the standards, Mr. Wayson said the next question becomes what are the standards supposed to accomplish? Even if it is not possible to price out the cost of unit objectives it should be possible to determine what it costs to engage in the activities leading to the overall objective. While this is not easy, it must be done and it cannot be done by the economists alone. It requires a concerted effort on the part of the technicians, the elected public officials, and the people in the field.

Cost Analysis: Corrections

Gail Monkman, Assistant Director of the ABA Correctional Economics Center, described the experience of Washington State in setting standards for its corrections system. After the standards were drafted they were presented to the legislature on the basis of a cost-sharing formula: the jails need improvement and it will cost a certain amount of money to improve them. The legislature wanted more information as to how the money would be spent and whether the resulting system would be efficient. Legislators need cost information and standards are not always written so that cost information can be easily determined. Moreover, standards may or may not have cost implications.

The Correctional Economics Center was asked by Washington State to prepare an analysis of what it would cost to implement the standards. The ABA Correctional Economics Center took all of Washington's 248 standards, ranging from the vague to the specific, from capital to non-capital, from cost to no-cost, and characterized them in some way. Beyond that an attempt was made to at least classify the standards into functional categories. Accordingly, the standards were divided into those which will have capital costs and those which will have non-capital costs. (Non-capital costs include such items as personnel and supply costs.) Each standard implied a different kind of action and therefore a different kind of cost.

Essentially, she said, the process requires the application of a simple business analysis. "It's fine to have nice high goals," Ms. Monkman said, "like a better system and a happier inmate, but in terms of the economists' needs, and translated to the needs of the legislature: Where is the institution? Where do we want it to go? How do we get there? How do we know when we're there?"

In sum, Ms. Monkman concluded, standards implementation is not hard nor is it easy. "There are no magic formulas. Probably a slide rule or a calculator would help a little but that's about all you need, and a sharp pencil, and a willingness to look behind some of the vagueness of standards and categorize them in some fashion and address observable events."

Cost Analysis: Courts

Dr. Stephen G. Buckles, consultant for the National Center for State Courts, described a project undertaken by the National Center for State Courts and the Missouri Supreme Court to apply economic and statistical analysis to the Missouri court system. The project sought to define and quantify as completely as possible what the output of the court system is and to estimate the cost of providing court services.

The project tried to analyze and calculate how much it costs to process different types of cases through the court system and to determine the costs of various stages of transactions within the circuit courts. An examination was conducted to determine how judges, clerks, reporters, juvenile officers and other non-judicial personnel spent their time. This enabled a calculation of the cost per transaction. The researchers calculated the costs of particular types of cases and of particular types of court transactions. From this base,

the project sought to estimate the most efficient size of a court in terms of the number of judges and geographical area. Finally, taking all of this information, the project attempted to construct a model court system that would permit an estimation of the costs of alternative types of output and of the implementation of standards and goals.

Dr. Buckles then explained that with this data it will be possible to compare actual costs with what the system is presently charging. Once these costs are determined, it will be possible to estimate why they differ among courts and to determine what, if any, changes should be made.

Among the most significant findings thus far, he said, was the discovery that the size of the courts is an extremely important variable. For example, there is a limit to the reduction of costs that can be achieved by consolidation. "I think," he said, "there are fairly important things for recommendations on the future structure of the court system."

With the background this project has provided, Dr. Buckles reported, it has been possible to deal specifically with some of the standards. For example, the research group was able to project what kinds of resources would be needed to bring the system up to the level recommended by several of the Standards Relating to Speedy Trial, on both a long-term and a short-term basis.

Most importantly, the data method employed in this project should enable the state Supreme Court and the legislature to at least know the costs and to estimate future changes in the system and their cost implications.

BUDGET PLANNING GROUP WORKSHOP

Following the "Fiscal Planning" panel session, participants attended small group workshops which focused on implementation techniques for particular types of criminal justice standards —

- Law Enforcement
- Pre-Trial Release
- Speedy Trial
- Corrections
- Criminal Justice Budget Planning

Each work group reviewed a draft of "How To Do It" implementation pamphlets prepared by the workshop consultants. The budget planning work group is summarized below; transcripts were not prepared for the other groups.

BUDGET PLANNING

Penelope Clute, Hearings Administrator, Michigan Department of Corrections, opened the workshop on budget planning by explaining how she and her staff developed an "Action Guide for Implementation." It began with an examination of the ABA and NAC standards to determine if they could be categorized in some way to determine the cost implications of implementation, cost or no-cost, and long-term or short-term costs. It was then discovered that the standards could be divided into four basic categories:

1. No-cost -- Those which called for neither organizational change nor a grant of new authority;
2. Those which would require only a change in practice with minimal short-term financial costs;
3. Those which would require legislation or court rule (and attendant short-term costs for changeover);
4. Those that would require long-term financial commitments.

In developing these classifications, she said, it was decided not to look primarily at whether a cost would be involved but more at what kind of action would be needed for implementation.

Ms. Clute emphasized that the Guide made no judgments as to the merit of any of the standards and did not recommend which should or should not be implemented. It simply said that if a particular agency chooses to implement a particular standard, a certain course of action might be required. Moreover, the Guide indicates only where there will be a cost and make no attempt to estimate that cost. It also seeks to indicate whether those costs will be long or short range but does not go into the area of which standards might have cost benefits or might involve trade-offs incidental to implementation.

Economic Benefit

Mr. Bishop, consultant from Studies in Justice, Inc., thought there was a need to discuss whether expected economic benefit is an appropriate direction from which to approach the standards. Should these standards be regarded solely as a means for saving money in the operation of police, courts, corrections facilities, or should they be examined from the approach that implementation will ensure the effective and fair administration of justice? Fair administration, he observed, isn't necessarily the most economical approach.

Mr. Bishop reported that he had gone through the ABA Standards in a general way and discovered areas where implementation can have real benefits. These might not be direct benefits or cost savings but perhaps, benefits to the accused, or the efficient operation, or to the better utilization of resources. There will be economic benefit in many areas, he added, but there will be trade-offs as well. Furthermore, there are many areas which leave much room for the exercise of discretion and it's hard to put a price tag on these areas.

At any rate, he warned, "We can't be seduced by the simple notion that the implementation of standards is going to bring about direct cost savings." In some cases implementation might bring real cost savings, but in some it will definitely not. It is important, he said, to avoid approaching the standards as panaceas for economic problems.

Mr. John D. Wunsch, Minneapolis Public Defender, questioned the extent to which economic impact is examined in the process of developing standards and goals. Treatment-oriented systems, he said, may not want to consider economic impact. By the same token, the public won't stand for more and more spending. It will become, therefore, increasingly more important to examine thoroughly the financial impact of new legislation, and new approaches to criminal justice problems. It would be hard to imagine, he added, any legislation, or any new rule of procedure that won't have some financial impact in the future.

Prof. Geroge observed that when one engages in a standards drafting effort one tries to picture what the system would look like if it were ideal. Accordingly, at the creation stage there is not much emphasis on cost. It is usually at the implementation stage that cost considerations become unavoidable, and critical. Then it becomes important to reach a functional compromise between what seems good for the system in the abstract and what is feasible. This compromise, he said, is critical.

Identifying Economic Impacts

Prof. George asked how Minnesota went about identifying the fiscal impact, the change, and reorganization made by the new Rules of Criminal Procedure would have on city, county, and state appropriations. What machinery, he inquired, was set up to make certain that all appropriate consultations with local officials were held and were these mechanisms ad hoc or permanent?

Justice Lawrence R. Yetka, of the Minnesota Supreme Court, replied that the Minnesota's Supreme Court Advisory Committee on Rules of Criminal Procedure involved in this project asked representatives of various civic and municipal associations for advice and in turn kept them advised as the work progressed. Justice Yetka pointed out that one problem local governments encounter is that they are often presented with a standard imposed from above; and, without any opportunity for input into the decision-making process that led to the standard, the local governments are required to provide at least part of the money necessary to implement it.

He explained the selection and membership of Minnesota's Supreme Court Advisory Committee on Rules of Criminal Procedure. The panel was composed of representatives of the municipal, county, and district court benches, public defenders, prosecutors, representatives of labor, public safety, agriculture, citizen reform and civic groups, and two members of the legislature, including a representative of the state house appropriations committee.

As it became operational the Committee invited numerous local groups it felt might be interested in contributing input and made contact with a variety of state agencies. The Committee used, as a basis of discussion, the NAC Standards and Goals and the ABA Standards Relating to Criminal Justice and Judicial Administration.

Justice Yetka observed that implementation of new rules required some reorganization of the court system. In Minnesota, however, new rules had been adopted and their operation is now being evaluated and there is also an on-going study of reorganization in the court system. Some changes have been made. The state abolished the municipal courts, is phasing magistrates out and currently has a two-tier trial system. This reorganization, he added, has also included a study on the personnel implications of reorganization and the final report will hopefully make possible a financial analysis of the system-wide costs if state financing is adopted. It will be necessary, he said, to decide in the future whether state financing of defender services and the parole and probation functions is feasible but this study may make those decisions a little easier.

Local Impact

Mr. Bishop inquired of some of the county commissioners present as to their feelings on fiscal impact at the local level. One commissioner replied that fiscal responsibility is a matter of great concern in view of the statutory limits on the taxing power of the localities. Yet, he said, the communities are frequently obligated to initiate programs that may cost money they do not have. He also pointed to a lack of coordination between different branches of the criminal justice system. This lack of coordination often leads to a duplication of effort.

Mr. Bishop noted that the one overall theme which runs through the standards is that the need for cooperation is of paramount importance to the efficient operation of the criminal justice system.

Another local official expressed concern that state funding of the court system would also bring state control and the centralization of the courts may not result in greater convenience to the citizens. He foresaw the possibility that, as state moved toward the concentration of the judicial system in order to better apply standards for improvement, budgetary considerations may indicate the need to keep some authority at the local level.

Prof. George inquired whether the local official had analysed the impact, on local control unit budgets, of state financing for the court system. From the standpoint of fees, the participant saw state financing as having no great impact provided there is no direct change in the method of financing the prosecutorial or local police functions. A second participant observed that an essential element of this process is the need for representatives of state and local government to get together and determine what, if any, trade-offs will result from a state take-over of funding certain functions. Another participant noted as an example that state-imposed training requirements for law enforcement personnel sometimes result in a loss by smaller jurisdictions of officers who, once they have completed training, move to another jurisdiction which pays more and the small town has to train a new police officer.

One participant recommended the development of incentives to standards adoption by identifying those areas where it is proposed that the state pick up a portion of the cost of a particular program. Another participant noted that this would be difficult but he thought there could be devised some comprehensive way of approaching the standards that would enable regional planning units to go in to a local government and sit down with department heads, point out areas in which they don't comply and then demonstrate the cost implications of compliance.

Mr. Bishop noted that the standards don't specify that the states should pay for these programs. They simply talk in terms, for example, of unification of the courts but this is an example of an area where there could be central state funding. Mr. Bishop warned that it is somewhat misleading to state that implementation will result in identifiable cost savings that can be transferred to other departments within the same agency or governmental body. Reducing demands at each stage of the criminal justice process will not necessarily lead to concrete dollar savings down the line. However, with respect to actual cost savings, Mr. Bishop pointed to the omnibus hearing specified by the new Minnesota Rules of Criminal Procedure as a reform idea that can bring real cost savings. This device, he noted, has demonstrated that it can at a very minimum reduce the number of a written pretrial motions, help reduce pre-trial time, and make possible more informed decisions, especially with respect to guilty pleas. This

procedure has met with marked success where it has been tried in federal courts.

Need For Cooperation

The group workshop concluded with a question: how can the states provide a larger share of the funds while still allowing local control? The answer seemed to lie, according to most participants, in more coordination between all parties involved and more attention to fiscal planning and analysis with respect to the cost of standards implementation.

LUNCHEON ADDRESS --

STANDARDS AND GOALS IMPLEMENTATION: A LOCAL APPROACH

Honorable Lawrence D. Cohen, Mayor of St. Paul, Minnesota, noted that reducing crime while conserving both justice and the taxpayer's dollar is the most perplexing problem faced by elected officials.

He referred to his experience in St. Paul where, with the help of the National League of Cities and U.S. Conference of Mayors, a Ramsey County Criminal Justice Advisory Committee was created in order that the elected officials could meet with the judges, prosecutors, police, etc.

"Out of that experience, we learned this most critical point: You could take all the professionals...all the best ideas in the world -- but until you made the local elected officials a part of the process you wouldn't get anywhere."

The Mayor noted that the first standards and goals conference in the nation was sponsored by the city of St. Paul, in 1973. This conference acquainted St. Paul-Ramsey County criminal justice personnel, elected officials and citizens with the National Advisory Commission Standards and Goals and began improvement of the area's criminal justice system by the standards process initiatives.

The Mayor asked of the participants what we are going to accomplish out of standards and goals that will make citizens feel safer in their neighborhoods. He warned of becoming so engrossed in planning processes and systems that the objective -- safety of the people and their right to live, work, and relax in their community without fear -- is forgotten.

The Mayor then noted some improvements in the local criminal justice achieved through the standards and goals approach:

- °centralized police recruiting
- °a seven-county metropolitan area investigative squad
- °team policing
- °a pre-trial diversion program
- °full time Public Defender services
- °community based corrections

°Youth Service Bureaus instituted throughout the county

But, "the only way we got standards implemented and certain goals attained... is massive involvement of local citizens and of local elected officials. Don't exclude professionals and other workers, but only the local elected officials can stimulate getting things done."

To conclude, the Mayor reminded the participants not to lose track of what they are trying to accomplish by standards and goals. Standards and goals are not objectives in and of themselves. They are aimed at making people safer in their communities.

PANEL: COORDINATING STANDARDS AND GOALS IMPLEMENTATION

State Planning Agency Role

Ms. Betsy Reveal, Director of Planning, Minnesota Governor's Commission on Crime Prevention and Control, opened the second general session by discussing Minnesota's experience with the standards and goals process. The process naturally began with the appointment of a Task Force which drew its members from all of the state planning agency's regional advisory councils. The Task Force primarily reviewed the National Advisory Commission Standards and Goals but also considered the ABA Criminal Justice Standards. The Task Force met for a period of about 18 months, and held only public hearings.

While the State Planning Agencies have the authority to allocate federal and state funds to encourage certain types of activities, they do not have the authority to directly bring about major changes. This led the Minnesota Task Force to regard the standards development process as a forum for developing policies that can then be implemented by other agencies. Therefore, rather than specify each standard in detail, Ms. Reveal said, the Task Force elected to examine the issues raised by each of them. In this way it received input from practitioners around the state and then make a series of recommendations that would be used not for funding decisions or implemented as administrative regulations or statutes, but as goals against which the practitioners could measure their own performance.

The Task Force similarly declined to assign either dollar figure or a priority to its recommendations, preferring that they be used as an information resource for the individual agencies. Ms. Reveal stated that the distribution of money should be based on a careful analysis of the existing systems and resources and the problems that are confronting them.

She noted that this is one of the major problems many of the planning agencies have faced. In Minnesota, she said, the Commission has spent the majority of its time discussing the LEAA process in the state rather than focusing on the particular problems in the state criminal justice system. But the critical problem, given the relatively small amount of money LEAA funding represents, has been to achieve maximum impact. The state planning agencies are beginning to grapple with that question now, she said, in view of the fact that money is not as freely available as it once was. Now, money is becoming less important and the Commission's research and planning functions are becoming more important.

With emphasis now being placed on planning rather than funding, Ms. Reveal added, the only way coordinated planning can work is to ensure that local/and regional planners and the practitioners they represent have an opportunity for involvement in the policy development process. Since implementation must take place at the local level, she said, it is only logical that the local elements in the system have input into and understanding of the policy-making process.

Local Planning Role

Thomas Johnson, Alderman, Second Ward, City of Minneapolis, focused on the importance of local governments in the criminal justice system and the role those governments can play in coordinating various elements of the system. This role, he observed, cannot be understood solely in terms of economics or dollars spent. However, it is true that cost-effectiveness is important to local governments.

One of the primary variables is that different units of local government are responsible for providing different elements of the criminal justice system. The cities, for example, are generally responsible for providing police protection while the counties supply the court services and corrections. Problems can arise if one of these elements is changed without consideration of the effect this change will have on the other. The answer, of course, is coordination between the diverse elements at the planning stage. Metropolitan area coordinating councils can be very useful, Mr. Johnson noted, but they should devote extensive time to making they system work even without federal grants. Local planning groups in Minnesota, he said, are now working toward not only better coordination but also less duplication of effort, thereby achieving cost-effectiveness. Part of this effort includes the development of local and regional standards and goals. Another project, in the city of Minneapolis, is focusing on the effectiveness of community based corrections and will try to develop standards for determining the impact of such facilities on the community.

Ms. Reveal then explained the relationship between state planning agencies and the regional planning units. In Minnesota, she said, the State Planning Agency asked for representatives from the regional units and held 95 percent of its hearings regionally to educate the Task Force members about the problems in given areas and to enable the regional people to have input into the Task Force deliberations. Some of this interchange has now been translated into ongoing planning. The State Planning Agency has also appointed regional council members to all planning committees, she said.

Coordination Among Criminal Justice Agencies

Robert Johnson, County Attorney, Anoka County, Minnesota, reported that his jurisdiction, Anoka County, had set up a council to plan and implement regional police responsibilities. This body has been successful, he said, because it has had the support of the government leaders and because it mixed the policy-maker with the practitioner. This structure provides for communication between and among the elements which must cooperate, encourages the exchange of ideas, and unifies the effort to get standards implemented.

It is essential, Mr. Johnson said, that those who wish to make changes have a structure within which these changes can be made, to have a real system. It is also essential to include the policy-makers in the planning process. For example, he reported that the National District Attorneys Association is completing its own set of standards for prosecutors. The Association is also studying proposed juvenile justice standards to determine whether they are workable. But, he noted, preliminary conclusions on the juvenile justice standards indicate that from the prosecutor's viewpoint there may be no cost-effectiveness in some of these standards, which, he noted, were developed by people who are not prosecutors.

Legislative Role

Hon. William McCutcheon, Senator, 67th Senatorial District, St. Paul, observed that the legislatures face the problems and must deal with the needs of both the urban and the rural areas. Debate naturally centers on these problems and needs as perceived by particular constituencies. "This suggests to me that there has to be an effort to involve the entire state in the planning and in the implementation of the programs."

This also demonstrates the need for a coordinated approach and the involvement of all branches of the government in the planning and implementation process, the Senator said. The Minnesota legislature in the past year has taken a significant step to make coordinated and meaningful changes in criminal justice, he reported, by delegating to the state supreme court the rule-making authority for criminal procedures.

JUDICIAL RULE-MAKING

The final session was devoted to a discussion of judicial rule-making and its relationship with the overall implementation effort. Lauren A. Arn, Project Director, Implementation of ABA Standards for Criminal Justice, reported that a study conducted by the American Judicature Society revealed that nearly half of the states could implement standards and goals through the courts' rule-making power.

Justice George M. Scott, Supreme Court of Minnesota, remarked that the need for consistent, clear rule-making became readily apparent during the Warren Court years when the rules of criminal law changed rapidly. Before an effort to unify rules was undertaken in Minnesota, there were 87 different criminal processes, one in each county and even within the counties the judges often had their own unwritten rules. In short, the system was quite fragmented, he said.

The rule-making effort, accordingly, sought to make the processes uniform throughout the state. While there was much turmoil initially, he noted, the rules have been pretty well recieved thus far.

C. Paul Jones, State of Minnesota Public Defender, noted that Minnesota has for years had a cooperative venture between the prosecutors, defense counsel, police, and the judiciary for training purposes. This training effort has fully recognized the adversary roles that various segments of the criminal justice system must play, but more importantly it has sought to ensure that each segment knows the rules and abides by them.

Out of these cooperative efforts, he said, came the decision to ask the Minnesota Supreme Court to draft and implement rules of criminal procedure. The court accordingly appointed the Minnesota's Supreme Court Advisory Committee on Rules of Criminal Procedure which met for more than four years, obtained input from a wide variety of sources, and submitted its drafts for examination, analysis and criticism by the various segments of the system. The rules were finally adopted effective July 1, 1975.

But, Mr. Jones said, the work did not end there. The court has insisted that the committee continually monitor the rules and keep them current. Moreover, the Attorney General, with the help of a LEAA grant, has commissioned a survey to determine how the rules are working and to isolate problem areas. The survey is scheduled for completion in mid-1976 and the court will hold hearings on the results.

The rule-making function, Mr. Jones concluded, requires a joint effort of the legislature and the court and participation from all segments of the criminal justice system.

CRIMINAL JUSTICE
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