

S/G (2)

STANDARDS and GOALS

for

ARIZONA CORRECTIONS



FINAL REPORT OF THE  
-ASJPA CORRECTIONS COMMITTEE  
ON STANDARDS AND GOALS - Final

FEBRUARY, 1977

54189

ARIZONA STATE  
JUSTICE PLANNING AGENCY

ERNESTO G. MUNOZ  
EXECUTIVE DIRECTOR

AZ  
.081

STANDARDS and GOALS  
for  
ARIZONA CORRECTIONS



FINAL REPORT OF THE  
ASJPA CORRECTIONS COMMITTEE  
ON STANDARDS AND GOALS

FEBRUARY, 1977

ARIZONA STATE  
JUSTICE PLANNING AGENCY

ERNESTO G. MUNOZ  
EXECUTIVE DIRECTOR

PREFACE:

In an attempt to curb the ever-increasing problems confronting criminal justice agencies across the country, the National Advisory Commission on Criminal Justice Standards and Goals was appointed in 1971 under the U. S. Department of Justice, Law Enforcement Assistance Administration (LEAA). The mission of the National Advisory Commission was "to formulate for the first time national criminal justice standards and goals for crime reduction and prevention at the state and local levels."<sup>1</sup>

The Commission's work resulted in the publication of six reports each dealing with different aspects of the criminal justice system. Included were volumes entitled: Police, Courts, Corrections, Community Crime Prevention, The Criminal Justice System, and A National Strategy to Reduce Crime.

Each state was requested by LEAA to review the Commission's reports and use them to formulate its own set of standards and goals.

As Arizona's first step in developing standards and goals for Corrections, a committee, composed of leaders in corrections and related fields, was appointed to work in cooperation with the Arizona State Justice Planning Agency to consider the proposals contained in the National Advisory Commission volume, Corrections.

The committee's preliminary task was to review each of the National Advisory Commission standards individually to determine if they were appropriate for Arizona. The standards that were acceptable as written were adopted by the committee; those that were objectionable were either modified to suit Arizona's needs or rejected entirely.

Following the preliminary review process, draft volumes of the committee's findings were prepared and distributed throughout the state. ASJPA staff then solicited local level input by coordinating a series of two meetings in each of Arizona's six planning regions. In the first set of meetings general information on the aims and purpose of the standards and goals program was presented to each of the six regional councils; the second series of meetings was directed at the regional criminal justice advisory committees, interested elected officials and the general public. In each of these meetings it was explained that the standards and goals proposals would be utilized as indications of the direction for future planning efforts and, therefore, future LEAA funding. It was also explained that the proposals would not in any way change either the authority of ASJPA and its Governing Board or the relationship between federal, state, or local government agencies involved in the LEAA program.

---

<sup>1</sup> National Advisory Commission on Criminal Justice Standards and Goals, Corrections, Foreword, 1973.

PREFACE (Con't)

The comments resulting from the local level meetings were submitted to the Corrections Standards and Goals Committee and ultimately to the ASJPA Governing Board. Final approval of the standards and goals program was granted in September, 1976, when as part of the 1977 Comprehensive State Plan, it was accepted by the Governing Board.

This volume, therefore, represents the final step in the standards and goals development process. Continued efforts will be directed toward implementation, through the grant award process, of standards and goals contained in the Annual Action Program of the 1977 Comprehensive State Plan. Future state plans also will draw from the standards and goals program which will be reviewed and updated as necessary.

ASJPA GOVERNING BOARD:

Chairman

Bruce E. Babbitt  
State Attorney General

Vice Chairman

J. Michael Flournoy  
County Attorney  
Coconino County

MEMBERS

Perry Allen  
Prosecutor  
Navajo Nation

Robert Araza  
Bd. of Pardons and Paroles

Robert Bean  
Judge, Division III  
Florence, AZ

Joe Borane  
Chief of Police  
Douglas, AZ

Joe Castillo  
Bd. of Supervisors  
Pima County

William C. Cox  
Sheriff  
Pima County

John P. Collins  
Judge, Juvenile Court  
Pima County

Art H. Hamilton  
AZ State Representative

Margaret Hance  
Mayor  
City of Phoenix

Vernon Hoy  
Director  
Dept. of Public Safety

Max Klass  
Mayor  
City of Glendale

Clermont Loper  
Tucson YMCA

Joe Eddie Lopez  
Bd. of Supervisors  
Maricopa County

John Moran  
Director  
Dept. of Corrections

M.J. "Mike" O'Haco  
Bd. of Supervisors  
Navajo County

Regene Schroeder  
Director  
Florence Crittendon Services

Fred C. Struckmeyer  
Supreme Court Justice  
Arizona Supreme Court

Joel D. Valdez  
City Manager  
City of Tucson

Lawrence T. Wren  
Judge - Department C  
Arizona Court of Appeals

ASJPA Corrections Committee  
on Standards and Goals:

Chairman

John Moran  
Director, State Department  
of Corrections  
Phoenix

MEMBERS

Bob Araza  
State Board of Pardons and Paroles  
Phoenix

Howard Jorgenson  
Citizen Member  
Prescott

Joe Borane  
Chief of Police  
Douglas

Robert Keldgord, Chief  
Pima County Adult Probation  
Tucson

Mary Beth Collins  
Executive Director  
CODAC of Maricopa County  
Phoenix

Frank Kessler  
Major  
Tucson Police Department

Newman Collins  
Judge, Colorado River Reservation  
Parker

Joe Kirkham  
Chief, Coconino County Probation  
Flagstaff

Ralph Daniel  
Program Coordinator, Alcohol Prevention  
Arizona State Hospital  
Phoenix

Clermont Loper  
Young Men's Christian Association  
Tucson

Boyd Dover  
Director of Court Services  
Tucson

John McFarland  
Deputy Director for Community  
Services  
State Department of Corrections  
Phoenix

Henry Duffie, Chief  
Maricopa County Adult Probation  
Phoenix

Ralph Milstead  
Major  
Phoenix Police Department

Michael Flourney  
Coconino County Attorney  
Flagstaff

June Morrison  
Professor of Correctional  
Administration  
University of Arizona  
Tucson

Ernesto Garcia, Chief  
Maricopa County Juvenile Court Center  
Phoenix

Gary Nelson  
Judge  
Arizona Court of Appeals  
Phoenix

Ken Geis  
Executive Director  
CODAC of Pima County  
Tucson

ASJPA Corrections Committee  
on Standards and Goals - Con't:

Don Orr  
Chief, Cochise County  
Juvenile Probation  
Bisbee

Barry Starr  
Director, Valley Big Brothers  
Phoenix

Gerald Strick  
Judge, Maricopa County  
Juvenile Court Center  
Phoenix

Larry Wetzel  
Chief of Police  
Phoenix

ASJPA Corrections Standards  
and Goals Staff:

Ernesto Munoz  
Executive Director

L. Dean Cook  
Assistant Director  
Project Director

Rachel A. Breech  
Standards and Goals  
Coordinator

John A. Alese  
Supervisor  
Corrections Unit

Cathy Aquilar  
Secretary

INDEX:

page

PART I - SETTING FOR CORRECTIONS

Chapter 1	Rights of Offenders	
Standard 1.1	Access to Courts . . . . .	1
Standard 1.2	Access to Legal Services . . . . .	2
Standard 1.3	Access to Legal Materials . . . . .	3
Standard 1.4	Protection Against Personal Abuse . . . . .	4
Standard 1.5	Healthful Surroundings . . . . .	4
Standard 1.6	Medical Care . . . . .	5
Standard 1.7	Nondiscriminatory Treatment . . . . .	6
Standard 1.8	Rehabilitation . . . . .	6
Standard 1.9	Retention and Restoration of Rights . . . . .	7
Standard 1.10	Rules of Conduct . . . . .	8
Standard 1.11	Disciplinary Procedures . . . . .	9
Standard 1.12	Procedures for Nondisciplinary Changes of Status . . . . .	10
Standard 1.13	Grievance Procedure . . . . .	11
Standard 1.14	Free Expression and Association . . . . .	12
Standard 1.15	Exercise of Religious Beliefs and Practices . . . . .	13
Standard 1.16	Access to the Public . . . . .	14
Standard 1.17	Remedies for Violation of an Offender's Rights . . . . .	16
Chapter 2	Diversion from the Criminal Justice Process	
Standard 2.1	Use of Diversion . . . . .	18
Chapter 3	Pretrial Release and Detention	
Standard 3.1	Comprehensive Pretrial Process Planning . . . . .	20
Standard 3.2	Construction Policy for Pretrial Detention Facilities . . . . .	21
Standard 3.3	Alternatives to Arrest . . . . .	22
Standard 3.4	Alternatives to Pretrial Detention . . . . .	23
Standard 3.5	Procedures Relating to Pretrial Release and Detention Decisions . . . . .	24
Standard 3.6	Persons Incompetent to Stand Trial . . . . .	26
Standard 3.7	Rights of Pretrial Detainees . . . . .	27
Standard 3.8	Programs for Pretrial Detainees . . . . .	28
Standard 3.9	Expediting Criminal Trials . . . . .	29
Chapter 4	Sentencing	
Standard 4.1	The Sentencing Agency . . . . .	31
Standard 4.2	Probation . . . . .	31
Standard 4.3	Fines . . . . .	32
Standard 4.4	Multiple Sentences . . . . .	33
Standard 4.5	Effect of Guilty Plea in Sentencing . . . . .	34
Standard 4.6	Credit for Time Served . . . . .	34

	page
Standard 4.7 Continuing Jurisdiction of Sentencing Court . . . . .	35
Standard 4.8 Judicial Visits to Institutions. . . . .	36
Standard 4.9 Sentencing Equality. . . . .	36
Standard 4.10 Sentencing Institutes . . . . .	37
Standard 4.11 Sentencing Councils. . . . .	37
Standard 4.12 Requirements for Presentence Report and Content Specification. . . . .	38
Standard 4.13 Preparation of Presentence Report Prior to Adjudication. . . . .	39
Standard 4.14 Disclosure of Presentence Report . . . . .	40
Standard 4.15 Sentencing Hearing--Rights of Defendant . . . . .	41
Standard 4.16 Sentencing Hearing--Role of Counsel. . . . .	41
Standard 4.17 Imposition of Sentence . . . . .	42
 Chapter 5 Classification of Offenders	
Standard 5.1 Comprehensive Classification Systems . . . . .	43
Standard 5.2 Classification for Inmate Management . . . . .	44
Standard 5.3 Community Classification Teams . . . . .	44

## PART II - CORRECTIONAL PROGRAMS

 Chapter 6 Corrections and the Community	
Standard 6.1 Development Plan for Community-Based Alternatives to Confinement. . . . .	46
Standard 6.2 Marshaling and Coordinating Community Resources. . . . .	46
Standard 6.3 Corrections' Responsibility for Citizen Involvement. . . . .	47
Standard 6.4 Inmate Involvement in Community Programs . . . . .	48
 Chapter 7 Juvenile Intake and Detention	
Standard 7.1 Role of Police in Intake and Detention . . . . .	50
Standard 7.2 Juvenile Intake Services . . . . .	50
Standard 7.3 Juvenile Detention Center Planning . . . . .	53
Standard 7.4 Juvenile Intake and Detention Personnel Planning . . . . .	53
 Chapter 8 Local Adult Institutions	
Standard 8.1 Total System Planning. . . . .	55
Standard 8.2 State Operation and Control of Local Institutions. . . . .	56
Standard 8.3 State Inspection of Local Facilities . . . . .	57
Standard 8.4 Adult Intake Services. . . . .	58
Standard 8.5 Pretrial Detention Admission Process . . . . .	59
Standard 8.6 Staffing Patterns . . . . .	60
Standard 8.7 Internal Policies--Locally Based Correctional Facilities. . . . .	61
Standard 8.8 Internal Policies--Juvenile Correctional Facilities . . . . .	63

	page
Standard 8.9 Local Correctional Facility Programing . . . .	65
Standard 8.10 Jail Release Programs. . . . .	66
Standard 8.11 Local Facility Evaluation and Planning . . . .	67
Chapter 9 Probation	
Standard 9.1 Organization of Probation. . . . .	70
Standard 9.2 Services to Probationers . . . . .	70
Standard 9.3 Misdemeanant Probation . . . . .	70
Standard 9.4 Probation Manpower . . . . .	70
Standard 9.5 Probation in Release on Recognizance Programs. . . . .	71
Chapter 10 Major Institutions	
Standard 10.1 Planning New Correctional Institutions . . . .	72
Standard 10.2 Modification of Existing Institutions. . . . .	73
Standard 10.3 Social Environment of Institutions . . . . .	73
Standard 10.4 Education and Vocational Training. . . . .	76
Standard 10.5 Special Offender Types . . . . .	78
Standard 10.6 Women in Major Institutions. . . . .	81
Standard 10.7 Religious Programs . . . . .	82
Standard 10.8 Recreation Programs. . . . .	82
Standard 10.9 Counseling Programs. . . . .	83
Standard 10.10 Prison Labor and Industries . . . . .	83
Chapter 11 Parole	
Standard 11.1 Organization of Paroling Authorities . . . . .	85
Standard 11.2 Parole Authority Personnel . . . . .	85
Standard 11.3 The Parole Grant Hearing . . . . .	86
Standard 11.4 Revocation Hearings. . . . .	87
Standard 11.5 Organization of Field Services . . . . .	89
Standard 11.6 Community Services for Parolees. . . . .	89
Standard 11.7 Measures of Control. . . . .	91
Standard 11.8 Manpower for Parole. . . . .	91

### PART III - CROSS-SECTION OF CORRECTIONS

Chapter 12 Organization and Administration	
Standard 12.1 Professional Correctional Management . . . . .	93
Standard 12.2 Planning and Organization. . . . .	93
Standard 12.3 Employee-Management Relations. . . . .	94
Standard 12.4 Work Stoppages and Job Actions . . . . .	95
Chapter 13 Manpower for Corrections	
Standard 13.1 Recruitment from Minority Groups . . . . .	96
Standard 13.2 Employment of Women . . . . .	96
Standard 13.3 Employment of Ex-Offenders . . . . .	97
Standard 13.4 Employment of Volunteers . . . . .	97
Standard 13.5 Personnel Practices for Retaining Staff. . . . .	98
Standard 13.6 Participatory Management . . . . .	98
Standard 13.7 Redistribution of Correctional Manpower Resources to Community-Based Programs. . . . .	99

	page
Standard 13.8 Coordinated State Plan for Criminal Justice Education . . . . .	100
Standard 13.9 Intern and Work-Study Programs . . . . .	100
Standard 13.10 Staff Development. . . . .	101
 Chapter 14 Research and Development, Information, and Statistics	
Standard 14.1 State Correctional Information Systems . . . . .	102
Standard 14.2 Staffing for Correctional Research and Information Systems. . . . .	103
Standard 14.3 Design Characteristics of a Correctional Information System. . . . .	103
Standard 14.4 Development of a Correctional Data Base. . . . .	104
Standard 14.5 Evaluating the Performance of the Correctional System. . . . .	106
 Chapter 15 The Statutory Framework of Corrections	
Standard 15.1 Comprehensive Correctional Legislation . . . . .	108
Standard 15.2 Code of Offenders' Rights. . . . .	109
Standard 15.3 Unifying Correctional Programs . . . . .	109
Standard 15.4 Recruiting and Retaining Professional Personnel . . . . .	109
Standard 15.5 Regional Cooperation . . . . .	110
Standard 15.6 Sentencing Legislation . . . . .	110
Standard 15.7 Detention and Disposition of Juveniles . . . . .	111
Standard 15.8 Presentence Reports . . . . .	112
Standard 15.9 Probation Legislation . . . . .	112
Standard 15.10 Commitment Legislation . . . . .	113
Standard 15.11 Prison Industries. . . . .	114
Standard 15.12 Community-Based Programs . . . . .	114
Standard 15.13 Parole Legislation . . . . .	115
Standard 15.14 Pardon Legislation . . . . .	118
Standard 15.15 Collateral Consequences of a Criminal Conviction. . . . .	118

Appendices:

page

Appendix 1	
Explanation of Terms as Used in this Report . . . . .	120
Appendix 2	
Current Status of Standards Relating to	
Arizona Corrections . . . . .	122
Relation to 1977 Comprehensive State Plan	
Current Level of Implementation	
Requirement for Implementation	

Part I Setting for Corrections

Chapter 1 Rights of Offenders

PART I SETTING FOR CORRECTIONS

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 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.

Standard 1.1 Access to Courts  
(cont.)

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.
4. Disciplinary proceedings in a correctional facility that impose major penalties and deprivations.
5. Proceedings or consultation in connection with civil legal problems relating to debts, marital status, property, or other personal affairs of the offender.

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.

Standard 1.2 Access to Legal Services  
(cont.)

3. Counsel substitutes may provide representation in proceedings or matters described in foregoing items 4 and 5, 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, as follows:

1. An appropriate law library should be established and maintained at each facility with a design capacity of 100 or more. A plan should be developed and implemented for other residential facilities to assure reasonable access to an adequate law library.
2. The library should include:
  - a. The State constitution and State statutes, State decisions, State procedural rules and decisions thereon, and legal works discussing the foregoing.
  - b. Federal case law materials.
  - c. Court rules and practice treatises.
  - d. One or more legal periodicals to facilitate current research.
  - e. Appropriate digests and indexes for the above.
- c. The correctional authority should make arrangements to insure that persons under its supervision but not confined also have 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, prevention of riot, escape or property destruction.
3. Solitary or segregated confinement as a disciplinary or punitive measure except as a last resort and then not extending beyond 15 days' duration.
4. Any deprivation of clothing, bed and bedding, light, ventilation, heat, exercise, balanced diet, or hygienic necessities except where confronted with the threat of self-destruction.
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.

Standard 1.5 Healthful Surroundings  
(cont.)

The facility should provide each inmate with:

1. Appropriate housing.
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. Initial medical screening by a paramedic with a timely and appropriate referral to a physician.
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.

Standard 1.6 Medical Care  
(cont.)

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 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 1.8 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:

Standard 1.8 Rehabilitation  
(cont.)

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 1.9 Retention and Restoration of Rights

The State should enact legislation to assure that no person is permanently 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. Also, in the implementation of Standard 15.15, Collateral Consequences of a Criminal Conviction, legislation permanently depriving convicted persons of civil rights should be repealed.

Standard 1,9 Retention and Restoration of Rights  
(cont.)

This legislation should provide further that a convicted and incarcerated person should have restored to him upon final discharge 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 which permanently deprives accused or convicted persons of civil rights.
3. Provide information 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 1.10 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.

Standard 1.10 Rules of Conduct  
(cont.)

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

Standard 1.11 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.

Standard 1.11 Disciplinary Procedures  
(cont.)

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 offender should be allowed to select someone, including legal counsel, to assist him at the hearing.

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

7. 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 would be automatic. The reviewing authority should be authorized to accept the decision, order further proceedings, or reduce the sanction imposed.

Standard 1.12 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.

Standard 1.12 Procedures for Nondisciplinary Changes of Status  
(cont.)

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 violation of rules of conduct or other misbehavior.

Standard 1.13 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.

Standard 1.13 Grievance Procedure  
(cont.)

a. A balanced, objective and professional grievance committee of staff should be established.

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 1.14 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 extent possible in keeping with the safety, security and overall operation of the institutions and the programs of the agency. 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.

Rights of expression and association are involved in the following contexts:

1. Exercise of free speech.
2. Exercise of religious beliefs and practices (see Standard 1.15).
3. Sending or receipt of mail (see Standard 1.16).
4. Visitations (see Standard 1.16).
5. Access to the public through the media (see Standard 1.16).
6. Engaging in peaceful assemblies with the prior approval of the administration.
7. Belonging to and participating in organizations as approved by the administration.

Standard 1.14 Free Expression and Association  
(cont.)

Justification for limiting an offender's right of expression or association would include regulations necessary to maintain order or protect other offenders, correctional staff, or other persons from violence, or the clear threat of violence. The existence of a justification for limiting an offender's rights should be determined in light of all the circumstances, including the nature of the correctional program or institution to which he is assigned.

Ordinarily, the following factors would not constitute sufficient justification for an interference with an offender's rights unless present in a situation which constituted a clear threat to personal or institutional security.

1. Protection of the correctional agency or its staff from criticism, whether or not justified.
2. Protection of other offenders from unpopular ideas.
3. Administrative inconvenience.
4. Administrative cost except where unreasonable and disproportionate to that expended on other offenders for similar purposes.

Correctional authorities should encourage and facilitate the exercise of the right of expression and association by providing appropriate opportunities and facilities.

Standard 1.15 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, within reason, consistent with Standard 1.14, and reflect the responsibility of the correctional agency to:

1. Provide access to appropriate facilities for worship or meditation by recognized and established religious groups.
2. Enable offenders to adhere to the dietary laws of their faith by providing a varied menu but not necessarily a separate or special one.
3. Allow access to clergymen or spiritual advisers of recognized and established religions represented in the institution's population.
4. Allow religious medals and other symbols that are not unduly obtrusive.

Standard 1.15 Exercise of Religious Beliefs and Practices  
(cont.)

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 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 1.16 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. Correctional regulations limiting such communication should be consistent with Standard 1.14. 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. Books, periodicals, and other approved educational or reading material may

Standard 1.16 Access to the Public  
(cont.)

be received directly from the publisher. 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 unless there is a reasonable conviction that the safety and order of the institution is being threatened or the mail is otherwise related to illegal activities. 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 if they are indigent.

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 support a wholesome and positive visiting program for inmates. The length and frequency and number of visitors should be governed by the status of the inmate; the realities of institutional work and program schedules; and the physical facilities available.
2. Correctional authorities should facilitate and promote visitation of offenders by the following acts:
  - a. Providing transportation for visitors from terminal points of public transportation when possible.
  - b. Making provisions for family visits in suitable surroundings conducive to maintaining and strengthening family ties.
3. 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.

Standard 1.16 Access to the Public  
(cont.)

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 publications which are non-pornographic and which do not threaten the basic order, safety, and security of the institution, or radio and television broadcast.

Standard 1.17 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 1.13, 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.
    - (3) Permit the payment of claims to offenders as compensation for injury caused by a violation of any right as determined in a due process fashion before the appropriate court.
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 an award of damages against either the correctional agency or, in appropriate circumstances, the staff member involved to compensate the offender for injury caused by a violation of his rights.

c. Criminal penalties for intentional violations of an offender's rights.



Part I Setting for Corrections

Chapter 2 Diversion from the Criminal Justice Process



## CHAPTER 2 DIVERSION FROM THE CRIMINAL JUSTICE PROCESS

### Standard 2.1 Use of Diversion

Each local jurisdiction, in cooperation with related State agencies, should develop and implement formally organized programs of diversion that can be applied in the criminal justice process from the time an illegal act occurs 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" as outlined in Standard 8.1.

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.

Standard 2.1 Use of Diversion  
(cont.)

- 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.

Part I Setting for Corrections  
Chapter 3 Pretrial Release and Detention



## CHAPTER 3 PRETRIAL RELEASE AND DETENTION

### Standard 3.1 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 pretrial 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, including the extent to which such treatment and rules meet the recommendations in Standards 3.7 and 3.8.
8. The need for and the availability of resources that could be effectively utilized for persons awaiting trial, including the number of arrested persons suffering from problems 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.

Standard 3.1 Comprehensive Pretrial Process Planning  
(cont.)

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 3.2 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 in accordance with Standard 3.1.
2. Alternative means of handling persons awaiting trial as recommended in Standards 3.3 and 3.4 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 pretrial detention facilities are pursued.

### Standard 3.3 Alternatives to Arrest

Each criminal justice jurisdiction, State or local as appropriate, should immediately develop a policy, and seek enabling legislation where necessary, to encourage the use of citations in lieu of arrest and detention. This policy should provide:

1. Enumeration of minor offenses for which a police officer should be required to issue a citation in lieu of making an arrest or detaining the accused unless:
  - a. The accused fails to identify himself or supply required information;
  - b. The accused refuses to sign the citation;
  - c. The officer has reason to believe that the continued liberty of the accused constitutes an unreasonable risk of bodily injury to himself or others;
  - d. Arrest and detention are necessary to carry out additional legitimate investigative action;
  - e. The accused has no ties to the jurisdiction reasonably sufficient to assure his appearance, and there is a substantial risk that he will refuse to respond to the citation; or
  - f. It appears the accused has previously failed to respond to a citation or a summons or has violated the conditions of any pretrial release program.
2. Discretionary authority for police officers to issue a citation in lieu of arrest in all cases where the officer has reason to believe that the accused will respond to the citation and does not represent a clear threat to himself or others.
3. A requirement that a police officer making an arrest rather than issuing a citation specify the reason for doing so in writing. Superior officers should be authorized to reevaluate a decision to arrest and to issue a citation at the police station in lieu of detention.
4. Criminal penalties for willful failure to respond to a citation.
5. Authority to make lawful search incident to an arrest where a citation is issued in lieu of arrest.

Similar steps should be taken to establish policy encouraging the issuance of summons in lieu of arrest warrants where an accused is not in police custody. This policy should provide:

1. An enumeration of minor offenses for which a judicial officer should be required to issue a summons in lieu of an arrest warrant unless he finds that:
  - a. The accused has previously willfully failed to respond to a citation or summons or has violated the conditions of any pretrial release program.
  - b. The accused has no ties to the community and there is a reasonable likelihood that he will fail to respond to a summons.
  - c. The whereabouts of the accused is unknown or the arrest warrant is necessary to subject him to the jurisdiction of the court.

Standard 3.3 Alternatives to Arrest  
(cont.)

d. Arrest and detention are necessary to carry out additional legitimate investigative action.

2. Discretionary authority for judicial officers to issue a summons in lieu of an arrest warrant in all cases where the officer has reason to believe that the accused will respond to the summons.

3. A requirement that a judicial officer issuing a warrant instead of a summons state his reason for doing so in writing.

4. Criminal penalties for willful failure to respond to a summons.

To facilitate the use of citations and summons in lieu of arrests, police agencies should:

1. Develop through administrative rules specific criteria for police officers for determining whether to issue citations or to request issuance of a summons in lieu of arrest.

2. Develop training programs to instruct their officers in the need for and use of the citation and summons in lieu of arrest.

3. Develop a method of quickly verifying factual information given to police officers which if true would justify the issuance of a citation in lieu of arrest.

4. Develop a method of conducting a reasonable investigation concerning the defendant's ties to the community to present to the judicial officer at the time of application for a summons or an arrest warrant.

Standard 3.4 Alternatives to Pretrial Detention

Each criminal justice jurisdiction, State or local as appropriate, should immediately seek enabling legislation and develop, authorize, and encourage the use of a variety of alternatives to the detention of persons awaiting trial. The use of these alternatives should be governed by the following:

1. Judicial officers on the basis of information available to them should select from the list of the following alternatives the first one that will reasonably assure the appearance of the accused for trial or, if no single condition gives that assurance, a combination of the following:

a. Release on recognizance without further conditions.

b. Release on the execution of an unsecured appearance bond in an amount specified.

Standard 3.4 Alternatives to Pretrial Detention  
(cont.)

c. Release into the care of a qualified person or organization reasonably capable of assisting the accused to appear at trial.

d. Release to the supervision of a probation officer or some other public official.

e. Release with imposition of restrictions on activities, associations, movements, and residence reasonably related to securing the appearance of the accused.

f. Release on the basis of financial security to be provided by the accused.

g. Imposition of any other restrictions other than detention reasonably related to securing the appearance of the accused.

h. Detention, with release during certain hours for specified purposes.

i. Detention of the accused.

2. Judicial officers in selecting the form of pretrial release should consider the nature and circumstances of the offense charged, the weight of the evidence against the accused, his ties to the community, his record of convictions, if any, and his record of appearance at court proceedings or of flight to avoid prosecution and other sound reasons such as mental or physical disability, history of flight from other jurisdictions such as prisons or military, etc.

3. No person should be allowed to act as surety for compensation.

4. Willful failure to appear before any court or judicial officer as required should be made a criminal offense.

Standard 3.5 Procedures Relating to Pretrial Release and Detention Decisions

Each criminal justice jurisdiction, State or local as appropriate, should immediately develop procedures governing pretrial release and detention decisions, as follows:

1. A person in the physical custody of a law enforcement agency on the basis of an arrest, with or without a warrant, should be taken before a judicial officer without unnecessary delay. If not brought before a judicial officer within 24 hours after arrest he shall immediately be released.

2. When a law enforcement agency decides to take a person accused of crime into custody, any attorney at law entitled to practice in the courts of Arizona, shall at the request of the person accused or of some one acting in his behalf, be permitted under reasonable regulations to visit the person arrested.

Standard 3.5 Procedures Relating to Pretrial Release and Detention  
Decisions  
(cont.)

3. An investigation shall commence immediately to gather information relevant to the pretrial release or detention decision. The nature of the investigation should be flexible and generally exploratory in nature and shall provide information about the accused including:
  - a. Nature and circumstances of the offense charged.
  - b. The weight of evidence against the accused.
  - c. Family ties.
  - d. Employment.
  - e. Financial resources.
  - f. Character and mental condition.
  - g. Length of residence in the community.
  - h. History of arrests and convictions.
  - i. Record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.
4. Pretrial detention or conditions substantially infringing on liberty shall not be imposed on a person accused of crime unless:
  - a. The person is charged with a capital offense when the proof is evident or the presumption great.
  - b. The person charged is already admitted to bail on a separate felony charge and where the proof is evident or the presumption great that additional felony offenses have been committed.
5. Any person charged with a public offense which is bailable as a matter of right shall at his appearance before a judicial officer be ordered released pending trial on his own recognizance or upon the execution of bail in an amount specified by the judicial officer.
6. Any of the following conditions may be imposed upon release on recognizance or bail:
  - a. Place the person in the custody of a designated person or organization agreeing to supervise him.
  - b. Place restrictions on travel, associates or place of abode of the person during the period of release.
  - c. Require the deposit with the clerk of the court of cash or other security, which deposit to be returned upon the performance of the conditions of release.
  - d. Prohibit the person from possessing any dangerous weapon or engaging in certain described activities or indulging in intoxicating liquors or certain drugs.
  - e. Require the defendant to report regularly to and remain under the supervision of an officer of the court.
  - f. Impose any other conditions deemed reasonably necessary to assure appearance as required including a condition requiring that the person return to custody after specified hours.

Standard 3.5 Procedures Relating to Pretrial Release and Detention  
Decisions  
(cont.)

7. A judicial officer authorizing the release of a person charged on his own recognizance or on bail shall issue an appropriate order containing statements of the conditions imposed and shall inform such person of the penalties applicable to violation of the conditions of his release and shall advise him that a warrant for his arrest may be issued immediately upon any such violation of the conditions of his release.

8. A judicial officer ordering the release of a person on any condition specified in 6 above or the court in which a prosecution is pending may at any time amend the order to employ additional or different conditions of release, including either an increase or reduction in the amount of bail. The defendant shall upon application be entitled to have the conditions of release reviewed by the judicial officer who imposed them or by the court in which the prosecution is pending. Reasonable notice of such application shall be given to the county attorney.

9. Whenever a defendant is released pending trial subject to conditions his release may be revoked upon a verified application by the prosecuting attorney alleging that the defendant willfully violated the conditions of his release. A judicial officer may then issue a warrant directing that the defendant be arrested and taken forthwith before a superior court for hearing.

10. After the hearing and upon finding that the defendant willfully violated the conditions of release the court may impose different or additional conditions upon the defendant's release. Upon a finding of probable cause that the defendant committed a felony during the release period, the defendant's release may be revoked.

11. A person who has had additional conditions imposed and is unable to secure release or release has been revoked shall be tried as soon as reasonably possible and in any event not later than sixty days from the date of the imposition of conditions or revocation.

Standard 3.6 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:

Standard 3.6 Persons Incompetent to Stand Trial  
(cont.)

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;

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 at least every six (6) months.

b. Provide that when it is determined that restoration to competency is unlikely, the criminal charge should be dismissed.

c. 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 3.7 Rights of Pretrial Detainees

The State, each criminal justice jurisdiction, and every 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.

Standard 3.7 Rights of Pretrial Detainees  
(cont.)

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 as set forth in Chapter 1 of this report. 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 a 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 3.8 Programs for Pretrial Detainees

The State, each criminal justice jurisdiction, and each agency responsible for the detention of persons awaiting trial should develop and implement programs for these persons as follows:

1. Persons awaiting trial in detention should not be required to participate in any program of work, treatment, or rehabilitation. The following programs and services should be available on a voluntary basis for persons awaiting trial:
  - a. Education, 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

Standard 3.8 Programs for Pretrial Detainees  
(cont.)

should be available to the sentencing judge following conviction for the purpose of determining sentence.

Standard 3.9 Expediting Criminal Trials

The State should enact legislation, and each criminal justice jurisdiction should develop policies and procedures, to expedite criminal trials and thus minimize pretrial detention. Such legislation and policies and procedures should include:

1. Time limits in which a defendant must be brought to trial. The limits that can be imposed effectively will vary among jurisdictions depending on the number of criminal cases and the availability of judicial, prosecutorial, and defense resources. As an objective to be achieved by 1978, sufficient resources should be available so that the time limits imposed would not exceed the following:
  - a. For felony prosecutions, 60 days from the arrest, receipt of summons or citation, or filing of an indictment, information, or complaint, whichever comes first. In misdemeanor cases, 30 days.
  - b. In felony prosecutions, 60 days from the filing of new charges arising out of the same conduct after the original charge was dismissed upon motion of the defendant. In misdemeanor cases, 30 days.
  - c. In felony prosecutions, 60 days from a declaration of a mistrial, order for new trial, or remand from an appeal or collateral attack if the defendant is retried. In misdemeanor cases, 30 days.
2. Periods which would be excluded in computing the time for trial. Such periods should relate to the complexity of the case and the rights of the prosecution and defense for a fair trial.
3. Authorization for the temporary assignment or relocation of judges, prosecuting attorneys, defense counsel, and other officers essential for the trial of a criminal case to a jurisdiction where crowded dockets prohibit or make difficult compliance with the time limits for bringing defendants to trial.

Each criminal court or, where appropriate, the highest court of each jurisdiction should promulgate rules assuring criminal defendants a speedy trial on all pending charges. Such rules should include the recommendations of this standard not adopted by legislation and in addition the following:

Standard 3.9 Expediting Criminal Trials  
(cont.)

- 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.

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

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

Part I Setting for Corrections

Chapter 4 Sentencing

## CHAPTER 4 SENTENCING

### Standard 4.1 The Sentencing Agency

The State should enact legislation abolishing jury sentencing in all cases and authorizing the trial judge to bear full responsibility for sentence imposition within the guidelines established by the legislature.

### Standard 4.2 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 should be accorded the following rights:
    - (1) To be given notice of the hearing and of the alleged violations.

Standard 4.2 Probation  
(cont.)

(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 court 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.

Standard 4.3 Fines

In enacting penal code revisions, State legislatures should determine the categories of offenses for which a fine is an appropriate sanction and provide a maximum fine for each category.

Standard 4.3 Fines  
(cont.)

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 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 4.4 Multiple Sentences

The legislature should authorize sentencing courts to make disposition of offenders convicted of multiple offenses, as follows:

1. Under normal circumstances, when an offender is convicted of an offense while under sentence on a previous conviction, the court should be authorized to impose concurrent sentences.

Standard 4.4 Multiple Sentences  
(cont.)

2. Where the court finds on substantial evidence that the public safety requires a longer sentence, the court should be authorized to impose consecutive sentences. However, a consecutive sentence should not be imposed if the result would be a maximum sentence more than double the maximum sentence authorized for the most serious of the offenses involved.

3. The sentencing court should have authority to allow a defendant to plead guilty to any other offenses he has committed within the State, after the concurrence of the prosecutor and after determination that the plea is voluntarily made. The court should take each of these offenses into account in setting the sentence. Thereafter, the defendant should not be held further accountable for the crimes to which he has pleaded guilty.

4. The sentencing court should be authorized to impose a sentence that would run concurrently with out-of-State sentences, even though the time will be served in an out-of-State institution. When apprised of either pending charges or outstanding detainers against the defendant in other jurisdictions, the court should be given by interstate agreements the authority to allow the defendant to plead to those charges and to be sentenced, as provided for in the case of intrastate criminal activity.

Standard 4.5 Effect of Guilty Plea in Sentencing

Sentencing courts immediately should adopt a policy that the court in imposing sentence should not consider, as a mitigating factor, that the defendant pleaded guilty or, as an aggravating factor, that the defendant sought the protections of right to trial assured him by the Constitution.

This policy should not prevent the court, on substantial evidence, from considering the defendant's contrition, his cooperation with authorities, or his consideration for the victims of his criminal activity, whether demonstrated through a desire to afford restitution or to prevent unseemly public scrutiny and embarrassment to them. The fact that a defendant has pleaded guilty, however, should be considered in no way probative of any of these elements.

Standard 4.6 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

Standard 4.6 Credit for Time Served  
(cont.)

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 4.7 Continuing Jurisdiction of Sentencing Court

Courts should retain jurisdiction to determine whether an offender is subjected to conditions, requirements, or authority that are unconstitutional, undesirable, or not rationally related to the purpose of the sentence, when an offender raised these issues.

Sentencing courts should be authorized to reduce a sentence or modify its terms whenever the court finds, after appropriate proceedings in open court, that new factors discovered since the initial sentencing hearing dictate such modification or reduction or that the purpose of the original sentence is not being fulfilled.

Procedures should be established allowing the offender or the correctional agency to initiate proceedings to request the court to exercise the jurisdiction recommended in this standard.

#### Standard 4.8 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 sentencing 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 4.9 Sentencing Equality

The following procedures should be implemented by court rule or legislation to promote equality in sentencing:

1. Use of sentencing councils for individual sentences. (See Standard 4.11)
2. Periodic sentencing institutes for all sentencing and appellate judges. (See Standard 4.10)
3. Continuing sentencing court jurisdiction over the offender until the sentence is completed. (See Standard 4.7)
4. Appellate review of sentencing decisions.

As an alternative to review of sentences through normal appellate procedures, a jurisdiction may wish to establish a sentencing appeals board whose sole function would be to review criminal sentences. If such a board is established it should consist of not less than three nor more than seven members who would serve staggered 6-year terms. Appointment should be made through a procedure that assures competence and protects against political pressures and patronage. The recommendations set forth below, applicable to appellate review of sentences by courts, should be applicable to a sentencing appeals board.

Procedures for implementing the review of sentences on appeal should contain the following precepts:

1. Appeal of a sentence should be a matter of right.

Standard 4.9 Sentencing Equality  
(cont.)

2. Appeal of a sentence of longer than 5 years under an extended-term provision should be automatic.
3. A statement of issues for which review is available should be made public. The issues should include:
  - a. Whether the sentence imposed is consistent with statutory criteria.
  - b. Whether the sentence is unjustifiably disparate in comparison with cases of similar nature.
  - c. Whether the sentence is excessive or inappropriate.
  - d. Whether the manner in which the sentence is imposed is consistent with statutory and constitutional requirements.

Standard 4.10 Sentencing Institutes

The Arizona Supreme Court 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 4.11 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.

Standard 4.11 Sentencing Councils  
(cont.)

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 4.12 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 in 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:

Standard 4.12 Requirements for Presentence Report and Content Specification  
(cont.)

- 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. The short-form report should contain the information required in sections 5 a, c, d, e, h, i, and k.

7. 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 4.13 Preparation of Presentence Report Prior to Adjudication

1. The court shall require a presentence report in all cases in which it has discretion over the penalty to be imposed except that requiring a report is discretionary in those cases where:
  - a. The defendant can only be sentenced to imprisonment for less than one year.
  - b. A request is made by the defendant that sentence be pronounced earlier than 15 days after determination of guilt.
  - c. A presentence report concerning the defendant is already available.

Standard 4.13 Preparation of Presentence Report Prior to Adjudication  
(cont.)

2. A presentence report shall not be prepared until a determination of guilt has been made unless requested by the defendant and ordered by the court in connection with a proposed plea agreement.
3. The presentence report shall be delivered to the sentencing judge at least 2 days before the date set for sentencing.

Standard 4.14 Disclosure of Presentence Report

1. The presentence report, diagnostic and mental health reports shall be available to the prosecution and the defense counsel, or if he is without counsel, to the defendant. A portion of any report not made available to one party shall not be made available to any other.
2. The presentence report shall be made available to both parties at least 2 days prior to the date set for the sentencing hearing.
3. The court may excise from the copy of the presentence, diagnostic and mental health reports disclosed to the parties:
  - a. Diagnostic opinions which may seriously disrupt a program of rehabilitation,
  - b. The summary and recommendations of the probation officer,
  - c. Sources of information obtained on a promise of confidentiality, and
  - d. Information which would disrupt an existing police investigation.

When a portion of the presentence report is not disclosed, the court shall inform the parties and shall state on the record its reasons for making the excision.

4. After receipt of the report, the court may, on its own initiative, or shall, at the request of either party, hold a presentence hearing at any time prior to sentencing. At the hearing any party may introduce evidence to show aggravating or mitigating circumstances to show why sentence should not be imposed or to correct or amplify the presentence report, diagnostic or mental health reports.
5. The court on its own initiative or on motion of the parties, may hold a prehearing conference to ascertain and limit the matters in dispute or otherwise expedite the presentence hearing. The court may order the probation officer who prepares the presentence report to attend.
6. Prior to the day of the presentencing hearing, each party shall notify the court and all other parties of any objections it has to the presentence report.

Standard 4.14 Disclosure of Presentence Report  
(cont.)

7. The prosecutor shall disclose any information in his possession or control, not already disclosed, which would tend to reduce the punishment to be imposed.
8. The defendant is entitled to be present at the presentence hearing and shall be present at sentencing.

Standard 4.15 Sentencing Hearing--Rights of Defendant

Sentencing courts should adopt immediately the practice of holding a hearing prior to imposition of sentence and should develop guidelines for such hearing reflecting the following:

1. At the hearing the defendant should have these rights:
  - a. To be represented by counsel or appointed counsel.
  - b. To present evidence on his own behalf.
  - c. To subpoena witnesses.
  - d. To present arguments as to sentencing alternatives.
2. Guidelines should be provided as to the evidence that may be considered by the sentencing court for purposes of determining sentences, as follows:
  - a. The exclusionary rules of evidence applicable to criminal trial should not be applied to the sentencing hearing, and all evidence should be received subject to the exclusion of irrelevant, immaterial or unduly repetitious evidence. However, sentencing decisions should be based on competent and reliable evidence. Where a person providing evidence of factual information is reasonably available, he should be required to testify orally in order to allow cross-examination rather than being allowed to submit his testimony in writing.
  - b. Evidence obtained in violation of the defendant's constitutional rights should not be considered or heard in the sentence hearing and should not be referred to in the presentence report.
  - c. If the court finds, after considering the presentence report and whatever information is presented at the sentence hearing, that there is a need for further study and observation of the defendant before he is sentenced, it may take necessary steps to obtain that information. This includes hiring of local physicians, psychiatrists, or other professionals; committing the defendant for no more than 30 days to a local or regional diagnostic center; and ordering a more complete investigation of the defendant's background, social history, etc.

Standard 4.16 Sentencing Hearing--Role of Counsel

Sentencing courts immediately should develop and implement guidelines as to the role of defense counsel and prosecution in achieving sentencing objectives.

Standard 4.16 Sentencing Hearing--Role of Counsel  
(cont.)

1. It should be the duty of the defense counsel to protect the best interest of his client. He should consider not only the immediate but also the long-range interest in avoiding further incidents with the criminal justice system. He should, to this end:
  - a. Challenge, and contradict to the extent possible, any material in the presentence report or elsewhere that is detrimental to his client.
  - b. Familiarize himself with sentencing alternatives and community services available to his client and, to the extent consistent with his position as an officer of the court and a servant of society, recommend that sentence which most accurately meets the needs of his client and enhances his liberty.

Standard 4.17 Imposition of Sentence

Sentencing courts immediately should adopt the policy and practice of basing all sentencing decisions on an official record of the sentencing hearing. The record should be similar in form to the trial record but in any event should include the following:

1. A verbatim transcript of the sentencing hearing including statements made by all witnesses, the defendant and his counsel, and the prosecuting attorney.
2. Specific findings by the court on all controverted issues of fact and on all factual questions required as a prerequisite to the selection of the sentence imposed.
3. The reasons for selecting the particular sentence imposed.
4. A precise statement of the terms of the sentence imposed and the purpose that sentence is to serve.
5. A statement of all time spent in custody or under supervision for which the defendant is to receive credit under Standard 4.6.
6. The record of the sentencing hearing should be made a part of the trial record and should be available to the defendant or his counsel for purposes of appeal. The record also should be transmitted to correctional officials responsible for the care or custody of the offender.

Part I Setting for Corrections  
Chapter 5 Classification of Offenders



## CHAPTER 5 CLASSIFICATION OF OFFENDERS

### Standard 5.1 Comprehensive Classification Systems

Correctional administrators in the State should examine available classification systems in terms of applicability and usefulness.

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 conditions or status than his potential risk dictates.
2. The classification system should be developed under the management concepts discussed in Chapter 12 and issued in written form so that it can be made public and shared. It should specify:
  - a. The objectives of the system based on a hypothesis for the social reintegration of offenders, detailed methods for achieving the objectives, and a monitoring and evaluation mechanism to determine whether the objectives are being met.
  - b. 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 judgement 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, intra-system comparisons, and administrative decisionmaking.

Standard 5.1 Comprehensive Classification Systems  
(cont.)

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 5.2 Classification for Inmate Management

Each correctional agency operating institutions for committed offenders, in connection with and in addition to implementation of Standard 5.1, should reexamine and reorganize its classification system immediately, as follows:

1. Whether a reception unit or classification committee or team is utilized within the institution, the administration's classification issuance described in Standard 5.1 also 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.
2. 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.
3. The purpose of reclassification should be the increasing involvement of offenders in community-based programs as set forth in Standard 6.4, Inmate Involvement in Community Programs.
4. The isolation or quarantine period, if any, should be as brief as possible but no longer than 24 hours.

Standard 5.3 Community Classification Teams

State and local correctional agencies should establish jointly and cooperatively by 1978, in connection with the planning of community-based programs discussed in Chapter 6 and Chapter 8, 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

Standard 5.3 Community Classification Teams  
(cont.)

offenders for community-based programs. Establishment of community classification teams should be governed by Standard 5.1, Comprehensive Classification Systems, and 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, as discussed in Chapter 6, 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 as discussed in Chapter 6 and elsewhere in this report (see Related Standards). 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.

Part II Correctional Programs  
Chapter 6 Corrections and the Community

## PART II CORRECTIONAL PROGRAMS

### CHAPTER 6 CORRECTIONS AND THE COMMUNITY

#### Standard 6.1 Development Plan for Community-Based Alternatives to Confinement

The State correctional system or correctional systems 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 (discussed in Standard 6.3) is essential. The plan should be developed within the framework of total system planning discussed in Chapter 8, Local Adult Institutions, and State planning discussed in Chapter 12, Organization and Administration.

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 6.2 Marshaling and Coordinating Community Resources

The State 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.

Standard 6.2 Marshaling and Coordinating Community Resources  
(cont.)

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 broadbased 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 6.3 Corrections' Responsibility for Citizen Involvement

Arizona's 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.

Standard 6.3 Corrections' Responsibility for Citizen Involvement  
(cont.)

- 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 ongoing 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 6.4 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 judgements 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.

Standard 6.4 Inmate Involvement in Community Programs  
(cont.)

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.

Part II Correctional Programs  
Chapter 7 Juvenile Intake and Detention



## CHAPTER 7 JUVENILE INTAKE AND DETENTION

### Standard 7.1 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 responsibility 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. An effort should be made by the police of notification of the juvenile's parents or the juvenile court if the parents are unavailable.
3. Juveniles should not be fingerprinted or photographed or otherwise routed through the usual adult police booking process.
4. Juvenile records should be maintained physically separate from adult case records.

### Standard 7.2 Juvenile Intake Services

Each juvenile court jurisdiction immediately should take action, including the pursuit of enabling legislation where necessary, to establish within the court organized intake services operating as a part of or in conjunction with the detention center. Intake services should be geared to the provision of screening and referral intended to divert as many youngsters as possible from the juvenile justice system and to reduce the detention of youngsters to an absolute minimum.

Standard 7.2 Juvenile Intake Services  
(cont.)

1. Intake personnel should have authority and responsibility to:
  - a. Dismiss the complaint when the matter does not fall within the delinquency jurisdiction of the court or is so minor or the circumstances such that no intervention is required.
  - b. Dismiss complaints which seem arbitrary, vindictive, or against the best interests of the child.
  - c. Divert as many youngsters as possible to another appropriate section of the court or to alternative programs such as mental health and family services, public welfare agencies, youth service bureaus, and similar public and private agencies.
  
2. Intake personnel should seek informal service dispositions for as many cases as possible, provided the safety of the child and of the community is not endangered. Informal service denotes any provision for continuing efforts on the part of the court at disposition without the filing of a petition, including:
  - a. Informal adjustments
  - b. Voluntary services.
  - c. Consent decrees.
  
3. Voluntary service dispositions should have the following characteristics:
  - a. The juvenile and his parents should be advised of their right to counsel.
  - b. Participation by all concerned should be voluntary.
  - c. The major facts of the case should be undisputed.
  - d. Participants should be advised of their right to formal adjudication.
  - e. Any statements made during the voluntary process should be excluded from any subsequent formal proceeding on the original complaint.
  - f. A reasonable time limit (1 to 2 months) should be adhered to between date of complaint and date of agreement.
  - g. Restraints placed on the freedom of juveniles in connection with voluntary dispositions should be minimal.
  - h. When the juvenile and his parents agree to voluntary proceedings they should be informed that they can terminate such dispositions at any time and request formal adjudication.
  
4. Voluntary service is the service offered to a youngster by a probation officer who wishes to reserve judgement on the need for filing a petition until after he has had the opportunity to determine whether informal treatment is sufficient to meet the needs of the case.
  
5. A consent decree denotes a more formalized order for casework supervision and is neither a formal determination of jurisdictional fact nor a formal disposition. In addition to the characteristics

Standard 7.2 Juvenile Intake Services  
(cont.)

listed in paragraph 3, consent decrees should be governed by the following considerations:

- a. Compliance with the decree should bar further proceedings based on the events out of which the proceedings arose.
- b. Consummation of the decree should not result in subsequent removal of the child from his family.
- c. The decree should not be in force more than 3 to 6 months.
- d. The decree should state that it does not constitute a formal adjudication.
- e. No consent decree should be issued without a hearing at which sufficient evidence appears to provide a proper foundation for the decree. A record of such hearing should be kept, and the court in issuing the decree should state in writing the reasons for the decree and the factual information on which it is based.

6. Cases requiring judicial action should be referred to the court.

- a. Court action is indicated when:
  - (1) Either the juvenile or his parents request a formal hearing.
  - (2) There are substantial discrepancies about the allegations, or denial, or a serious offense.
  - (3) Protection of the community is an issue.
  - (4) Needs of the juvenile or the gravity of the offense makes court attention appropriate.
- b. In all other instances, court action should not be indicated and the juvenile should be diverted from the court process. Under most circumstances children should not be referred.

Under the supervision of the court, review and monitoring procedures should evaluate the effectiveness of intake services in accomplishing the diversion of children from the juvenile justice system and reducing the use of detention, as well as appropriateness and results of informal dispositions.

7. 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 48 hours exclusive of weekends and holidays.
- e. Juveniles should be detained in jails, lockups, or other facilities separate and apart from adults.

### Standard 7.3 Juvenile Detention Center Planning

When total system planning conducted as outlined in Standard 8.1 indicates need for renovation of existing detention facilities to accommodate an expanded function involving intake service 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. Living area capacities within the center should not exceed 10 or 12 youngsters each. Individual occupancy should be provided, where indicated. Individual rooms should be pleasant, adequately furnished, and homelike rather than punitive and hostile in atmosphere.
3. 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.
4. Existing residential facilities within the community should be used in preference to new construction.
5. 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.
6. New construction and renovation of existing facilities should be based on consideration of the functional interrelationships between program activities and program participants.
7. 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.
8. Citizen advisory boards should be established to pursue development of in-house and community-based programs and alternatives to detention.
9. Planning should comply with pertinent State and Federal regulations and the Environmental Policy Act of 1969.

### Standard 7.4 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.

Standard 7.4 Juvenile Intake and Detention Personnel Planning  
(cont.)

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.
10. The standards set forth in Chapter 13, Manpower, should be observed.

Part II Correctional Programs  
Chapter 8 Local Adult Institutions

## CHAPTER 8 LOCAL ADULT INSTITUTIONS

### Standard 8.1 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 over-all 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

Standard 8.1 Total System Planning  
(cont.)

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 8.2 State Operation and Control of Local Institutions

All local detention and correctional functions, both pre- and postconviction, 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.

Standard 8.2 State Operation and Control of Local Institutions  
(cont.)

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 8.3 State Inspection of Local Facilities

Pending implementation of Standard 8.2, State legislatures 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 recordkeeping 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 8.4 Adult Intake Services

Each judicial jurisdiction should immediately take action, including the pursuit of enabling legislation where necessary, to establish centrally coordinated and directed adult intake services to:

1. Perform investigative services for pretrial intake screening. Such services should be conducted within 3 days and provide data for decisions regarding appropriateness of summons release, release on recognizance, community bail, conditional pretrial release, or other forms of pretrial release. Persons should not be placed in detention solely for the purpose of facilitating such services.
2. Emphasize diversion of alleged offenders from the criminal justice system and referral to alternative community-based programs (halfway houses, drug treatment programs, and other residential and nonresidential adult programs). The principal task is identifying the need and matching community services to it.
3. Offer initial and ongoing assessment evaluation, and classification services to those agencies receiving referrals.
4. Provide assessment, evaluation, and classification services that assist program planning for sentenced offenders.
5. Arrange secure residential detention for pretrial detainees at an existing community or regional correctional center or jail, or at a separate facility for pretrial where feasible. Most alleged offenders awaiting trial should be diverted to release programs, and the remaining population should be only those who represent a serious threat to the safety of others.

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. Ideally, intake services should operate in conjunction with a 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. Specialized services should be purchased in the community on a contractual basis.

Standard 8.4 Adult Intake Services  
(cont.)

7. The following persons should be available to intake service programs, either as staff members or by contract:
  - a. Psychiatrists.
  - b. Clinical psychologists.
  - c. Social workers
  - d. Interviewers.
3. Education specialists.

Standard 8.5 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 recordtaking 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 as soon as possible after reception.

Standard 8.5 Pretrial Detention Admission Process  
(cont.)

Interviews should be conducted in private, and the interviewing area furnished with reasonable comfort.

8. A thorough medical examination of each person should be made by a physician. It should be mandatory that the physician's orders be followed.

Standard 8.6 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.
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.

Standard 8.6 Staffing Patterns  
(cont.)

9. Correctional personnel should be involved in screening and classification of inmates.

10. 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.

11. 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 8.7 Internal Policies - Locally Based Correctional Facilities

Every jurisdiction operating locally based correctional institutions and programs for adults should immediately adopt these internal policies:

1. A system of classification should be used to provide the basis for residential assignment and program planning for individuals. 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, they should be diverted to narcotic treatment centers. When drug users are admitted to the facility because of criminal charges not related to their drug use, immediate medical attention and treatment should be administered by a physician.

c. Since local correctional facilities are not proper locations for treatment of alcoholics, all such offenders should be diverted to detoxification centers and given a medical examination. Alcoholics with delirium tremens should be transferred immediately to a hospital for proper treatment.

d. 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 the staff physician.

e. Beyond segregating these groups, 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, traffic cases) should not be detained before trial. The State government should insist on the separation of pretrial and posttrial inmates, except where it can be demonstrated conclusively that separation is not possible and every alternative is being used to reduce pretrial detention.

Standard 8.7 Internal Policies - Locally Based Correctional Facilities  
(cont.)

2. Detention rules and regulations should be provided each new admission and posted in each separate area 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 have at least 14 regular visiting hours weekly, with at least five between 7 and 10 p.m. Visiting hours should be expanded beyond this minimum to the extent possible. 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's medical program should obtain assistance from external medical and health resources (State agencies, medical societies, professional groups, hospitals, and clinics). Specifically:
  - a. Each inmate should be examined by a physician within 24 hours after admission to determine his physical and mental condition. If the physician is not immediately available, a preliminary medical inspection should be administered by the receiving officer to detect any injury or illness requiring immediate medical attention and possible segregation from other inmates until the physician can see him.
  - b. Every facility should have a formal sick call procedure that gives inmates the opportunity to present their request directly to a member of the staff and obtain medical attention from the physician.
  - c. Every facility should be able to provide the services of a qualified dentist. Eyeglass fitting and other special services such as provision of prosthetic devices should be made available.
  - d. Personal medical records should be kept for each inmate, containing conditions on admission, previous medical history, illness or injury during confinement and treatment provided, and condition at time of release.
  - e. All personnel should be trained to administer first aid.
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. Each facility should also have a commissary service.
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.

Standard 8.7 Internal Policies - Locally Based Correctional Facilities  
(cont.)

7. Each detention facility should have written provisions that deal with its management and administration. Proper legal authority, legal custody and charge of the facility, commitment and confinement rules, transfer and transportation of inmates, and emergency procedures are among the topics that should be covered.

8. The use of an inmate trusty should be limited.

Standard 8.8 Internal Policies - Juvenile Correctional Facilities

Every jurisdiction operating locally based juvenile correctional institutions and programs should immediately adopt these internal policies:

1. A system of classification should be used to provide the basis for residential assignment and program planning for juveniles. Segregation of diverse categories of juveniles, as well as identification of special supervision and treatment requirements should be observed.

a. The psychotic juvenile should not be housed in a detention facility.

b. Since local juvenile correctional facilities are not equipped to treat addicts, they should be diverted to narcotic treatment centers that have the capabilities for the treatment of juveniles. When juvenile drug abusers are admitted to the facility because of criminal charges not related to their drug use, immediate attention and treatment should be administered by a physician.

c. Since local juvenile correctional facilities are not proper locations for treatment of juveniles with alcohol related problems, all such juveniles should be diverted to detoxification centers that have housing and treatment capabilities for juveniles. All juveniles diverted to alcoholic centers should be given an immediate medical examination upon entry. Any juvenile with extreme medical problems should be taken to a hospital for proper treatment.

d. Juveniles who suffer from various disabilities should have separate housing and close supervision to prevent mistreatment by other juveniles that are being detained. Any potential suicide risk should be under careful supervision. Epileptics, diabetics, and other juveniles with special problems should be treated as recommended by the staff physician.

e. Beyond segregating these groups, serious and multiple offender juveniles should be kept separate from those whose charge or conviction is for a first or minor offense. In particular, persons charged with noncriminal offenses should not be detained before trial. The State Government should insist on the separation of pre-trial and post-trial juveniles, except where it can be demonstrated conclusively that separation is not possible and every alternative is being used to reduce pre-trial detention of juveniles.

Standard 8.8 Internal Policies - Juvenile Correctional Facilities  
(cont.)

2. Detention rules and regulations should be provided each new admission and posted in each separate area of the juvenile detention facility. These regulations should cover items discussed in Chapter 1, Rights of Offenders.

3. Every juvenile detained should have the privilege of visits from family members of adult age. Visiting privileges may be revoked for due cause. Prior to visiting a juvenile each visitor should be screened so that only approved visitors are allowed to visit juveniles for both the welfare of the juvenile and for institutional control. Each juvenile detention facility should have at least 7 regular visiting hours weekly, at least 4 between 4:00 P.M. and 8:00 P.M. Visiting hours should be expanded beyond this minimum to the extent possible. The environment in which this takes 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 juvenile detention facilities medical program should obtain assistance from external medical and health resources (State agencies, medical societies, professional groups, hospitals, and clinics).

Specifically:

a. Each juvenile should be examined by a physician within 24 hours after submission to determine his physical and mental condition. If the physician is not immediately available, a preliminary visual inspection should be administered by the receiving officer of the juvenile detention facility to detect any injury or illness requiring immediate medical attention and possible segregation from other juveniles until the physician can see him.

b. Every juvenile detention facility should have a formal sick call procedure that gives juveniles the opportunity to present their request directly to a member of the staff and obtain medical attention. Each juvenile should have an opportunity to see a qualified medical staff member but not necessarily a physician each time it is requested.

c. Every juvenile detention facility should be able to secure the services of a qualified dentist, eye glass fitting and other special services such as the provision of prosthetic devices only after the juvenile has been convicted. If it is obvious that the offender has immediate need, referral should be made to appropriate community agencies to provide the services needed.

d. Personal medical records should be kept for each juvenile detained, containing condition on admission, previous medical history, illness or injury during confinement and treatment provided, and condition at time of release.

e. All personnel should be trained to administer first aid.

Standard 8.8 Internal Policies - Juvenile Correctional Facilities  
(cont.)

5. Three meals daily should be provided at reasonable hours. Meals should be of sufficient quantity, well prepared, served in an attractive manner and nutritionally balanced. Service should be prompt, so hot food remains hot and cold food remains cold. Provisions should also be made for juveniles that require special dietary menus. The juveniles' lives and health are the responsibility of the facility. Hence, the facility should implement sanitation and safety procedures that should help protect the juvenile from disease, injury, and personal danger.

6. Each juvenile detention facility should have written provisions that deal with its management and administration. Proper legal authority, legal custody, and charge of the facility, commitment and confinement rules, transfer and transportation of juveniles, and emergency procedures are among the topics that should be covered.

7. At no time should juveniles be utilized in any form of a trusty system where juvenile detainees are responsible for the supervision of other juvenile detainees.

Standard 8.9 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 5.3. 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.

Standard 8.9 Local Correctional Facility Programming  
(cont.)

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 8.10 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.

Standard 8.10 Jail Release Programs  
(cont.)

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 8.11 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.

Standard 8.11 Local Facility Evaluation and Planning  
(cont.)

- 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, pre-sentence investigations, post-sentence 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. A majority of inmates should be accommodated 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.

Standard 8.11 Local Facility Evaluation and Planning  
(cont.)

7. Prisoners should be handled in a manner consistent with humane standards.

a. Use of closed-circuit television and other electronic surveillance is sometimes detrimental to program objectives, particularly when used as a substitute for direct staff-resident interaction.

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.



**CONTINUED**

**1 OF 2**

Part II Correctional Programs

Chapter 9 Probation

## CHAPTER 9 PROBATION

### Standard 9.1 Organization of Probation

The State, without saying whether it is the Department of Corrections, Supreme Court or who, should be encouraged to provide supportive services such as public education, standard setting, training, planning, coordination and financing.

### Standard 9.2 Services to Probationers

Each probation system should develop a goal-oriented service delivery system that seeks to remove or reduce barriers confronting probationers. The needs of probationers should be identified, priorities established, and resources allocated based on established goals of the probation system. (See Standards 4.12, 4.13, 15.8 and 15.9 for probation's services to the courts.)

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 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.
3. The primary function of the probation officer should be that of community resource manager for probationers.

### Standard 9.3 Misdemeanant Probation

Arizona 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 misdemeanor and felony probation. Other than the possible length of probation terms, there should be no distinction between misdemeanor and felony probation as to organization, manpower, or services.

### Standard 9.4 Probation Manpower

Arizona immediately 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

Standard 9.4 Probation Manpower  
(cont.)

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 with preference given to applicants possessing a degree in a corrections-related field.

Standard 9.5 Probation in Release on Recognizance Programs

Each community or metropolitan area of more than 100,000 persons that does not already have an effective release on recognizance program should immediately develop, in cooperation with the court, additional staff and procedures to investigate arrested adult defendants for possible release on recognizance (ROR) while awaiting trial, to avoid unnecessary use of detention in jail.

1. The staff used in the ROR investigations should not be probation officers but persons trained in interviewing, investigation techniques, and report preparation.
2. The staff should collect information relating to defendant's residence, past and present; employment status; financial condition; prior record if any; and family, relatives, or others, particularly those living in the immediate area who may assist him in attending court at the proper time.
3. Where appropriate, staff making the investigation should recommend to the court any conditions that should be imposed on the defendant if released on recognizance.
4. The probation agency should provide pretrial intervention services to persons released on recognizance.

Part II Correctional Programs

Chapter 10 Major Institutions



## CHAPTER 10 MAJOR INSTITUTIONS

### Standard 10.1 Planning New Correctional Institutions

The correctional agency administering State institutions for juvenile or adult offenders should adopt immediately a policy of not building new major institutions for juveniles 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 8. 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 10.2 Modification of Existing Institutions

The correctional agency administering State institutions for juvenile or adult offenders should undertake immediately a 5-year program of reexamining existing institutions to minimize their use, and, for those who must be incarcerated, modifying the institutions to minimize the deleterious effects of excessive regimentation and harmful physical environments imposed by physical plants.

1. A collaborative planning effort should be made to determine the legitimate role of each institution in the correctional system.
2. If the average population of an institution is too large to facilitate the purposes stated in paragraph 2 of Standard 10.1, it should be reduced.
3. The physical environments of the adult institutions to be retained should be modified to achieve the objectives stated in paragraph 4 of Standard 10.1 as to:
  - a. Provision of privacy and personal space.
  - b. Minimization of noise.
  - c. Reduction of sensory deprivation.
  - d. Reduction in size of inmate activity spaces to facilitate constructive inmate-staff relationships.
  - e. Provision of adequate utility services.
4. Plant modification of retained institutions should also be undertaken to provide larger, more dignified, and more informal visiting facilities; spaces for formal and informal individual and group counseling, education and vocational training, workshops, recreational facilities, and medical and hospital facilities; and such additional program spaces as may fit the identified purposes of the institution.
5. A reexamination of the purposes and physical facilities of each existing institution should be undertaken at least every 5 years, in connection with continuing long-range planning for the entire corrections system.

## Standard 10.3 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 newspapers and magazines should be supported.

Standard 10,3 Social Environment of Institutions  
(cont.)

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. Where possible, uniforms should be eliminated and replaced with civilian dress, with reasonable opportunity for individual choice of colors, styles, etc.
- d. Institutional visitation should be held in an environment conducive to healthy relationships between offenders and their families and friends.
- e. Home furlough should be allowed to custodially qualified offenders to maintain emotional involvement with families.
- f. Telephone privileges, including reasonable provisions for long-distance calls, should be extended to all inmates.
- g. 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.

Standard 10.3 Social Environment of Institutions  
(cont.)

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. Standard 1.11 concerning 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 10.4 Education and Vocational Training

Each institution for committed juveniles or sentenced adults should reexamine immediately its educational and vocational training programs to insure that they meet standards that will individualize education and training. It is assumed that intensive efforts will be made to upgrade both adult and juvenile institutions.

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.

Standard 10.4 Education and Vocational Training  
(cont.)

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.

Standard 10.4 Education and Vocational Training  
(cont.)

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 10.5 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, and the emotionally disturbed, and implement substantially the following:

1. The commitment of addicts to correctional institutions should be minimized, 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

Standard 10.5 Special Offender Types  
(cont.)

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 sub-cultural 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.

Standard 10.5 Special Offender Types  
(cont.)

(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

Standard 10.5 Special Offender Types  
(cont.)

k. Reintegration of the offender into the community or program from which he came should be established as the primary objective.

1. 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.

Standard 10.6 Women in Major Institutions

Each 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. Each 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 aptitudes 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.

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.

## Standard 10.7 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 plan an integral part in institutional programs.
3. The chaplain should locate religious resources in the civilian community for those offenders who desire assistance on release.
4. 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.
5. Community representatives of all faiths should be encouraged to participate in religious services and other activities within the institution.

## Standard 10.8 Recreation Programs

Each institution for committed juveniles or sentenced adults 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 10.9 Counseling Programs

Each institution should begin immediately to develop planned, organized, ongoing counseling programs, in conjunction with the implementation of Standard 10.3, Social Environment of Institutions, which is 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.
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, or 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 10.10 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.

Standard 10.10 Prison Labor and Industries  
(cont.)

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. Inmate pay rate should be based on a sliding scale directly related to the prevailing economic situation and the economic price index.

Part II Correctional Programs

Chapter 11 Parole

## CHAPTER 11 PAROLE

### Standard 11.1 Organization of Paroling Authorities

Arizona should maintain parole decisionmaking bodies for adult and for 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 decision-making authority and separate from field services. The board responsible for the parole of adult offenders should have jurisdiction over felons.

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.

### Standard 11.2 Parole Authority Personnel

The State should specify by statute the qualifications and conditions of appointment of parole board members.

1. Parole boards for adult and juvenile offenders should consist of full-time members.

2. It is desirable, but not necessary, that every member possess academic training in fields such as criminology, education, psychology, psychiatry, law, social work, or sociology.

Standard 11.2 Parole Authority Personnel  
(cont.)

3. Members should have a high degree of skill in comprehending legal issues and statistical information and an ability to develop and promulgate policy.
4. Members should be appointed by the governor with the consent of the senate for six-year terms.
5. Parole boards should consist of no less than three full-time members nor more than five, and shall have at least one member of the public and one of its members shall be designated as a permanent chairman.
6. Parole board members should be compensated at a rate equal to that of a judge of a court of general jurisdiction.
7. 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.
8. 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 11.3 The Parole Grant Hearing

Each parole jurisdiction immediately should develop policies for parole release hearings that include opportunities for personal and adequate participation by the inmates concerned; procedural guidelines to insure proper, fair, and thorough consideration of every case; prompt decisions and personal notification of decisions to inmates; and provision for accurate records of deliberations and conclusions.

A proper parole grant process should have the following characteristics:

1. Hearings should be scheduled with inmates in accordance with the policy established by Arizona Revised Statutes. Inmates should appear personally at hearings.
2. At these hearings, decisions should be directed toward the quality and pertinence of program objectives agreed upon by the inmate and the institution staff.
3. Board representatives should monitor and approve programs that can have the effect of releasing the inmate without further board hearings.

Standard 11.3 The Parole Grant Hearing  
(cont.)

4. Each jurisdiction should have a statutory requirement, patterned after the Model Penal Code, under which offenders are given consideration for parole when first eligible unless certain specific conditions exist.
5. When a release date is not agreed upon, a further hearing date within one year should be set.
6. A parole board member or hearing examiner should hold no more than 10 hearings in any full day.
7. One examiner or member should conduct hearings. His findings should be final unless appealed to the full parole board by the correctional authority or the inmate within 5 days.
8. Inmates should be notified of any decision directly and personally by the board member or representative before he leaves the institution.
9. The person hearing the case should specify in detail and in writing the reasons for his decision, whether to grant parole or to deny or defer it.
10. Parole procedures should permit disclosure of information on which the hearing examiner bases his decisions. Sensitive information may be withheld, but in such cases nondisclosure should be noted in the record so that subsequent reviewers will know what information was not available to the offender.
11. Parole procedures should permit representation of offenders under appropriate conditions, if required. Such representation should conform generally to Standard 1.2 on Access to Legal Services.

Standard 11.4 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.

Standard 11.4 Revocation Hearings  
(cont.)

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 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.

Standard 11.4 Revocation Hearings  
(cont.)

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 11.5 Organization of Field Services

The State 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 decision-making power to the parole teams.

Standard 11.6 Community Services for Parolees

The State 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

Standard 11.6 Community Services for Parolees  
(cont.)

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 fulfil 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. All States 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 a 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 placement 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 11.7 Measures of Control

The State 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 11.8 Manpower for Parole

Arizona 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 that are prescribed in Chapter 13, 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 each 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 with preference given to applicants possessing a degree in a corrections-related field.
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.



Part III Cross-Section of Corrections  
Chapter 12 Organization and Administration



Standard 11.8 Manpower for Parole  
(cont.)

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 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.

## PART III CROSS-SECTION OF CORRECTIONS

### CHAPTER 12 ORGANIZATION AND ADMINISTRATION

#### Standard 12.1 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 12.2 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 (See Standards 14.1-14.5).

Standard 12.2 Planning and Organization  
(cont.)

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.

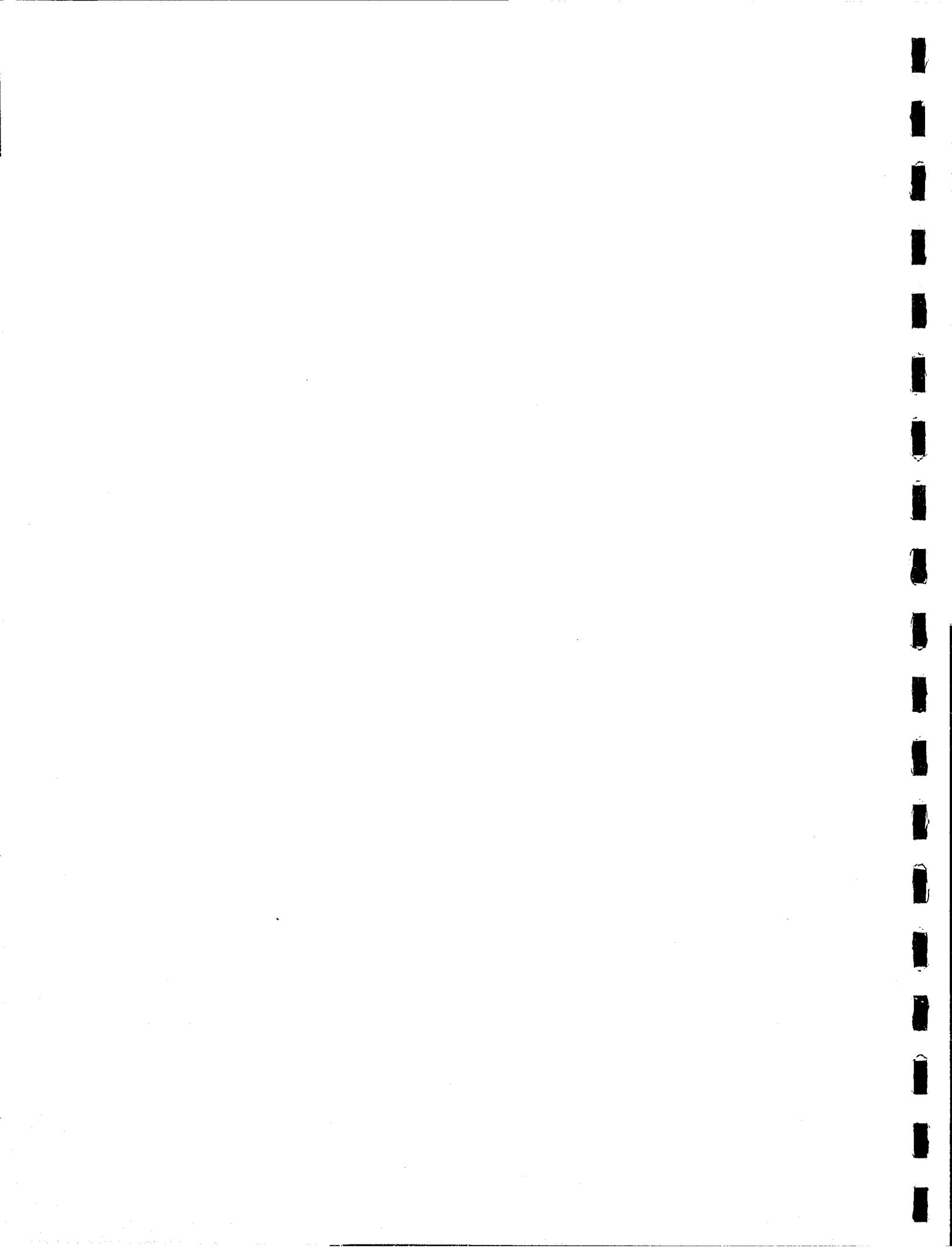
Each agency should have an operating cost-accounting system which should include the following capabilities:

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, or ongoing programmatic analysis for management.

Standard 12.3 Employee-Management Relations

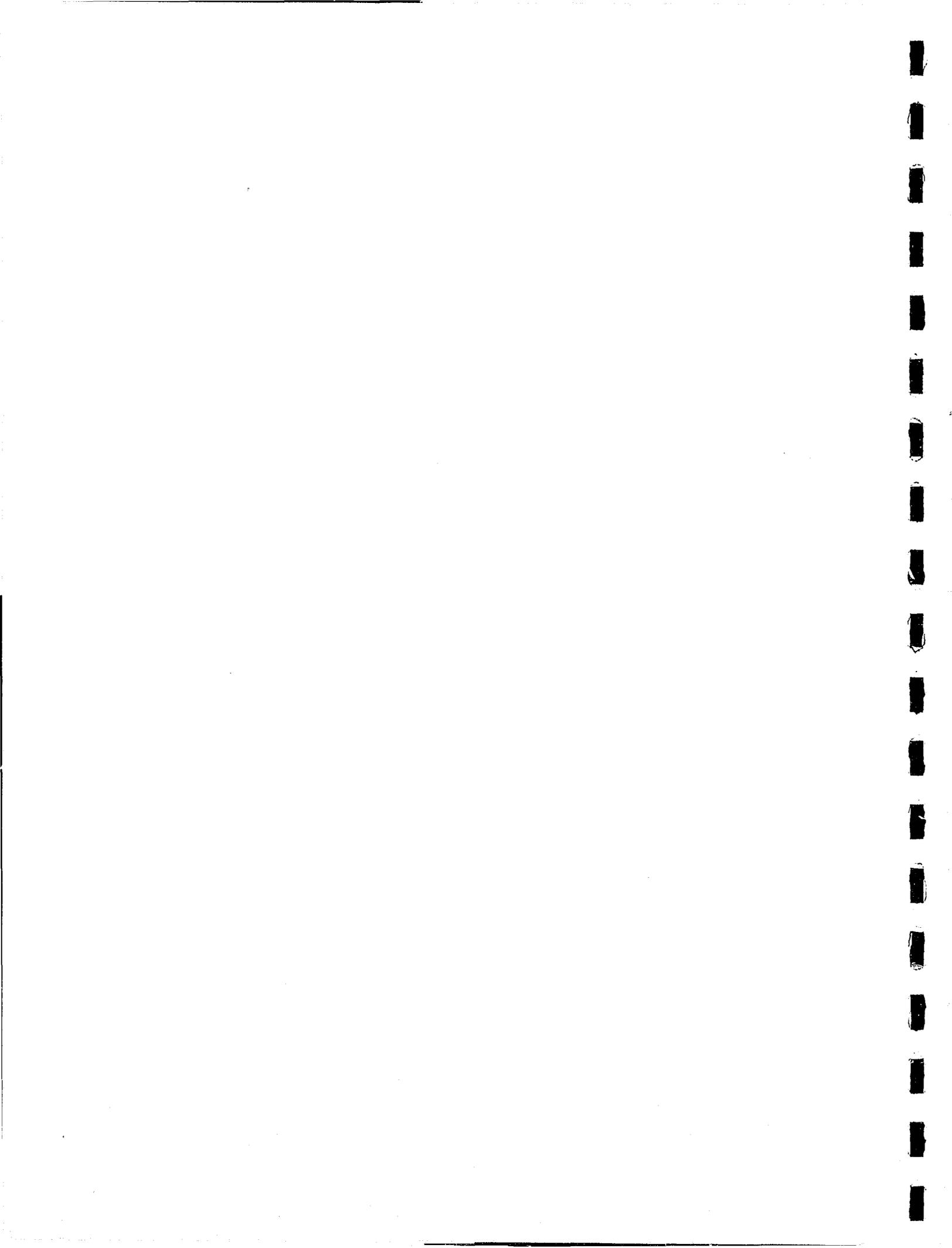
Each correctional agency should begin immediately to develop the capability to relate effectively to and negotiate with employees and offenders. This labor-offender-management relations capability should consist, at minimum, of the following elements:

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



Part III Cross-Section of Corrections

Chapter 13 Manpower for Corrections



Standard 12.3 Employee-Management Relations  
(cont.)

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.

Standard 12.4 Work Stoppages and Job Actions

Correctional administrators should immediately make preparations to be able to deal with any concerted work stoppage or job action by correctional employees. Such planning should have the principles outlined in Standard 12.3 as its primary components. In addition, further steps may be necessary to insure that the public, other correctional staff, or inmates are not endangered or denied necessary services because of a work stoppage.

1. Arizona should enact legislation by 1978 that specifically prohibits correctional employees from participating in any concerted work stoppage or job action.

2. Every correctional agency should establish formal written policy prohibiting employees from engaging in any concerted work stoppage. Such policy should specify the alternatives available to employees for resolving grievances. It should delineate internal disciplinary actions that may result from participation in concerted work stoppages.

3. Every correctional agency should develop a plan which will provide for continuing correctional operations in the event of a concerted employee work stoppage.

## CHAPTER 13 MANPOWER FOR CORRECTIONS

### Standard 13.1 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 13.2 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.

Standard 13.2 Employment of Women  
(cont.)

4. Assumption by the personnel system of aggressive leadership in giving women a full role in corrections.

Standard 13.3 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 13.4 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 life-styles 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. Recognition should be given to volunteers making exceptional contribution to an agency.

### Standard 13.5 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 dissatisfaction 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 13.6 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.

Standard 13.6 Participatory Management  
(cont.)

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 13.7 Redistribution of Correctional Manpower Resources to  
Community-Based Programs

Correctional and other agencies in implementing the recommendations of Chapters 6 and 10 for reducing the use of major institutions and increasing the use of community resources for correctional purposes, should undertake immediate cooperative studies to determine proper redistribution of manpower from institutional to community-based programs. This plan should include the following:

1. Development of a statewide correctional manpower profile including appropriate data on each worker.
2. Proposals for retraining staff relocated by institutional closures.
3. A process of updating information on program effectiveness and needed role changes for correctional staff working in community-based programs.
4. Methods for formal, official corrections to cooperate effectively with informal and private correctional efforts found increasingly in the community. Both should develop collaboratively rather than competitively.

### Standard 13.8 Coordinated State Plan for Criminal Justice Education

Arizona 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 ensure 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 for reassignment.
2. Rewards (either increased salary or new work assignments) should be provided to encourage inservice staff to pursue these educational opportunities.

### Standard 13.9 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.

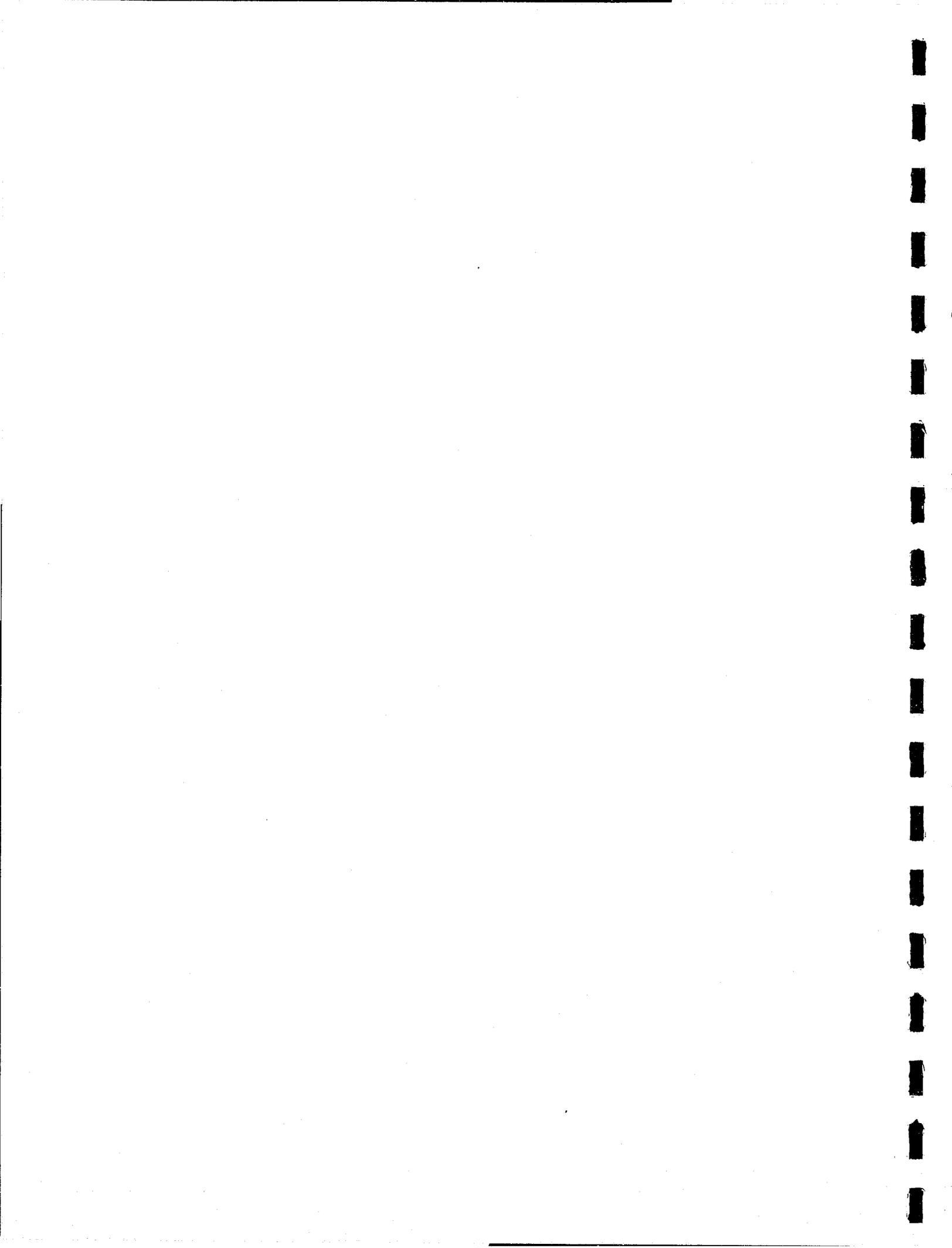
Standard 13.9 Intern and Work-Study Programs  
(cont.)

4. Evaluation of each program.
5. Realistic pay for students.
6. Followup with participating students to encourage entrance into correctional work.

Standard 13.10 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.



Part III Cross-Section of Corrections

Chapter 14 Research and Development, Information, and Statistics



## CHAPTER 14 RESEARCH AND DEVELOPMENT, INFORMATION, AND STATISTICS

### Standard 14.1 State Correctional Information Systems

Arizona by 1978 should develop and maintain, or cooperate with other States in the development and maintenance of, a correctional information system to collect, store, analyze, and display information for planning, operational control, offender tracking, and program review for all State and county correctional programs and agencies.

1. Statewide information systems should be feasible for the larger States. Local and central correctional components (facilities, branch offices, programs) of all sizes should be included in such systems. Regional (multistate) systems should be feasible for smaller States.
2. In all cases, the State or regional system should store local data, with access provided through terminals at various points throughout the State. Control of the system should be in the hands of participating agency representatives. Until unified correctional systems are established, admission to the system should be voluntary, but benefits should be clear enough to encourage membership. A share of the development costs should be borne by the State or regional consortium.
3. In cases where data processing for the department of corrections must be done on a shared computer facility under the administration of some other agency, the programmers and analysts for the department should be assigned full time to it and should be under the complete administrative control of the department of corrections.
4. The department of corrections should be responsible for maintaining the security and privacy of records in its data base and should allow data processing of its records only under its guidance and administrative authority. This should not be construed as prohibitive, as the department of corrections should encourage research in the correctional system and provide easy access to authorized social science researchers. (Only information that would identify individuals should be withheld.)
5. The information-statistics function should be placed organizationally so as to have direct access to the top administrators of the department. The director of the information group should report directly to the agency administrator.
6. The mission of the information-statistics function should be broad enough to assume informational and research support to all divisions within the department of corrections and to support development of an offender-based transaction system. Priorities of activity undertaken should be established by the top administrators in consultation with the director of the information system.

## Standard 14.2 Staffing for Correctional Research and Information Systems

The State, in the implementation of Standard 14.1, should provide minimum capabilities for analysis and interpretation of information. For all but the largest components (facilities, branch offices, programs), a small information and statistics section capable of periodic reports on the consequences of policy and decisionmaking will suffice. Larger components will benefit from having a professional staff capable of designing and executing special assessment studies to amplify and explicate reports generated by the information system. Staffing for research and information functions should reflect these considerations:

1. Where the component's size is sufficient to support one or more full-time positions, priority should be given to assigning an information manager who should have minimum qualifications as a statistician. The manager should have full responsibility for coordination and supervision of inputs into the system. He also should edit, analyze, and interpret all output material, preparing tables and interpretive reports as indicated.
2. Where the size of the component does not warrant the allocation of full-time positions to information and statistics, one professional staff member should be designated to perform the functions outlined above on a part-time basis.
3. The manager of the State information system should use members of his staff as training officers and technical consultants. In States where unification has not been achieved, these persons should be responsible for familiarizing county and local correctional administrative and information staff with system requirements and the advantageous use of output.
4. Other steps to achieve effective communication of information include the following:
  - a. Researchers and analysts should be given formal training in communication of results to administrators. Such training should include both oral and written communications.
  - b. The training program of the National Institute of Corrections should include a session for administrators that covers new techniques in the use of computers, information, and statistics.
  - c. Where feasible, management display centers should be constructed for communication of information to administrators. The center should have facilities for graphic presentation of analyses and other information.

## Standard 14.3 Design Characteristics of a Correctional Information System

Arizona, in the establishment of its information system under Standard 14.1, should design it to facilitate four distinct functions:

Standard 14.3 Design Characteristics of a Correctional Information System  
(cont.)

1. Offender accounting.
2. Administrative-management decisionmaking.
3. Ongoing departmental research.
4. Rapid response to ad hoc inquiries.

The design of the correctional information system should insure capability for provision of the following kinds of information and analysis:

1. Point-in-time net results--routine analysis of program status, such as:
  - a. Basic population characteristics.
  - b. Program definition and participants.
  - c. Organizational units, if any.
  - d. Personnel characteristics.
  - e. Fiscal data.
2. Period-in-time reports--a statement of flow and change over a specified period for the same items available in the point-in-time net results report. The following kinds of data should be stored:
  - a. Summary of offender events and results of events.
  - b. Personnel summaries.
  - c. Event summaries by population characteristics.
  - d. Event summaries by personnel characteristics.
  - e. Fiscal events summarized by programs.
3. Automatic notifications--the system should be designed to generate exception reports for immediate delivery. Four kinds of exception reports are basic:
  - a. Volume of assignments to programs or units varying from a standard capacity.
  - b. Movement of any type that varies from planned movement.
  - c. Noncompliance with established decision criteria.
  - d. Excessive time in process.
4. Statistical-analytical relationships--reports of correlations between certain variables and outcomes, analysis of statistical results for a particular program or group of offenders, etc.

Standard 14.4 Development of a Correctional Data Base

The State, in the establishment of its information system under Standard 14.1, should design its data base to satisfy the following requirements:

Standard 14.4 Development of a Correctional Data Base  
(cont.)

1. The information-statistics functions of offender accounting, administrative decisionmaking, ongoing research, and rapid response to questions should be reflected in the design.
2. The data base should allow easy compilation of an annual statistical report, including sections on population characteristics tabulated for given points in time, a recapitulation of population movement for the full year, and an analysis of recidivism by offense and other characteristics.
3. The data base should include all data required at decision points. The information useful to corrections personnel at each decision point in the corrections system should be ascertained in designing the data base.
4. The requirements of other criminal justice information systems for corrections data should be considered in the design, and in interface between the corrections system and other criminal justice systems developed, including support of offender-based transaction systems.
5. All data base records should be individual-based and contain elements that are objectively codable by a clerk. The procedures for coding data should be established uniformly.
6. The integrity and quality of data in each record is the responsibility of the information group. Periodic audits should be made and quality control procedures established.
7. The corrections information-statistics system should be designed and implemented modularly to accommodate expansion of the data base. Techniques should be established for pilot testing new modules without disrupting ongoing operations of the system. Interactions with planners and administrators should occur before introduction of innovations.
8. Data bases should be designed for future analyses, recognizing the lag between program implementation and evaluation.
9. The results of policies (in terms of evaluation) should be reported to administrators, and data base content should be responsive to the needs of changing practices and policies to guarantee that the all-important feedback loop will not be broken.
10. The initial design of the corrections data base should recognize that change will be continual. Procedures to assure smooth transitions should be established.

## Standard 14.5 Evaluating the Performance of the Correctional System

Each correctional agency immediately should begin to make performance measurements on two evaluative levels--overall performance or system reviews as measured by recidivism, and program reviews that emphasize measurement of more immediate program goal achievement. Agencies allocating funds for correctional programs should require such measurements. Measurement and review should reflect these considerations:

1. For system reviews, measurement of recidivism should be the primary evaluative criterion. The following definition of recidivism should be adopted nationally by all correctional agencies to facilitate comparisons among jurisdictions and compilation of national figures:

Recidivism is measured by (1) criminal acts that resulted in conviction by a court, when committed by individuals who are under correctional supervision or who have been released from correctional supervision within the previous three years, and by (2) technical violations of probation or parole in which a sentencing or paroling authority took action that resulted in an adverse change in the offender's legal status.

Technical violations should be maintained separately from data on reconvictions. Also, recidivism should be reported in a manner to discern patterns of change. At a minimum, statistical tables should be prepared every 6 months during the 3-year followup period, showing the number of recidivists. Discriminations by age, offense, length of sentence, and disposition should be provided.

2. Program review is a more specific type of evaluation that should entail these five criteria of measurement:

- a. Measurement of effort, in terms of cost, time, and types of personnel employed in the project in question.
- b. Measurement of performance, in terms of whether immediate goals of the program have been achieved.
- c. Determination of adequacy of performance, in terms of the program's value for offenders exposed to it as shown by individual followup.
- d. Determination of efficiency, assessing effort and performance for various programs to see which are most effective with comparable groups and at what cost.
- e. Study of process, to determine the relative contributions of process to goal achievement, such as attributes of the program related to success or failure, recipients of the program who are more or less benefited, conditions affecting program delivery, and effects produced by the program. Program reviews should provide for classification of offenders by relevant types (age, offense category, base expectancy rating, psychological state or type, etc.) Evaluative measurement should be applied to discrete and defined cohorts. Where recidivism data are to be used, classifications should be related to reconvictions and technical violations of probation or parole as required in systems reviews.

Standard 14.5 Evaluating the Performance of the Correctional System  
(cont.)

3. Assertions of system or program success should not be based on unprocessed percentages of offenders not reported in recidivism figures. That is, for individuals to be claimed as successes, their success must be clearly related in some demonstrable way to the program to which they were exposed.

Part III Cross-Section of Corrections

Chapter 15 The Statutory Framework of Corrections



## CHAPTER 15 THE STATUTORY FRAMEWORK OF CORRECTIONS

### Standard 15.1 Comprehensive Correctional Legislation

Arizona, 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 that 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 15.2 Code of Offender's Rights

Arizona should immediately enact legislation to clarify rights of offenders.

## Standard 15.3 Coordinating Correctional Programs

The legislature should consider establishing a top level coordinating body to plan and coordinate standards for criminal justice at all levels.

## Standard 15.4 Recruiting and Retaining Professional Personnel

Arizona 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:

Standard 15.4 Recruiting and Retaining Professional Personnel  
(cont.)

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 15.5 Regional Cooperation

Arizona should immediately adopt legislation specifically ratifying the following interstate agreements that are not already in effect:

1. Interstate Compact for the Supervision of Parolees and Probationers. (See ARS 31-461)
2. Interstate Compact on Corrections. (See ARS 31-491)
3. Interstate Compact on Juveniles. (See ARS 8-361)
4. Agreement on detainers. (See ARS 31-481)
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 15.6 Sentencing Legislation

Arizona should enact an up-to-date criminal code.

## Standard 15.7 Detention and Disposition of Juveniles

Arizona should attempt to enact legislation by 1978 limiting the delinquency 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 48 hours excluding weekends and holidays.
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.

### Standard 15.8 Presentence Reports

Arizona should enact legislation authorizing a presentence investigation in all cases and requiring it:

1. In all felonies.
2. In all cases where the offender is a minor.
3. As a prerequisite to a sentence of confinement in any case.

The legislation should require disclosure of the presentence report to the defendant, his counsel, and the prosecutor.

### Standard 15.9 Probation Legislation

Arizona 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 be patterned after Sec. 7.01 of the Model Penal Code and 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 both the individual offender and the seriousness and nature of the offense.

Criteria for probation conditions should be patterned after Sec. 301.1 of the Model Penal Code and 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:

Standard 15.9 Probation Legislation  
(cont.)

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 three years. 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 15.10 Commitment Legislation

Arizona should enact, in conjunction with the implementation of Standard 15.1, 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.

Standard 15.10 Commitment Legislation  
(cont.)

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 15.11 Prison Industries

Statutory authorization for industrial programs operated by correctional agencies should not prohibit:

1. Specific types of industrial activity from being carried on by a correctional institution.
2. The transport or sale of products produced by prisoners.
3. The employment of offenders by private enterprise at full market wages and comparable working conditions.

Standard 15.12 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.

Standard 15.12 Community-Based Programs  
(cont.)

- 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 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 15.13 Parole Legislation

The State should enact legislation (1) authorizing parole for all committed offenders and (2) establishing criteria and procedures for (a) parole eligibility, (b) granting of parole, (c) parole conditions, (d) parole revocation, and (e) length of parole.

In authorizing parole for all committed offenders the legislation should:

- 1. Not exclude offenders from parole eligibility on account of the particular offense committed.
- 2. Not exclude offenders from parole eligibility because of number of convictions or past history of parole violations.
- 3. Authorize parole or aftercare release for adults and juveniles from all correctional institutions.

Standard 15.13 Parole Legislation  
(cont.)

In establishing procedures for the granting of parole to both adults and juveniles the legislation should require:

1. Parole decisions by a professional board of parole, independent of the institutional staff. Hearing examiners should be empowered to hear and decide parole cases under policies established by the board.
2. Automatic periodic consideration of parole for each offender.
3. A hearing to determine whether an offender is entitled to parole at which the offender may be represented by counsel and present evidence.
4. Agency assistance to the offender in developing a plan for his parole.
5. A written statement by the board explaining decisions denying parole.
6. Authorization for judicial review of board decisions.
7. Each offender to be released prior to the expiration of his term because of the accumulation of "good time" credits to be released to parole supervision until the expiration of his term.
8. Each offender to be released on parole no later than 90 days prior to the expiration of his maximum term.

In establishing criteria for granting parole the legislation should be patterned after Sec. 305.9 of the Model Penal Code and should:

1. Require parole over continued confinement unless specified conditions exist.
2. Stipulate factors that should be considered by the parole board in arriving at its decision.
3. Direct the parole decision toward factors relating to the individual offender and his chance for successful return to the community.
4. Not require a favorable recommendation by the institutional staff, the court, the police, or the prosecutor before parole may be granted.

In establishing criteria for parole conditions, the legislation should be patterned after Sec. 305.13 of the Model Penal Code and should:

Standard 15.13 Parole Legislation  
(cont.)

1. Authorize but not require the imposition 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.

In establishing criteria and procedures for parole revocation, the legislation should provide:

1. A parolee charged with a violation should not be detained unless there is a hearing at which probable cause to believe that the parolee did violate a condition of his parole is shown.
  - a. Such a hearing should be held promptly near the locality to which the parolee is paroled.
  - b. The hearing should be conducted by an impartial person other than the parole officer.
  - c. The parolee should be granted notice of the charges against him, the right to present evidence, the right to confront and cross-examine witnesses against him, and the right to be represented by counsel or to have counsel appointed for him if he is indigent.
2. Parole should not be revoked unless:
  - a. There is substantial evidence of a violation of one of the conditions of parole.
  - b. The parolee, in advance of a hearing on revocation, is informed of the nature of the violation charged against him and is given the opportunity to examine the State's evidence against him.
  - c. The parolee is provided with a hearing on the charge of revocation. Hearing examiners should be empowered to hear and decide parole revocation cases under policies established by the parole board. At the hearing the parolee should be given the opportunity to present evidence on his behalf, to confront and cross-examine witnesses against him, and to be represented by counsel or to have counsel appointed for him if he is indigent.
  - d. The board or hearing examiner provides a written statement of findings, the reasons for the decision, and the evidence relied upon.
3. Time spent under parole supervision until the date of the violation for which parole is revoked should be credited against the sentence imposed by the court.
4. Judicial review of parole revocation decisions should be available to offenders.

Standard 15.13 Parole Legislation  
(cont.)

In defining the term for which parole should be granted, the legislation should prohibit the term from extending beyond the maximum prison term imposed on the offender by the sentencing court and should authorize the parole board to discharge the parolee from parole at any time.

Standard 15.14 Pardon Legislation

The State 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 15.15 Collateral Consequences of a Criminal Conviction

Arizona 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.

Standard 15.15 Collateral Consequences of a Criminal Conviction  
(cont.)

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.

Appendices



## Appendix I

### DEFINITION OF TERMS AS USED IN THIS REPORT:

Diversion - Formally acknowledged and organized efforts to utilize alternatives to initial or continued processing into the justice system. To qualify as diversion such efforts must be undertaken prior to adjudication and after a legally proscribed action has occurred. (Chapter 3, Diversion from the Criminal Justice Process)

Community-based Corrections - All correctional activities that take place in the community. (Chapter 7, Corrections and the Community)

Community Correctional Center - A relatively open institution located in the neighborhood and using community resources to provide most or all of the services required by offenders. (Chapter 7, Corrections and the Community)

Corrections - The community's official reaction to the convicted offender, whether adult or juvenile. (General term used throughout report)

Local Adult Correctional Institutions - Any facility operated by a unit of local government for the detention or correction of adults suspected or convicted of a crime and which has authority to detain longer than 48 hours. (Chapter 9, Local Adult Institutions)

Major Institution - A state-oriented penal and correctional facility for adults, juveniles, and youths (as distinguished from detention centers, jails, work farms, and other facilities which are generally operated by local governments). (Chapter 11, Major Institutions)

Recidivism - Measured by (1) criminal acts that resulted in conviction by a court, when committed by individuals who are under correctional supervision or who have been released from correctional supervision within the previous three years, and by (2) technical violations of probation or parole in which a sentencing or paroling authority took action that resulted in an adverse change in the offender's legal status.

All of the following terms apply to Chapter 7, Juvenile Intake and Detention.

Adjustment - Matters which are settled or brought to a satisfactory state so that parties are agreed without official intervention of the court.

Child - Any person of juvenile court age

Delinquent act - An act that if committed by an adult would be called a crime.

Detention - Temporary care of a child alleged to be delinquent who requires secure custody in physically restricting facilities pending court disposition or execution of a court order.

Dispositional hearing - a hearing held subsequent to the adjudicatory hearing in order to determine what order of disposition should be made concerning a child adjudicated as delinquent.

Juvenile Court - The court having jurisdiction over children who are alleged to be or found delinquent.

Petition - An application for an order of court or for some other judicial action. Hence, a "delinquency petition" is an application for the court to act in the matter of a juvenile apprehended for a delinquent act.

Residential Child Care Facility - A dwelling other than a detention or shelter care facility, which provides living accommodations, care, treatment, and maintenance for children and youth and is licensed to provide such care. Such facilities include foster family homes, group homes, and halfway houses.

Shelter -Temporary care of a child in physically unrestricting facilities pending court disposition or execution of a court order for placement. Shelter care is used for dependent and neglected children and minors in need of supervision. Separate shelter care facilities are also used for children apprehended for delinquency who need temporary shelter but not secure detention.



Appendix 2

CURRENT STATUS OF STANDARDS RELATED TO  
CORRECTIONAL AGENCIES

Standard	Relationship to 1977 Annual Action Programs			Current Level of Implementation			Requirement for Implementation		
	Direct Relationship	Indirect Relationship	No Relationship	Fully Implemented	Partially Implemented	Not Implemented	Legislative Action	Individual Agency Policy	Grant Funding
1.1 Access to Courts		x		x				x	
1.2 Access to Legal Services		x		x				x	
1.3 Access to Legal Materials		x			x			x	x
1.4 Protection Against Personal Abuse	IIID *			x					
1.5 Healthful Surroundings	IIID				x			x	x
1.6 Medical Care	IIID			x				x	x
1.7 Nondiscriminatory Treatment		x		x				x	
1.8 Rehabilitation	IIID				x			x	x
1.9 Retention and Restoration of Rights		x		x					
1.10 Rules of Conduct		x			x			x	
1.11 Disciplinary Procedures		x			x			x	
1.12 Procedures for Nondisciplinary Changes of Status			x		x			x	
1.13 Grievance Procedure			x		x			x	
1.14 Free Expression and Association			x		x		x	x	
1.15 Exercise of Religious Beliefs and Practices			x		x			x	
1.16 Access to the Public			x		x			x	

CURRENT STATUS OF STANDARDS RELATED TO  
CORRECTIONAL AGENCIES

Standard	Relationship to 1977 Annual Action Programs			Current Level of Implementation			Requirement for Implementation		
	Direct Relationship	Indirect Relationship	No Relationship	Fully Implemented	Partially Implemented	Not Implemented	Legislative Action	Individual Agency Policy	Grant Funding
1.17 Remedies for Violation of an Offender's Rights			x		x			x	x
2.1 Use of Diversion	IIIA				x			x	x
3.1 Comprehensive Pretrial Process Planning		x			x			x	x
3.2 Construction Police for Pre-trial Detention Facilities			x			x			
3.3 Alternatives to Arrest		x			x			x	x
3.4 Alternatives to Pretrial Detention		x			x			x	x
3.5 Procedures Relating to Pre-trial Release and Detention Decisions		x			x			x	x
3.6 Persons Incompetent to Stand Trial			x				x		
3.7 Rights of Pretrial Detainees		x			x			x	x
3.8 Programs for Pretrial Detainees		x			x			x	x
3.9 Expediting Criminal Trials			x		x		x	x	
4.1 The Sentencing Agency			x						
4.2 Probation	IIIB				x			x	x
4.3 Fines			x						
4.4 Multiple Sentences		x			x			x	

CURRENT STATUS OF STANDARDS RELATED TO  
CORRECTIONAL AGENCIES

Standard	Relationship to 1977 Annual Action Programs			Current Level of Implementation			Requirement for Implementation		
	Direct Relationship	Indirect Relationship	No Relationship	Fully Implemented	Partially Implemented	Not Implemented	Legislative Action	Individual Agency Policy	Grant Funding
4.5 Effect of Guilty Plea in Sentencing		x			x		x	x	
4.6 Credit for Time Served		x			x			x	
4.7 Continuing Jurisdiction of Sentencing Court			x			x			
4.8 Judicial Visits to Institutions			x			x			
4.9 Sentencing Equality			x			x	x		
4.10 Sentencing Institutes			x			x		x	
4.11 Sentencing Councils			x			x			
4.12 Requirements for Presentence Report and Content Specification		x			x			x	
4.13 Preparation of Presentence Report Prior to Adjudication		x		x				x	
4.14 Disclosure of Presentence Report		x		x				x	
4.15 Sentencing Hearing--Rights of Defendant			x		x		x		
4.16 Sentencing Hearing--Role of Counsel			x		x		x		
4.17 Imposition of Sentence			x		x		x		
5.1 Comprehensive Classification Systems		x		x				x	x

CURRENT STATUS OF STANDARDS RELATED TO  
CORRECTIONAL AGENCIES

Standard	Relationship to 1977 Annual Action Programs			Current Level of Implementation			Requirement for Implementation		
	Direct Relationship	Indirect Relationship	No Relationship	Fully Implemented	Partially Implemented	Not Implemented	Legislative Action	Individual Agency Policy	Grant Funding
5.2 Classification for Inmate Management			x		x			x	
5.3 Community Classification Teams			x			x		x	
6.1 Development Plan for Community-Based Alternatives to Confinement	IIIC			x				x	
6.2 Marshaling and Coordinating Community Resources	IIIC				x			x	x
6.3 Corrections' Responsibility for Citizen Involvement	IIIC				x			x	
6.4 Inmate Involvement in Community Programs		x			x			x	
7.1 Role of Police in Intake and Detention			x						
7.2 Juvenile Intake Services		x			x			x	
7.3 Juvenile Detention Center Planning		x			x			x	
7.4 Juvenile Intake and Detention Personnel Planning		x			x			x	
8.1 Total System Planning		x			x			x	
8.2 State Operation and Control of Local Institutions			x			x	x		
8.3 State Inspection of Local Facilities		x		x			x		
8.4 Adult Intake Services		x			x			x	

CURRENT STATUS OF STANDARDS RELATED TO  
CORRECTIONAL AGENCIES

Standard	Relationship to 1977 Annual Action Programs			Current Level of Implementation			Requirement for Implementation		
	Direct Relationship	Indirect Relationship	No Relationship	Fully Implemented	Partially Implemented	Not Implemented	Legislative Action	Individual Agency Policy	Grant Funding
8.5 Pretrial Detention Admission Process		x			x			x	
8.6 Staffing Patterns			x		x			x	
8.7 Internal Policies - Locally Based Correctional Facilities		x			x			x	x
8.8 Internal Policies - Juvenile Correctional Facilities		x			x			x	x
8.9 Local Correctional Facility Programming	IIID				x			x	x
8.10 Jail Release Programs	IIID				x			x	x
8.11 Local Facility Evaluation and Planning		x			x			x	x
9.1 Organization of Probation	IIIB				x			x	x
9.2 Services to Probationers	IIIB				x			x	x
9.3 Misdemeanant Probation		x			x			x	x
9.4 Probation Manpower		x			x			x	
9.5 Probation in Release on Recognizance Programs	IIIB				x			x	
10.1 Planning New Correctional Institutions			x		x			x	
10.2 Modification of Existing Institutions	IIID				x			x	
10.3 Social Environment of Institutions	IIID				x			x	

CURRENT STATUS OF STANDARDS RELATED TO  
CORRECTIONAL AGENCIES

Standard	Relationship to 1977 Annual Action Programs			Current Level of Implementation			Requirement for Implementation		
	Direct Relationship	Indirect Relationship	No Relationship	Fully Implemented	Partially Implemented	Not Implemented	Legislative Action	Individual Agency Policy	Grant Funding
10.4 Education and Vocational Training	IITD				x				
10.5 Special Offender Types		x			x			x	
10.6 Women in Major Institutions		x		x					
10.7 Religious Programs,			x		x			x	
10.8 Recreation Programs			x		x			x	x
10.9 Counseling Programs		x			x			x	x
10.10 Prison Labor and Industries			x		x			x	x
11.1 Organization or Paroling Authorities		x		x			x		
11.2 Parole Authority Personnel		x		x			x		
11.3 The Parole Grant Hearing		x		x			x		
11.4 Revocation Hearings		x		x			x		
11.5 Organization of Field Services		x		x				x	
11.6 Community Services for Parolees		x		x				x	
11.7 Measures of Control		x			x			x	x
11.8 Manpower for Parole		x			x			x	x
12.1 Professional Correctional Management		x			x			x	x
12.2 Planning and Organization		x			x			x	

CURRENT STATUS OF STANDARDS RELATED TO  
CORRECTIONAL AGENCIES

Standard	Relationship to 1977 Annual Action Programs			Current Level of Implementation			Requirement for Implementation		
	Direct Relationship	Indirect Relationship	No Relationship	Fully Implemented	Partially Implemented	Not Implemented	Legislative Action	Individual Agenc./ Policy	Grant Funding
12.3 Employee-Management Relations	IB				x			x	
12.4 Work Stoppages and Job Actions			x		x			x	x
13.1 Recruitment from Minority Groups	IB				x			x	
13.2 Employment of Women	IB					x		x	
13.3 Employment of Ex-Offenders			x			x		x	
13.4 Employment of Volunteers		x			x			x	x
13.5 Personnel Practices for Retaining Staff	IB				x			x	
13.6 Participatory Management			x		x			x	
13.7 Redistribution of Correctional Manpower Resources to Community-Based Programs		x			x			x	
13.8 Coordinated State Plan for Criminal Justice Education	IA				x			x	
13.9 Intern and Work-Study Programs	IA				x			x	x
13.10 Staff Development	IA				x			x	x
14.1 State Correctional Information Systems		x			x			x	x
14.2 Staffing for Correctional Research and Information Systems	IIF				x			x	x
14.3 Design Characteristics of a Correctional Information System		x		x				x	x

CURRENT STATUS OF STANDARDS RELATED TO  
CORRECTIONAL AGENCIES

Standard	Relationship to 1977 Annual Action Programs			Current Level of Implementation			Requirement for Implementation		
	Direct Relationship	Indirect Relationship	No Relationship	Fully Implemented	Partially Implemented	Not Implemented	Legislative Action	Individual Agency Policy	Grant Funding
14.4 Development of Correctional Data Base		x		x				x	x
14.5 Evaluating the Performance of the Correctional System		x			x			x	x
15.1 Comprehensive Correctional Legislation			x		x		x	x	
15.2 Code of Offenders' Rights			x			x	x		
15.3 Coordinating Correctional Programs	IIIC					x	x		
15.4 Recruiting and Retaining Professional Personnel	IB					x	x		
15.5 Regional Cooperation			x		x		x		
15.6 Sentencing Legislation		x			x		x		
15.7 Detention and Disposition of Juveniles		x				x	x		
15.8 Presentence Reports			x			x	x		
15.9 Probation Legislation			x			x	x		
15.10 Commitment Legislation			x			x	x		
15.11 Prison Industries			x			x	x		
15.12 Community-Based Programs		x			x		x		
15.13 Parole Legislation			x		x		x	x	

CURRENT STATUS OF STANDARDS RELATED TO  
CORRECTIONAL AGENCIES

Standard	Relationship to 1977 Annual Action Programs			Current Level of Implementation			Requirement for Implementation		
	Direct Relationship	Indirect Relationship	No Relationship	Fully Implemented	Partially Implemented	Not Implemented	Legislative Action	Individual Agency Policy	Grant Funding
15.14 Pardon Legislation			x	x					
15.15 Collateral Consequences of a Criminal Conviction			x				x		
<p>*Standards included in the "Direct Relationship" column were referenced in indicated program areas of the 1977 Comprehensive State Plan.</p>									



**END**