STANDARDS AND GOALS FOR THE KANSAS CRIMINAL JUSTICE SYSTEM
IMPLEMENTATION HANDBOOK

COURTS

Prepared by the Governor's Committee on Criminal Administration
and Midwest Research Institute

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PREFACE

This implementation handbook is one of a four volume set. The set is composed of one handbook for each of the following criminal justice functional user areas: (1) Law enforcement; (2) Courts; (3) Juvenile Justice; and (4) Corrections.

As an introduction to the goals, objectives and strategies adopted for the Kansas Criminal Justice System, this handbook is designed to offer the reader a broad perspective on the implementation process. The intention is to give examples of a wide range of programs while providing insight into the process of planning through the development of standards and goals.

These handbooks are oriented toward regional and local criminal justice practitioners who may be called upon to participate in the process of implementing strategies whereby objectives and ultimately goals may be reached.

The primary purpose of these handbooks is to identify on-going programs within the state that provide examples for local or regional practitioners who are beginning implementation efforts. A special effort has been made to provide adequate descriptions and the name, address and telephone number of program directors or other knowledgeable persons who can provide further assistance.

The implementation handbooks are organized into four chapters. Chapter I gives a description of the standards and goals process to date, including both the national and State experience. Chapter II summarizes the state-of-the-state as it relates to the functional user area addressed by the handbook. Chapter III provides a listing of goals and their companion objectives. Chapter IV presents, in addition to goals and objectives, possible strategies for meeting the goals and objectives. In addition, summary descriptions of selected programs that have implemented a given goal are included. Appendix A contains a listing of the GCCA's priorities as it pertains to the functional user area.

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CHAPTER I

STANDARDS AND GOALS PROCESS TO DATE

A. The National Experience

One of the purposes of the Omnibus Crime Control and Safe Streets Act of 1968 was to initiate a comprehensive planning process for state and regional criminal justice systems.

Theoretically, such comprehensive planning should follow a rather exacting procedure:

1. Determination of the system's objectives;

2. Comparison of current practice with these objectives;

3. Development of alternative strategies to achieve objectives not currently being met;

4. Analysis of alternatives to select the most cost-effective approach;

5. Allocation of federal, state and local resources to implement the selected alternatives.

Unfortunately, however, in most states the focus was on the grant process rather than the planning process. Comprehensive plans developed by SPA's and RPU's were often seen more as a means for distribution of federal funds than as a tool for change, evaluation, or system improvement utilizing all available resources.

Although the President's Commission on Law Enforcement and Administration of Justice had made extensive recommendations for improvement of the criminal justice system, and most of the American Bar Association's Standards for Criminal Justice were available as tentative drafts by the end of 1968, few of them were incorporated into the planning process.

As a result, on October 20, 1971 the Administrator of LEAA appointed a National Advisory Commission on Criminal Justice Standards and Goals. On January 23, 1973, the Commission issued five crime-specific goals, some 422 standards and 97 recommendations.

That same year, the Omnibus Crime Control and Safe Streets Act was amended to require that "goals, priorities, and standards must be established in the plan and the plan must address methods, organization, and operation performance;..." (Title I, Part G, Section 601).

Pursuant to this amendment, the Administrator of LEAA on January 14, 1974, notified the states that they should begin the incorporation of standards and goals into their 1974 comprehensive plans, and that by fiscal year 1976, each state "must have a comprehensive set of standards and goals that can serve as a basis for planning and as a guide to funding."

Recognizing that each state differs in organizational structure, funding mechanisms, problems, and level of sophisitication, LEAA has allowed the states to formulate their own standards rather than requiring that they adopt those of the National Advisory Commission (NAC). Valuable guides include: the NAC standards, and those of the American Bar Association, the American Correctional Association, the National Council on Crime and Delinquency, the National Advisory Commission on Civil Disorders, the National Commission on Causes and Prevention of Violence, the President's Commission on Campus Unrest, the National Commission on Marijuana and Drug Abuse, the Advisory Committee on Intergovernmental Relations, and other organizations. All must be judged against the problems and experience of the individual states and regions in the development of standards for these unique areas.

Finally, setting standards is a dynamic process, not a static one. Even at the national level, standards are still under development. In the area of juvenile justice, for instance, standards are currently being developed separately by an LEAA advisory committee and also under the auspices of the American Bar Association and the Institute of Judicial Administration.

Each state has been given the latitude to select its own approach as well as the freedom to adopt standards which best meet their needs.

B. The Kansas Experience

In August 1974, the State of Kansas embarked on a project to develop standards and goals for the State's criminal justice system. The Governor's Committee on Criminal Administration (GCCA) had overall responsibility for task completion. The GCCA contracted with Midwest Research Institute (MRI) for the provision of staff and general project support.

The standard development process selected utilized a systems approach. That is, the model standards were grouped into 20 functional categories; i.e., Apprehension of Offenders, Intake and Pretrial Detention, Sentencing, Institutional Treatment, etc. The advantage of this approach was that it encouraged those persons with the development of standards to: (1) think of criminal justice as a system and, (2) consider agency interrelationships.

Throughout the development phase of this project over 500 Kansas citizens--representing not only criminal justice practitioners, but also other governmental units and the general public--were surveyed. Inputs from this group, known as the "Governor's Criminal Justice Advisory Panel," were sought regarding their perceptions of how and in what direction the Kansas criminal justice system should move.

During May and June 1975, a representative sample of 78 members of the Governor's Advisory Panel met in Topeka. These persons were responsible for recommending final language for the standards and goals.

The State's standards and goals formulation process culminated in the publication of the volume entitled Standards and Goals for the Kansas Criminal Justice System in September 1975 with subsequent dissemination in November 1975. The standard and goals which constitute the major content of this document are formatted into goal, objective and strategy categories. These categories are defined as follows:

GOAL: A major topic area headed by a general statement of direction and intent.

OBJECTIVE: A measurable activity or aspiration which indicates movement toward goal attainment.

STRATEGY: One of a number of programs or activities which may be used to reach the objective. These do not include all possible strategies, but are included for consideration, critique, and expansion.

This approach permits regional planning units and local units of government to adopt alternative strategies for achievement of the specified objectives,based upon their unique problems and resources. This is especially helpful when rural areas are implementing standards developed primarily for urban areas.

After initial distribution of the Standards and Goals for the Kansas Criminal Justice System, the GCCA staff, in concert with committee members, prioritized a set of long-range goals, objectives and strategies for each GCCA program area. These program areas are Law Enforcement,

Courts, Corrections, and Juvenile Justice.[1/] After the prioritization process, the GCCA met en bloc and formally adopted the goals, objectives and strategies for the State's criminal justice system.

The formal adoption of these goals, objectives and strategies for the State's criminal justice system marked the successful completion of the development phase. The logical next step is implementation whereby regional and local criminal justice agencies take concrete measures to achieve those objectives they deem relevant to the needs of the agencies and people involved.

1/ See Appendix A for the GCCA's long range goals, objectives and standards for Courts.

CHAPTER II

ADJUDICATION IN KANSAS

A. Courts

The Supreme Court of the State of Kansas retains the highest judicial authority within the state. In 1972, legislation was enacted to unify Kansas courts into a single court system with administrative authority over all courts in the state residing with the Supreme Court. Unification is effective January 1, 1977.

The Supreme Court has original jurisdiction in quo warranto, habeas corpus, and mandamus. It has exclusive jurisdiction in regard to legislative apportionment and admission and discipline of attorneys. By statute, the Supreme Court has authority to supplement and amend the code of civil procedure and the code of criminal procedure.

Seven justices presently serve on the Supreme Court, and the Constitution provides that no fewer than seven members will comprise the Court. The justice who is senior in continuous term of service becomes chief justice. Vacancies are filled by the governor's appointment of one of three persons, whose names are submitted by the Supreme Court Nominating Commission. If the governor fails to fill a vacancy within sixty days, the chief justice makes the appointment from the nominees.

The District Court is the only court with statewide general jurisdiction. There are 29 judicial districts in Kansas as illustrated in Figure 1. There is a District Court in each of the state's 105 counties. However, there are 61 District Court judges as one district judge may serve in more than one county in sparsely populated areas. District Court judges may be assigned temporarily by the Supreme Court to the various District Courts.

District judges serve for four years and are elected by the people residing in the district, unless the voters have adopted a method of nonpartisan selection. In November 1974, voters in 23 of the 29 judicial districts adopted a nonpartisan merit selection procedure, whereby District Court judges will be retained or removed without opposition on the ballot.

The 1972 amendments to the Judicial Article of the State Constitution deleted references to the courts of limited and special jurisdiction, and provisions have been made for courts in the various counties with countywide jurisdiction and for municipal courts within the respective cities.

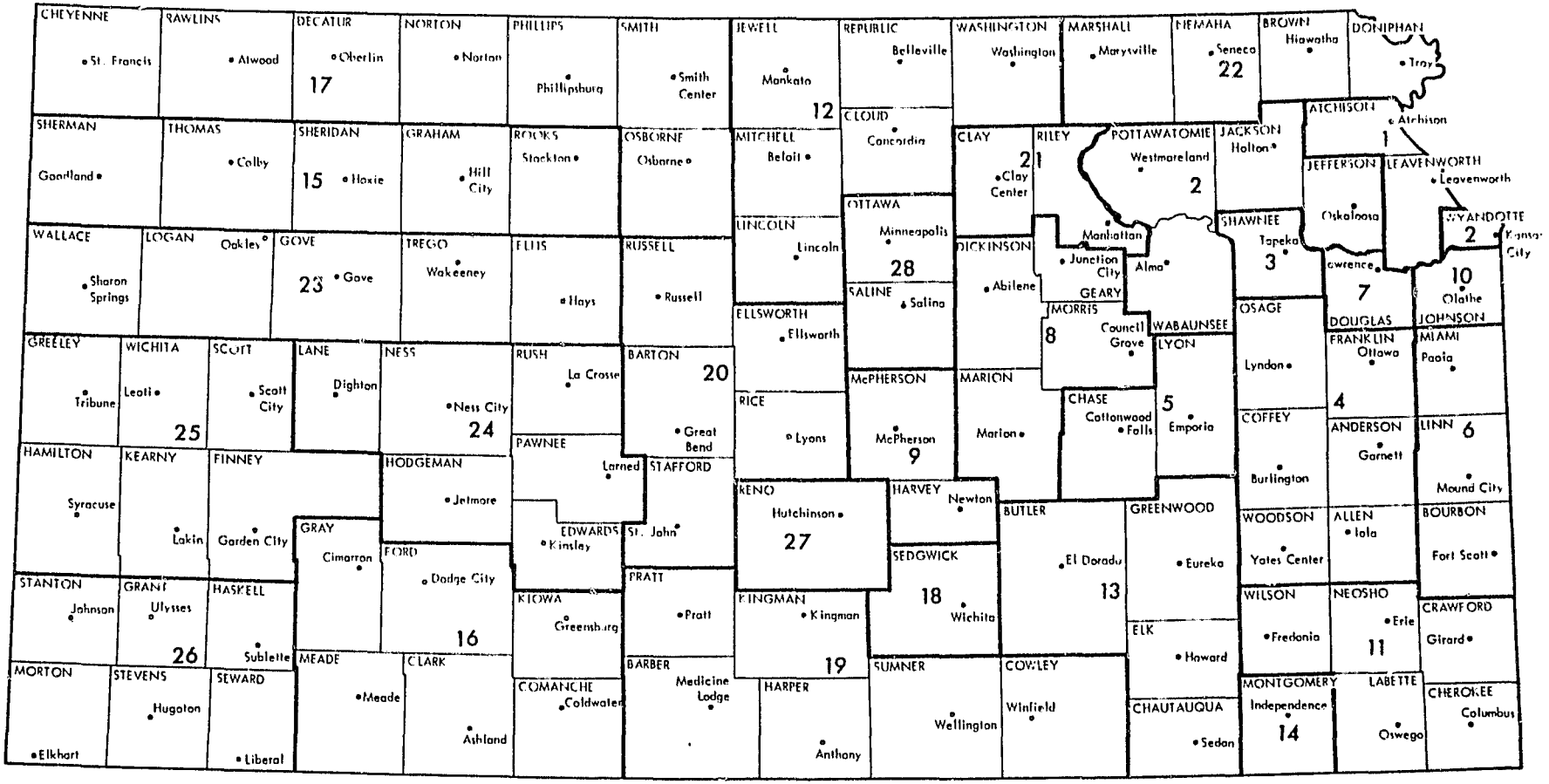


Figure 1 - Kansas Judicial Districts (Effective January 13, 1975

In 1967, the legislature provided that all counties not having a County Court, City Court, Magistrate Court, or Court of Common Pleas with countywide jurisdiction would establish a court of record. The effect was to retain the City courts, Magistrate courts, and Courts of Common Pleas in 12 counties and to establish County courts in the remaining 93 counties. As a result, in nearly 90 percent of the counties, the functions of the Probate, Juvenile and County courts were consolidated under one judge.

County courts are courts of record with civil jurisdiction concurrent to that of the District Court, with a limit of $1,000 on the amount in controversy. Criminal jurisdiction extends to all misdemeanor trials and to preliminary hearings of felony charges.

City courts, Magistrate courts, and Courts of Common Pleas have jurisdiction extending throughout the county in which it is located, to civil matters and to matters involving a violation of state law (trial or misdemeanor charges, and preliminary hearing of felony charges; felony trials are conducted in the District Court). In civil cases, the maximum amount in controversy may vary from county to county but generally falls between $1,000 and $3,000.

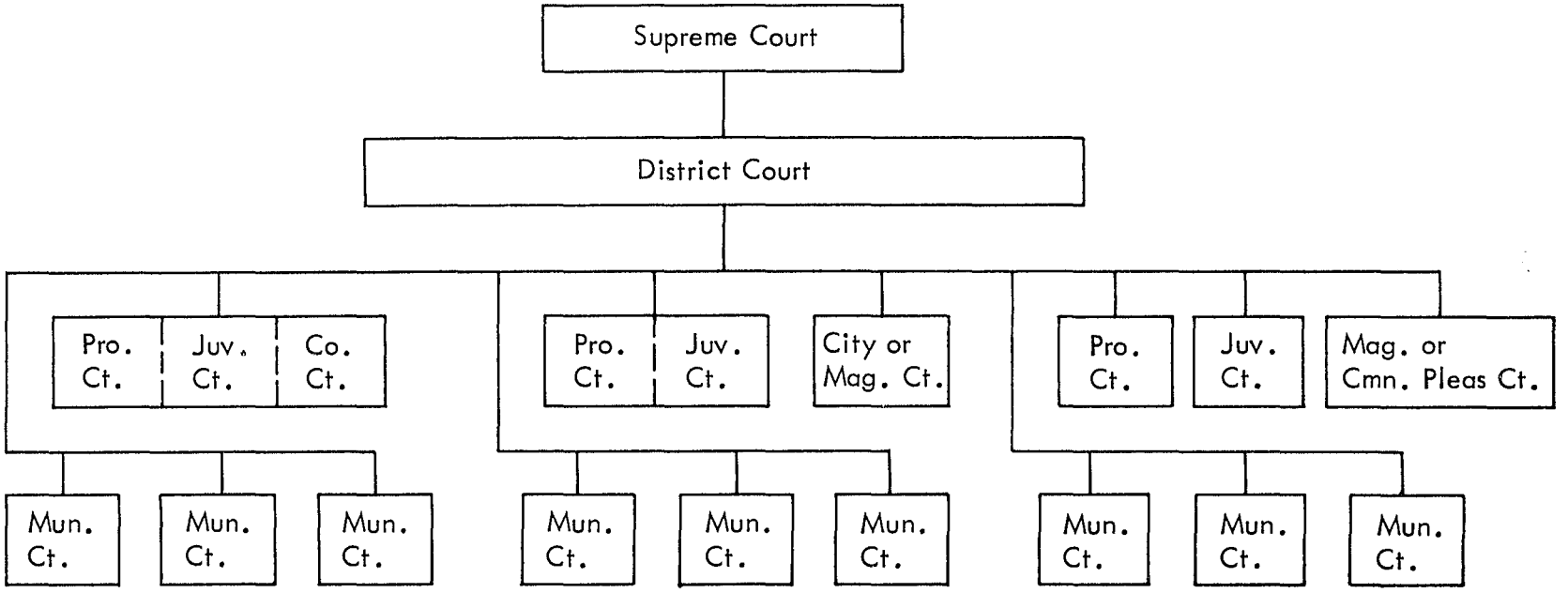
The Probate courts have jurisdiction of conservatorships, trusts, adoptions, decedents' estates and the estates of minors and incapacitated persons. These courts also have the power to commit mentally ill persons and to require alcoholics to undergo treatment.

Juvenile courts have jurisdiction of proceedings concerning minors (those under the age of 18 years) who are charged with being delinquent, miscreant, traffic violators, wayward or truant, and have responsibility for providing care and treatment for dependent and neglected children.

Municipal courts have no civil jurisdiction and are limited to handling violations of local ordinances.

Probate and county judges are chosen every 2 years by the electors of the county, with interim vacancies being filled by gubernatorial appointment. The probate judge serves as juvenile judge in 101 counties and as county court judge in 93 counties.

The Kansas Judicial System will experience a period of substantial change as the modifications associated with the unified court concept are implemented. Legislation enabling the court consolidation becomes effective as of January 1977. (Figure 2 shows the current Kansas Court system and Figure 3 depicts the system as of January 10, 1977.)



Court structure in all counties other than those listed at right.

Court structure in following counties:

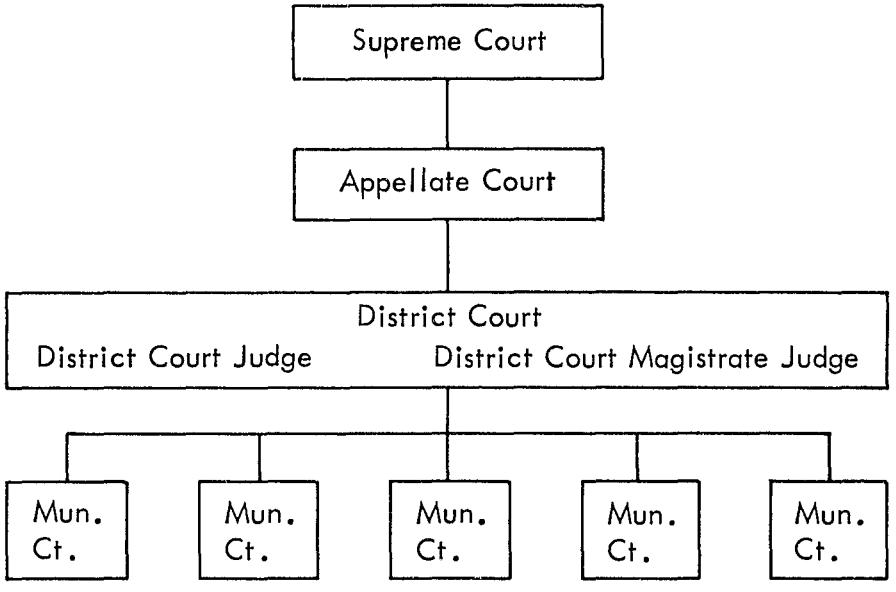
Atchison
Cowley
Crawford
Leavenworth
Montgomery
Neosho
Reno
Saline

Court structure in following counties:

Johnson
Sedgwick
Shawnee
Wyandotte

Note: The number of municipal courts shown for each type of county structure is merely illustrative. Some rural counties have no active municipal courts; some urban counties have 20.

Figure 2 - Kansas Court System (Prior to January 10, 1977)



Note: There will be a District Court in each of the 29 Judicial Districts. The number of divisions within each district will vary.

The number of municipal courts shown is merely illustrative. Some rural counties have no active municipal courts, whereas some urban counties have as many as 20. As of 1973, 300 municipal courts were reported out of a potential for 627.

Figure 3 - Kansas Court Structure (As of January 10, 1977)

At that time, the present court structure will be supplemented by the creation of a State Court of Appeals. This court will act as the intermediate court of review in the Kansas judicial process, having jurisdiction over civil and criminal appeals originating in the District Courts. Appellate cases which will go directly to the Supreme Court are those involving (1) a Class A or B criminal conviction or (2) a statute declared unconstitutional. In addition, the Court of Appeals, with permission of the Supreme Court, may decline to hear a case and forward it directly to the Supreme Court.

As indicated in Table 1 the Supreme Court has historically maintained a large caseload.

The establishment of the Court of Appeals is expected to reduce significantly the number of cases before the Supreme Court.

B. Prosecution

At the state level, the attorney general is chief legal officer. His principal responsibility is to issue opinions upon questions of law submitted by state officials, the legislature or either branch thereof and by county attorneys regarding matters respecting their official duties.

The attorney general's office is divided into four divisions: litigation, criminal, civil and consumer protection. The attorney general supervises other ancillary functions, including supervision of the Kansas Bureau of Investigation.

The attorney general is a constitutional officer chosen for a 4-year term by the statewide electorate.

County attorneys have the responsibility to prosecute or defend, on behalf of the people, all suits, applications, or motions, civil or criminal, arising under the laws of Kansas, in which the state or county is a party or has an interest. The voters of each county (except those with district attorneys) elect a county attorney every 2 years.

District attorney offices have been established in Shawnee, Johnson, Sedgwick, and Wyandotte counties. Each of the districts affected is comprised of only one county. The power, responsibilities, and duties of a district attorney are identical with those of a county attorney. Voters of the county elect the district attorney for a term of 4 years.

TABLE 1

SUPREME COURT CASES

Fiscal Year	Total Cases			Criminal Cases		
	Dispositions	Dismissals	Submissions	Dispositions	Dismissals	Submissions
1956	378	136	242	31	8	23
1957	346	126	220	24	7	17
1958	428	185	243	23	9	14
1959	385	155	230	24	7	17
1960	453	178	275	43	28	15
1961	460	211	249	57	31	26
1962	513	255	258	42	24	18
1963	506	248	258	82	41	41
1964	413	183	230	47	20	27
1965	328	65	263	65	20	45
1966	328	61	267	60	26	34
1967	336	58	278	86	27	59
1968	319	47	272	77	20	57
1969	298	37	261	79	16	63
1970	345	68	277	80	18	62
1971	321	46	275	85	16	69
1972	373	75	298	96	24	72
1973	420	45	375	81	4	77
1974	364	43	321	70	4	66
1975	352	50	302	119	14	105

All county level courts will be consolidated into the existing 29 judicial districts as of January 1977. The magistrate, probate, and juvenile jurisdictions of County courts will become part of the District courts. At this time all judges on the county level will become either associate district court judges or district court magistrate judges.

In general, the new law provides for statewide administration of all lower courts by the Supreme Court. The Supreme Court, through the State court administrator, will be responsible for the establishment of a comprehensive budget system, assignment of judges and court policy for the uniform court.

It is the goal of the Supreme Court to improve management of the state's rising caseload and court costs by creating administrative efficiency and uniformity within the consolidated court system. However, until the Kansas Supreme Court and the various District courts formulate rules governing the consolidation, an accurate description of its operation cannot be ascertained.

C. Public Defender

Since July 1, 1971, each judicial district has had the authority to establish an Office of Public Defender. To date, three offices have been established to provide defense counsel for the indigent. They are: the Topeka office which serves a metropolitan area, the Junction City office which serves a four-county predominantly agrarian area including a military reservation and the Saline/Ottawa counties office which serves agrarian areas and small to middle sized cities. Court-appointed counsel in the remaining districts is provided by the Aid to Indigent Defenders Fund.

CHAPTER III

GOALS AND OBJECTIVES

This chapter lists goals and objectives for Courts. It is designed to provide the reader with an overview of the subjects and areas included.

ADJUDICATION

I. GOAL: IMPROVE CRIME DETECTION AND APPREHENSION CAPABILITIES (2)

I.A. Objective: By 1978, the state should expand guidelines to govern:

- The role of the prosecutor in criminal investigations.
- The use of warrants.
- The use of electronic surveillance (2.7 a-c).

MAJOR GOAL: IMPROVE PROCEDURES FOR PRETRIAL SCREENING, DIVERSION AND DETENTION OF ADULTS (3)

II. GOAL: INCREASE ALTERNATIVES TO PHYSICAL ARREST BY EXPANDING USE OF CITATION[1/] AND SUMMONS[2/] (3.1)

II.A. Objective: By 1978, each local agency should formulate in writing procedures for the use of summonses, citations, and arrest warrants. These procedures should:

- Enumerate minor offenses for which a citation or summons is required.
- Require arrests or warrants to be accompanied by written reasons.
- Specify criteria for determining whether to use a citation or request a summons.
- Specify training requirements relating to this policy.
- Utilize alternatives to arrest and pretrial detention (3.1.1 a-e).

III. GOAL: MINIMIZE PRETRIAL CONFINEMENT (3.2)

III.A. Objective: By 1978, each local agency should establish procedures and written guidelines which:

- Insure that all arraigned defendants are considered for pretrial release.

1/ Issued through the use of police procedures.
2/ Issued through the use of judicial procedures.

- Insure that the alternatives to pretrial detention will reasonably assure the appearance of the accused for trial.
- Insure the rights of the person arrested (3.2.1 a-c).

IV. GOAL: IMPROVE PRETRIAL PROGRAMS AND SERVICES (3.3)

IV.A. Objective: By 1977, adult intake services should be provided for each judicial district to:

- Perform investigative services for pretrial intake screening.
- Emphasize diversion and referral.
- Offer initial and ongoing assessment evaluation and classification services to other agencies as requested.
- Provide assessment evaluation and classification services that assist program planning for sentenced offenders.
- Arrange and secure residential detention for pretrial detainees (3.3.1 a-e).

V. GOAL: IMPROVE PRETRIAL DETENTION FACILITIES, PROGRAMS AND SERVICES (3.4)

V.A. Objective: By 1983, facilities, programs and services for those awaiting trial should be administered by the state correctional agency under a unified correctional system (3.4.2).

MAJOR GOAL: IMPROVE PROCEDURES FOR SCREENING, DIVERSION AND CLASSIFICATION (4)

VI. GOAL: DEVELOP AND IMPLEMENT CRITERIA AND PROCEDURES FOR SCREENING (4.1)

VI.A. Objective: By 1978, develop and implement procedures to screen accused persons from the Criminal Justice System if:

- There is not a reasonable likelihood that the evidence admissible against him would be sufficient to obtain a conviction and sustain it on appeal.
- The benefits to be derived from prosecution or diversion would be outweighed by the costs of such action (4.1.1 a-b).

VII. GOAL: DEVELOP AND IMPLEMENT CRITERIA AND PROCEDURES FOR DIVERSION (4.2)

VII.A. Objective: By 1976 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 (4.2.1).

VII.B. Objective: By 1978 each agency with the authority to select or recommend offenders for diversion should develop specific criteria for diversion (4.2.2).

VIII. GOAL: REEXAMINE AND REORGANIZE CLASSIFICATION SYSTEM (4.3)

VIII.A. Objective: By 1978 state and local correctional agencies should establish jointly and cooperatively (in conjunction with the planning of community-based programs) 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.
- Programming individual offenders for community-based programs (4.3.3).

IX. GOAL: SAFEGUARD THE RIGHTS OF ACCUSED PERSONS AND THE PUBLIC BY IMPROVING CONTROLS ON PLEA BARGAINING (7).

IX.A. Objective: By 1976, adopt written policies and procedures governing the plea negotiation process to ensure equality of treatment and proper disposition of cases (7.1).

IX.B. Objective: Prosecutor's offices should have written policy and practice statements governing all staff members involved in plea negotiations. The policy statement should be available to the public (7.2).

IX.C. Objective: Prosecutor's should be prohibited from offering improper inducements to enter a plea of guilty (7.3).

IX.D. Objective: Defense counsel should fully, fairly and capably represent the client's interest (7.4).

X. GOAL: OBTAIN SIGNIFICANT REDUCTION OF DELAYS IN CRIMINAL PROCEEDINGS (8).

X.A. Objective: The state should enact legislation to expedite criminal trials. Such legislation should specify:

- Maximum allowable delay for felony trials.
- Maximum allowable delay for misdemeanor trials.
- Maximum allowable delay for retrial (8.1 a-c)

X.B. Objective: The Supreme Court shall provide for the establishment and implementation of policies and procedures governing:

- Case scheduling
- Preliminary hearings
- Arraignment
- Motions and pretrial conference
- Grand juries
- Continuances
- Conduct of trial (8.2)

X.C. Objective: It is the duty of the State of Kansas that the highest level of the executive and legislative departments to see that adequate facilities and the best manpower are obtained for the judicial process (8.3).

X.D. Objective: Kansas should have legislation relating to joinder and severance of offenses (8.4).

X.E. Objective: By 1976, each criminal justice jurisdiction should adopt rules covering pretrial discovery (8.5).

X.F. Objective: By 1978, Kansas should enact legislation to make minor traffic violation cases infractions subject to administrative disposition, except for, but not limited to, certain serious offenses such as driving while intoxicated, hit and run, reckless driving, driving while license is suspended or revoked, homocide by motor vehicle and eluding police officer(s) in a motor vehicle (8.6).

X.G. Objective: By 1978, Kansas should study the use of electronic support equipment in criminal proceedings (8.7).

XI. GOAL: PROMOTE THE FAIRNESS AND EQUALITY OF SENTENCING (9).

XI.A. Objective: By 1980, establish general criteria for sentencing (9.1).

XI.B. Objective: By 1980, establish specific criteria for sentencing to extended terms offenders who are persistent felony offenders, dangerous offenders or persons whose lifestyle is supported by criminal activity (9.2).

XI.C. Objective: By 1980, establish specific criteria for sentencing offenders convicted of multiple offenses (9.3).

XI.D. Objective: By 1980, prescribe when a presentence report should be required and the kind and quantity of information needed to insure more equitable and appropriate correctional disposition (9.4).

XI.E. Objective: By 1980, sentencing should be separated from the determination of guilt (9.5).

XI.F. Objective: By 1980, legislation should be enacted providing probation as an alternative for all offenders except in cases where mandatory minimum sentences are specifically provided (9.6).

XII. GOAL: PROVIDE FULL AND FAIR REVIEW OF CRIMINAL CASES (10).

XII.A. Objective: Every convicted defendant should be provided with an opportunity to obtain one full and fair judicial review of his conviction and sentence by an Appellate Court (10.1).

XII.B. Objective: Continue to establish criteria for circumstances justifying further review (10.2).

XIII. GOAL: INSURE THE RIGHTS OF DEFENDANTS DURING DETENTION AND WHILE AWAITING TRIAL (12.1)

XIII.A. Objective: By 1976, every jurisdiction should guarantee by statute or rule of court the right of an accused person to prompt, and effective communication with a lawyer and should require that reasonable access to a telephone or other facilities be provided for that purpose (12.1.1).

XIII.B. Objective: By 1978, create a full-time public defender organization in all judicial districts (12.1.2).

XIV. GOAL: INSURE RIGHTS OF SENTENCED OFFENDERS (12.2)

XIV.A. Objective: By 1980, each correctional agency should develop and implement policies, procedures and practices governing the offenders' right to habilitative services (12.2.8).

XV. GOAL: CONTINUE MODERNIZATION OF THE CRIMINAL CODE (14.1)

XV.A. Objective: Kansas should:

- Continue periodic review and revision of the criminal code.
- Eliminate inherited statutory crimes that are unenforced or only haphazardly enforced.
- Combined balanced approach to the treatment of victims and defendants (14.1.1 a-c).

XV.B. Objective: By 1978, the states should take action to prevent the misuse of firearms with particular emphasis on handguns (14.1.2).

XVI. GOAL: MAINTAIN HIGH ETHICAL STANDARDS IN THE CRIMINAL JUSTICE SYSTEM (14.2)

XVI.A. Objective: Recognizing that deviations in conduct of those persons within the criminal justice system may occur that while not criminal, seriously affect the quality of justice and the proper implementation of the minimum standards and goals formulate and enforce as appropriate to each type of agency standards of ethical conduct (14.2.1).

XVI.B. Objective: Provide methods by which improper external influences on the administration of justice may be dealt with (14.2.2).

XVII. GOAL: INSURE THAT THE CONUDCT OF CRIMINAL PROCEEDINGS IS FAIRLY AND EFFECTIVELY ADMINISTERED (14.3)

XVII.A. Objective: By 1978, establish rules governing the conduct of the defense attorney (14.3.1).

XVII.B. Objective: By 1976, the Supreme Court shall provide for the establishment and implementation of rules governing the use of witnesses (14.3.2).

XVII.C. Objective: By 1978, the Supreme Court shall provide for the establishment and implementation of standards governing the function of the trial judge (14.3.3).

XVII.D. Objective: By 1976, the Supreme Court shall provide for establishment and implementation of standards relating to jury trial (14.3.4).

XVII.E. Objective: By 1976, the Supreme Court shall provide for establishment and implementation of rules governing jury selection and size (14.3.5).

XVII.F. Objective: By 1978, the Supreme Court shall provide for study of the use of the exclusionary rule as a means of attempting to compel compliance by police and others with judicially promulgated rules of conduct. Alternative courses of action should be recommended as appropriate (14.3.6).

XVIII. GOAL: STREAMLINE THE ADMINISTRATIVE STRUCTURE OF THE CRIMINAL JUSTICE SYSTEMS (15).

XVIII.A. Objective: By 1976, every police agency should develop written policies, objectives, priorities, and procedures for itself. These policies should cover the function of the agency, including:

- The services to be provided;
- The goals and objectives of the agency and each of its units;
- The role of the police generally and of the patrolman specifically;
- The limits of authority;
- Police discretion; and
- Those areas of operation in which guidance is needed to direct agency employees toward the attainment of agency goals and objectives (15.2 a-b).

XVIII.B. Objective: By 1977, when appropriate, establish a system of full-time prosecutors assisted by a state support and coordinating system (15.4).

XVIII.C. Objective: By 1977, state courts should be organized into a unified judicial system financed by the state and administered through a statewide court administrator or administrative judge under the supervision of the Chief Justice of the State Supreme Court (15.5).

XVIII.D. Objective: By 1978, the probation system should develop goal-oriented service delivery systems (15.8).

XVIII.E. Objective: By 1978, the adult parole system should develop goal-oriented service delivery systems (15.9).

XIX. GOAL: DEVELOP PLANNING CAPABILITIES IN ALL PARTS OF THE CRIMINAL JUSTICE SYSTEM AT ALL LEVELS OF GOVERNMENT (16.1)

XIX.A. Objective: By 1978, establish a network of planning agencies serving all components and levels of the criminal justice system (16.1.1).

XIX.B. Objective: By 1978, all levels of government should establish a coordinating council and a planning agency supervisory board for the criminal justice system that include community participation (16.1.2).

XIX.C. Objective: By 1978, state, regional, and local government shall utilize long-term forecasts of problems and needs for the purpose of budgeting for their respective agencies (16.1.4).

XX. GOAL: IMPROVE INTERACTION BETWEEN CRIMINAL JUSTICE AGENCIES AND THE PUBLIC (16.2)

XX.A. Objective: By 1980, establish effective working relationships between components of the criminal justice system (16.2.1).

XX.B. Objective: By 1977, establish specific programs to inform the public of the problems, needs and activities of the criminal justice system and its component parts (16.2.2).

MAJOR GOAL: BE PREPARED AT ALL TIMES FOR MASS DISORDERS AND UNUSUAL OCCURRENCES (17).

XXI. GOAL: ASSURE COORDINATION AMONG ALL AGENCIES DURING MASS DISORDERS (17.1)

XXI.A. Objective: By 1976, establish responsibility for the coordination and use of all justice system resources during an unusual occurrence.

- Such delegation of responsibility must be accompanied by necessary authority to act (17.1.1).

XXI.B. Objective: By 1976, local justice system agencies should develop a plan to coordinate all government and private agencies involved in unusual occurrence control activities (17.1.2).

XXI.C. Objective: By 1978, local contingency plans should be implemented sufficiently to allow them to be put into effect during mass disorders and natural disasters (17.1.3).

XXII. GOAL: DEVELOP CRISIS PROCEDURE LEGISLATION (17.2)

XXII.A. Objective: By 1976, Kansas state and local governments should review existing law and consider new legislation to permit necessary action by all control agencies and to afford each individual all his constitutional guarantees during an unusual occurrence (17.2.1).

XXII.B. Objective: By 1978, legislation should be enacted to permit necessary action by all control agencies and to afford each individual all his constitutional guarantees during an unusual occurrence (17.2.2).

XXIII. GOAL: ESTABLISH A NETWORK OF COMPUTERIZED INFORMATION SYSTEMS LINKING ALL COMPONENTS OF THE CRIMINAL JUSTICE SYSTEM (18).

XXIII.A. Objective: By 1977, the state shall assign responsibility for activities related to the development of a criminal justice information system (18.1).

XXIII.B. Objective: By 1980, every locality should be serviced by a local criminal justice information system which supports the needs of criminal justice agencies (18.2).

XXIII.C. Objective: By 1980, every component agency of the criminal Justice System should be served by an information agency which supports its intraagency needs. It should:

- Provide rationale for the internal allocation of personnel and resources;
- Provide a rational basis for scheduling events, cases and transactions within the agency;
- Provide data required for the proper functioning of other systems as appropriate;
- Provide an interface between the local criminal justice information system and individual users within its own agency; and
- Create and provide access to files needed by users that are not provided by other information systems when they have a right to the information (18.3 a-e).

XXIII.D. Objective: By 1978, regulations should be developed to:

- Protect an individual's right to privacy.
- Control access tothe criminal justice information systems (18.4 a-b).

XXIII.E. Objective: By 1977, requirements should be established to insure that the development of information systems is standardized (18.5).

MAJOR GOAL: IMPROVE CRIMINAL JUSTICE EQUIPMENT AND FACILITIES (19.0)

XXIV. GOAL: IMPROVE FACILITIES FOR THE FUNCTIONING OF COURT BUSINESS (19.2)

XXIV.A. Objective: By 1977, each jurisdiction should have final plans for the renovation or construction of facilities adequate for the conduct of court business (19.2.1).

XXIV.B. Objective: By 1978, all courthouses should have adequate provisions for the conduct of court bueiness (19.2.2).

MAJOR GOAL: UPGRADE PERSONNEL WORKING IN THE KANSAS CRIMINAL JUSTICE SYSTEM (20)

XXV. GOAL: IMPROVE QUALITY AND ADEQUACY FOR STAFF (20.1)

XXV.A. Objective: By 1978, adopt administrative structures and procedures that will optimize personnel performance (20.1.1).

XXV.B. Objective: By 1978, establish uniform procedures governing employee organizations, collective bargaining, and interpersonal relations (20.1.2).

XXV.C. Objective: By 1977, develop provisions for adequacy, tenure and discipline of judicial personnel (20.1.4).

XXV.D. Objective: Provide adequate professional support to all criminal justice agencies (20.1.5).

XXVI. GOAL: UPGRADE THE RECRUITMENT AND SELECTION OF PERSONNEL (20.2)

XXVI.A. Objective: By 1977, set systemwide standards for recruitment and selection of personnel (20.2.1).

XXVI.B. Objective: By 1976, eliminate discrimination in the employment of criminal justice personnel (20.2.2).

XXVI.C. Objective: By 1977, all administration of justice personnel should be elected or selected on the basis of established qualifications (20.2.5).

XXVII. GOAL: UPGRADE THE TRAINING, EDUCATION, AND CAREER DEVELOPMENT OF PERSONNEL (20.3)

XXVII.A. Objective: By 1980, set systemwide standards for the training and education of personnel (20.3.1).

XXVII.B. Objective: By 1976, set standards for the training and education of judicial personnel (20.3.3).

XXVII.C. Objective: By 1976, establish formal inservice training programs for criminal justice personnel (20.3.4).

XXVII.D. Objective: By 1980, provide advanced training in specialized areas (20.3.5).

XXVII.E. Objective: By 1978, establish education incentive programs for all criminal justice personnel (20.3.6).

XXVII.F. Objective: By 1980, establish formal career development programs in all criminal justice agencies (20.3.7).

XXVIII. GOAL: ESTABLISH FAIR AND COMPETITIVE SALARIES AND BENEFITS FOR ALL CRIMINAL JUSTICE PERSONNEL (20.4)

XXVIII.A. Objective: By 1978, establish a formal salary structure based on systematic classification of all criminal justice positions (20.4.1).

XXVIII.B. Objective: By 1978, establish a uniform system of benefits for criminal justice personnel (20.4.2).

CHAPTER IV

GOALS, OBJECTIVES AND STRATEGIES WITH SELECTED IMPLEMENTED PROGRAMS

This chapter contains the goals, objectives and strategies for adjudication. Local programs which have implemented the goal appear at the end of each goal, objective and strategy section. The programs are briefly described with a notation following which indicates who may be contacted if additional information is desired. It is hoped that the program listings will benefit those persons who are interested in implementing similar projects. It should be noted that this is not an all inclusive list. Programs were identified through review of information resident in the files of the Governor's Committee on Criminal Administration and the regional planning unit.

I. GOAL: IMPROVE CRIME DETECTION AND APPREHENSION CAPABILITIES (2)

I.A. Objective: By 1978, the state should expand guidelines to govern:

- The role of the prosecutor in criminal investigations.
- The use of warrants.
- The use of electronic surveillance (2.7).

Possible Strategies

I.A.1 The prosecutor should be given power (subject to appropriate safeguards) to issue subpoenas requiring potential witnesses in criminal cases to appear for questioning (subject to contempt penalties for unjustified failure to appear). (2.7,1)

I.A.2 All applications for search and arrest warrants should be reviewed by the prosecutor's office prior to submission to a judge. (2.7,2)

I.A.3 No application for a warrant should be submitted to a judge unless it has been approved by the prosecutor's office. (2.7,3)

I.A.4 Investigatorial resources should be available to the prosecutor to perform his duties. (2.7,4)

I.A.5 Legislation should be enacted that:

a. Provides for issuance of search warrants pursuant to telephoned petitions and affidavits from police officers. Such telephoned petitions and affidavits should be properly recorded for review.

b. Authcrizes court supervised electronic surveillance by law enforcement officers.

c. Prohibits private electronic surveillance. (2.7,5)

I.A.6 The surveillance legislation should be based on Title III of the Omnibus Crime Control and Safe Streets Act of 1968. (2.7,6)

PROGRAMS WHICH HAVE IMPLEMENTED GOAL I

1. Consumer Protection

This program provides for continuation of the District Attorney's consumer protection effort to restrain, deter, and reduce crime. A two-fold emphasis is employed: (1) investigation and legal action seeking effective remedies, both civil and criminal; and (2) consumer education programs to develop informed consumers.

Site: Sedgwick County
Contact: Keith Sanborn
District Attorney
Sedgwick County Courthouse
Wichita
(316) 268-7281

MAJOR GOAL: IMPROVE PROCEDURES FOR PRETRIAL SCREENING, DIVERSION AND DETENTION OF ADULTS

II. GOAL: INCREASE ALTERNATIVES TO PHYSICAL ARREST BY EXPANDING USE OF CITATION[1/] AND SUMMONS[2/] (3.1)

II.A. Objective: By 1978, each local agency should formulate in writing procedures for the use of summonses, citations, and arrest warrants. These procedures should:

- Enumerate minor offenses for which a citation or summons is required.
- Require arrest or warrants to be accompanied by written reasons.
- Specify criteria for determining whether to use a citation or request a summons.
- Specify training requirements relating to this policy.
- Utilize alternatives to arrest and pretrial detention (3.1.1).

Possible Strategies

II.A.1 The citation and summons should:

a. Inform the accused of his rights (including representation of counsel), the charge, date, time and location of trials or hearings, the consequences of his failure to appear;

b. Contain a form advising the court of the name of accused's counsel or his desire to have court-appointed counsel;

c. State that, in misdemeanor cases, all motions and an election of a nonjury trial must filled within 7 days after appointment of counsel, with copies provided to the prosecutor; and

1/ Issued through use of police powers.
2/ Issued through use of judicial powers.

d. Court should assure counsel is provided within 24 hours after receipt of notice or 96 hours after arrest. (3.1.1,3)

III. GOAL: MINIMIZE PRETRIAL CONFINEMENT (3.2)

III.A. Objective: By 1978, each local agency should establish procedures and written guidelines which:

- Insure that all arraigned defendants are considered for pretrial release.
- Insure that the alternatives to pretrial detention will reasonably assure the appearance of the accused for trial.
- Insure the rights of the person arrested. (3.2.1)

Possible Strategies

III.A.1 The decision to detain a person prior to trial should be made by a judicial officer:

> The judicial officer, in selecting the form of pretrial release, should consider the nature of the circumstances of the offense charged, the weight of the evidence against the accused, his ties to the community, his record of convictions, 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 of military, etc. (3.2.1,1)

III.A.2 Alternatives included are:

a. Release on own recognizance;

b. Release on execution of unsecured appearance bond in a specified amount;

c. Release to the care of qualified persons (or organizations);

d. Release to supervision of a probation officer (or other public official);

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

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; and

h. Detention with release during certain hours for specified purposes. (3.2.1,2)

III.A.3 The judicial officer should have the authority to prohibit persons released pending trial from possessing any dangerous weapon, engaging in certain described activities or indulging in intoxicating liquors or in certain drugs. (3.2.1,3)

III.A.4 Pretrial detention, or conditions substantially infringing on liberty, should not be imposed on a person accused of a crime unless:

a. The accused is granted a hearing as soon as possible;

b. He can subpoena witnesses and confront and cross-examine them;

c. His confinement is necessary to insure his presence for trial;

d. And/or the judicial officer provides the defendant with a written statement of reasons for imposing detention or restrictive conditions. (3.2.1,4)

III.A.5 Where conditions substantially infringing on a defendant's liberty are imposed, he should be authorized to seek periodic review. (3.2.1,5)

III.A.6 When is released, his release should not be revoked unless he has willfully violated a condition of release or has committed a serious crime.

a. He should be notified of any alleged violation in writing, including reasons and evidence for revocation; informed of his right to counsel; and instructed of his right to subpoena witnesses and confront or cross-examine witnesses against him.

b. The defendant should be authorized to obtain judicial review of the revocation.

c. The judicial officer of the reviewing court should be authorized to impose different or additional conditions in lieu of revoking release. (3.2.1,6)

III.A.7 Persons alleged or adjudged to be incompetent to stand trial should be eligible for bail or alternative forms of release to the same extent as other persons awaiting trial.

a. Where the court orders examination and diagnosis or treatment, it should impose the least restrictive measures appropriate.

b. Each jurisdiction should adopt, through legislation or court rule, provisions which require periodic review of persons adjudged incompetent to stand trial and set a maximum time limit, not to exceed 1 year, or the maximum prison sentence for the offense charged (whichever is shorter), for treatment of incompetency.

c. When the time limit expires (or restoration to competency is unlikely), the person should be released and the criminal charge dimissed.

d. If the person is dangerous to himself or others, civil commitment procedures should be instituted. (3.2.1,7)

III.A.8 Courts should be authorized to exercise continuing jurisdiction over persons awaiting trial. (3.2.1,8)

III.A.9 The district attorney should be required to advise the court why a defendant who has failed to secure his release within 2 weeks of arrest has not been released or tried. (3.2.1,9)

III.A.10 The trial judge periodically should make careful inquiry concerning persons held in jail awaiting formal charge, trial or sentence, taking appropriate corrective action when required. (3.2.1,10)

IV. GOAL: IMPROVE PRETRIAL PROGRAMS AND SERVICES (3.3)

IV.A. Objective: By 1977, adult intake services should be provided for each judicial district to:

- Perform investigative services for pretrial intake screening.
- Emphasize diversion and referral.
- Offer initial and ongoing assessment, evaluation and classification services to other agencies as requested.
- Provide assessment, evaluation and classification services that assist program planning for sentenced offenders.
- Arrange secure residential detention for pretrial detainees. (3.3.1)

Possible Strategies

IV.A.1 Intake services should operate in conjunction with a community correctional facility, and/or will protect the rights of the accused at every phase, and maintain confidentiality at all times. (3.3.1,1)

IV.A.2 Social inventory and offender classification should be a significant component of intake services. (3.3.1,2)

IV.A.3 Specialized services should be purchased in the community on a contractual basis and include the services of psychiatrists, clinical psychologists, social workers, interviewers, and education specialists. (3.3.1,3)

IV.A.4 Information gathering services for the judicial officer relevant to the pretrial release or detention decision should be provided by law enforcement agencies and verified by the agency that develops the presentence report. (3.3.1,4)

IV.A.5 Investigation to gather information relevant th the pretrial release or detention decision should commence immediately. (3.3.1,5)

V. GOAL: IMPROVE PRETRIAL DETENTION FACILITIES, PROGRAMS AND SERVICES (3.4)

V.A. Objective: By 1983, facilities, programs and services for those awaiting trial should be administered by the state correctional agency under a unified correctional system. (3.4.2)

Possible Strategies

V.A.1 Information on participation and progress in such programs should be available to the sentencing judge following conviction for the purpose of determining the sentence. (3.4.2,2)

MAJOR GOAL: IMPROVE PROCEDURES FOR SCREENING, DIVERSION AND CLASSIFICATION

VI. GOAL: DEVELOP AND IMPLEMENT CRITERIA AND PROCEDURES FOR SCREENING (4.1)

VI.A. Objective: By 1978 develop and implement procedures to screen accused persons from the Criminal Justice System if:

- There is not a reasonable likelihood that the evidence admissible against him would be sufficient to obtain a conviction and sustain it on appeal.
- The benefits to be derived from prosecution or diversion would be outweighed by the costs of such action. (4.1.1)

Possible Strategies

VI.A.1 Police, in consultation with the prosecutor, should develop guidelines for taking persons into custody. (4.1.1,1)

VI.A.2 After a person has been taken into custody, the prosecutor should make the decision whether to proceed with formal prosecution. (4.1.1,2)

VI.A.3 The decision to screen a case should be made before formal approval of a complaint is filed or arrest warrant issued. (4.1.1,3)

VI.A..4 The prosecutor's office should formulate written guidelines to be applied in screening, identifying those factors that will be considered in identifying cases in which the accused will not be taken into custody or in which formal proceedings will not be pursued. (4.1.1,4)

VI.A.5 The following factors should be included in the written guidelines on screening:

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

b. The impact of further proceedings in preventing future offenses by the offender (or other persons);

c. The value of further proceedings in fostering the community's sense of security;

d. The direct cost of prosecution;

e. Any improper motive of the complainant;

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

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

h. Any assistance rendered by the accused in apprehension or conviction of other offenders. (4.1.1,5)

VI.A.6 When a defendant is screened a written statement of the prosecutor's reasons should be prepared and filed. (4.1.1,6)

VI.A.7 If the prosecutor screens a defendant, the police or the private complainant should have recourse to the court. (4.1.1,7)

PROGRAMS WHICH HAVE IMPLEMENTED GOAL VI

1. Douglas County Court Diversion Program

This program provides an alternative to incarceration for drug offenders. Referrals are accepted from the county attorney and county courts.

Site: Douglas County
Contact: Alan R. Johnson
1602 Massachusetts
Lawrence
(913) 841-2345

VII. GOAL: DEVELOP AND IMPLEMENT CRITERIA AND PROCEDURES FOR DIVERSION

VII.A. Objective: By 1976 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. (4.2.1)

Implementation Criteria

- Responsible authorities at each step in the criminal justice process where diversion may occur should develop policies, priorities, procedures, lines of responsibility, and establish mechanisms for periodic review and evaluation of policies, decisions and practices.

- Criminal justice agencies must have the cooperation and resources of other community agencies to which persons can be diverted for services relating to their problems and needs.

Possible Strategies

VII.A.1 Provide pretrial intervention programs offering manpower and related supportive services. Intervention efforts should incorporate a flexible continuance period of at least 90 days, during which the individual would participate in a tailored job training program. Satisfactory performance in that training program would result in job placement and dismissal of charges, with arrest records maintained only for official purposes and not for dissemination. (4.2.1,2)

VII A.2 Provide a wide range of community services to deal with any major needs of the participant. (4.2.1,3)

VII.A.3 Exoffenders should be trained to work with participants in these programs and court personnel should be well informed about the purpose and methods of pretrial intervention. (4.2.1,4)

VII.A.4 District and probate courts should use local mental health facilities rather than distant state facilities when possible (4.2.1,6)

VII.B. Objective: By 1978 each agency with the authority to select or recommend offenders for diversion should develop specific criteria for diversion. (4.2.2)

Possible Strategies

VII.B.1 The following criteria should be used in selecting an offender for diversion:

Positive criteria:

a. Relative youth of the offender.

b. Willingness of the victim to waive prosecution.

c. Likelihood the offender suffers from mental illiness or psychological abnormality related to his crime and for which treatment is available.

d. Likelihood the crime was significantly related to any other situation which would be subject to change by participation in a diversion program.

e. Likelihood that prosecution may cause undue harm to the defendant.

f. Unavailability within the Criminal Justice System of services to meet the offender's needs and problems.

g. Likelihood that the arrest has already served as a desired deterrent.

h. Likelihood that the needs and interests of the victim and society are served better by diversion.

i. Probability that the offender does not present a substantial danger to others.

j. Voluntary acceptance of the offered alternative by the offender.

Negative criteria:

a. History of used of physical violence.

b. Involvement with syndicated crime.

c. History of antisocial conduct indicating such conduct has become an ingrained part of the defendant's life style.

d. Any special need to pursue criminal prosecution to discourage others. (4.2.2,1)

VII.B.2 Prior to diversion the facts of the case should sufficiently establish that the defendant committed the alleged act. If the facts do not sufficiently establish guilt, the defendant should be screened or the prosecution should be required to prove his guilt in court. (4.2.2,2)

VII.B.3 A written statement should be made and retained specifying the fact of and reason for a diversion not involving a diversion agreement between defendant and prosecution. (4.2.2,3)

VII.B.4 When a defendant (who comes under a category of offenders for whom diversion is regularly considered) is not diverted, a written statement of the reasons should be retained. (4.2.2,4)

VII.B.5 Where the diversion program involves significant deprivation of an offender's liberty, diversion should be permitted only under a court-approved agreement. (4.2.2,5)

VII.B.6 Procedures should be developed for the formulation of court-approved diversion agreements and their approval by the court. (4.2.2,6)

VIII. GOAL: REEXAMINE AND REORGANIZE CLASSIFICATION SYSTEM (4.3)

VIII.A. Objective: By 1978, state and local correctional agencies should establish jointly and cooperatively in conjunction with the planning of community-based programs classification teams in the larger cities of the state for the purpose of:

- Encouraging the diversion of selected offenders from the criminal justice system.
- Maximizing the use of the institutions for convicted or adjudicated offenders.
- Programming individual offenders for community-based programs. (4.3.3)

Possible Strategies

VIII.A.1 The planning and operation of community classification teams should involve:

a. State and local correctional personnel (institutions, jails, probation, and parole).

b. Personnel of specific community-based programs (employment programs, halfway houses, work-study programs, etc.).

c. Police, court and public representatives. (4.3.3,1)

VIII.A.2 The classification teams should assist:

a. Pretrial intervention projects in the selection of offenders for diversion.

b. Courts in identifying offenders who do not require institutionalization.

c. 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. (4.3.3,2)

VIII.A.3 This classification team, in conjunction with 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. (4.3.3,3)

VIII.A.4 The classification team should develop policies that consider the tolerance of the general public concerning degrees of "punishment" that must be inflicted. (4.3.3,4)

VIII.A.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 client's 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. (4.3.3,5)

VIII.A.6 The classification team should have a role in recommending the establishment of new community programs and the modification of existing ones; to involve volunteers, exoffenders and paraprofessionals; and to have an evaluation and advisory role in the operation of community programs. (4.3.3,6)

IX. GOAL: SAFEGUARD THE RIGHTS OF ACCUSED PERSONS AND THE PUBLIC BY IMPOSING CONTROLS ON PLEA BARAGINING (7)

IX.A. Objective: By 1976, adopt written policies and procedures governing the plea negotiation process to ensure equality of treatment and proper disposition of cases. (7.1)

Possible Strategies

IX.A.1 A plea of guilty should not be considered by the court in determining sentence. (7.1,1)

IX.A.2 The agreement upon which a negotiated plea is based should be presented to the judge in open court for his acceptance or rejection. (7.1,2)

IX.A.3 The court should not participate in the plea negotiation but should inquire as to any existing agreements. (7.1,3)

IX.A.4 The court should not accept the plea if:

a. Counsel was not present during plea negotiations;

b. Defendant was incompetent or did not understand the charges or proceedings;

c. Defendant was reasonably mistaken or ignorant as to law or case-related facts, affecting his decision;

d. Defendant did not know his constitutional rights and how the guilty plea would affect them;

e. Defendant was denied a constitutional or substantive right that he did not waive during the plea negotiations;

f. Defendant did not know the mandatory minimum sentence (or the maximum) at the time the plea was offered;

g. Defendant was offered improper inducements;

h. Defendant continues to assert facts that, if true, establish he is not guilty of the offense to which he seeks to plead unless the court finds a factual basis for the plea. (7.1,4)

IX.A.5 The court should not enter a judgment upon a guilty plea without making such inquiries as may satisfy it that there is a factual basis for the plea. (7.1,5)

IX.B. Objective: Prosecutor's offices should have written policy and practice statements governing all staff members involved in plea negotiations. The policy statement should be available to the public.

Possible Strategies:

IX.B.1 An experienced prosecutor should be assigned to review negotiated pleas to assure proper application of guidelines. (7.2,1)

IX.B.2 A time should be set after which plea negotiation may no longer be conducted. (7.2,2)

IX.B.3 A defendant should be afforded an opportunity for counsel prior to any plea negotiations. (7.2,3)

IX.C. Objective: Prosecutors should be prohibited from offering improper inducements to enter a plea of guilty.

Possible Strategies

IX.C.1 Prosecutors should be prohibited from:

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

b. Charging or threatening to charge the defendant with a crime not ordinarily charged in the jurisdiction.

c. Threatening that the sentence may be more severe than that which is ordinarily imposed. (7.3,1)

IX.C.2 No prosecutor should fail to grant full disclosure before the disposition negotiations of all exculpatory evidence material to guilt or punishment. (7.3,2)

IX.C.3 The prosecutor should notify the court when he is aware that the accused persists in denying guilt or the factual basis for the plea. (7.3,3)

IX.C.4 The prosecutor should avoid implying a greater power to influence the disposition of a case than he possesses. (7.3,4)

IX.C.5 The prosecutor should help the accused withdraw a plea if he is unable to fulfill his promises during plea negotiations. (7.3,5)

IX.C.6 The prosecutor should record reasons for nolle prosequi disposition dismissal of charges. (7.3,6)

IX.D. Objective: Defense counsel should fully, fairly and capably represent the client's interest. (7.4)

Possible Strategies

IX.D.1 The defense attorney should be prohibited from engaging in a "trade off" of one of his client's interests in exchange for the compromising of another of his client's interests. (7.4,1)

IX.D.2 The defense attorney should avoid engaging in collusion with the prosecutor on overcharging. (7.4,2)

IX.D.3 Representation of multiple clients arising out of the same factual basis for criminal prosecutions should be discouraged. (7.4,3)

IX.D.4 Defense counsel should explore the early diversion of the case from the criminal process. (7.4,4)

IX.D.5 The defense should seek the accused's consent to engage in plea discussions with the prosecution. (7.4,5)

X. GOAL: OBTAIN SIGNIFICANT REDUCTION OF DELAYS IN CRIMINAL PROCEEDINGS

X.A. Objective: The state should enact legislation to expedite criminal trials. Such legislation should specify:

. Maximum allowable delay for felony trials.

. Maximum allowable delay for misdemeanor trials.

. Maximum allowable delay for retrial. (8.1)

Possible Strategies

X.A.1 A defendant, either in or out of custody, should be brought to trial in felony prosecutions 60 days from arrest, receipt of summons or citation or filing of an indictment, information or complaint, whichever came first. (8.1,1)

X.A.2 A defendant, either in or out of custody, should be brought to trial in 30 days in misdemeanor cases. (8.1,2)

X.A.3 A defendant, either in or out of custody, should be brought to trial in felony prosecutions 60 days from declaration of mistrial, order for a new trial or remand from appeal or collateral attack if the defendant is retried. (8.1,3)

X.A.4 A defendant, either in or out of custody, should be brought to trial in misdemeanor cases 30 days from declaration of mistrial, order for a new trial or remand from an appeal or collateral attack if the defendant is retried. (8.1,4)

X.A.5 Legislation should be enacted to define periods which would be excluded in computing time to trial. Only in exceptional cases should extension of time for trial be granted to either prosecution or defense. (8.1,5)

X.A.6 Legislation should be enacted to authorize the temporary assignment or relocation of judges, prosecutors, defense counsel or other officers essential for the trial of a criminal case. (8.1,6)

X.A.7 A person serving a term of imprisonment, either within or without the jurisdiction should have the right to speedy trial. (8.1,7)

X.A.8 The prosecutor should file a detainer with the official having custody of the defendant. (8.1,8)

X.A.9 The time for trial of a prisoner whose presence for trial has been obtained while he is incarcerated should commence running from the time his presence has been obtained. (8.1,9)

X.A.10 Unreasonable delay by the prosecutor in filing a detainer should be counted in ascertaining whether the time for trial has run. (8.1,10)

X.A.11 If a defendant is not brought to trial before the running of the time for trial, the consequence should be absolute discharge. (8.1,11)

X.B. Objective: The Supreme Court shall provide for the establishment and implementation of policies and procedures governing:

. Case scheduling

. Preliminary hearings

. Arraignment

. Motions and pretrial conference

. Grand juries

. Continuances

. Conduct of trial (8.2)

Possible Strategies

X.B.1 Until the institution of legislation of the 60-day time to trial, the prosecution should advise the court administrator of those cases to be tried that should be given priority:

a. The defendant is in pretrial custody.

b. The defendant constitutes a significant threat of violent injury to others.

c. The defendant is a recidivist.

d. The defendant is a professional criminal or public offical. (8.2,1)

X.B.2 The prosecutor should consider the age of the case and whether the defendant was arrested in the act of commiting a felony. (8.2,2)

X.B.3 Preliminary hearings should be eliminated in misdemeanor prosecutions. (8.2,3)

X.B.4 If a preliminary hearing is held it should be held within 10 days following arrest. (8.2,4)

X.B.5 If a defendant intends to waive his right to a preliminary hearing, he should file a notice to this effect at least 24 hours prior to the time set for the hearing.

X.B.6 If a preliminary hearing is held the prosecution should not:

a. Encourage an uncounseled accused to waive preliminary hearing.

b. Seek continuance for the purpose of securing an indictment.

c. Seek delay in the hearing if the accused is in custody. (8.2,6)

X.B.7 A hearing should be held on pretrial motions within 5 days. (8.2,7)

X.B.8 The court should rule on pretrial motions within 72 hours of the close of the hearing on the motions. (8.2,8)

X.B.9 No case should proceed to trial until a pretrial conference has been held, unless the trial judge determines it would be useless. (8.2,9)

X.B.10 If a pretrial conference is held, it should be held immediately following and as a part of the motion hearing or within 5 days of the motion hearing (if not a part thereof). (8.2,10)

X.B.11 A grand jury indictment should not be required in any criminal prosecution. (8.2,11)

X.B.12 Prosecutors should be given concurrent powers with grand juries in conformance with present law. (8.2,12)

X.B.13 If a grand jury indictment is issued in a particular case, no preliminary hearing should be held in that case. (8.2,13)

X.B.14 The prosecutor should not attempt to influence the grand jury in a manner not permissible at trial. (8.2,14)

X.B.15 The prosecutor should only provide evidence to the grand jury that would be admissible at trial. (8.2,15)

X.B.16 The prosecutor should disclose any evidence which will negate guilt. (8.2,16)

X.B.17 The prosecutor should recommend against indictment if there is not sufficient evidence to warrant indictment. (8.2,17)

X.B.18 The prosecutor should warn witnesses who are potential defendants to seek legal counsel concerning their rights. (8.2,18)

X.B.19 The prosecutor should not compel the appearance of a witness he knows will exercise his constitutional privilege not to testify unless he intends to seek a grant of immunity. (8.2,19)

X.B.20 When a prosecutor is empowered to charge by information, his decision should be governed by the principles stated in X.B.21-26. (8.2,20)

X.B.21 Continuances should not be granted except upon verified written motion and a showing of good cause. (8.2,21)

X.B.22 Defense counsel must not intentionally misrepresent facts or otherwise mislead the court in order to obtain a continuance. (8.2,22)

X.B.23 Defense counsel should avoid unnecessary delay in the disposition of cases. (8.2,23)

X.B.24 In every court where criminal cases are being tried:

a. Daily sessions should commence promptly at 9:00 a.m. and continue until 5:00 p.m., unless the business before the court is concluded at an earlier time and it is too late to begin another trial.

b. Opening statements to the jury should be limited to clear, nonargumentative statements of the evidence which should be strictly limited to that which is directly relevant and material.

c. Summations should be limited to the issues raised by the evidence.

d. Standarized instructions should be utilized in all criminal trials as far as practical. (8.2,24)

X.B.25 It is the duty of the prosecutor to seek to reform and improve the administration of criminal justice. (8.2,25)

X.B.26 The prosecutor should not publicly criticize the outcome of the trial. (8.2,26)

X.C. Objective: It is the duty of the State of Kansas that the highest level of the executive and legislative departments to see that adequate facilities and the best manpower are obtained for the judicial process. (8.3)

Possible Strategies:

X.C.1 If by, reason of death, sickness or other disability, a judge is unable to proceed with trial, another judge may proceed and finish the trial. (8.3,1)

X.C.2 When a defendant has been permitted to waive counsel, the trial judge should consider the appointment of standby counsel. (8.3,2)

X.C.3 If a preliminary hearing is held, the prosecutor should cooperate in obtaining counsel for the accused. (8.3,3)

X.D. Objective: Kansas should have legislation relating to joinder and severance of offenses. (8.4)

Possible Strategies:

X.D.1 The joinder of unconnected offenses should be allowed when the offenses are of the same or similar character. (8.4,1)

X.D.2 Two or more defendants charged with different offenses should be joined if they were so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one from the other(s). (8.4,2)

X.D.3 A defendant may move for joinder to protect himself against a multiplicity of trials for related offenses. A plea of guilty to one offense, however, should not bar prosecution of a related offense. (8.4,3)

X.D.4 A severance motion should be made prior to trial except when new grounds arise after trial begins. (8.4,4)

X.D.5 On application of the prosecution or defendant, the court should grant severance if it is necessary to achieve a fair determination of guilt or innocence of each offense. (8.4,5)

X.D.6 The court should give the prosecutor a choice of alternatives when defendant moves for severance because of an out-of-court statement made about him by a codefendant. (8.4,6)

X.D.7 The court should grant severance at end of presentation of prosecution's evidence if prosecution fails to prove grounds for joinder. (8.4,7)

X.D.8 The court should order consolidation of two or more charges for trial if the offenses or defendants could have been joined in a single trial. The court may order severance of offenses or defendants before trial if a severance could be obtained on motion of the prosecution or defendant. (8.4,8)

X.E. Objective: By 1976, each criminal justice jurisdiction should adopt rules covering pretrial discovery. (8.5)

Possible Strategies

X.E.1 The prosecution should disclose to the defendant all available evidence that will be used against him at trials within 5 days of the initiation of prosecution including:

a. Names and addresses of witnesses.

b. Statements made by witnesses to be called.

c. Results of mental or physical examinations and analyses of physical evidence.

d. Physical evidence which belongs to the defendant or which the prosecutor intends to introduce at trial. (8.5,1)

X.E.2 The prosecutor should disclose any other evidence that might be regarded as potentially valuable to the defense. (8.5,2)

X.E.3 The prosecution should disclose as soon as possible any evidence that becomes available after initial disclosure. (8.5,3)

X.E.4 The defendant should disclose any evidence the defense counsel intends to introduce at trial subject to constitutional safeguards. (8.5,4)

X.E.5 The intent to rely on alibi or an insanity defense should be indicated within 20 days after initiation of prosecution. (8.5,5)

X.E.6 The trial court may authorize withholding of any evidence that may lead to a substantial risk of physical harm to witnesses or others, provided there is no feasible way to eliminate such a risk. (8.5,6)

X.E.7 Evidence that has not been disclosed may be excluded at trial unless the trial judge finds that the failure to disclose was justifiable. (8.5,7)

X.E.8 Where appropriate, a person failing to disclose evidence should be held in contempt of court. (8.5,8)

X.E.9 Informants should be exempt from disclosure. (8.5,9)

X.E.10 Evidence relating to national security should be exempt from disclosure. (8.5,10)

X.E.11 Certain medical and scientific reports which defense counsel intends to use shall be disclosed to the prosecution. (8.5,11)

X.E.12 There should be a continuing duty to disclose evidence on the part of the defense counsel, as well as the prosecutor. (8.5,12)

X.E.13 The prosecutor is obligated to disclose witnesses' names and statements, physical evidence, and evidence against the accused. Such evidence should be disclosed in any manner agreeable to himself and defense counsel or by notifying defense counsel when such evidence is available for inspection. (8.5,13)

X.E.14 Additional prosecution disclosures should be made available upon request of and specification by the defense. (8.5,14)

X.E.15 The defense attorney should comply in good faith with discovery procedures applicable under the law. (8.5,15)

X.E.16 Evidence held by other governmental personnel, which would be discoverable if in the possession of the prosecuting attorney, should be disclosed under judicial supervision. (8.5,16)

X.E.17 A judicial officer may require the accused to:

a. Appear in a line-up;

b. Be fingerprinted;

c. Try on articles of clothing;

d. Pose for photographs not involving reenactment of a scene;

e. Provide handwriting samples; and

f. Submit to reasonable physical and medical inspection of his body. (8.5,17)

X.E.18 Neither defense nor prosecution counsel shall advise persons having relevant materials or information (except the accused) to refrain from discussing the case with or showing relevant material to opposing counsel. (8.5,18)

X.E.19 Material furnished to an attorney pursuant to these standards shall remain in his exclusive custody and shall be only subject to terms established by the court. (8.5,19)

X.E.20 When some parts of certain material are discoverable and others are not, as much of the material should be disclosed as is consistent with the standards. (8.5,20)

X.F. Objective: By 1978, Kansas should enact legislation to make minor traffic violation cases infractions subject to administrative disposition, except for, but not limited to, certain serious offenses such as driving while intoxicated, hit and run, reckless driving, driving while license is suspended or revoked, homicide by motor vehicle and eluding police officer(s) in a motor vehicle. (8.6)

Possible Strategies

X.F.1 Violators should be permitted to enter pleas by mail, except where the violator is a repeat violator or where the infraction allegedly has resulted in a traffic accident. (8.6,1)

X.F.2 No jury trial should be available. (8.6,2)

X.G. Objective: By 1978, Kansas should study the use of electronic support equipment in criminal proceedings. (8.7)

Possible Strategies

X.G.1 Pilot projects funded by federal, state and local government agencies should be used to study the use of electronic support equipment. (8.7,1)

X.G.2 Videotaped trials should be used to promote public understanding of the criminal justice system. (8.7,2)

XI. GOAL: PROMOTE THE FAIRNESS AND EQUALITY OF SENTENCING

XI.A. Objective: By 1980, establish general criteria for sentencing.

Possible Strategies

XI.A.1 By 1980, revise the state penal code to classify all crimes into not more than 10 categories based upon the gravity of the offense.

XI.A.2 Sentencing legislation should not contain restrictions on eligibility for alternative dispositions except where a mandatory minimum sentence is required by law. (9.1,4)

XI.A.3 The sentencing court should be authorized to impose a maximum sentence less than that provided by statute. (9.1,5)

XI.A.4 The court should be authorized in the case of felonies to impose a reduced sentence when, based on the defendant's background and the circumstances of the offense, the normal sentence would be unduly harsh. (9.1,6)

XI.A.5 The court should be authorized to utilize a variety of sentencing alternatives based on specific criteria modeled after the Model Penal Code. (9.1,7)

XI.A.6 Criteria for establishing sentencing should include a requirement that the least drastic sentencing alternative consistent with public safety should be imposed. (9.1,8)

XI.A.7 After careful consideration of community protection, the following factors should be weighed in withholding a disposition of incarceration:

a. The offender's criminal conduct was not intended to and did not cause or threaten serious harm.

b. The act occurred under strong provocation and under circumstances not likely to occur again.

c. The victim induced the crime.

d. The offender has no prior record of serious offenses.

e. Substantial grounds tending to excuse the misconduct are present.

f. The offender is likely to respond affirmatively to probation or other community supervision.

g. Imprisonment of the offender would entail undue hardship on dependants.

h. The offender is elderly or in poor health.

i. The institutions to which the offender would be sent are inappropriate to his particular needs or would not likely be of benefit to him. (9.1,9)

XI.A.8 Sentencing courts should adopt a policy that the court in imposing sentence should not consider a mitigating factor, the defendant's pleading guilty or, as an aggravating factor, the defendant's seeking the protections of right to trial assured him by the constitution. (9.1,11)

XI.A.9 Sentencing courts should be required to make specific findings and state specific reasons for imposition of a particular sentence. (9.1,12)

XI.A.10 Where a conviction or sentence has been set aside on direct or collateral attack, the legislature should prohibit a new sentence, for the same offense or a different offense based on the same conduct, which is more severe than the prior sentence less time already served. (9.1,13)

XI.A.11 Sentencing courts should be required to grant an offender credit for all time served in jail awaiting trial or appeal. (9.1,14)

XI.A.12 Sentencing courts should be authorized to reduce a sentence or modify its terms. (9.1,15)

XI.A.13 Procedures should be established allowing the offender or the correctional agency to initiate proceedings to request the court to exercise the jurisdiction of the court over sentenced offenders. (9.1,16)

XI.A.14 A psychiatric examination should be required for all dangerous offenders and should be considered in the court's criteria for sentencing. (9.1,17)

XI.A.15 Sentencing must be imposed within 45 days of conviction.

XI.B. Objective: By 1980, establish specific criteria for sentencing to extended terms offenders who are persistent felony offenders, dangerous offenders, or persons whose lifestyle is supported by criminal activity. (9.2)

Possible Strategies

XI.B.1 Provide authority in cases of extended terms for the court to:

a. Impose a minimum sentence to be served prior to eligibility for parole.

b. Permit parole of an offender sentenced to a minimum term prior to service of that minimum upon request from the Secretary of Corrections.

c. Recommend to the Secretary of Corrections at the time of sentencing that the offender not be paroled until a given period of time has been served. (9.2,1)

XI.C. Objective: By 1980, establish specific criteria for sentencing offenders convicted of multiple offenses. (9.3)

Possible Strategies

XI.C.1 Authorize sentencing courts to make appropriate disposition of offenders convicted of multiple offenses including the following:

a. Impose concurrent sentences under normal circumstances.

b. Impose consecutive sentences when the public safety requires a longer sentence.

c. Allow a defendant to plead guilty to any other offenses he has committed.

d. Impose a sentence that would run concurrently with out-of-state sentences even though the time will be served in out-of-state institutions. (9.3,1)

XI.C.2 Written approval of the prosecutor of the governmental unit in which the crimes are charged or could be charged should be required when imposing a sentence concurrent with out-of-state sentences. (9.3,2)

XI.D. Objective: By 1980, prescribe when a presentence report should be required and the kind and quantity of information needed to insure more equitable and appropriate correctional disposition. (9.4)

Possible Strategies

XI.D.1 Guidelines should be provided for preparation of presentence reports prior to adjudication to prevent possible prejudice to defendant's case and to avoid undue incarceration prior to sentence. (9.4,1)

XI.D.2 A procedure to inform the defendant of the basis for his sentence should be developed. (9.4,2)

XI.D.3 The presentence report should be disclosed to the defendant, his counsel and the prosecutor. (9.4,3)

XI.D.4 In extraordinary cases, the court should be permitted to excerpt from disclosure: parts of the presentence report which are not relevant to a proper sentence, diagnostic opinion which might seriously disrupt a program of rehabilitation or sources of information which have been obtained on a promise of confidentiality. (9.4,4)

XI.D.5 A presentence report should be required in every case involving a minor, first offender or where incarceration for a year or more is a possible disposition. (9.4,5)

XI.D.6 Require the prosecutor to assist the court in assessing the accuracy and completeness of the presentence report and to provide all information in his files bearing on sentencing to both court and defense counsel. (9.4,6)

XI.E. Objective: By 1980, sentencing should be separated from the determination of guilt.

Possible Strategies

XI.E.1 Sentencing courts should adopt the practice of holding a hearing prior to imposition of sentence. (9.5,1)

XI.E.2 The judge who presided at the trial (or who accepted a plea) should impose sentence. (9.5,2)

XI.E.3 Guidelines should be provided as to the evidence that may be considered by the sentencing court. (9.5,3)

XI.E.4 The role of the defense counsel and the prosecution in the sentencing hearing should be to avoid undue publicity. (9.5,4)

XI.E.5 The defense counsel should protect the best interest of his client. (9.5,5)

XI.E.6 The prosecutor should not make the severity of sentences the index of his effectiveness. (9.5,6)

XI.E.7 The prosecutor and defense counsel should:

a. Challenge and correct at the sentencing hearing any inaccuracies in the presentence report.

b. Inform the court of prior plea discussions that resulted in a guilty plea.

c. Verify to the extent possible any information in the presentence report. (9.5,7)

XI.E.8 The prosecutor may make recommendations and should disclose all information to defense counsel in a sentencing hearing. (9.5,8)

XI.E.9 All sentencing decisions should be based on the official record of the sentencing hearing. (9.5,9)

XI.E.10 Court systems should adopt immediately policy and practice to acquaint judges with correctional facilities and programs to which they sentence offenders. (9.5,12)

XI.E.11 Judges should be allowed to visit institutions upon request provided he gives advance notice. (9,5,13)

XI.E.12 Periodic sentencing institutes should be held for all sentencing and appelate judges. (9.5,14)

XI.F. Objective: By 1980, legislation should be enacted providing probation as an alternative for all offenders except in cases where mandatory minimum sentences are specifically provided. (9.6)

Possible Strategies

XI.7.1 Criteria for probation should be patterned after the Model Penal Code for granting of probation, conditions of probation, revocation of probation and length of probation. (9.6,1)

XI.7.2 Pending enactment of legislation, each sentencing court should revise its policies, procedures and practices concerning probation to include:

a. Sentence to probation for a specific term.

b. The court to impose such conditions as necessary to provide a benefit to the offender and protection to public safety.

c. The offender provided with a written statement of the conditions imposed.

d. Procedures adopted authorizing revocation.

e. Probation is not revoked for the alleged commission of a new crime until the offender has been tried and convicted of that crime. (9.6,2)

XI.7.3 Probation conditions should be subject to modification and termination by the court, and the changes should be presented to the probationer in writing. (9.6,3)

XI.7.4 Probation should end automatically upon successful completion of the term set by the court. The fact of termination should be recorded in a court order and a copy be provided to the probationer. (9.6,4)

XI.7.5 The sentencing court should have the authority to terminate probation at any time it appears the offender no longer needs supervision or that enforced compliance with other conditions is no longer necessary. (9.6,5)

XI.7.6 Every jurisdiction should have a method by which the collateral effects of a criminal record can be avoided or mitigated following the successful completion of a term on probation and during its service. (9.6,6)

XII. GOAL: PROVIDE FULL AND FAIR REVIEW OF CRIMINAL CASES

XII.A. Objective: Every convicted defendant should be provided with an opportunity to obtain one full and fair judicial review of his conviction and sentence by an appellate court. (10.1)

Possible Strategies

XII.A.1 The trial counsel, whether retained or court appointed, should continue to represent a convicted defendant to advise whether or not to take an appeal and, if the appeal is sought, through the appeal unless new counsel is subsituted or unless the appellate court permits counsel to withdraw in the interests of justice or for other sufficient cause. (10.1,3)

XII.A.2 A reviewing court should ready a criminal case for initial action within 30 days after imposition of sentence. (10.1,4)

XII.A.3 Cases containing only insubstantial issues should be finally disposed of within 60 days of imposition of sentence. (10.1,5)

XII.A.4 Cases containing substantial issues should be finally disposed of within 90 days of imposition of sentence. (10.1,6)

XII.A.5 Major efforts should be made to develop means of producing trial transcripts speedily to insure that at least necessary portions of the evidence are available within 30 days of the close of the trial. (10.1,7)

XII.A.6 Ongoing studies should be conducted to identify causes of delay in review and for steps to be taken to eliminate them. (10.1,8)

XII.A.7 All appellate courts and funding sources should carefully consider the reports and recommendations of the Advisory Council for Appellate Justice. (10.1,9)

XII.A.8 Procedures should be developed to avoid unnecessary transcribing and reproduction of trial records. To the extent that a record is required, the original trial transcript, the court files and the exhibits received or offered in evidence should constitute the record on

appeal. Attention to the court should be directed to the relevant parts of the record by stipulation of the parties or by appendices to the briefs. Appeals should be heard upon typewritten briefs. Cases should be set for oral argument immediately upon reaching readiness. (10.1,10)

XII.A.9 The record on appeal should include:

a. Verbatim record of the entire sentencing proceeding.

b. Verbatim record of such parts of the trial on the issue of guilt, or the proceedings leading to the acceptance of a plea, as are relevant to the sentencing decision.

c. Copies of the presentence report. (10.1,11)

XII.A.10 The record of appeal should normally be prepared in each case in the same manner as would any other record to be presented to the court involved. (10.1,12)

XII.A.11 The sentencing judge should be required in every case to state his reasons for selecting the particular sentence imposed. (10.1,13)

XII.A.12 A prisoner should not be required to submit, with his application for postconviction relief, affidavits of third parties. (10.1,14)

XII.A.13 A prisoner should not be required to prove all the factual allegations material to his claim in his application for postconviction relief. (10.1,15)

XII.A.14 Transcripts should be supplied at public expense. (10.1,16)

XII.A.15 The reviewing court should state its reasons for reviewing court decisions in a criminal case. This statement should be brief when insubstantial issues are involved. The statement should inform the defendant of what contentions the court considered and why it rejected them.

XII.A.16 Reviewing courts should exercise control over publication of their statements of reasons. (10.1,18)

XII.A.17 The legislature should create an intermediate appellate court to be called the Kansas Court of Appeals, consisting of a chief judge and six associate judges. Additional judgeships may be created when the proper administration of justice requires. (10.1,19)

XII.A.18 The Supreme Court should be empowered to provide by rule for standards and procedures governing the writing and publication of the opinions of the proposed Kansas Court of Appeals. (10.1,20)

XII.A.19 The principle offices of the Kansas Court of Appeals should be located in Topeka. The clerk of the Supreme Court should be exofficio clerk of the Kansas Court of Appeals. (10.1,21)

XII.A.20 The Kansas Court of Appeals should sit to hear and decide cases in panels of three judges. Membership of the hearing panels should rotate among the members of the court. The concurrence of two judges should be sufficient to decide an appeal. (10.1,22)

XII.A.21 The court should have power to conduct proceedings in any county of the state when the interest of the administration of justice so requires. When proceedings are conducted in locations other than Topeka, the district court of the county in which the panel is sitting should provide the necessary facilities. (10.1,23)

XII.A.22 The Supreme Court should retain its present size and structure. (10.1,24)

XII.A.23 The office of commissioner of the Supreme Court should be discontinued, and the incumbent commissioners should become judges of the court of appeals. (10.1,25)

XII.A.24 The Supreme Court should appoint a judge of the court of appeals to preside over that court when it is created. This chief judge, under rules established by the Supreme Court, should be responsible for the administration of the court of appeals. (10.1,26)

XII.A.25 Rules governing procedures before the proposed Kansas Court of Appeals should be adopted by the Supreme Court. Procedure should be simplified in order to provide for the disposition of appeals with the maximum promptness and economy consistent with sound appellate review. In order to give the appellate courts maximum opportunity to supervise the appellate docket, the rules should provide for the docketing of the appeal at the time, or shortly after, the notice of appeal is filed. (10.1,27)

XII.A.26 The rules of the Supreme Court should be revised to provide procedures for review of court of appeals decisions and transfer of cases to and from the court of appeals. Also, the rules governing direct appeals to the Supreme Court should be reexamined with the view of assuring maximum supervision of the appellate docket by the court, simplified procedures and more expeditious handling of appeals. (10.1,28)

XII.B. Objective: Continue to establish criteria for circumstances justifying further review. (10.2)

Possible Strategies

XII.B.1 Review should be limited to one appeal unless:

a. An appellate court determines that further review would serve the public interest in the development of legal doctrines.

b. The defendant asserts a well-founded claim of constitutional violation which undermines the integrity or reliability of the trial or review proceeding. However, the court to which this appeal is presented should not adjudicate the claim if it has been adjudicated previously on its merits by any court of competent jurisdiction within the judicial system (10.2,1)

XII.B.2 Determination of facts previously made, evidenced by written findings, should be conclusive unless the defendant shows that there was a constitutional violation that undermined the integrity of the fact-finding process. (10.2,2)

XII.B.3 The court should not adjudicate the merits of the claim unless the defendant establishes a justifiable basis for not regarding his prior actions related to the claim as foreclosing further review. (10.2,3)

XII.B.4 A case on appeal from a magistrate judge should be tried de novo, or, if there is a record, on the record by a district judge or associate district judge. A case on appeal from the decision of an associate district judge should proceed in the same manner as an appeal from the decision of a district court judge. (10.2,4)

XII.B.5 Legislation creating an intermediate court of appeals should provide for the allocation of appellate jurisdiction between the Supreme Court and the court of appeals. The Supreme Court should have jurisdiction as follows:

a. Original jurisdiction in habeas corpus (conferred by the constitution).

b. Direct appellate jurisdiction from trial court judgements in:

(1) Criminal cases where a sentence of death or life imprisonment has been imposed.

(2) Cases in which a statute of the United States or the State of Kansas has been held invalid; and

(3) Cases appealed initially to the court of appeals in which public interest requires prompt adjudication by the Supreme Court (in such cases, the Supreme Court or a justice thereof may order that the appeal be taken directly to the Supreme Court).

c. Jurisdiction to review court of appeals decisions in:

(1) Cases in which a question under the Constitution of the United States or the State of Kansas arises for the first time in and as a result of the court of appeals decision (appeal to the Supreme Court as a right).

(2) Upon certification by the proposed court of appeals or a division thereof that a case should be decided by the Supreme Court; and

(3) Discretionary review upon petition for leave to appeal. Whether such a petition will be granted is a matter of sound judicial discretion. The following, while neither controlling nor fully measuring the court's discretion, indicate the character of reasons which will be considered. The general importance of the question presented the existence of a conflict between the decision sought to be reviewed and a decision of the Supreme Court, or of another division of the

court of appeals; the need for the exercise of the Supreme Court's supervisory authority; and the final or interlocutory character of the judgement so sought to be reviewed. (10.2,5)

XII.A.5 The proposed court of appeals should have jurisdiction as follows:

a. Original jurisdiction to issue such writs as may be necessary to implement its appellate jurisdiction; and

b. Exclusive jurisdiction over all appeals from trial courts and administrative agencies, except those which, under statute, may be appealed directly to the Supreme Court and those over which the Supreme Court assumes jurisdiction. (10.2,6)

XIII. GOAL: INSURE THE RIGHTS OF DEFENDANTS DURING DETENTION AND WHILE AWAITING TRIAL (12.1)

XIII.A. Objective: By 1976, every jurisdiction should guarantee by statute or rule of court the right of an accused person to prompt and effective communication with a lawyer and should require that reasonable access to a telephone or other facilities be provided for that purpose. (12.1.1)

Possible Strategies

XIII.A.1 A defendant should be presented before a judicial officer within 6 hours when he is arrested and a citation has not been issued. (12.1.1,1)

XIII.A.2 The judicial officer, upon showing of justification, should have the right to remand the defendant to police custody for a custodial investigation. (12.1.1,2)

XIII.A.3 A defendant should be advised orally and in writing, of the charges against him, of his constitutional rights and of the date of his trial and public hearing. (12.1.1,3)

XIII.A.4 Only those eligible defendants whose offenses are punishable by loss of liberty, should be provided public counsel. (12.1.1,4)

XIII.A.5 Defendants should be discouraged from conducting their own defense in criminal prosecutions. (12.1.1,5)

XIII.A.6 The judicial officer may order referral of the case to a public defender if it appears the accused has not made an informal waiver of counsel. (12.1.1,6)

XIII.A.7 No waiver of counsel should be accepted unless the accused has conferred with a lawyer at least once. (12.1.1,7)

XIII.A.8 The trial judge should not accept a waiver of right to trial by jury unless the defendant, after being advised by the court of this right, personally waives his right to trial by jury, either in writing or in open court for the record. (12.1.1,8)

XIII.A.9 The accused (or relative or a close friend) may request representation at any stage of the criminal proceedings. (12.1.1,9)

XIII.A.10 Defendant's eligibility for defense services should be determined as soon as feasible after a person is taken into custody.

a. The decision should be made by the judge or an officer of the court selected by him.

b. Questionnaire should be used to determine the nature and extent of the financial resources for obtaining representation. (12.1.1,10)

XIII.A.11 Defendants should be required to pay any portion of the cost of their defense that they are able to pay at the time. (12.1.1,11)

XIII.A.12 If it turns out that the accused is ineligible for public defense, the publicly provided attorney should help the accused obtain competent private counsel and continue to render services until he assumes responsibility. (12.1.1,12)

XIII.A.13 Persons detained awaiting trial should receive the same rights as:

a. Those persons admitted to pretrial release (except where the nature of confinement requires modification--modification should be as limited as possible).

b. Those persons convicted of a crime. (12.1.1,13)

XIII.A.14 The defendant's lawyer should inform the accused of his rights forthwith and take all necessary action to vindicate such rights. (12.1.1,15)

XIII.A.15 The defense attorney should have the duty to keep his client informed of the developments in the case. (12.1.1,16)

XIII.A.16 As soon as practicable, the lawyer should seek to determine all relevant facts known to the accused. In so doing, the lawyer should probe for all legally relevant information without seeking to influence the direction of the client's responses. (12.1.1,17)

XIII.A.17 It is the duty of the defense lawyer to conduct a prompt investigation of the circumstances of the case and explore all avenues leading to facts relevant to guilt and degree of guilt or penalty. (12.1.1,18)

XIII.A.18 The defense attorney's investigation should always include efforts to secure information in the possession of the prosecution and law enforcement authorities. (12.1.1,19)

XIII.A.19 The duty of the defense attorney to investigate should exist regardless of the accused's admissions or statements to the lawyer of facts constituting guilt or his stated desire to plead guilty. (12.1.1,20)

XIII.A.20 The defendant's attorney should not act as surety on a bail bond. (12.1.1,21)

XIII.A.21 Defense lawyers should avoid personal publicity connected with the case before trial, during trial and thereafter. (12.1.1,22)

XIII.A.22 The trial court should adopt a rule prohibiting court personnel from disclosing to any person, without authorization by the court, information relating to a pending criminal case that is not a part of the public records of the court. (12.1.1,23)

XIII.A.23 The trial judge should refrain from making public comment on a pending case or any comment that may tend to interfere with the right of any party to a fair trial. (12.1.1,24)

XIII.B. Objective: By 1978, create a full-time public defender organization in all judicial districts. (12.1,2)

Possible Strategies

XIII.B.1 Administration and organization of public defenders should be provided:

a. Locally

b. Regionally

c. Statewide (12.1.2,1)

XIII.B.2 The state should provide financing for the public defender system. (12.1.2,2)

XIII.B.3 The public defender's office should have the responsibility for compiling and maintaining a panel of attorneys from which a trial judge may select an attorney to represent a particular defendant. (12.1.2,3)

XIII.B.4 The trial court should have the right to add members to the public defender's panel of attorneys. (12.1.2,4)

*XIII.B.5 Policy for the public defender's office should be established. (12.1.2,5)

XIII.B.6 The public defender should have supervision of his office. (12.1.2,6)

XIII.B.7 The caseload for the public defender's office should be limited. Caseload requirement per attorney per year:

a. Less than 150 felony cases; or

b. 400 misdemeanor cases, excluding traffic; or

c. 200 juvenile cases; or

d. 200 mental health act cases; or

e. 25 appeals (12.1.2,7)

XIII.B.8 Advisory councils should be established in every jurisdiction to advise on problems of professional conduct in criminal cases. (12.1.2,8)

XIII.B.9 The public defenders should provide support services for appointed lawyers. (12.1.2,9)

XIII.B.10 The public defenders office should provide initial and in-service training to lawyers on the panel. (12.1.2,10)

XIII.B.11 Every jurisdiction should have a well-publicized referral service for criminal cases, consisting of lawyers willing and qualified to undertake criminal defense. (12.1.2,11)

XIII.B.12 Law enforcement personnel, bondsmen or court personnel should be required to direct accused persons to a referral service or the local bar association--not to any individual attorneys. (12.1.2,12)

* Designated a "Priority Long-Range Program Objective" by the GCCA.

XIII.B.13 The legal community and the mental health community should apply their respective skills in a joint effort toward a resolution of some of the problems encountered by both groups. (12.1.2,13)

XIV. GOAL: INSURE RIGHTS OF SENTENCED OFFENDERS (12.2)

XIV.A. Objective: By 1980, each correctional agency should develop and implement policies, procedures and practices governing the offenders' right to habilitative services. (12.2,8)

Possible Strategies

XIV.A.1 Governmental authorities should be held responsible by the courts for insuring the right of offenders to habilitative services. (12.2.8,3)

XV. GOAL: CONTINUE MODERNIZATION OF THE CRIMINAL CODE (14.1)

XV.A. Objective: Kansas should:

- Continue periodic review and revision of the criminal code.
- Eliminate inherited statutory crimes that are unenforced or only haphazardly enforced.
- Combine a balanced approach to the treatment of victims and defendants. (14.1,1)

Possible Strategies

XV.A.1 Reasonable remuneration and protection of witnesses should be provided. (14.1.1,1)

XV.A.2 Considerations should be given to victim reparations. (14.1.1,2)

XV.A.3 Considerations should be given to adaptation of demands on citizens to serve the criminal justice system, i.e., jurors to ensure administration of convenience of citizens. (14.1.1,3)

XV.A.4 Encourage and facilitate the judicial council in its revision of laws and include provisions for:

a. Maximum and effective liaison with legislature (in case of procedural revision, liaison with the state Supreme Court)

b. Use of law faculty members or qualified staff to prepare draft revisions

c. Membership, in combination with special advisory committees, reflecting experience of the legal profession, criminal justice agencies and key community leaders. (14.1.1,5)

XV.B. Objective: By 1978, the states should take action to prevent the misuse of firearms with particular emphasis on handguns. (14.1.?)

Possible Strategies

XV.B.1 Provide for a mandatory minimum sentence for comitting a felony while in possession of a firearm. (14.1.2,2)

XVI. GOAL: MAINTAIN HIGH ETHICAL STANDARDS IN THE CRIMINAL JUSTICE SYSTEM (14.2)

XVI.A. Objective: Recognizing that deviations in conduct of those persons within the criminal justice system may occur that, while not criminal, seriously affect the quality of justice and the proper implementation of the minimum standards and goals, formulate and enforce as appropriate to each type of agency standards of ethical conduct.

Possible Strategies

XVI.A.1 Agencies which issue licenses to or certification of persons within the criminal justice system should provide for periodic review of ethical standards for the conduct of licensees or certified persons and of applicants for licenses. (14.2.1,1)

XVI.A.2 Agencies which issue licenses should provide for discipline of licensees. (14.2.1,2)

XVI.A.3 Professional organizations representing officials and employees within the criminal justice system should adopt uniform procedures for guidance of their members in matters affecting the exercise of authority and the appearance of propriety. (14.2.1,3)

XVI.B. Objective: Provide methods by which improper external influences on the administration of justice may be dealt with. (14.2.2)

Possible Strategies

XVI.B.1 To encourage the flow of information concerning attempts to influence by bribery, threat or coercion, each agency should develop a reporting procedure designed to protect the criminal justice person who is the target of the attempt. (14.2.2,1)

XVI.B.2 Develop a centralized review of this information. Develop a means to secure such information from misuse. (14.2.2,2)

XVII. GOAL: INSURE THAT THE CONDUCT OF CRIMINAL PROCEEDINGS IS FAIRLY AND EFFECTIVELY ADMINISTERED (14.3)

XVII.A. Objective: By 1978, establish rules governing the conduct of the defense attorney. (14.3.1)

Possible Strategies

XVII.A.1 A defense attorney shall not accept more cases than he can reasonably be expected to try within the time constraints set forth above, within the jurisdiction in which he practices. (14.3.1,1)

XVII.A.2 The defense counsel should advise the accused with complete candor concerning all aspects of the case. (14.3.1,2)

XVII.A.3 Defense counsel should conduct plea discussions in good faith, and avoid seeking concessions favorable to one client and detrimental to another. (14.3.1,3)

XVII.A.4 The following decisions should be made by the accused after full consultation with counsel:

a. What plea to enter

b. Whether to waive jury trial

c. Whether to testify on his own behalf. (14.3.1,4)

XVII.A.5 The following decisions are ultimately decisions for defense counsel:

a. What witnesses to call

b. Whether to cross-examine. (14.3.1,5)

XVII.A.6 If a disagreement arises between the lawyer and his client, the lawyer should make a record of the circumstances, his advice and reasons. (14.3.1,6)

XVII.A.7 The defense counsel should explore the early diversion of the case from the criminal process. (14.3.1,7)

XVII.A.8 If it appears desirable, the defense should seek the accused's consent to engage in plea discussions with the prosecution. (14.3.1,8)

XVII.A.9 Counsel should not intentionally refer to or argue on the basis of facts outside the record which are not matters of common public knowledge. (14,3.1,9)

XVII.A.10 Defense counsel should advise his client against taking the stand to testify falsely. (14.3.1,10)

XVII.A.11 Counsel should support the authority of the court and the dignity of the trial courtroom by strict adherence to the rules of decorum. (14.3.1,11)

XVII.B. Objective: By 1976, the Supreme Court shall provide for the establishment and implementation of rules governing the use of witnesses. (14.3.2)

Possible Strategies

XVII.B.1 Prosecution and defense witnesses should be called only when their appearances are of value to the court. (14.3.2,1)

XVII.B.2 No more witnesses than necessary should be called. (14,3.2,2)

XVII.B.3 Procedures should be instituted to place certain witnesses on telephone alert and special efforts should be made to avoid having police officers spend unnecessary time making court appearances. (14.3.2,3)

XVII.B.4 The interrogation of witnesses should be conducted fairly, objectively, and with regard to the dignity and privacy of the witness. A lawyer should not use the power of cross-examination to discredit a witness he knows to be testifying truthfully. (14.3.2,4)

XVII.B.5 Lawyers should not influence expert testimony by making witness fees contingent upon testimony. (14.3.2,5)

XVII.B.6 Jurors should receive reasonable compensation for their services. (14.3.2,6)

XVII.B.7 Police witnesses should be compensated at a rate equal to that they would receive if they were performing other official duties. (14.3.2,7)

XVII.B.8 Citizen witnesses should be compensated wherever possible to avoid loss of income and for round trip travel between court and their residence or business, whichever is shorter. Proceedings within the criminal justice system should be designed to recognize the service the citizens provide. Witnesses should be appropriately treated to enhance the dignity of individual witnesses. (14.3.2,8)

XVII.C. Objective: By 1978, the Supreme Court shall provide for the establishment and implementation of standards governing the function of the trial judge.

Possible Strategies

XVII.C.1 The trial judge should be responsible for protecting the rights both of the accused and of society and maintaining the proper atmosphere for a trial. (14.3.3,1)

XVII.C.2 The trial judge should reflect the dignity of his office. (14.3.3,2)

XVII.C.3 It should be the duty of the trial judge to prevent ex parte discussions of a pending case. (14.3.3,3)

XVII.C.4 The trial judge should have a duty to see that the reporter makes an accurate and complete record of all proceedings. The trial judge should not change the transcript without notice to the prosecution, defense and reporter. (14.3.3,4)

XVII.C.5 The trial judge should take appropriate steps to insure that jurors are not exposed to information which may effect their ability to render an impartial verdict. (14.3.3,5)

XVII.C.6 The trial judge should not permit a defendant or witness to appear at trial in the distinctive attire of a prisoner or to be subject to unnecessary physical restraint. (14.3.3,6)

XVII.C.7 The trial judge should require that examination and cross-examination of witnesses be conducted fairly and objectively. (14.3.3,7)

XVII.C.8 When necessary, the trial judge should intervene during the taking of evidence to instruct the jury on a principle of law or the applicability of the evidence to the issues. (14.3.3,8)

XVII.C.9 The trial judge should respect the obligation of counsel to present objections and to request ruling on motions. (14.3.3,9)

XVII.C.10 The trial judge should respect the obligation of counsel to refrain from speaking on privileged matters. (14.3.3,10)

XVII.C.11 The trial judge should postpone request for conference to the next recess except when an immediate conference appears necessary. (14.3.3,11)

XVII.C.12 The trial judge should provide assistance during jury deliberations when necessary. (14.3.3,12)

XVII.C.13 The trial judge should avoid making subjective comments concerning the jury's verdict. (14.3.3,13)

XVII.C.14 Prior to trial, the judge should prescribe ground rules concerning relating to courtroom conduct. (14.3.3,14)

XVII.C.15 The judge should make known before trial that no colloquy between counsel will be permitted in presence of the judge or jury unless a brief conference between counsel might tend to expedite the trial. (14.3.3,15)

XVII.C.16 The trial judge should have the obligation to use his judicial power to maintain order during the trial. (14.3.3,16)

XVII.C.17 The trial judge should exercise restraint over his conduct utterances. (14.3.3,17)

XVII.C.18 The trial judge should require attorneys to respect their obligations to support the authority of the court. If necessary, the trial judge may discipline a disruptive attorney by use of one or more of the following sanctions:

a. Censure or reprimand.

b. Citation for contempt.

c. Removal from courtroom.

d. Temporary suspension from practice in the court where the misconduct occurred.

e. Informing the appropriate disciplinary bodies of the misconduct and the sanction imposed. (14.3.3,18)

XVII.C.19 A defendant should be removed from the courtroom if his conduct is so disruptive that the trial cannot proceed in any orderly manner. (14.3.3,19)

XVII.C.20 The trial judge should admonish or exclude any person who engages in disruptive courtroom conduct, or, if his conduct is intentional, the judge may cite him for contempt. (14.3.3,20)

XVII.C.21 The trial judge should require that representatives of the news media conduct themselves properly during their coverage of the trial. (14.3.3,21)

XVII.C.22 The court should have the inherent power to punish any contempt. (14.3.3,22)

XVII.C.23 No sanction other than censure should be imposed by the trial judge unless the judge has warned that such a sanction will be imposed for repeated misconduct. (14.3.3,23)

XVII.C.24 The trial judge should inform the alleged offender of his intentions to institute contempt proceedings. (14.3.3,24)

XVII.D. Objective: By 1976 the Supreme Court shall provide for establishment and implementation of standards relating to jury trial. (14.3.4)

Possible Strategies

XVII.D.1 During trial, the defendant should be seated where he can consult with his counsel. (14.3.4,1)

XVII.D.2 Jurors should be permitted to take notes during the trial and keep such notes with them during their deliberations. (14.3.4,2)

XVII.D.3 When the defendant's prior convictions are introduced solely for sentencing purposes, the jury should not be informed of them until it has found him guilty. (14.3.4,3)

XVII.D.4 Motions for judgment of acquittal should be made after presentation of evidence by either side. However, the court should not reserve judgment on the motion unless both sides have completed their presentation. (14.3.4,4)

XVII.D.5 The court, at the time it instructs the jury, may comment on and summarize the evidence provided the jury is clearly instructed that it is not bound by the court's comments. (14.3.4,5)

XVII.D.6 The court may permit the jury to take into their deliberations any materials, except depositions, which have been received in evidence. (14.3.4,6)

XVII.D.7 The jury may request to review certain testimony or evidence. (14.3.4,7)

XVII.D.8 The court should provide additional instructions to the jury upon the latter's request and should clarify the instructions if necessary to the jury's understanding. (14.3.4,8)

XVII.D.9 Before the jury retires, the court should instruct the jurors regarding their duties during deliberations. If the jury seems unable to agree, the court may require the jury to continue deliberating or it may repeat its previous instructions. The jury may be discharged if there is no probability of agreement. (14.3.4,9)

XVII.D.10 When a verdict has been returned, the jury shall be polled as a group. Individual polling of the jury should be conducted at the request of any party or the court. (14.3.4,10)

XVII.D.11 The court should avoid making any subjective comments concerning the jury's verdict. (14.3.4,11)

XVII.D.12 Upon inquiry into the validity of the verdict, no evidence shall be received to show the effect of any statement, event or condition upon the mind of a juror. Evidence concerning whether the verdict was reached by lot should not be barred. A juror's testimony or affidavit shall be received when it concerns evidence coming to the

attention of the jury under circumstances violating the defendant's right to be confronted with witnesses against him. (14.3.4,12)

XVII.E. Objective: By 1976, the Supreme Court shall provide for establishment and implementation of rules governing the jury selection and size. (14.3.5)

Possible Strategies

XVII.E.1 Defendants in criminal cases should have the right to be tried by a jury of 12 whose verdict must be unanimous except that where not prohibited by constitutional provisions. The right to jury trial may be limited by:

a. Denial to those charged with class "C" misdemeanors or lesser offenses.

b. Requiring trial without jury for lesser offenses, provided there is a right to appeal to a court in which trial by jury may be had.

c. Use of juries of less than 12, without consent of the parties.

d. Permitting less than unanimous verdicts, without consent of the parties. (14.3.5,1)

XVII.E.2 A reduction in jury size (from 12) during the course of the trial to not less than 10 should be allowed if a jury member dies or is discharged. (14.3.5,2)

XVII.E.3 No decrease in jury size during the course of a trial should be permitted that will result in a jury size of less than six. (14.3.5,3)

XVII.E.4 Persons 18 years and older should not be disqualified for jury service on the basis of age. (14.3.5,4)

XVII.E.5 Cases in which a jury trial is allowed by law should be so tried unless jury trial is waived. (14.3.5,5)

XVII.E.6 Upon request, the court should furnish the parties with a juror information sheet. (14.3.5,6)

XVII.E.7 The prosecution or the defense may challenge the array on the grounds that the law governing selection has been violated. (14.3.5,7)

XVII.E.8 If, after the examination of any juror, the judge is of the opinion that grounds for challenge for cause are present, the judge should excuse the juror. If the judge does not excuse the juror, any party may challenge the juror for cause. (14.3.5,8)

XVII.E.9 The number of peremptory challenges should correspond to the size of the jury and should be limited to multiple defendant cases. (14.3.5,9)

XVII.E.10 The prosecutor should be entitled to the same number of challenges as the defense. (14.3.5,10)

XVII.E.11 The lawyer should prepare himself prior to trial to effectively discharge his function in the selection of the jury and the exercise of challenges for cause. (14.3.5,11)

XVII.E.12 The lawyer or his representative should not communicate directly or indirectly with persons summoned for jury duty or impaneled as jurors concerning the case. (14.3.5,12)

XVII.F. Objective: By 1978, the Supreme Court shall provide for study of the use of the exclusionary rule as a means of attempting to compel compliance by police and others with judicially promulgated rules of conduct. Alternative courses of action should be recommended as appropriate. (14.3.6)

XVIII. GOAL: STREAMLINE THE ADMINISTRATIVE STRUCTURE OF THE CRIMINAL SYSTEMS (15)

XVIII.A. Objective: By 1976, every police agency should develop written policies, objectives, priorities and procedures for itself. These policies should cover the function of the agency including:

- The services to be provided;
- The goals and objectives of the agency and each of its units;
- The role of the police generally and of the patrolman specifically;
- The limits of authority;
- Police discretion; and
- Those areas of operation in which guidance is needed to direct agency employees toward the attainment of agency goals and objectives. (15.2)

Possible Strategies

XVIII.A.1 Every police agency, in cooperation with local courts and prosecuting agencies, should provide for administrative follow-up of selected criminal cases:

a. To review administratively all major criminal cases in which prosecuting agencies decline to prosecute or later cause to be dismissed.

b. To encourage prosecuting agencies routinely to evaluate investigations, case preparation and courtroom demeanor and testimony of police officers and to inform the police agency of these evaluations.

c. To make information from their files available to other criminal justice agencies and to the court for reference in making diversion, sentencing, probation, and parole determination. (15.2,24)

XVII.B. Objective: By 1977, where appropriate, establish a system of full-time prosecutors assisted by a state support and coordinating system. (15.4)

Possible Strategies

XVIII.B.1 A state-level entity should be established to provide assistance to local prosecutors for the elimination of undesirable discrepancies in law enforcement policies. It should include:

a. State funding through the executive budget.

b. A full-time executive director.

c. Development of innovative prosecution programs.

d. Provision of support services (special counsel, experts, research services).

e. Office management assistance.

f. A minimum of four meetings a year. (15.4,1)

XVIII.B.2 The state should combine smaller prosecutorial jurisdictions into districts having a sufficient workload to support at least one full-time district attorney. (15.4.2)

XVIII.B.3 Each prosecutor's office should develop a detailed statement of office practices and policies for distribution to assistant prosecutors.

a. These policies should be reviewed every 6 months.

b. The statement should include guidelines governing screening, diversion, plea negotiations and other internal office practices. (15.4,3)

XVIII.C. Objective: By 1977, state courts should be organized into a unified judicial system financed by the state and administered through a statewide court administrator or adminstrative judge under the supervision of the chief justice of the State Supreme Court. (15.5)

Possible Strategies

XVIII.C.1 All trial courts should be unified into a single trial court with general criminal as well as civil jurisdiction. (15.5,1)

XVIII.C.2 Within the jurisdiction of the unified trial court, the following services should be available.

a. Pretrial release services

b. Probation services

c. Other rehabilitative services (15.5,2)

XVIII.C.3 The state court administrator should establish policies for the administration of the state's courts (subject to the control of the highest appellate court) including:

a. A budget for the operation of the entire court system;

b. Personnel policies;

c. Information compilation and dissemination;

d. Control of fiscal operations;

e. Liaison duties;

f. Continual evaluation; and

g. Recommendation and assignment of judges. (15.5,3)

XVIII.C.4 Local administrative policy for the operation of each trial court should be set out by the judge or judges making up that court (with guidelines established by the state's highest appellate court). (15.5,4)

XVIII.C.5 Local administrative authority in each trial jurisdiction should be vested in a presiding judge with the advice and consent of other judges in the district for a substantial fixed term. Functions should include:

a. Control over personnel matters

b. Trial court case assignment

c. Judge assignments

d. Information compilation

e. Fiscal matters

f. Court policy decisions

g. Rulemaking and enforcement

h. Liaison and public relations; and

i. Improvement in the functioning of the court. (15.5,5)

XVIII.C.6 Each trial court with five or more judges (and where justified by caseload, courts with fewer judges) should have a full-time local trial court administrator. (Trial courts with caseloads too small to justify a full-time court administrator should combine into administrative regions.) (15.5,6)

XVIII.C.7 Functions of local or regional trial court administrators should include:

a. Implementation of policies set by the state court administrator.

b. Assistance to the state court administrator in setting statewide policies.

c. Preparation and submission of budgets.

d. Control of personnel matters.

e. Management of courtroom equipment and facilities.

f. Procurement of supplies.

g. Preparation of reports.

h. Dissemination of information.

i. Juror management.

j. Custody and disbursement of court funds.

k. Study and improvement of caseload.

l. Effective methods of court functioning. (15.5,7)

XVIII.C.8 The Supreme Court should be responsible for administrative supervision of the court of appeals and all courts of original jurisdiction. (15.5,8)

XVIII.C.9 The Supreme Court, as mandated by the revised judicial article of the Kansas Constitution, should exercise administrative authority over the unified court system, determining overall policy by rules of the Supreme Court. (15.5,9)

XVIII.C.10 The Chief Justice of the Supreme Court should have overall responsibility for executing the administrative rules and policies of the Supreme Court, including supervision of the personnel and financial affairs of the unified court system. He should, in addition, be the chief spokesman for the court system. (15.5,10)

XVIII.C.11 The Supreme Court should retain its present size and structure. (15.5,11)

XVIII.C.12 The Supreme Court should appoint a judge of the Court of Appeals to preside over the court when it is created. This chief judge, under rules established by the Supreme Court, should be responsible for the administration of the Court of Appeals. (15.5,12)

XVIII.C.13 The principal offices of the Kansas Court of Appeals should be located in Topeka. The clerk of the Supreme Court should be ex-officio clerk of the Kansas Court of Appeals. (15.5,13)

XVIII.C.14 The Kansas Court of Appeals should sit to hear and decide cases in panels of three judges. Membership in the hearing panels should rotate among the members of the court. The concurrence of two judges should be sufficient to decide an appeal. The litigant should have a right to an en banc hearing. (15.5,14)

XVIII.C.15 The court should have the power to conduct proceedings in any county of the state when the interests of the administration of justice so require. When the proceedings are conducted in locations other than Topeka, the district court of the county in which the panel is sitting should provide the necessary facilities. (15.5,15)

XVIII.C.16 There should be one trial court of original proceedings, the Kansas District Court; the probate, juvenile, county, magistrate, city, common pleas and municipal courts should be eliminated and their jurisdictions vested in the district court. (15.5,16)

XVIII.C.17 The judicial authority of the district court should be exercised by district judges, associate district judges and district magistrate judges under the supervision of the district administrative judges. (15.5,17)

XVIII.C.18 Each county of Kansas should have either a resident associate district or district magistrate judge. (15.5,18)

XVIII.C.19 The present full-time attorney judges of state courts of special or limited jurisdiction should become associate district judges. (15.5,19)

XVIII.C.20 The present nonlawyer judges and part-time attorney judges of state courts of special or limited jurisdiction should become district magistrate judges. Judges should be prohibited from the private practice of law. (15.5,20)

XVIII.C.21 At the time the unified district court is established, municipal courts of cities of the second and third class should be eliminated and the jurisdiction of these courts vested in the district court. (15.5,21)

XVIII.C.22 Three years after the creation of the unified district court, all remaining municipal courts should be abolished and jurisdiction over municipal ordinances should be vested in the unified district court. (15.5,22)

XVIII.C.23 Provision should be made for transfer of municipal jurisdiciton of any such remaining cities to the unified district court prior to that date upon consent of the municipality and the state judiciary. (15.5,23)

XVIII.C.24 Associate district judges should have the same jurisdiction as district judges except that they should not have jurisdiction of receiverships, quo warranto, mandamus, and class actions. (15.5,24)

XVIII.C.25 District magistrate judges should have jurisdiction of all matters presently cognizable by judges of county, city, magistrate, probate, juvenile and municipal courts; except that when dollar amount in controversy determines jurisdiction in a civil action, that amount should not exceed $3,000. (15.5,25)

XVIII.C.26 A case on appeal from a magistrate judge should be tried de novo or, if there is a record, on the record by a district judge or associate district judge. A case on appeal from the decision of an associate district judge should proceed in the same manner as an appeal from the decision of a district court judge. (15.5,26)

XVIII.C.27 The judicial personnel of the district court should be authorized to preside anywhere in Kansas. Specialized divisions should be created by the district court, in consultation with the Supreme Court where necessary, to ensure the efficient and effective administration of justice. The administrative judge of a district should be authorized to assign cases or classes of cases to a particular judge in a district. (15.5,27)

XVIII.C.28 All clerical functions of the unified district court should be under the supervision of the administrative judge of the district under guidelines established by the district and Supreme Court. (15.5,28)

XVIII.C.29 As provided by statute or under guidelines set by the Supreme Court and the district court, nonjudicial personnel of the district court should be authorized to perform specified quasi-judicial functions in the filing of complaints and issuance of warrants. (15.5,29)

XVIII.C.30 If upon the death, resignation, retirement or removal of a district magistrate judge the Supreme Court determines that the position justifies the services of a full-time lawyer judge, that position should be filled by an associate district judge. (15.5,30)

XVIII.C.31 As district magistrate judges in counties with more than one district magistrate judge die, resign, retire, or are removed from office, their judgeships should be abolished if the Supreme Court determines that the remaining magistrate or magistrates in the county can

absorb the departing magistrate's workload. If the workload of the remaining magistrate deserves the attention of a full-time lawyer judge, this magistrate, if qualified, should become an associate district judge. (15.5,31)

XVIII.C.32 The judicial administrator, under the direction of the chief justice, should execute court system policy. (15.5,32)

XVIII.C.33 The individual justices of the Supreme Court should continue to aid the chief justice in supervising the work of the unified district courts located within the regional departments assigned to them by the Supreme Court. (15.5,33)

XVIII.C.34 The Supreme Court should appoint a district judge to be the administrative judge of the unified district court in each judicial district. Under the supervision of the chief justice and the appropriate departmental justices, the administrative judge should be responsible for the affairs of the unified district court in his district. (15.5,34)

XVIII.C.35 The district judges for each district, in consultation with the associate and district magistrate judges of this district, should be authorized to make rules of court not inconsistent with statutes or rules of the Supreme Court. (15.5,35)

XVIII.C.36 Each administrative judge should appoint a chief clerk or court administrator for his district, a district clerk for each county and such other nonjudicial staff as are necessary. Such appointments should be made in accordance with Supreme Court determined qualifications. (15.5,36)

XVIII.C.37 Existing district court clerks and other support personnel should be retained whenever possible. (15.5,37)

XVIII.C.38 There should be a single budget for the unified Kansas court system. (15.5,38)

XVIII.C.39 The court budget should be approved by the Supreme Court and, as is the present practice, sent to the Governor for inclusion, without amendment, in the Governor's budget and forwarded by the Governor to the legislature. (15.5,39)

XVIII.C.40 The state should finance all expenses of the unified court system except for courtrooms and other space for the district court, which should be provided by local governments. If any municipal courts continue to exist after unification, they should continue to be financed by the cities. (15.5,40)

XVIII.C.41 All fees, fines and forfeitures collected by the courts not already committed to state special funds, should pass to the state general fund. However, fines and forfeitures arising from municipal ordinances processed in the unified court system should pass to the cities, minus a service charge reflecting the cost of processing each case. Fines and forfeitures collected by municipal courts remaining in existence after trial courts unification should remain with the cities.

XVIII.D. Objective: By 1978, the probation system should develop goal-oriented service delivery systems. (15.8)

Possible Strategies

XVIII.D.1 Manpower and resources should be available to assure that courts may use probation for persons convicted of misdemeanors. (15.8,3)

XVIII.E. Objective: By 1978, the adult parole system should develop goal-oriented service delivery systems. (15.9)

Possible Strategies

XVIII.E.1 The parole jurisdiction should develop and implement a system of revocation procedures to:

a. Permit prompt confinement of parolees exhibiting behavior that poses a serious threat to others; and

b. Provide careful controls, methods of fact-finding and possible alternatives to keep as many offenders as possible in the community. (15.9,10)

XVIII.E.2 Return to the institution should be used as a last resort. (15.9,11)

XIX GOAL: DEVELOP PLANNING CAPABILITIES IN ALL PARTS OF THE CRIMINAL JUSTICE SYSTEM AT ALL LEVELS OF GOVERNMENT. (16.1)

XIX.A Objective: By 1978, establish a network of planning agencies serving all components and levels of the criminal justice system. (16.1.1)

Possible Strategies

XIX.A.1 Establish consolidated criminal justice planning operations in metropolitan cities and counties. (16.1.1,2)

XIX.A.2 Establish separate planning sections reporting to the chief executive or his deputy in all large and medium-sized operating agencies of law enforcement and criminal justice. In smaller agencies, planning should be performed by the senior executive or by staff on a part-time basis. (16.1.1,3)

XIX.B Objective: By 1978, all levels of government should establish a coordinating council and a planning agency supervisory board for the criminal justice system that include community participation. (16.1.2)

Possible Strategies

XIX.B.1 Membership on such criminal justice coordinating councils should include the chief executives of police agencies, prosecutors' offices, defenders' offices, probation and parole, correctional agencies, and, where they exist, youth authorities. Representatives of general government and the presiding or chief judge of the appellate or trial court should also be members. Finally, at least one-third of the members should be from noncriminal justice agencies and private citizens. Meetings of the boards should be publicized and open to the public. There should be full communication between council or board, the criminal justice agencies and the community. (16.1.2,1)

XIX.B.2 A single council should perform comprehensive criminal justice planning, coordination of police, courts and correctional planning with other agencies. (16.1.2,2)

XIX.B.3 Court personnel should be representative of the community served by the court including the community's minority groups. (16.1.2,3)

XIX.B.4 The judicial council should serve as an advisory body to the court, the chief justice and the legislature. (16.1.2,4)

XIX.B.5 The legal community and the mental health community should reach out to each other to understand each other's discipline better and to apply in a joint effort their respective skills toward a resolution of some of the problems encountered by both groups. (16.1.2,5)

XIX.C Objective: By 1978, state, regional and local government shall utilize long-term forecasts of problems and needs for the purposes of budgeting for their respective agencies. (16.1.4)

Possible Strategies

XIX.C.1 Planning at both state and local levels should take into account all funds available for the criminal justice system no matter what their source. (16.1.4,1)

XIX.C.2 Projects for which funds are granted by GCCA should reflect an effort to achieve standards and goals adopted by GCCA after consultation with the Standards and Goals Task Forces. (16.1.4,2)

XIX.C.3 Establish a cost accounting system for courts which records costs of agency programs. (16.1.4,3)

XX GOAL: IMPROVE INTERACTION BETWEEN CRIMINAL JUSTICE AGENCIES AND THE PUBLIC. (16.2)

XX.A Objective: By 1980, establish effective working relationships between components of the criminal justice system. (16.2.1)

Possible Strategies

XX.A.1 Police agencies should develop procedures in cooperation with local courts and prosecutors to reduce the time spent waiting when subpoenaed to testify in criminal matters and develop and maintain liaison with:

a. Local courts and prosecutors to facilitate the timely issuance of arrests, search warrants, criminal complaints and arraignment of prisoners.

b. Correctional agencies to exchange information on released persons still under sentence.

c. Other law enforcement agencies.

d. Other criminal justice agencies to cooperate in establishment of task force efforts to deal with major crime problems. (16.2.1,1)

XX.A.2 The prosecutor should maintain relationships that encourage interchange of views and information that maximize coordination of the criminal justice agencies (providing legal advice to police, identifying mutual problems and developing solutions, participating in police training programs to keep police informed about current developments in law enforcement). (16.2.1.2)

XX.A.3 The prosecutor should develop for police use a basic report form necessary for charging, plea negotiation and trial. The completed form should be routinely forwarded to the prosecutor's office after the offender has been processed and police officers should be informed of the reason for disposition. (16.2.1,3)

XX.A.4 The prosecutor should establish regular communication with correctional agencies to determine the effect of his practices on correctional programs. (16.2.1,4)

XX.A.4 The prosecutor should establish regular communication with correctional agencies to determine the effect of his practices on correctional programs. (16.2.1,4)

XX.B Objective: By 1977, establish specific programs to inform the public or the problems, needs and activities of the criminal justice system and its component parts. (16.2.2)

Possible Strategies

XX.B.1 Courts should establish information desks in public areas of the courthouse to direct defendants, witnesses, jurors and spectators to their destinations. Attendants should be able to answer questions concerning the agencies of the system and the procedures to be followed by those involved in the system. (16.2.2,5)

XX.B.2 In metropolitan courthouses visual screens should be installed to identify the proceedings currently in progress in each courtroom and other proceedings scheduled that day for each courtroom. (16.2.2,6)

XX.B.3 The prosecutor and the court should establish procedures whereby witnesses requesting information relating to cases or court appearances in which they are involved may do so by telephone; each witness should be provided with a wallet-size card giving a phone number to be called for information and data regarding his case. (16.2.2,7)

XX.B.4 The judge should instruct the jury panel, prior to its members sitting in any case, concerning its responsibilities, its conduct and the proceedings of a criminal trial. Each juror should be given a handbook that relates to these matters. (16.2.2,8)

XX.B.5 The court, the news media, the public defender and the bar should coordinate responsibility for informing and educating the public concerning the functioning of the courts. (16.2.2,9)

XX.B.6 Each court should appoint a public information officer to provide liaison between the courts and the news media. (16.2.2,10)

XX.B.7 Each courthouse should have an office specifically and prominently identified as the office for receiving complaints, suggestions and reactions of members of the public concerning the court process. (16.2.2,11)

XX.B.8 The court should encourage citizen groups to inform themselves of functions and activities of the courts and in turn share this information with other members of the public. (16.2.2,12)

XX.B.9 The court should work together with bar associations to educate the public regarding law and the courts. (16.2.2,13)

XX.B.10 The prosecutor should regularly inform the public about the activities of his office and other law enforcement agencies and encourage expression of public views concerning his office and its practices. (16.2.2,14)

XX.B.11 The public defender should:

a. Seek to interpret the process of plea negotiation and the public defender's role in it to the client community;

b. Seek office locations that will not cause the public defender's office to be excessively identified with the judicial and law enforcement components of the criminal justice system; and

c. Be available to schools and organizations to educate members of the community as to their rights and duties related to criminal justice. (16.2.2,15)

XX.B.12 The state judicial system should establish rules of court specifying what kinds of information should and should not be released about a defendant prior to and during his trial. (16.2.2,16)

MAJOR GOAL: BE PREPARED AT ALL TIMES FOR MASS DISORDERS AND UNUSUAL OCCURRENCES

XXI GOAL: ASSURE COORDINATION AMONG ALL AGENCIES DURING MASS DISORDERS (17.1)

XXI.A Objective: By 1976, establish responsibility for the coordination and use of all justice system resources during an unusual occurrence.

Such delegation of responsibility must be accompanied by necessary authority to act. (17.1.1)

XXI.B Objective: By 1976, local justice system agencies should develop a plan to coordinate all government and private agencies involved in unusual occurrence control activities. (17.1.2)

Possible Strategies

XXI.B.1 Police chief executives should have ultimate responsibility for developing the local contingency plans. These plans should be developed and applied in cooperation with allied local, state and federal agencies. (17.1.2,1)

XXI.B.2 Local contingency plans should be based in part upon subplans, or inputs, from nonpolice components of the local justice system:

A court processing section dealing in detail with court operations and the defense and prosecution functions required to maintain the adversary process during mass disorders. The court subplan should be concerned both with judicial policy matters and court management. (17.1.2,2)

XXI.B.3 The plans for all components of the Criminal Justice System should include arrangements for sufficient clerical supplies, equipment and personnel to implement the plans. (17.1.2,3)

XXI.C Objective: By 1978, local contingency plans should be implemented sufficiently to allow them to be put into effect during mass disorders and natural disasters. (17.1.3)

XXII GOAL: DEVELOP CRISIS PROCEDURE LEGISLATION. (17.2)

XXII.A Objective: By 1976, Kansas state and local governments should review existing law and consider new legislation to permit necessary action by all control agencies and to afford each individual all his constitutional guarantees during an unusual occurrence. (17.2.1)

XXII.B Objective: By 1978, legislation should be enacted to permit necessary action by all control agencies and to afford each individual all his constitutional guarantees during an unusual occurrence. (17.2.2)

XXIII. GOAL: ESTABLISH A NETWORK OF COMPUTERIZED INFORMATION SYSTEMS LINKING ALL COMPONENTS OF THE CRIMINAL JUSTICE SYSTEM (18.)

XXIII.A Objective: By 1977, the state shall assign responsibility for activities related to the development of a criminal justice information system. (18.1)

Possible Strategies

XXIII.A.1 All criminal justice information systems should establish user groups. (18.1,2)

XXIII.A.2 User groups should have considerable influence over:

a. The operation of the system

b. The system's continuing development

c. Modifications to the system

The user group for the central state information system shall serve as the governing body for that system. The members of this group should include:

A representative appointed by the Supreme Court.

A representative of the District and County Attorneys Association.

A defense attorney or public defender appointed by the Kansas Bar Association.

A representative of the Kansas Chiefs or Police Association.

A representative of the Kansas Sheriff's Association.

A representative of State law enforcement appointed by the Governor.

A representative of the Secretary of Corrections.

A representative of the Kansas Adult Authority.

A representative of the State Juvenile Authority.

The Director of the Kansas Bureau of Investigation as an ex-officio member. (18.1,3)

XXIII.A.3 Statutory authority should be established for planning, developing and operating state level information and statistical systems. (18.1,4)

XXIII.A.4 The state should enact legislation requiring mandatory reporting of data necessary to operate authorized systems. (18.1,5)

XXIII.A.5 Statutes should be enacted to establish security and confidentiality controls on all systems with due regard to federal requirements. (18.1,6)

XXIII.A.6 The state should establish a plan for the development of information and statistical systems at state and local levels.

The plan should:

a. Specify system objectives and services.

b. Indicate the appropriate funding source for the development and operation of the various systems.

c. Provide mechanisms for obtaining user acceptance and involvement. (18.1,7)

XXIII.A.7 Individual systems to be funded by federal or state grants should be designed consistent with standards relating to criminal justice information systems. (18.1,8)

XXIII.A.8 The police should begin the file and it should be expanded as a person moves to other criminal justice agencies. (18.1,11)

XXIII.A.9 Criminal case histories should be developed so that a broad, new research and statistics capacity will be possible. (18.1,12)

XXIII.B Objective: By 1980, every locality should be serviced by a local criminal justice information system which supports the needs of criminal justice agencies. (18.2)

Possible Strategies

XXIII.B.1 The local criminal justice information system should:

a. Contain information concerning every person arrested within that locality from the time of arrest until no further criminal justice procedures can be expected concerning that arrest at which time the information should be placed in inactive files.

b. Contain the present criminal justice status for each individual subsequent to arrest.

c. Provide prompt response to inquiries from criminal justice agencies which have furnished data base input.

d. Provide investigative field support to police agencies within its geographic area of service.

e. Provide to proper state agencies all information concerning postarrest offender statistical data as required.

f. Provide to proper state agencies all postarrest data necessary to maintain a current criminal history on persons arrested and processed within a locality.

g. Provide, if automated, telecommunications interface between the state criminal justice information system and local criminal justice agencies within its jurisdiction. (18.2,1)

XXIII.B.2 Where it is not economically feasible to establish a local criminal justice information system, criminal justice information services should be provided through consolidation of adjacent units at the same organizational level or by the establishment of a "surrogate" at the next higher organizational level.

XXIII.C Objective: By 1980, every component agency of the Criminal Justice System should be served by an information agency which supports its intra-agency needs. It should:

Provide rationale for the internal allocation of personnel and resources.

Provide a rational basis for scheduling events, cases and transactions within the agency.

Provide data required for the proper functioning of other systems as appropriate.

Provide an interface between the local criminal justice information system and individual users within its own agency.

Create and provide access to files needed by users that are not provided by other information systems when they have a right to the information. (18.3)

Possible Strategies

XXIII.C.1 Court information systems, serving the judge, prosecutor, defense attorney and court intake officer (for his role in preparing presentence reports), should include:

a. Defendant background data (information relative to appointment of counsel and data that might be determined by a bail agency interview).

b. Current individual case listings.

c. Case flow data for calendar and court management including:

(1) Filing and disposition rates

(2) Attorney and witness schedules

(3) Judge and courtroom schedules

(4) Case status and complexity

(5) Defendant status (confined, on bail, etc.)

(6) Potential case consolidations, and to aid the prosecutor, case priority, selection and rating criteria for witnesses and evidence.

(7) Reasons for continuances furnished by requesting party.

d. Jury selection

e. A flexible system for production of transcripts.

f. Participation in state transaction-based statistics systems for purposes of evaluation and planning.

g. Automated legal research where relevant statistics and decisions are computerized. (18.3,6)

XXIII.D Objective: By 1978, regulations should be developed to:

Protect an individual's right to privacy.

Control access to the criminal justice information systems. (18.4)

Possible Strategies

XXIII.D.1 A state security and privacy council should be established by the legislature with the authority to adopt and administer security and privacy standards. This council should include representatives of the criminal justice system. (18.4,1)

XXIII.D.2 The information put into the system should be limited to absolutely essential data. An item of data should be collected and stored only if potential benefits from its use outweigh potential injury to privacy. (18.4,2)

XXIII.D.3 The state council should adopt regulations to strictly limit system access to agencies demonstrating a need and a right to know the data. (18.4,3)

XXII.D.4 Data should be divided into categories reflecting degrees of sensitivity (i.e., highly sensitive, confidential), and provisions should be made for security within each category. (18.4,4)

XXII.D.5 Each system should have internal procedures to prevent accidental loss of data and, most importantly, to prevent unauthorized access to information. (18.4,5)

XXII.D.6 An individual should have the right to receive criminal justice information relating to himself, excluding that in intelligence files. (18.4,6)

XXIII.E Objective: By 1977, requirements should be established to insure that the development of information systems is standardized.

Possible Strategies

XXIII.E.1 Identical data elements should be used to satisfy requirements for similar information to be developed from either a "offender-based transaction statistics" or "computerized criminal history" system over all areas of the Criminal Justice System. (18.5,1)

XXIII.E.2 Advisory committees determining the designs of both systems should have some membership in common to assure data element compatibility. (18.5,2)

XXIII.E.3 To establish appropriate communications among local, state and federal criminal justice agencies, the data elements for identification, offense category and disposition on each offender shall be consistent with specifications prescribed in the National Crime Information Center (NCIC) operating manual, or if not covered in NCIC, the project SEARCH Implementing Statewide Criminal Justice Statistics Systems--The Model and Implementation Environment Technical Report No. 4 and the National Criminal Justice Information and Statistics Service Comprehensive Data System guidelines. (18.5,3)

XXIII.E.4 The collection of data to satisfy both the Offender-Based Transaction Statistics and Computerized Criminal History systems should be gathered from criminal justice agencies in a single collection. (18.5,4)

XXIII.E.5 Files created as data basis for Offender-Based Transaction Statistics and Computerized Criminal History systems, because of their common data elements and their common data input from operating agencies, should be developed simultaneously and maintained as much as possible within a single activity.

Juvenile record information should not be entered into adult criminal history files. (18.5,5)

XXIII.E.6 With the exception of intelligence files, collection of criminal justice information concerning individuals should be triggered only by a formal event in the criminal justice process and contain only verifiable data. In any case where dissemination beyond the originating agency is possible, this strategy should be inviolable. (18.5,6)

XXIII.E.7 Agencies maintaining data or files on persons arrested or taken into custody as offenders should establish methods and procedures to insure the completeness and accuracy of data, including the following:

a. Every item of information should be checked for accuracy and completeness before entry into the system.

b. A system of verification and audit should be instituted. Where files are found to be incomplete, all persons who have received misleading information should be immediately notified.

c. Files should be reviewed periodically. All items of information that are likely to be unrealiable should be purged immediately. Every copy of information concerning individuals convicted of a serious crime should be purged from active files 10 years after the date of release from supervision. For less serious crimes, the period should be 5 years. (18.5,7)

XXIII.E.8 All criminal offender record information should be stored in a computer dedicated solely to and controlled by criminal justice agencies. (18.5,8)

XXIII.E.9 Under no circumstances should a criminal justice manual or computerized file be linked to or aggregated with noncriminal justice files for the purpose of amassing information about a specified individual or specified group of individuals. (18.5,9)

XXIII.E.10 The establishment of a computer interface to other criminal justice information systems should constitute the acceptance of responsibility for a control unit for those agencies served by the interface. (18.5,10)

XXIII.E.11 The availability of the information system should not be less than 90 percent. (18.5.11)

XXIII.E.12 Every agency contemplating the implementation of computerized information systems should insure that specific programming language requirements are established prior to the initiation of any programming effort. (18.5,12)

XXIII.E.13 During the design phase of the development of information and statistics systems, each agency must provide sufficient resources to assure adequate teleprocessing capability to satisfy the intra- and inter-agency communications requirements. (18.5,13)

XXIII.E.14 Preimplementation monitoring should consist of a continuous review, analysis, and assessment of available documentation and milestone achievement covering system analysis design, development, and initial steps leading toward actual implementation. All items should be monitored relative to:

a. Costs (both dollars and man-hours);

b. Milestone accomplishment (time); and

c. Quality (response time, scope, sophistication, and accuracy). (18.5,14)

XXIII.E.15 A key consideration in implementing systems is providing maximum assurance that the eventual operating system meets the design objectives. Implementation monitoring should employ a specific series of quantifiable measuring instruments that report on the cost and performance of component parts and the total system. The cost/performance monitoring of an operating or recently developed system should focus on:

a. Man-machine interaction;

b. Software (computer and/or manual process); and

c. Hardware (computer and/or nonautomated equipment). (18.5,15)

XXIII.E.16 Impact evaluation should begin with an investigation of system outputs at the component level. Once individual components have been assessed as to their capability for supporting users, impact analyses should be conducted for larger aggregations made up first of multiple and then total components.

In general, an impact evaluation should determine:

a. What information, communication and decision processes in a criminal justice agency exhibit the greatest positive and negative impact due to the information and statistic system; and

b. What relationships exist between specific features of the system and the benefits to the user. (18.5,16)

MAJOR GOAL: IMPROVE CRIMINAL JUSTICE EQUIPMENT AND FACILITIES (19.0)

XXIV. GOAL: IMPROVE FACILITIES FOR THE FUNCTIONING OF COURT BUSINESS (19.2)

XXIV.A Objective: By 1977, each jurisdiction should have final plans for the renovation on construction of facilities adequate for the conduct of court business. (19.2.1)

XXIV.B Objective: By 1978, all courthouses should have adequate provisions for the conduct of court business. (19.2.2)

Possible Strategies

XXIV.B.1 The courthouse itself should:

a. Be of sufficient size for population served

b. Have proper lighting, heating and cooling systems

c. Have accoustical design which facilitates proper interchange between trial participants. (19.2.2,1)

XXIV.B.2 Judges and attorneys--both defense and prosecution--should have access to a law library in the courthouse. (19.2.2,3)

XXIV.B.3 The offices of prosecutors and public defenders should be comparable in space and equipment to those offices of similar-size private law firms. (19.2.2,4)

XXIV.B.4 A lawyer's workroom should be available in the courthouse for both public and private attorneys. Such a room should provide privacy for discussions with clients. (19.2.2,5)

MAJOR GOAL: UPGRADE PERSONNEL WORKING IN THE KANSAS CRIMINAL JUSTICE SYSTEM

XXV GOAL: IMPROVE QUALITY AND ADEQUACY OF STAFF (20.1)

XXV.A Objective: By 1978, adopt administrative structures and procedures that will optimize personnel performance. (20.1.1)

Possible Strategies

XXV.A.1. Provide managerial attitudes and administrative procedures permitting each employee to have more say about what he does. (20.1.1,1)

XXV.A.2. Develop a management philosophy encouraging delegation of work-related authority to the employee level and acceptance of employee decisions. (20.1.1,2)

XXV.A.3. Provide administrative flexibility to organize employees into teams or groups (individuals involved in small working units become concerned with helping their teammates and achieving goals). (20.1.1,3)

XXV.A.4. Promote functional as against hierarchial distinctions; shift organizational emphasis from authority or status orientation to a goal orientation. (20.1.1,4)

XXV.A.5. Adopt a program of participatory management in which managers, staff and in the case of correctional agencies, offenders share in identifying problems, finding mutually agreeable solutions, setting goals and objectives, defining new roles for participants and evaluation. The program should include the following:

a. Training and development sessions for new roles in organizational development;

b. An ongoing evaluation process;

c. A procedure for the particpation of other elements of the Criminal Justice System in planning for each component part of the system; and

d. A change of manpower utilization in keeping with new management and professional concepts. (20.1.1,5)

XXV.A.6. Each state should have minimum staffing for analysis and interpretation of information. Such capability should range from full-time professional information managers in larger organizations to part-time assignments in smaller units. (20.1.1,8)

XXV.A.7. State information system managers should train and provide assistance to agencies. (20.1.1,9)

XXV.B Objective: By 1978, establish uniform procedures governing employee organizations, collective bargaining, and interpersonal relations. (20.1.2)

Possible Strategies

XXV.B.1 All criminal justice management should receive training in:

a. Strategy and tactics of union organization.

b. Managerial strategies.

c. Responding to such organizational efforts.

d. Labor law and legislation.

e. Collective bargining process. (20.1.2,2)

XXV.C Objective: By 1977, develop provisions for adequacy, tenure and discipline of judicial personnel. (20.1.4)

Possible Strategies

XXV.C.1 All judges except Supreme Court justices should be elected or appointed for 4-year terms. (20.1.4,1)

XXV.C.2 A mandatory retirement age of 65 should be required of all judges, subject to a provision enabling judges over that age to sit for limited time periods, at the discretion of the presiding judges. (20.1.4,2)

XXV.C.3 Additional judgeships should be created when the proper administration of justice requires. (20.1.4,3)

XXV.D Objective: Provide adequate professional support to all criminal justice agencies. (20.1.5)

Possible Strategies

XXV.D.1 Each administrative judge should appoint a chief clerk or court administrator for his district. (20.1.5,1)

XXV.D.2 Each administrative judge should appoint a district clerk for each county and other nonjudicial staff as are necessary. (20.1.5,2)

XXV.D.3 Provide a professional staff of lawyers for judges of reviewing courts which would perform such functions as the court would assign. (20.1.5,3)

XXV.D.4 Prosecutors' offices should be provided with support comparable to similar-size law firms, including:

a. Full-time assistant prosecutors

b. Office managers

c. Paraprofessionals

d. Secretarial service

e. Facilities to ensure privacy

f. Access to a library (20.1.5,4)

XXV.D.5 Public defender offices should have adequate supportive services including secretarial, investigation and social work assistance. (20.1.5,5)

XXV.D.6 In areas where necessary, units of local government should combine to establish regional defenders' offices. (20.1.5,6)

XXV.D.7 The public defender's office should have a budget comparable to the agencies with which he must interact. (20.1.5,7)

XXV.D.8 Every police agency should acquire legal assistance from its city or county attorney, prosecutor, state attorney general or police legal advisor to assure maximum effectiveness in its operations. (20.1.5,9)

XXVI GOAL: UPGRADE THE RECRUITMENT AND SELECTION OF PERSONNEL (20.2)

XXVI.A Objective: By 1977, set systemwide standards for the recruitment and selection of personnel.

Possible Strategies

XXVI.A.1 Criminal justice agencies and education agencies should:

a. Identify specific and detailed roles, tasks, and performance objectives of each Criminal Justice System position and compare each with actual practice, establishing an acceptable level of expected behavior.

b. Establish knowledge and skill requirements for all positions at the operational, support, and management levels and develop educational curricula and training programs on that basis. Recruitment and selection criteria should be developed that incorporate these requirements. Further, all Criminal Justice System personnel should be required to possess the requisite knowledge and skills prior to being authorized to function independently. Those already employed must obtain them within a specified period of time as a condition of employment. (20.2.1,1)

XXVI.A.2 Preemployment screening for applicants in information systems should include investigation of their character, habits, previous employment, and other matters necessary to establish their good moral character, reputation, and honesty. Giving false information of a substantial nature should disqualify an applicant from employment. The background investigation should be designed to develop sufficient information to enable appropriate officials to determine employability and fitness of persons entering critical/sensitive positions. (20.2.1,2)

XXVI.B Objective: By 1976, eliminate discrimination in the employment of criminal justice personnel. (20.2.2)

Possible Strategies

XXVI.B.1 All cultural bias and nonjob-related elements shall be eliminated from examinations for positions in criminal justice agencies. (20.2.2,1)

XXVI.B.2 Special training programs more intensive and comprehensive than standard programs, should be designed to supplement educational and previous experience requirements. (20.2.2,6)

XXVI.C Objective: By 1977, all administration of justice personnel should be elected or selected on the basis of established qualifications. (20.2.5)

Possible Strategies

XXVI.C.1 The prosecutor should be:

a. A full-time skilled professional.

b. Selected on the basis of demonstrated ability and personal integrity.

c. Authorized to serve a minimum term of 4 years. (20.2.5,1)

XXVI.C.2 The prosecutor should be a lawyer subject to standards of professional conduct and discipline. (20.2.5.2)

XXVI.C.3 Assistant prosecutors should be:

a. Full-time.

b. Prohibited from engaging in outside law practice. (20.2.5,3)

XXVI.C.4 A public defender should:

a. Serve a 4-year term;

b. Be permitted reappointment; and

c. Be subject to disciplinary and removal procedures. (20.2.5,4)

XXVI.C.5 Power to discipline a public defender should be placed in a judicial conduct commission. (20.2.5,5)

XXVI.C.6 Public defender staff attorneys should be hired, retained and promoted on the basis of merit. They should not have civil service status. (20.2.5,6)

XXVI.C.7 The judicial administrator should:

a. Be an attorney;

b. Have broad knowledge and substantial prior experience in administration; and

c. Serve at the pleasure of the Supreme Court. (20.2.5,7)

XXVI.C.8 The district court administrator should be a college graduate with college courses or experience in judicial or other administration and be appointed by the administrative judge with advice and consent of the district judges. (20.2.5,8)

XXVI.C.9 Specific qualifications and certification requirements for each court job class should be set by the Supreme Court. (20.2.5,9)

XXVI.C.10 Clerks and other court staff at trial court level should be selected by the administrative judge. Law clerks, court reporters and others serving individual judges should be appointed by those judges. (20.2.5,10)

PROGRAMS WHICH HAVE IMPLEMENTED GOAL XXVI

1. Summer Legal Intern Prosecutor Program

This program provides senior law students with practical experience and knowledge concerning criminal law and other areas related to the operation of a county or district attorney's office.

Site: Shawnee County
Contact: James Reardon
Executive Director
Kansas County and District
Attorney's Association
707 Quincy
Topeka
(913) 357-6351

2. Mid-Sized Unified Court System

This program provides for the implementation of court administrator operations in the 10th Judicial District pursuant to Chapter 177 of the 1975 Kansas Session Laws.

Site: Johnson County
Contact: The Honorable Harold R. Riggs
Administrative Judge
Courthouse
Olathe, Kansas
(913) 782-5000

XXVII. GOAL: UPGRADE THE TRAINING, EDUCATION, AND CAREER DEVELOPMENT OF PERSONNEL (20.3)

XXVII.A Objective: By 1980, set systemwide standards for the training and education of personnel. (20.3.1)

Possible Strategies

XXVII.A.1 Criminal justice agencies and education agencies should:

a. Identify specific and detailed roles, tasks and performance objectives for each criminal justice position.

b. Establish skill requirements for all criminal justice positions at the operational support and management levels.

c. Develop implementation plans that recognize priorities and constraints and use the most effective learning techniques for these education and training programs.

d. Develop techniques and plans for evaluation of education and training programs as they relate to on-the-job performance.

e. Develop techniques for continual assessment of education and training needs. (20.3.1,1)

XXVII.A.2 Criminal Justice System curricula and programs by agencies of higher education should be established to unify the body of knowledge in criminology, social science, law, public administration and corrections to serve as a basis for preparing persons to work in the Criminal Justice System. (20.3.1,2)

XXVII.A.3 Every criminal justice agency should support training programs that promote understanding and cooperation through the development of unified interdisciplinary training for all elements of the Criminal Justice System. These programs:

a. Should provide for the instruction of agency personnel in the functions of all criminal justice agencies in order to place the agency role in proper prespective;

b. Should encourage, where appropriate, the participation of other criminal justice agencies in agency training; and

c. Should encourage, where appropriate, agency participation in training given to members of other criminal justice agencies. (20.3.1,3)

XXVII.B Objective: By 1976, set standards for the training and education of judicial personnel.

Possible Strategies

XXVII.B.1 All new trial judges, within 3 years of assuming judicial office, should attend both local and national orientation programs as well as one of the national judicial educational programs. The local orientation program should come immediately before or after the judge first takes office. It should be a minimum of 40 hours including visits to all institutions and facilities to which criminal offenders may be sentenced. (20.3.3,1)

XXVII.B.2 The state should plan specialized subject matter programs as well as 2- or 3-day annual state seminars for trial and appellate judges. (20.3.3,2)

XXVII.B.3 The failure of any judge, without good cause, to pursue educational programs as prescribed should be considered by the judicial conduct commission as grounds for discipline or removal. (20.3.3,3)

XXVII.B.4 The state should prepare a bench manual on procedural laws with forms, samples, rule requirements and other information that a judge should have readily available. This should include sentencing alternatives and information concerning correctional programs and institutions. (20.3.3,4)

XXVII.B.5 The state should publish periodically (quarterly) a newsletter that includes articles of interest to judges, references to new literature in the judicial and correctional fields and citations of important appellate and trial court decisions. (20.3.3,5)

XXVII.B.6 All newly appointed or elected prosecutors should attend a minimum of 40 hours of prosecutor's training courses prior to taking office. (20.3.3,6)

XXVII.B.7 All prosecutors and assistants should attend a formal prosecutor's training course each year in addition to in-house training. (20.3.3,7)

XXVII.B.8 Provide systematic comprehensive training to public defenders and assigned counsel panel members equal to that received by prosecutor and judge. (20.3.3,8)

XXVII.B.9 The state should establish a defender training program to instruct new defenders and assigned panel members in substantive law procedure and practice.

XXVII.C Objective: By 1976, establish formal in-service training programs for criminal justice personnel. (20.3.4)

Possible Strategies

XXVII.C.1 In-house training programs should be made available for new assistant prosecutors in metropolitan prosecution offices. (20.3.4,6)

XXVII.C.2 In-service training and continuing legal education programs should be established on a systematic basis at state and local level for public defenders, staff attorneys, assigned counsel panel members and other interested lawyers. (20.3.4,7)

XXVII.D Objective: By 1980, provide advanced training in specialized areas. (20.3.5)

Possible Strategies

XXVII.D.1 All persons involved in the direct operation of a criminal justice information system should be required to attend approved courses of instruction concerning the system's proper use and control. Instruction may be offered by any agency or facility, provided that curriculum, materials, and instructors' qualifications have been reviewed and approved by the Security and Privacy Council. (20.3.5,6)

XXVII.E Objective: By 1978, establish education incentive programs for all criminal justice personnel. (20.3.6)

Possible Strategies

XXVII.E.1 Each state should adopt a program of sabbatical leave for judges to enable them to pursue studies and relevant research. (20.3.6,4)

XXVII.E.2 Prosecutors and assistants should utilize education programs to assure the highest possible professional competence. (20.3.6,5)

XXVII.F Objective: By 1980, establish formal career development programs in all criminal justice agencies. (20.3.7)

Possible Strategies

XXVII.F.1 The state 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. (20.3.6,8)

XXVIII. GOAL: ESTABLISH FAIR AND COMPETITIVE SALARIES AND BENEFITS FOR ALL CRIMINAL JUSTICE PERSONNEL (20.4)

XXVIII.A Objective: By 1978, establish a formal salary structure based on systematic classification of all criminal justice positions. (20.4.1)

Possible Strategies:

XXVIII.A.1 Judges should be compensated at a rate that adequately reflects their judicial responsibilities. (20.4.1,8)

XXVIII.A.2 Prosecutors and public defenders should be compensated at a rate not less than that of the presiding judge of the trial court of general jurisdiction. (20.4.1,10)

XXVIII.A.3 Salaries for assistant prosecutors, through the first 5 years of service, should be comparable to those of attorney associates in local private law firms. (20.4.1,11)

XXVIII.B Objective: By 1978, establish a uniform system of benefits for criminal justice personnel. (20.4.2)

Possible Strategies

XXVIII.B.1 Every criminal justice system agency should establish an employee services unit to assist all employees in obtaining the various employment benefits to which they are entitled. (20.4.2,1)

XXVIII.B.2 Every criminal justice system agency should assign at least one full-time employee to the employee services unit if the agency employs 150 or more personnel. (Those with fewer personnel should join with other local agencies to appoint a regional coordinator for employee services.) (20.4.2.2)

XXVIII.B.3 Every criminal justice system agency should establish a health care program that provides for the particular health care needs of its employees and their immediate families. The program should provide:

a. Surgery and related services.

b. Diagnostic services.

c. Emergency care.

d. Continuing medical care for pulmonary tuberculosis, mental disorders, drug addiction, alcoholism and childbirth.

e. Radiation, inhalation and physical therapy.

f. Nursing care.

g. Prescribed medication and medical appliances.

h. Complete dental and vision care.

i. Hospital room.

j. Income protection. (20.4.2,3

XXVIII.B.4 Every criminal justice system agency should insure that an officer or his beneficiaries are allowed to continue as members of the health care program after the officer's retirement and that benefit and cost changes under these circumstances are reasonable. (20.4.2,4)

XXVIII.B.5 The state should provide an actuarially sound statewide criminal justice system retirement system for all sworn personnel within the state designed to facilitate lateral entry. (20.4.2,5)

XXVIII.B.6 Associate judges and court of appeals judges should be included in the Kansas Judges Retirement System. District magistrate judges should be included in Kansas Public Employees Retirement System. Provisions should be made for vesting benefits in any transfers between the two retirement systems. (20.4.2,9)

GOVERNOR'S COMMITTEE ON CRIMINAL ADMINISTRATION

LONG-RANGE
GOALS, OBJECTIVES AND STANDARDS

As Adopted by the Full Committee
Friday, April 23, 1976

Component: Adjudication

Program Area: 1-A Judicial Unification
1-B The Chronic Criminal
1-C District Attorney System
1-D Crimes and Victims
1-E Public Defender

1-A JUDICIAL UNIFICATION

Major Goal: State courts should be organized into a unified judicial system financed by the state and administered through a state-wide court administrator under the supervision of the chief justice of the Kansas Supreme Court. (15.5 at 262)

Long-Range Program Objectives

1. To urge and support the unification of all trial courts into a single trial court with general criminal as well as civil jurisdiction. (15.5,1 at 262)

2. To financially assist the chief justice and others in the establishment and administration of the Court of Appeals. (15.5,12 at 268)

3. To assist and support the state court administrator in the establishment of policies for the administration of the state's courts (subject to control of the Kansas Supreme Court) including:

   a. A budget for the operation of the entire court system (see also 15.5,38 at 274);

   b. Personnel policies;

   c. Information compilation and dissemination;

   d. Control of fiscal operations;

   e. Liaison duties;

   f. Continual evaluation; and

   g. Recommendations for assignments of judges. (15.5,3 at 262-264)

4. To assist and iinancially support presiding trial court judges with their administrative responsibilities in such functions as:

   a. Control over personnel matters;

   b. Trial court case assignments;

c. Judge assignments;

d. Information compilation;

e. Fiscal matters;

f. Court policy decisions;

g. Rule making and enforcement;

h. Liaison and public relations; and

i. Improvement in the functioning of the court. (15.5,5 at 264)

5. To encourage the appointment of trial court administrators (15.5,6 at 264) and to assist local and regional trial court administrators with such functions as:

a. Implementation of policies set by the state court administrator;

b. Assistance to the state court administrator in setting statewide policies;

c. Preparation and submission of budgets;

d. Control of personnel matters;

e. Management of court equipment and facilities;

f. Procurement of supplies;

g. Preparation of reports;

h. Dissemination of information;

i. Juror management;

j. Custody and disbursement of court funds;

k. Study and improvement of caseload; and

l. Effective methods of court functioning. (15.5,7 at 264-266)

6. To allocate funds for education programs concerning legal, procedural, and administrative information whether for the public, for criminal justice personnel, or for students of the profession. (14.1.1,5 at 226)

7. To support, where allowed by statute or by judicial guidelines, nonjudicial personnel of the district court in performance of specified quasi-judicial functions in the filing of complaints and issuance of warrants. (15.5,29 at 272)

Standards

(Note: Standards are intended to govern the means by which the Major Goal and the Long-Range Program Objectives are accomplished.)

1. The Supreme Court, as mandated by the revised judicial article of the Kansas Constitution, should exercise administrative authority over the unified court system, determining overall policy by rules of the Supreme Court. (15.5,9 at 266)

2. The judicial administrator, under the direction of the chief justice, should execute court system policy. (15.5,32 at 272)

1-B THE CHRONIC CRIMINAL

Major Goal: Establish specific criteria for sentencing to extended terms those who are persistent felony offenders, dangerous offenders, or persons whose lifestyles are supported by criminal activity. (9.2 at 114)

Long-Range Program Objectives

1. To encourage and support efforts to provide authority in cases of extended terms for the court to:

   a. Impose a minimum sentence to be served prior to eligibility for parole;

   b. Permit parole of an offender sentenced to a minimum term prior to service of that minimum upon request from the Secretary of Corrections; and

   c. Recommend to the Secretary of Corrections at the time of sentencing that the offender not be paroled until a specified period of time has been served. (9.2,1 at 114)

1-C DISTRICT ATTORNEY SYSTEM

Major Goal: Establish a system of full-time prosecutors assisted by a state support and coordinating system. (15.4 at 260)

Long-Range Program Objectives

1. Support the implementation of a statewide entity to provide assistance to local prosecutors, and eventually to include:

   a. State funding through executive budget;

   b. A full-time executive director;

   c. Development of innovative prosecution programs;

   d. Provision of support services (e.g., special counsel, experts, research services);

   e. Office management assistance; and

   f. A minimum of four meetings each year. (15.4,1 at 260)

2. To allocate funds for education programs concerning legal, procedural, and administrative information whether for the public, for criminal justice personnel, or for students of the profession. (14.1.1,5 at 226)

3. To assist in the combination of smaller prosecutorial jurisdictions into districts having a sufficient workload to support at least one full-time district attorney. (15.4,2 at 260)

4. To assist each prosecutor's office in development of a detailed statement of office practices and policies for distribution to assistant prosecutors.

   a. Such policies should be reviewed every 6 months.

   b. The policy statement should include guidelines covering screening, diversion, plea negotiations, and other internal office practices. (15.4,3 at 262)

1-D CRIMES AND VICTIMS

Major Goal: Kansas Should:

a. Continue periodic review in revision of the criminal code.

b. Eliminate inherent statutory crimes that are unenforced or only haphazardly enforced.

c. Combine a balanced approach to the treatment of victims and defendants. (14.1.1 at 226)

Long-Range Program Objectives

1. Studies and activities should be supported for the reasonable renumeration, convenience, and scheduling of victims, witnesses, and jurors. (14.1.1,1, 14.1.1,2 and 14.1.1,3 at 226)

2. To encourage and facilitate the Judicial Council in its revision of laws and include provisions for:

   a. Maximum and effective liaison with the Legislature and Supreme Court;

   b. Use of law faculty members and qualified staff to prepare draft revisions; and

   c. Membership, in combination with special advisory committees, reflecting experience of the legal profession, criminal justice agencies, and key community leaders. (14.1.1,5 at 226)

3. To support continuing law revision, particularly in relation to interstate agreements which include provisions for serious misdemeanants:

   a. Interstate Compact for the Supervision of Parolees and Probationers;

   b. Interstate Compact on Corrections;

   c. Interstate Compact on Juveniles;

   d. Agreement on Detainers; and

   e. Mentally Disordered Offender Compact. (14.1.1,9 at 288)

4. To encourage action to prevent the misuse of firearms with particular emphasis on hand-guns. (14.1.2 at 228)

1-E PUBLIC DEFENDER

Major Goal: To create a full-time public defender organization on a judicial district basis. (12.1.2 at 152)

Long-Range Program Objectives

1. To study and support more efficient means of providing counsel for indigent defendants. (12.1.1,1 at 152)

2. To assist the drafting and establishment of a policy for the public defender's office. (12.1.2,5 at 152)

3. To ensure a reasonable caseload per attorney per year in the public defender's office:

   a. Less than 150 felony cases; or

   b. Four misdemeanor cases, excluding traffic; or

   c. Two juvenile cases; or

   d. Two mental health act cases; or

   e. Twenty-five appeals. (12.1.2,7 at 152)

4. To support the establishment of advisory councils in every jurisdiction to advise on problems of professional conduct in criminal cases. (12.1.2,8 at 154)

5. To allocate funds for education programs concerning legal, procedural, and administrative information whether for the public, for criminal justice personnel, or for students of the profession. (14.1.1,7 at 228)

6. To ensure that the public defenders provide support services for court-appointed counsel. (12.1.2,9 at 154)

7. To assist the public defender's office in providing initial and in-service training to lawyers available for court appointment. (12.1.2,10 at 154)

8. To ensure that each jurisdiction have a well-publicized referral service for criminal cases, consisting of lawyers willing and qualified to undertake criminal defense. (12.1.2,11 at 154)

9. To encourage the legal community and the mental health community to apply their respective skills in a joint effort toward a resolution of certain problems encountered by both groups. (12.1.2,13 at 154)

ADJUDICATION SYSTEM

PRIORITY LONG-RANGE PROGRAM OBJECTIVES

1. To encourage the appointment of trial court administrators (15.5,6 at 264) and to assist local and regional trial court administrators with such functions as:

   a. Implementation of policies set by the state court administrator;

   b. Assistance to the state court administrator in setting statewide policies;

   c. Preparation and submission of budgets;

   d. Control of personnel matters;

   e. Management of court equipment and facilities;

   f. Procurement of supplies;

   g. Preparation of reports;

   h. Dissemination of information;

   i. Juror management;

   j. Custody and disbursement of court funds;

   k. Study and improvement of caseload; and

   l. Effective methods of court functioning. (15.5,7 at 264-266)

2. Support the implementation of a statewide entity to provide assistance to local prosecutors, and eventually to include:

   a. State funding through the executive budget;

   b. A full-time executive director;

   c. Development of innovative prosecution programs;

   d. Provision of support services (e.g., special counsel, experts, research services);

   e. Office management assistance; and

   f. A minimum of four meetings each year. (15.4,1 at 260)

3. To study and support more efficient means of providing counsel for indigent defendants. (see 12.1.2,1 at 152)

4. To allocate funds for education programs concerning legal, procedural, and administrative information whether for the public, for criminal justice personnel, or for students of the profession. (14.1.1,7 at 228)

5. To assist and support the state court administrator in the establishment of policies for the administration of the state's courts (subject to control of the Kansas Supreme Court) including:

   a. A budget for the operation of the entire court system (see also 15.5,38 at 274);

   b. Personnel policies;

   c. Information compilation and dissemination;

   d. Control of fiscal operations;

   e. Liaison duties;

   f. Continual evaluation; and

   g. Recommendations for assignments of judges. (15.5,3 at 262-264)

END