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THE COURTS-CORRECTIONS INTERFACE

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The cooperation of judicial and correctional system officials in Arizona, Florida, Idaho, Maryland, Minnesota, North Carolina, Rhode Island, and South Dakota merits special acknowledgment.

Though no claims of panaceas accompany the pages that follow, it is hoped that this product wil precipitate further interchange, additional research, and useful application of procedures that better cross the boundaries between courts and corrections.

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EXECUTIVE SUMMARY

This study was prompted by the concern that little systematic information has been compiled as to interactions between judicial system and correctional system officials. It was stimulated, as well, by a recognition of the interdependence of these two criminal justice organizations. The focus of the study is the courts and how the judicial system manages or fails to manage its intersection with correctional organizations. The examination had several phases and has resulted in three reports.

1. Courts and Corrections: Literature Review

An examination was conducted of reports of more recent national study commissions, state statutes and administrative rules, federal court decisions related to correctional administrtion, and legal periodicals and justice system journals.

While commission reports did not center on the extensive interdependency between courts and corrections, a number of recommendations supported the need for a close working relationship between these two types of organizations and the provision of reports to judges concerning offender populations and rehabilitation effectiveness. Further, while the employment of court administrators, at state and local levels, was urged, job descriptions for these officials did not clearly delineate task responsibilities at the court intersection with corrections.

Statutes frequently specify the transmission of court orders and presentence investigation reports to correctional institutions and sometimes provide for interorganizational collaboration related to criminal justice system planning or service delivery. State court system rules may require judicial visits to correctional facilities.

An array of federal court decisions has analyzed the constitutionality, or unconstitutionality, of a wide range of state prison and local jail conditions and practices. Numerous findings of Bill of Rights' violations compel a conclusion that correctional agencies cannot solve these problems by themselves.

Despite the extensive professional journal articles focusing on either judicial system or correctional system developments, innovations, and research assessments, few presentations address directly the issues which surround the courts relationship with corrections. Certain literature does assess the impact of federal court decisions on correctional administration or describes the need for closer court and correctional collaboration.

2. Courts and Corrections: Interrelationships in Eight States

Data are reported and analyzed from seventy-three telephone interviews conducted with state and local judicial and correctional system officials in eight states. Four states, Arizona, Florida, Maryland, and Rhode Island, had experienced federal court decisions which had found their prisons or prison systems unconstitutionally overcrowded. Four states, Idaho, Minnesota, North Carolina, and South Dakota, had not experienced such decisions. Local jails in certain communities in some states were also subject to court orders. Findings include:

Prison population data are rarely transmitted to state court administrators or trial court officials, but two-thirds of trial court officials regularly receive jail population data. Court officials, in general, review information provided them by correctional agencies. Correctional officials seek more information from the courts. Considerable informal communication occurs across systems at the local level, but not at the state level. Trial court officials do visit local correctional agencies; state court administrators are less familiar with state correctional agencies.

Officials in both "overcrowded" and "non-overcrowded" states tend to view their prisons as overcrowded, but perceptions of local jail overcrowding are related to whether a court has found the jail overcrowded. Thirty-nine percent of respondents agree that judges impose lesser sentences due to prison overcrowding; 44 percent agree that judges impose lesser sentences due to jail overcrowding. If one agreed there was overcrowding, a respondent was more likely to agree that judges imposed lesser sentences due to overcrowding and that there were too few alternatives.

Seventy-eight percent of respondents agreed that incarceration facilities lacked adequate rehabilitation programs. Court officials were more critical of prison and jail rehabilitation programs than correctional officials. The view that these programs were inadequate applied whether or not a respondent believed a prison or jail was overcrowded.

Trial court judges were more often seen as having responsibility for helping solve state correctional problems than state or trial court administrators. The judges' responsibility for helping solve local correctional problems was seen very prominently. The state court administrator's visibility was particularly low. Only two of nine state court administrators acknowledged responsibility for helping solve state correctional problems. None of the thirteen upper trial court judges agreed that state court administrators held this responsibility, but seven of eight state correctional officials agreed. A wide range of trial court administrator activity within the correctional relationship was reported. Correctional officials accord all court officials more responsibility in helping solve these problems than court officials accept.

Correctional officials tend to initiate more joint meetings than courts do, and express more problems with communication than court officials acknowledge and more problems with reports from the courts than judges or administrators noted with correctional information. They asked for closer working relations with the judicial system. They also saw more value and fewer problems associated with correctional administration than court officials accepted.

A number of officials, termed "responsibilitarians", generally accorded all court officials as having responsibility for helping solve correctional problems. Another group, the "abstentionists", generally disagreed with responsibility for any court official. One significant exception to this typology occurred with the latter group. In disagreeing that the state court administrtor had responsibility for solving state correctional problems, respondents nonetheless agreed that trial court judges held responsibility for local correctional problems.

Ninety percent of court officials thought training programs dealing with alternatives to institutionalization and with basic issues in the courts- corrections interface would be useful. Seventy-five percent of these officials would be interested in attending a workshop involving teams of state and local court and correctional personnel addressing the joint problems of courts and corrections.

3. Courts and Corrections: An Agenda for Cooperation

This monograph defines court administration as encompassing functions performed both by judges and court administrators. A proactive court administration is seen as enhancing the judicial system's maintenance of its fundamental processes and the management of its increasing workload. Accordingly, court management requires leadership and an active stance in administering the court and in obtaining coooperation and assistance from related organizations, such as correctional agencies.

Drawing on data derived from the study and logical expansions of this information, the monograph describes and prescribes activities that can usefully be undertaken by judges and court administrators both in the broader correctional context and at the different case processing stages. These materials relate to court policies and procedures, information system development and exchanges, judicial awareness of correctional issues, liaison with and oversight of correctional services, advocacy for criminal justice system improvements, and participation on judicial and interagency commissions.

Recommendations are made:

- To expand trial court administration activity in regard to pretrial jailing and its alternatives; criminal caseflow; sentencing practices and sentencing alternatives; formal and informal working relationships with corrections; and to obtain a greater acceptance of responsibility for working to help solve correctional problems on the part of the state court administrator.

- To expand the curriculum of institutions providing training to judges and court administrators to offer course content related to judicial system responsibilities in relation to corrections, skills development in working with the intersection of courts and corrections, and to provide increased information as to correctional administration and alternatives to incarceration. Seminars with state and local correctional personnel are supported as a method for facilitating a combined address to correctional problems.

- Further research is encouraged to evaluate formally structured inter-organizational councils, a more extensive inquiry into state and trial court administration functions in regard to corrections, and for a more expansive assessment of data exchanges between courts and corrections.

COURTS AND CORRECTIONS

LITERATURE REVIEW

By

H. Ted Rubin and Warren Paul

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Introduction

Courts and corrections along with law enforcement form the three major segments of the criminal justice system. Between them they process and intervene with individuals accused of committing crimes from apprehension through trial and punishment to return to society. The actions taken by one of these segments may well have an impact on the operations of another component. For example, when a court adheres to a more stringent pretrial release policy (setting high bail due to concern about reoffenses prior to trial or disposition), local jail population will increase. The judicial imposition of more severe sentences will also have its effects on correctional institutions. While these three components do comprise a system in terms of processing many of the same people, they often operate more like three separate systems. Using the term "system" to describe the workings of the police, courts, and corrections might be misleading. "A system implies unity of purpose and suggests an organized interrelationship among components, and no such relationship exists with police, courts, and corrections. On the contrary, there is only a continuum through which an accused offender may pass".[1] Lack of coordination of effort is cited as early as 1931 in the report of the Wickersham Commission[2] and has been repeated many times since then. It is not that there should be a unitary purpose among these three types of organizations, but rather that there must be effective cooperation between them.

The larger study, of which this literature review is one part, examined judicial system relationships with correctional agencies at both state and local levels and explored avenues that might improve these relationships. The literature review was conducted to locate written materials which addressed this interchange. Four primary sources of materials were investigated:

- Recommendations of national commissions or task forces;
- State statutes and administrative rules
- Court decisions; and
- Legal periodicals and justice system journals.

These sets of materials were selected because it was believed they would be reflective of current and proposed policies and practices and because they were rea sonably accessible. Reports of national commissions are prescriptive and represent a "good government view" of what norms and goals should be like. Commission recommendations often lack an empirical base but capture what commission reporters and members accept as the cutting edge of developments. They tend to draw on statutes, court decisions, and the professional literature which is prominent and which tends to support commission directions. Statutes often reflect informal practices which are deemed useful and therefore codified; while certain laws might fall into disuse or be implemented only partially, they are viewed as influential by the governmental systems impacted by them. Court decisions, largely in federal courts, have reviewed state and local correctional programs and have weighed correctional practices against constitutional standards. The decisions reflect the tension between the boundaries of judicial oversight and the autonomy of correctional administration. To some degree, the decisions respond to intergovernmental deficiencies in achieving an effective correctional administration. The professional literature offers a broad range of opinion and the reporting of interested and disinterested observers. Selected writings may offer insights useful to understanding and furthering a framework for considering the areas addressed by the study.

Reviewing these sources should give an indication of the importance this relationship may have among practitioners and commentators. In addition to articles in which court and/or corrections practitioners discuss how they relate or should relate to each other, particular intersecting areas were searched, such as: how pretrial release decisions affect jail populations; how a change in sentencing policy (e.g., determinate sentencing) affects prisons; the degree to which sharing of information across systems occurs (e.g., individual offender records, aggregate data); the degree of cooperation in policy planning; the importance attached to learning the purposes and problems of the other components; and how corrections has been affected by recent court decisions.

It was decided, in order to give some closure to this review, to confine the search generally to materials published since 1970.

I. RECOMMENDATIONS OF COMMISSIONS

Since the Wickersham Commission report[3] and the 1976 report of the President's Commission on Law Enforcement and Admnistration of Justice[4], several other organizations have recommended changes in the criminal justice system. Standing prominently among these are the National Advisory Commission on Criminal Justice Standards and Goals[5] (hereinafter referred to as NAC), which entered its report in 1973 , and the American Bar Association (hereinafter referred to as ABA) Project on Standards for Criminal Justice[6] which began approving draft recommendations and final reports in the late 1960s and published revised standards in 1980. An ABA Commission on Standards of Judicial Administration published approved standards relating to court organization[7] in 1974 and to trial courts[8] in 1976. These commissions did not focus extensively on the need for greater communication and joint planning between the courts and correctional systems, but their products make recommendations which show an awareness of the need for closer working relationships between these two components.

Considering that the members of the NAC represented a range of diverse justice system interests and professions, it is not surprising that the recommendations strongly favor cooperation and comprehensive planning on both state and local levels of government. One recommendation highlighted in an NAC summary publication[9] is "that all major cities and counties establish criminal justice coordinating councils under the leadership of local chief executives". These councils (CJCCs) would include representation from the various components of the justice system. They would function as local planning boards addressing problems that affected each segment of the system. As evidence that CJCCs can effectively act in the manner proposed, the report cites the New York City CJCC which, faced with a jail overcrowding situation, devised a relatively comprehensive strategy which considered a range of alternatives: a new facility, new

pretrial release projects, increased diversion programs, and speeded up court case processing. Elsewhere, the NAC makes an additional recommendation for court-centered coordinating councils, at state and local levels, to be formed by the chief justice or presiding judge, and to include judicial and criminal justice system officials along with members of the public. These councils should address ongoing court administration and coordination problems.[10] No recommendation is made to create a vehicle for judicial input into correctional programming or planning. Mention is made, however, that "The appropriateness of the sentence imposed by the court will determine in large measure the effectiveness of the correctional program", and that "The essential ingredient in the integration of courts and corrections into a compatible system of criminal justice is the free flow of information regarding sentencing and its effect on individual offenders."[11]

Both the NAC and the ABA address the issue of pretrial release. The NAC notes the importance of the judiciary's maximizing alternatives to pretrial detention as a means of reducing jail populations and outlines procedures to facilitate pretrial release[12]. The ABA also encourages pretrial release. This position recognizes that an individual is presumed innocent until proven guilty, and acknowledges that "the maintenance of jailed defendants and their families represents a major public expense".[13] The ABA recommended that monetary bail be utilized "only in cases in which no other conditions will reasonably ensure the defendant's appearance".[14]

The more knowledge a practitioner has of the workings of the other components of the criminal justice system the better his decisions should be, in general, and in relation to the other components. Such is the premise behind the idea of educating criminal justice professionals as to all aspects of the system. The NAC and ABA both address this concern in relation to educating judges, but not in terms of other court professionals. The NAC recommends that new judges attend both local and national orientation programs and a national judi-

cial education program within three years of appointment or election to the bench. Part of the in-state program should include visits to all institutions and facilities to which an offender may be sentenced. "A judge should be fully informed as to the kinds of programs and conditions to which he is sentencing offenders".[15] The NAC also urged that judges attend sentencing institutes that, preferably, are held in a state penal institution.[16] Correctional personnel are encouraged to participate in judicial sentencing institutes in order to enhance their communication with the judiciary. The ABA provision[17] includes an orientation for new judges, and regular visitation of facilities. The ABA also emphasizes that in instances where the judge commits an offender to the state correctional department and not to a specific institution, the judge should familiarize himself with the correctional classification system.

The NAC and the ABA encourage judicial system employment of state and trial court administrators. NAC urges the appointment of a state court administrator in each state. Except for a broadscale standard that this official should maintain liaison with governmental and private organizations, both the standard and commentary are silent as to this official's functions in relationship with correctional agencies.[18] Similarly, a standard recommends the employment of a trial court administrator in all courts with five or more judges, but this official's functions do not include even the liaison responsibility with correctional agencies.[19] ABA recommendations for these officials generally parallel the NAC, but though they tend to be more specific in itemizing the different functions of these offices, they tend to ignore the courts-corrections relationship. A general liaison role with other agencies is supported and, at the trial court level, this official is granted responsibility for the overall administration of judicial branch employees including probation officers and mental health personnel performing diagnostic and consultative functions.[20]

The NAC, in seeking to upgrade the qualifications of present and prospective correctional employees, supports their enrollment in a criminal justice curricu-

lum that unifies "knowledge in criminology, social control, law, and the administration of justice and corrections".[21]

The ABA goes further than the NAC in trying to keep the judge well informed of offenders in the local jail and to provide feedback on those they have already sentenced. It recommends that "The trial judge should periodically make careful inquiry concerning persons held in jail awaiting formal charges, trial, or sentence. The judge should take appropriate corrective action when required."[22] A recommendation in the original set of ABA standards was aimed at providing judges with a feedback mechanism on their own decisions and advising them as to the success or failure of various correctional programs. It stated, "In order that judges may be in a position to appraise the effects of their sentencing practices, they should be regularly informed of the status of offenders whom they have sentenced, as well as provided with broad statistical information concerning all offenders sentenced in the state."[23] In the second edition this standard was revised to recommend research be conducted, possibly by a sentencing guideline agency, to evaluate different dispositions and offenders' success rates, and conduct empirical research on sentencing reforms.[24] While the ABA embraced the benefits gained from informing judges of what happens to those they have sentenced, there is no companion recommendation to inform correctional officials or paroling authorities of why the judge imposed the sentence he did. The ABA does recommend providing corrections with information in the probation agency's report that might be useful to prison authorities. This information is of value in developing institutional program classifications, for maintaining family ties, clearing mail, and, ultimately, for the parole decision and to aid the parole agent function.[25]

These recommendations, then, focus on the intersystem coordination of activities and planning, on informing the judiciary of the pretrial status of offenders and the effects of their sentencing practices, tend to ignore court administrators' roles in assisting the judiciary with interorganizational coordina-

tion and obtaining correctional information, but support further education of the judiciary and correctional officials in becoming more knowledged of the broader criminal justice system.

II. STATE STATUTES

State statutes were researched to discover what, if any, mandates were placed on the criminal justice agencies that have relevance to the courts-corrections relationship. Because of time constraints, it was decided to sample, in the main, several states' statutes in order to obtain in indication of the types of provisions utilized.

United States Law Enforcement Assistance Administration (LEAA) funding had required that states develop a statewide criminal justice planning council to allocate these funds. These councils were to have representatives from the range of criminal justice agencies. Every state established such a council, often by statute. Court officials became engaged with law enforcement and correctional officials in approving state and local plans for improving the criminal justice system, in determining funding priorities, and in allocating monies.

Periodic feedback from local correctional facilities to the courts is mandated, in terms of the jail population, in at least 24 states, according to the ABA. For example, the Delaware statute reads, "the board or officer having control of any prison shall deliver to the Superior Court on the first day of each term, a list of all prisoners therein with the cause of each commitment".[26] However, "Whether or not such a statute exists, the court has inherent powers to require similar reports for all persons held awaiting trial or confined upon court-issued process. Such reporting tends to insure against unauthorized or protracted confinement."[27]

Another type of statute provides for the transfer of at least the court commitment papers to the correctional facility to which an offender is sentenced.

New York law requires ". . . A copy of the presentence report, a copy of any presentence memorandum filed by the defendant, and a copy of medical, psychiatric or social agency report submitted to the court or the probation department in connection with the question of sentence must be delivered to the person in charge of the correctional facility to which the defendant is committed. ..."[28] This information can be useful at both ends of a person's sentence: correctional classification and parole decisionmaking and supervision.

Some statutes require that the sentencing judge be notified and afforded an opportunity to submit comments on an offender being considered for parole release. Others provide for immediate transmission of information brought out at the trial and sentencing hearing to correctional agencies. Also in New York, the clerk of the court shall upon the request of the parole board supply such information to the board that the clerk may have in its control.[29]

Many states have laws requiring both the courts and correctional departments to make annual reports detailing their activities. Typically these publications are made to the legislature and are not required to be shared with other systems or agencies. The California Judicial Council, by constitutional provision, must file an annual report with the governor and the legislature which includes recommendations to improve the administration of justice.[30]

Few states, however, require personnel of the courts and of correctional agencies to meet on a regular basis to report their activities or confer on improvements to the criminal justice system. Some attempt is made in New York to encourage development of probation policy which takes into account judicial needs. The New York Probation Commision, which is to assist the director in fulfilling his responsibilities, is mandated to have four administrative directors of courts as part of the nine-member commission.[31] More recently, a Georgia statute has created an Advisory Council on Probation composed of ten superior court judges to make non-binding recommendations to the executive branch Department of Offender Rehabilitation to improve probation services.[32] While New York statutes do not

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require judges to acquaint themselves with correctional facilities, the court rules adopted by the Office of Court Administration do have such a requirement. Within six months of taking office a judge must visit at least one state-run prison, local prison, local jail, and a facility operated by the Drug Abuse Control Commission.[33]

As will be outlined in a later section, courts have entered many orders requiring substantial changes in the administration of correctional facilities; cases have upheld a court's right to intervene. However, in Virginia, statutes expressly permit such judicial intervention. The law provides that the circuit or corporation court shall appoint someone to inspect the jail and if the jail is found to be "insecure or out of repair, or otherwise insufficient, it shall be the duty of such court to award a rule, in the name and behalf of the Commonwealth against the governing body of the county...commanding them to erect a jail for the county or city, or to cause the jail of such county or city to be made secure or put in good repair. . ."[34] When the local jail is utilized by more than one locality, any repairs required are to be funded by the localities in proportion to their utilization of the jail. Disputes arising on the costs assigned to each locality shall be resolved by the court having jurisdiction in the locality in which the jail is located.[35]

These statutes, then, recognize the intersystem dependence upon the presentence investigation report, require the transmission of these reports as well as court orders to correctional agencies, encourage certain interagency collaboration at the policy planning and implementation stages, provide for certain prisoner status information to the judiciary, and indicate certain judicial roles beyond factfinding and sentencing. These statutes are relatively consonant with national commission directions although commission-produced standards go beyond many of the reported statutes.

III. COURT CASES

Federal court decisions ordering substantive changes with a wide range of prison and jail conditions have become commonplace in the last ten to fifteen years. At times a court finds that incarceration practices or provisions violate the constitutional rights of inmates and require the administration to devise a plan to correct the situation. In other cases courts have been more proactive in ordering specific remedies, sometimes necessitating large expenditures of public funds.

There are few, if any, aspects of prison or jail administration that have not been the subject of a court order to bring the situation up to what a court deems constitutionally required. By no means a comprehensive listing of such cases, the following decisions are mentioned to illustrate the range of issues covered and remedies ordered. The stretch of these decisions is from basic sanitation and nutritional needs of inmates to rehabilitation deficiencies and overcrowded conditions. The decisions, of course, represent both a commentary on the quality of care government provides to offenders and a call for improved collaboration between the three branches of government.

Unsanitary conditions in the form of inadequate toilet facilities, showers, and sinks, as well as poor plumbing have been the basis for court action.[36] Remedies in these cases have required increasing the number of toilets to a specified ratio, compliance with state sanitary codes, and instituting rodent control programs.

Inadequate medical personnel or services and improper medical procedures have been subject to court orders.[37] Common remedies ordered in these cases have been the hiring of additional personnel who have appropriate credentials and restrictions on the use of inmates as to experimental medical procedures.

Courts have held the food served to be inadequate and ordered changes, in one case ordering the prison to provide special diets for individuals with particularized health or religious needs.[38]

Classification procedures have been the subject of several court cases where

it was alleged a system was either nonexistent or deficient in separating out individuals requiring maximum security. The courts have held certain classification systems inadequate. In an Alabama case, the court directed the correctional agency to employ staff from the Department of Correctional Psychology, University of Alabama, to assist in the development of a classification system. The Delaware Correctional Center was ordered to establish a classification system able to separate violent inmates from the rest of the population, even though it was known this would lower the institution's capacity.[39]

Rehabilitation program deficiencies have also been subject to court orders. In the case which held the entire Arkansas prison system to be in violation of the Eighth Amendment's prohibition against cruel and unusual punishment, the lack of rehabilitative programs was prominently cited. While prisons were under no constitutional mandate to improve the rehabilitation potential of their inmates, the lack of training and rehabilitative programs actually worked to mitigate against any improvement. Inmates had the right to be protected from this type of environment.[40]

Overcrowding is perhaps the most frequent condition to come under judicial review. Lawsuits involving overcrowding usually argue that such conditions constitute cruel and unusual punishment, thereby violating the Eighth Amendment.

One federal court held that overcrowding at the Maryland Penitentiary and the Maryland Reception, Diagnostic, and Classification Center violated the federal constitution. The court left it to the correctional administration to devise a solution.[41] Other courts have found similar constitutional violations but have taken more directive stands. They have ordered these prisons to house inmates in at least sixty square feet, the American Correctional Association recommended standard.[42]

Courts, in other overcrowding cases, exercised a still more active role in ordering specific remedies to reduce overcrowded conditions. Most double celling in the Oklahoma prison system was abolished and a reduction in overall population was mandated.[43] One court ordered the prison population to be reduced

by eight to ten percent less than design capacity, thereby permitting the flexibility needed to move inmates within a facility when necessary.[44] In these cases, the courts did not specifically direct how such reductions were to occur. Early parole, decreasing the number of individuals sentenced to prison, construction of new facilities or additions to existing facilities, and transfer of inmates to facilities not covered under a court order are some of the strategies to achieve compliance with these court orders. It should be kept in mind that only the transfer of inmates and, in some states, early parole are actions within the control of the correctional administration. Legislative bodies approve funds for construction and parole release is often determined by a paroling authority independent of the correctional administration. Further, the courts essentially determine who is imprisoned.

One of the most far reaching cases involving judicial intervention into the administration of prisons limited the prison population to its designed capacity. To reach that level, the court ordered that no admissions be accepted beyond capacity with the exception of escapees or parole violators.[45]

The above-mentioned overcrowding cases involved state facilities for sentenced offenders. The federal courts have also been confronted with substandard conditions and overcrowding in local correctional facilities where a large percentage of inmates are pretrial detainees. Courts have held that pretrial detainees may not be subjected to conditions beyond those required to insure jail security or detainees' appearance in court.[46] In a New York City case, the court found that treatment of detainees at the Manhattan House of Detention was worse than that accorded to sentenced offenders serving terms in state facilities.[47]

These factors have often resulted in courts ordering substantial changes in local correctional practices. Double celling of detainees in a 40 square foot area for 14-16 hours daily has been prohibited.[48] However, the U.S. Supreme Court decided that double celling of state prison inmates was not <u>per se</u> unconstitutional. The court decided that when the totality of the circumstances was viewed, this practice at this particular prison did not amount to cruel and unusual punishment.[49]

In cases involving the local jails in Dallas and Little Rock, courts have found conditions violative of detainees' constitutional rights and ordered the facilities renovated as well as new construction.[50] A federal district court on July 11, 1974 ordered the Manhattan House of Detention (the "Tombs) closed by August 10, 1974 due to a variety of constitutional violations, most notably overcrowded conditions. Subsequently, the federal circuit court ruled that the district court was acting within its authority.[51] A federal district court also ordered fifty-four remedies to improve the conditions of the Orleans Parish Prison including construction of a new infirmary and hospital, the hiring of additional medical, kitchen, and custodial staff, as well as the establishment of a City Department of Detention and Corrections.[52]

Court orders requiring a large expenditure of state or local funds to correct deficiencies may result in questions as to whether the court may have overstepped its authority. The authorization for expenditure of public funds, it is contended, is the responsibility of the legislative and executive branches. This view was argued by the City of New York where a federal circuit court concluded that the trial court could not order the city to expend any funds even to alleviate constitutional violations; however, it could require the release of individuals from facilities where such violations existed when conditions were not corrected within a reasonable time.[53]

Prison and jail suit litigation is costly in many ways and continues at a significant pace. In seeking some resolution of the tensions that arise in these settings, these decisions promote additional tensions between the courts and correctional agencies and the public as well.

IV. LITERATURE

The general sense that arises from a review of legal and criminal justice journals is how few articles have appeared since 1970 which have directly addressed the issues surrounding the courts-corrections relationship. In their articles, criminal justice practitioners, specifically judges and prison officials as well as commentators on the justice system, have devoted very little attention to either describing examples of productive working relations between courts and corrections personnel or analyzing how various practices interact between these subsystems.

There have been many general articles on criminal justice from which it could be concluded that a particular practice has an impact on more than one segment of the justice system. The following presentation, however, considers only those materials which highlight the importance or relevance of specific practices that affect both courts and corrections. The movement towards determinate sentencing illustrates this consideration. Generally, these proposals or descriptions are discussed within the context of court practices or project the effect of such sentences on offenders. While it is obvious that adoption of a determinate sentencing scheme will affect the nature and size of the correctional system, relatively few articles have described such effects other than in passing comments.

An example of a source which does consider this relationship is a pamphlet prepared for the National Institute of Corrections. Attention to determinate sentencing schemes is discussed in terms of the failure or at least the unrealistic expectations of the medical model and indeterminate sentencing practices. The determinate sentencing statutes adopted in Maine, California, Illinois, and Indiana are presented along with research findings on the impact of these sentencing revisions on prison populations. The pamphlet ends with an outline of other correctional considerations related to determinate sentencing such as: good time credits, resentencing of previously sentenced offenders, prison staffing, and correctional programming.[54]

Another example concerns non-monetary alternatives to bail. Such projects as the Vera Manhattan Bail Project have received a great deal of coverage. The focus, however, is usually on the impact of pretrial services on the courts or individual defendants. Less frequently is major attention directed to the correctional impact. Only when an article specifically considers how bail practices will effect local or state correctional facilities is it considered to shed light on the courts-corrections relationship.

Using the above criteria, the majority of relevant articles can be placed into two categories. The first group of articles considers the effects court decisions and orders have had on the administration of correctional facilities. The second category includes articles describing efforts at courts-corrections collaboration or in outlining problems whose solutions may lie in closer relations between the judiciary and correctional agencies.

A. The Literature on Judicial Intervention

Judicial intervention into conditions at correctional facilities is not a case of a collaborative effort between courts and corrections agencies but a matter of courts imposing their decisions upon correctional systems. Correctional administrators have written critically of court intrusion into correctional administration. The director of the Texas Department of Corrections has suggested that court orders such as in the Alabama case of Pugh v. Locke[55] which mandate massive changes in an entire prison system have gone beyond the legitimate realm of judicial authority. Such decisions usurp the executive and legislative powers since they "write laws and appropriate monies without any accountability to the electorate".[56]

Correctional administrators may resist compliance with court orders. Organizations which view such orders as constituting improper outside influence adapt their practices in such a way as to maintain the status quo. Prison administrators faced with such court orders may engage in a reinterpretation rather than an outright rejection of the directives. The basic reason for noncompliance is

that corrections personnel do not feel that inmates deserve due process rights since they themselves lack such guarantees in the positions they hold within the prison.[57]

Another opinion focuses on the thin line to be drawn between issues which are solely matters of penal administration and those which should be reviewable by the courts. Prison administrators have responded to court orders in one of three ways: 1) provocative--outright defiance of the order; 2) defensive-- minimal compliance with the order; or 3) positive--using the order as a guide to future progress in prison administration. The most common response has been to take the middle ground of minimal compliance. The article suggests that a positive approach be adopted by correctional agencies. Instead of viewing the courts as an adversary, correctional administrators should work with the courts in assuring that prisons effectuate their purposes within constitutional standards.[58]

Most of the articles on judicial intervention into prison or jail conditions argue the pros and cons of court involvement in general, or as this relates to a specific facility. One author examined how specific court orders have affected prison conditions. The reaction to court orders varies from officials who feel judges are compelling unrealistic standards to others who view the court order as a beneficial outside force and ally. Benjamin Malcolm, former commissioner of the New York City Department of Corrections, is cited as welcoming the involvement of the courts. "If there is going to be change I think the federal courts are going to have to force cities and states to spend money on their prisons. . . I look on the courts as a friend."[59] The correctional response to court orders involving the prison systems of Rhode Island, Alabama, and Mississippi is described. All three states arranged increased funding for the renovation of old buildings or new construction and other requirements. Mississippi closed eight camps and built six new facilities following the court holding that the entire prison system was unconstitutional. Mississippi's prison system

budget jumped from $3 million in 1972 to $13.5 million in 1977. In the case of Alabama, compliance with the order to reduce overcrowding created some unforeseen and unfortunate conditions. Sentenced offenders, unable to be received in state prisons, remained in local jails, often in conditions worse than existed at state institutions. As of September 1977, 2,800 convicted offenders awaited transfer to an Alabama state facility, some for as long as three years. A number of the prison administrators who were involved with such court orders were opposed to the forced changes but did acknowledge that certain positive results had followed the decisions.[60]

The debate over judicial intervention includes the question of what is subject to review and what is reserved solely for prison administrator determination. "By dictating precise standards down to the length of the urinal trough required for each dormitory--and by appointing officials to see that they are met, federal judges have come precariously close to taking over state prisons."[61] One author argues that above all else courts must remain independent and neutral arbiters of disputes. They should not be engaged in prison lawsuits on the basis that the courts are ultimately responsible for the individuals they have sentenced to prisons. Only in the area of judicial administration should judges consider it is within their authority to vigorously pursue more efficient or just practices. The quality of judicial administration affects their ability to function. Similar issues in correctional administration do not have the same impact on the court's ability to function.[62] However, another writer considers that judges are general overseers of the criminal justice system including the prisons. Courts have a duty to become involved in the administrative aspects of correctional facilities.[63]

In France, the judiciary is very much involved in correctional administration. Sentencing judges decide when inmates serving sentences of less than three years shall be paroled. They are also active participants in deciding what treatment plans will be utilized with specific individuals.[64]

While the role, purpose, and propriety of federal court oversight into correctional administration is still being debated, it is clear that the application of constitutional protections does not stop at the prison gate or jailhouse door. Judicial activism may be resisted by correctional administrtors but certain benefits have resulted from this intervention. The controversy shows no sign of abatement but supports the need for state and local court and correctional system cooperation aimed at, among other objectives, reducing the need for this litigation.

B. The Literature on the Interrelationship of Judicial and Correctional Practices

Certain criminal justice practices affecting both courts and correctional agencies have been the subject of articles or books. Bail practices, pretrial release programs, the content of presentence reports, and cross-system planning and information sharing are four such areas.

Pretrial release practices impact inmate populations in local jails. As set out earlier, the National Advisory Commission recognized this relationship and urged the expansion of programs to increase pretrial release through alternatives to commercial bail. Many pretrial release programs have been initiated. One work describes the rise of such programs particularly in the context of local jail overcrowding. The Santa Clara County Pretrial Release Program (PTRP) is reported as a program which began in response to jail overcrowding and a desire on the judges' part to have better information on which to base decisions regarding pretrial release. The primary impact of the program has been a reduction in jail population. Successful implementation of the PTRP was due in part to the involvement of the judiciary in the policymaking for the program. Pretrial release programs in New Orleans and New York City are mentioned as programs with similar goals of reduction of jail populations.[65]

In a study of bail decisionmaking and its effect on the justice system, a researcher found that pretrial release or local jail status does not affect the outcome of the court process in terms of after-filing dismissals or acquittals

at trial. It is correlated, however, with diversion decisions. Further, for those who are convicted, pretrial status is related to sentence severity. Those held in detention during court proceedings are far more likely to be incarcerated.[66] Judges, of course, influence who is detained by the bail amounts they set and the criteria they use with pretrial release.

The presentence investigation report's primary functiuon is to assist the court in sentence determination. Several articles have recognized the importance of this report for correctional agencies. Presentence reports are also utilized by probation officers in determining supervision intensity, for the initial classification of incarcerated inmates, and in supplying certain of the basic information on which parole decisions are made. Several articles discuss the importance of the report to correctional administrtion. The trend toward the use of parole guidelines involves a shift away from subjective information concerning an inmate's attitudes or readiness to return to society and a greater reliance on objective information related to an inmate's criminal activities prior to incarceration. Presentence investigation reports contain criminal history records. One author points out that the accuracy and content of the presentence report will increase in importance as parole guidelines are further institutionalized.[67] This would apply, as well, to the growing use of judicial sentencing guidelines.

A major recommendation of the National Advisory Commission, and a focus of the within study, involves the need for planning and communication between court systems and correctional agencies concerning their respective practices and mutual problems. Some articles have been written which either argue for such planning or draw attention to such efforts that have been established. Soon after the release of the NAC standards an editorial in a judicial system journal endorsed the Commission's stand on comprehensive criminal justice planning with a central role to be played by the judiciary.[68] The National Council on Crime and Delinquency endorsed a similar position one year earlier.[69] The potential

for coordination between components of the justice system varies. The history of a relatively close working relationship between police and prosecution makes their cooperation relatively easy when compared with the possibility for more intensive cooperation between courts and corrections. According to one author, the strict adherence to the separate responsibilities of the judiciary and correctional agencies will make cooperation on mutual problems quite difficult, though not impossible.[70] Another writer agrees that such linkages will be difficult and that their success will largely depend upon the work of policy planners in each agency. They will have to develop guidelines for structuring discretion which take into account the needs of other agencies within the justice system.[71]

The sharing of information concerning offenders among criminal justice agencies is one form of cooperation which has increased. A number of cities received LEAA funds to establish a computerized information system. This system would contain data on criminal offenders collected from each criminal justice agency and permit easy retrieval of this information. Developing a uniform system of reporting which nonetheless contains the information needed to fulfill the diverse requirements of all agencies utilizing the system is one of the most difficult problems to solve.[72] Seemingly, jointly developed information systems appear to benefit all organizations within the criminal justice system. Jails can retrieve a next action court date for all detainees; courts can measure case delay; whether a charged defendant is awaiting trial on a prior charge or is currently on probation status can be ascertained.

In addition to cooperation in sharing information, there has been a sharing of ideas in considering improvements among criminal justice agencies. It appears that the relevant agencies in quite a few communities have established a formal group to discuss problems of mutual concern. Informal collaboration occurs also. A court research and planning unit in Los Angeles was initially funded by federal monies to be an independent unit providing the courts with

analysis of their problems and possible solutions, taking into account the needs of other justice agencies. The hope was that this unit would help end the court's isolation from the rest of the criminal justice system. The unit was instrumental in bringing together court, corrections, and alcohol abuse agency representatives to discuss the problem of the alcoholic. The result was a detoxification center to handle these individuals.[73]

Court involvement in developing detoxification centers and other "nonjudicial" activities is a sign that judges do expand their roles beyond the strict judicial decisionmaking function. Judges in Santa Clara County, California undertook a major effort to define their proper responsibilities. A survey of public attitudes toward the judiciary disclosed that judges were unconcerned with corrections, were inaccessible to other officials, and had an insufficient concern with fiscal constraints. The judges sought to change this situation by adopting a statement of principles that accepted the premise that judges have a responsibility to improve the entire criminal justice system. While some judges initially considered that jail overcrowding and the quality of probation supervision were not proper matters for judicial involvement, they subsequently agreed to a statement of principles enlarging the judicial role. The statement called on the judges to set policies for non-monetary alternatives to bail projects, visit the jails regularly, meet with jail officials, and retain jurisdiction over offenders whom they sentenced to non-state programs.[74]

Judicial system efforts to reduce the processing time required with criminal cases has intensified recently. One dimension of a comprehensive approach seen as necessary for speeding up caseflow is the regular convening of a coordinating council of principal actors in the criminal justice system. This was effectuated in Multnomah County, Oregon and replicated in other metropolitan courts by the Whittier Justice Center team. The court shares with major criminal justice decisionmakers the legal events and current and proposed timeframes between these events. Steps that need to be taken by all agencies to reach model time

standards are considered. Data are provided at monthly meetings for group examination of case processing progress. Task forces are assigned to address problems requiring more intensive review by two or more agencies that are relevant to these issues. Professional staff assist the council and task forces. Participating corrections officials may include jailers and pretrial release agency and probation directors. The principle of court control of the court's calendar was invoked.[75]

An evaluation of four metropolitan courts engaged in criminal case delay reduction programs found that success was related to the degree to which judges perceived their judicial autonomy was seriously threatened by a more activist court role. Further, it was noted that criminal justice coordinating councils periodically fell into disuse but provided an important forum for interagency communication during critical periods of planned change. They constituted vehicles for information sharing, interagency input, program legitimation, and improved communications.[76] Attention to and accommodation of perceived judicial autonomy would seem to be a still more necessary accompaniment to any application of a coordinating council strategy to address prison or jail overcrowding.

Finally, an exhaustive study of correctional facilities completed by Abt Associates found that most states had a prison inmate population which exceeded the bed capacity of the system. In general, the study recommends more systematic state policies as to the use of prisons. Specifically, legislation should be enacted defining minimum living space requirements. Recommendations are made for improved procedures with prisoner classification, with intake and release decisions, and for the filing of regular reports on prison capacity and population with sentencing judges. It is believed that such information will encourage judges to consider current prison space availability when entering discretionary sentencing decisions.[77]

Thus, many aspects of courts and corrections are interdependent and this needs to be recognized by these respective organizations. Innovations and improvement efforts with both court procedures and correctional programs should involve their joint participation where such changes require altered practices by or affect the operations of the contingent agency. The values derived from cooperation need not intrude upon judicial or correctional autonomy.

V. SUMMARY

The criminal justice system is composed of separate agencies which are administered independently. While these agencies share an interest in the reduction and impact of crime, each has its own specific needs and goals. That these goals are not always identical, and in fact are at times contradictory, leads many to call this a "non-system". There have been increasing calls in the last ten or more years to better organize the overall system and to encourage cooperation among the various agencies which frequently deal with the same offenders. The court's increasing activism (called by some intrusion) into the administration of correctional services has focused attention on the need for greater cooperation. The following types of recommendations for improving the system can be discerned from the several national commissions and the literature.

1. Education of judges and other court officials as to correctional programs, issues, and the effects of court practices on correctional administration;

2. Visits by judges to prisons and jails;

3. Interagency coordinating councils comprised of court, correctional, and related criminal justice officials to consider joint planning and problem solving;

4. Regular communication between court and correctional officials regarding joint problems and issues at the top and middle management levels;

5. Regular flow of information on offenders' jail and case status between correctional facilities and courts;

6. Development of uniform reporting procedures for use by all criminal justice agencies to permit the sharing of information across agencies;

7. Reporting of prison and jail capacity and population to sentencing judges;

8. Judicial involvement in bail reform, alternatives to bail, alternatives to incarceration, rehabilitation programs, and reduction in pretrial detention time efforts.

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COURTS AND CORRECTIONS

INTERRELATIONSHIPS IN EIGHT STATES

By

H. Ted Rubin and Roger A. Hanson

TABLE OF CONTENTS

Introduction

That the courts perform a pivotal role in the criminal justice system and that they have numerous problems with the administration of the judicial system are well known features of American society today. That the correctional agencies which house or otherwise intervene with persons charged with or found guilty of crimes perform a central criminal justice system role and that these agencies, particularly the jails and prisons, are beset with myriad problems in seeking to execute their functions are also well known. That these two types of organizations, in performing their own respective functions, impact upon the operations as well as the responsibilities of each other has been documented in recent years by national commissions that have entered prescriptions to improve each of these systems, in statutory provisions, by court decisions that have proscribed certain correctional practices which themselves have been impacted by judicial activities or inactivities, and by a swelling literature.

A thesis of this study is that while each system has much to do to put its own house in order, and while many improvements can be observed, the interacting nature of these two systems compels substantially more cooperation between them than has thus far been evidenced. While it may seem natural for each system to assert its own autonomy and to prefer to maintain accountability only for its own more direct functions, the parameters of the interdependence are profound and appear to call for a strengthened commitment by officials of each system to inform, communicate with, and collaborate with officials of the other system. Although the law enforcement function is recognized as the third major system (or sub-system) that with courts and corrections comprise the criminal justice system, and while the administration of law enforcement is interdependent with and impacts upon the courts and upon correctional administration particularly at the local level, police practices are not considered in this evaluation.

The call to extend cooperation between the courts and corrections has received certain emphasis over the past fifteen years or so. The prescription to improve working relationships between these two types of organizations has been as simple as suggesting that judges visit their local jails or state prisons to gain at least a limited understanding of the nature of the facility in which persons charged with offenses that may undergo or have undergone judicial review are housed. The recommendation may extend to the creation of a formal intersystem council where representatives of these organizations share information, collaborate in the design and execution of planned improvements to their practices, and then evaluate and refine these approaches based upon the assessment of further data, of experience, and of more informed opinions.

Forever, there have been informal oral and probably, to a lesser degree, written communication between court and correctional officials. Structured, formal interorganizational efforts to address both individual and mutual problems are more recent occurrences. While information sharing and collaboration attempts may not reach maximum potential benefits and while they sometimes engender both disagreements and disappointments, such efforts more broadly inform, tend to reduce paranoia, and may well prove beneficial. Today's electronic world has actualized the far more rapid and extensive aggregation of data than has been possible in the past. Both court and correctional agencies have become heavily dependent upon computerized management information systems and we can anticipate that more information will be shared between these organizations.

The literature search conducted in conjunction with this study, and separately reported,revealed quite strong support for information sharing, communication, and collaboration across systems as well as certain problems that may follow the failure to achieve a useful interchange. Largely unanswered by the review, however, were descriptions of the nature of present court and corrections communication, how these officials view widely publicized correctional problems, and how they perceive the responsibilities of different government officials to help solve correctional problems.

To obtain this information, a series of parallel interviews was structured and administered by telephone to court and correctional officials in eight states. The judicial system officials included state court administrators, upper and lower trial court judges, and upper and lower trial court administrators. Correctional officials questioned were functioning at both state and local levels. The eight states selected for this examination, as shown below, included four states whose state prisons had been found by federal courts to be so overcrowded as to represent cruel and unusual punishment and were currently subject to ongoing federal court monitoring. The other four states had not experienced such holdings. Two of the "overcrowded" states and two of the "non-overcrowded" states were among the twenty-five most populous states, according to the 1980 census. Two "overcrowded" and two "non-overcrowded" states were among the twenty-five least populous states.

	Overcrowded States	Non-Overcrowded States
Large States	Florida	Minnesota
	Maryland	North Carolina
Small States	Arizona	Idaho
	Rhode Island	South Dakota

Seventy-three court and correctional officials were interviewed in these states, the frequency varying from eight to eleven officials per state. The state court administrator, a deputy administrator, or another official in this office comprised the state court administrator interviews. The director of a state department of corrections, the deputy director, or other assistant constituted the correctional interviews. The judges included chief trial court judges, chief criminal division judges, and other judges handling criminal cases. Trial court administrators were most likely to have been the chief executive officer. Local correctional officials interviewed included sheriffs and directors of local correctional departments or their lead deputies (see Appendix A-1 for a listing of the number of officials by type of position).

Also, on-site interviews were conducted with judicial and correctional officials in order to supplement the information derived from the overall literature search and telephone interviews. The states utilized for on-site examination were Arizona, an overcrowded state, and Minnesota, a non-overcrowded state (see Appendix A-2 for a listing of officials interviewed during the site visits). The enriched materials obtained in these two states are more amply set forth in the third publication of the study, a monograph directed toward developing a framework for collaboration between courts and corrections.

It should be said that this has been an exploratory study designed to provide a clearer picture of present practices and attitudes and of what might or should be taking place. It has not been a hypothesis testing effort and should not be viewed as definitive. It is a beginning rather than an end.

The presentation that follows reports on the tabulated results of the structured telephone interviews. Its first section considers the information and communication presently occurring across these systems, offers these officials' opinions as to correctional problems in their states, and discusses how the perception as to prison or jail overcrowding influences other beliefs as to practices and problems that may occur. The next section isolates how different officials assign responsibility for helping solve state and local correctional problems. A third portion of this paper examines correctional officials' viewpoints of these two systems and their interactions. Next, other data findings are reported that further extend the presentations regarding information and communication and of attitudes toward problems and responsibility for problem solutions. Finally, a summary of the data analysis suggests certain aspects of this interrelationship which appear to merit further attention and addresses concepts that will receive greater elaboration in the monograph.

I. INFORMATION EXCHANGES AND VIEWPOINTS

This section reviews a variety of informational exchanges between courts and corrections and several dimensions of their organizational interdependence. It

reports on how these officials view overcrowding and related aspects of the criminal justice system. An underlying premise is that there is value to greater rather than lesser familiarity with the corollary system.

A. Communication Between Systems

National standards commissions, certain statutes, and a number of journal articles suggest the value of sharing information between the court and correctional systems. Further, a federal court decision concerning overcrowded conditions may compel a state correctional department to provide daily inmate population statistics for monitoring by the court, the attorneys engaged in the suit, and other officials. The provision of similar information to trial court judges whose sentencing purview encompasses state prisons, whether overcrowded or not, has been urged by one recent study of America's prisons and jails.[1] While it is difficult to justify judicial sentences to prisons when space is available and to reject such a sentence when there is no space, one can embrace the value of sharing this information for use with joint planning efforts and in determining what types of offense and prior offense combinations most likely merit a commitment to the scarce resource of a prison. With overcrowding, accommodation methods are used at both state and local levels. For example, an Arizona correctional official indicated that several hundred state prisoners had been released administratively prior to their parole release date and were being supervised by parole agents pending formal assignment to parole status. Similarly, in Pima County (Tucson), Arizona, whose local jail has been held to be unconstitutionally overcrowded, a county corrections official provided information that he meets with pretrial release agency and probation officials when jail capacity is approached to determine which inmates should be recommended to the chief judge for speedy release. Certain criteria are used in the determination of early releases: a predictable and shortly to be arrived at official release at the state level; lesser offenders and those who have been detained a longer time at the local level. Further, information that a prison or jail is at, beyond,

or approaching capacity may alter judicial sentencing decisions. The safety valve of early release may compromise judicial intent and correctional administration objectives; its use illustrates the need for ongoing cooperation by the three branches of government to deal planfully with correctional policy and practice.

There was a very real difference among court official responses as to whether they were regularly informed of the number of inmates in a) state prisons and b) local jails. Few such officials reported they received prison population data. However, about two-thirds of the trial court officials reported the receipt of local jail data (see Appendix A-3 and Appendix A-4). That this information is more frequently shared at the local level reflects the closer working relationships that occur there as well as the still-to-be-formulated need for and use of this information at the state level. Respondents receiving state or local level inmate population data indicated that generally this was not mandated by law.

Court system officials reported that little information of other types, such as reports of inmate disturbances, offender progress, or rehabilitation research, was received by them from state or local correctional officials. A few state correctional annual reports were transmitted to the courts and at the local level prisoner complaints and certain program information were received by several judges. From the other direction, of interest is the report that Rhode Island court officials routinely advise state correctional officials as to the number of pending felony sentencing hearings so that the latter can to some degree predict and anticipate the case flow to their overcrowded correctional facilities. There appeared to be, in general, less use of aggregate cross-system data than would seem desirable for planning purposes by both courts and corrections. In addition, court officials are required, of course, to send copies of incarceration orders to state or local correctional officials. Courts inform work release program administrators of persons whose sentence includes

work release and sometimes advise correctional administrators when an offender appears to need a particular form of care or treatment. Where adult probation services are administered by the judiciary, presentence investigation reports and psychiatric or other evaluative studies are forwarded following commitment. Probation departments, however administered, may receive copies of daily sentencing calendars. Courts may also provide information of new procedures or laws that are relevant to corrections as well as court system newsletters.

Although relatively scant information was provided court officials, particularly state court administrators, by correctional officials, interview data suggest that when this information is provided, it is in fact reviewed by court officials. State court administrators review state agency materials and other staff members of this office review them as well. They reported seeking to correlate prison admission data with court sentencing statistics. They review other materials for "better understanding", and for "casual reading". One administrator, interested in obtaining speedier presentence investigation reports for the judiciary, noted that his request for correctional agency time frame data was all that was necessary to secure more swiftly completed reports.

Three upper trial court judges reported that they review state corrections materials along with the chief judge of the court, while the other eight judges sampled review these materials themselves. Judges reported using this information to better comprehend correctional problems, to explain to a defendant what awaits him in prison, to consider incarceration alternatives where there is prison overcrowding, or to decide whether to advise the parole board concerning a person being considered for parole. Upper trial court administrators also examine state corrections materials by themselves, or with the chief judge or staff members; in two settings the review function is delegated more exclusively to office staff members. This office reported using correctional data with case scheduling, passed relevant information onto judges for use, use it for their own educational purposes, or file it for potential reference.

Similar high figures are recorded for judicial system review of local correctional department communications. Here, the use of this information by judges becomes very specific. "I review who is awaiting trial to see if they are held on excessive bail"; "to insure no one is in jail without a current court date"; "to decide if a person can be released"; "to decide if a person should go on work furlough"; "to decide, from psychiatric information, if commitment procedures should be instituted"; "to discuss with judges at bench meetings how we are affecting jail populations". Lower trial court administrators also use this information: to review anyone held thirty days without trial for excessive bail or to try to get a disposition on the case; to set up meetings with people involved in the solution of the problem; to handle the complaint that court orders were not legible by assigning just one staff member to do all the typing; to make sure fines are posted; to make sure an attorney interviews persons held more than thirty days; to insure cases are moved along. Reported judicial system attention to correctional reports would seem to be a hopeful sign supporting the interchange of additional relevant information. Also, correctional officials expressed interest in obtaining more information from and about the courts. The caveat of one Arizona local correctional official needs to be kept in mind, however. He doubted whether he would have time to review additional court statistical data and he was unsure whether additional information provided would prove useful.

It is not difficult to envision how information can be shared usefully to facilitate both court and correctional objectives. Information derived from the study revealed that, at the community level, judicial policies and case decisions benefit from a working knowledge of the nature of jail space use, inmate classification methods, program offerings, work furlough administration, whether good time is authorized and if so how it is calculated, permissible visitations, medical and psychiatric evaluation provisions, speed of transfer to state facilities following sentence, data on population, and other information. Trial

court judges also need to understand the nature, eligibility criteria, and program services offered by existing pretrial release and diversion agencies. Other pertinent information at the community level may include bail bond procedures, bail schedules, and police citation practices. Court caseflow data and processing time experience can be used beneficially by the judiciary in considering opportunities for improving collaboration with corrections.

Correctional officials are very dependent upon both the decisions rendered daily by trial courts and court policies. Judicial system approval of pretrial release services means that fewer offenders will be detained on a pretrial basis. A longer period of time rather than a shorter period of time between adjudication and sentencing means that more detained offenders will take up jail space until the court acts. The existence of more extended probation and community rehabilitation agency services should mean that fewer defendants are sentenced to incarceration.

The reverse dimensions of this are pertinent to the courts. An overcrowded jail may handicap appropriate judicial sentencing of female misdemeanants to a secure facility when the small women's section has been preempted by an excess of male prisoners. Or a court that invokes weekend sentencing for driving while under the influence offenders may find these offenders turned away because there is no room in the jail. An inadequate jail information system may result in a failure to bring inmates to court for scheduled hearings. It seems apparent that these two systems cannot function effectively in isolation, and that more than rudimentary individual case information is necessary if corrections is to seriously address its responsibilities to the public and its clients and if courts are to move forward with such problems as case delay[2], effective judicial scheduling[3], and an informed judicial pretrial and posttrial decisionmaking. Both systems need to make the most expeditious use of their staff resources. Joint information systems utilized by law enforcement, courts, and

corrections, are now underway in a growing number of communities and offer promise of better-coordinated and better-targeted efforts. The field visits conducted in conjunction with this study revealed that when officials of different agencies got together to develop such a joint information system or other planning effort which often involved the need to develop information, considerable informal communication subsequently flowed between these officials as other problems arose that crossed systems. Information is a source of understanding and understanding needs factual and useful data and experience to obtain accurate perceptions of processes and problems. The field visits revealed that new judges or judges newly assigned to criminal case responsibilities often receive an orientation experience that acquaints them with probation procedures and services, existing work furlough programs, and local jails.

In response to the telephone interview question as to whether a judicial system official or someone on his or her staff visits prisons or jails, trial court judges and administrators generally answered affirmatively. However, state court administrative staff were substantially less inclined to make such visits (see Appendix A-5). Though they may be involved in arranging prison visits for judges, these officials are less interested in going inside the gates. In some states, judge visits are mandated by statute or court rule. The field visits also revealed that some correctional agencies encourage judges to have their monthly judges' meeting at the local jail or workhouse so that a tour might be tacked on to the meeting. Questionnaire data revealed that while most such officials had visited prison or jail facilities, visits were infrequent and irregular.

Officials were questioned as to their views on prison or jail overcrowding, the adequacy of alternatives to incarceration and of training and rehabilitation programs provided during incarceration, and other matters bearing on the intersection between courts and corrections. This was done to gain knowledge of similarities and differences among judicial and correctional official view-

points, and of the degree an opinion on one issue correlates with opinions on other issues.

B. Perceptions of Overcrowding and Other Criminal Justice System Issues

The perception of whether a prison or jail facility is overcrowded may influence other related perceptions. Initially, state-level officials were asked whether they considered their prisons were overcrowded and local-level officials were questioned as to their views of jail overcrowding. It should be remembered that state prisons in four states had been found by federal courts to be unconstitutionally overcrowded; further, six local jails in these same states (and where local officials were questioned), had also been held unconstitutionally overcrowded (Dade County and Broward County, Florida; Baltimore City and Prince George's County, Maryland; Maricopa County and Pima County, Arizona). Where local officials were queried in the non-overcrowded states, two local jails had been found overcrowded (Pennington County, South Dakota; Mecklenburg County, North Carolina). As shown by Table 1, and as expected, there was far more agreement than disagreement as to overcrowded prison status among officials in the eight states.

TABLE 1

State-level Officials' Perceptions of Prison Overcrowding

Category	Frequency	Percentage
Agree Strongly	7	16.3
Agree	23	53.5
Disagree	7	16.3
Disagree Strongly	3	7.0
Not Sure/Not Applicable	3	7.0
Totals	43	100%

QUESTION: To what extent do you agree that the prisons are overcrowded?

When these data are further analyzed by type of state, certain unanticipated findings occur as shown by Table 2.

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State-level Officials' Perceptions of Prison Overcrowding by Status of Prison

Category	Overcrowded State Frequency	Overcrowded State Percentage	Non-Overcrowded State Frequency	Non-Overcrowded State Percentage
Agree Strongly	5	26.3	2	8.3
Agree	9	47.4	14	58.3
Disagree	3	15.8	4	16.7
Disagree Strongly	1	5.3	2	8.3
Not Sure/Not Applicable	1	5.3	2	8.3
Totals	19	100%	24	100%

QUESTION: To what extent do you agree that the prisons are overcrowded?

Officials in states whose prisons have not been held overcrowded believe that their prisons are overcrowded almost to the extent of officials in overcrowded states. A court decision of overcrowding, then, is no prerequisite to such a viewpoint. Further, it is of interest that two state correctional officials and two upper trial court judges in overcrowded states disagreed (one of the former disagreed strongly) as to whether there was prison overcrowding.

Local-level officials also responded with their views regarding local jail overcrowding, as shown by Table 3.

TABLE 3

Local Officials' Perceptions of Jail Overcrowding

Category	Frequency	Percentage
Agree Strongly	10	33.3
Agree	12	40.0
Disagree	3	10.0
Disagree Strongly	2	6.7
Not Sure/Not Applicable	3	10.0
Total	30	100%

QUESTION: To what extent do you agree that the jails are overcrowded?

However, these responses tallied rather closely with whether one's local jails had been declared unconstitutionally overcrowded. All ten who strongly agreed and nine of twelve who agreed worked with officially designated over-

crowded jails. Four of five disagreeing as to overcrowded jail status worked in jurisdictions where their jails had not been declared overcrowded.

The same two sets of officials were asked variously whether judges sometimes imposed lesser sentences, rather than prison (or jail) terms, because of prison (or jail) overcrowding. The answer to this question involves factual information. It also may incorporate subjective opinions related to sentencing philosophy; respondents may believe that more incarceration than they believe occurs is deserved. The question also involves a possibly grave public policy issue: whether the public may be inadequately protected against a risk of reoffenses due to insufficient incarceration facilities. A response may also relate to the adequacy of the present community correctional resources and the other non-incarcerative sentencing alternatives that are utilized. Where alternative sentencing resources are more or less adequate, a respondent may believe that judges do not impose lesser sentences because of facility overcrowding and that the sentences are just because the alternative utilized is suitable. Conceivably, even if judges sometimes impose such lesser sentences, they might prefer not to own up to this. As set forth earlier, certain systemic flexibility exists which permits a judge to order incarceration even in overcrowded facilities. Other defendants or convicted offenders may be released early or persons sentenced to an overcrowded prison may be retained at the local jail level until prison space becomes available.

As expected, there was a fall-off from the higher percentage of those who agreed (a) there was prison or jail overcrowding and (b) those who believed that due to overcrowding judges imposed lesser sentences than incarceration. Thirty-nine percent (14/36) of responding officials accepted the lesser sentences contention as to state sentencing practices. Agreement was stronger in overcrowded states as opposed to non-overcrowded states. Further, forty-four percent (12/27) of responding officials accepted this contention as to local sentencing practices. It is of interest that four responding upper trial court judges and

five lower court judges indicated that such lesser sentences were imposed (see Appendix A-6).

When the overcrowding and lesser sentences responses were placed together, fifty-six percent (25/45) of those who agreed there was overcrowding also agreed judges imposed lesser sentences. Only seven percent (1/14)of those who disagreed as to overcrowding agreed that judges impose such lesser sentences. Statistical measures found significance with these variations (see Appendix A-7). If one agreed there was overcrowding one was also more likely to agree judges imposed lesser sentences. If one disagreed as to overcrowding, one also disagreed as to lesser sentences. A more exhaustive research effort into this issue would seem to be valuable to state criminal justice systems for planning and for public information purposes.

Further, in recent years there has been a trend to expand community correctional alternatives and to provide a wider array of judicial sentencing remedies.[4] Such a direction might be called a movement and was spurred by severe problems, including overcrowding, that confronted prison and jail administration and inmates, anticipated cost economies, perceptions of community responsibility, a reintegration philosophy, and a humanitarian thrust. In fact, the Board of Trustees of the National Council on Crime and Delinquency called for a halt to the construction of all prisons and jails until a maximum utilization of correctional alternatives had been obtained.[5] Residential halfway houses, victim and community service restitution, drug and alcohol abuse treatment and mental health services, and vocational training programs are among the alternative programs that have been instituted, often stimulated by funding from the Law Enforcement Assistance Administration. Still, states and communities vary markedly in the extent of such services that are in place. The direction toward community correctional alternatives, also, has had to compete with severe public, legislative, and probably judicial concerns regarding crime and the need for more punitive judicial sanctions.

Perhaps, then, it is not surprising that just fifty-two percent (36/69) of respondents agreed there were too few alternatives to incarceration available to judges. State correctional officials were more likely than local correctional officials, and upper trial court judges were somewhat more likely than lower trial court judges to agree there were too few alternatives. This is understandable since the agreeing officials were more likely to be involved with a court decision regarding prison overcrowding.

Further, depending on whether one agreed or disagreed that prison or jail overcrowding existed, a respondent was similarly more inclined to agree or disagree there were too few alternatives to incarceration (see Appendix A-8). These data suggest that advocates of community corrections still have far to go to convince officials, particularly where jail overcrowding does not exist, of the merits of this cause.

That correctional reformers, aided and abetted by prison suit litigation, have made their case that prisons and jails lack adequate training and rehabilitation programs was borne out by the data. Seventy-eight percent (47/60) of respondents indicated this was the case with their prison or jail. This belief is more strongly shared by court officials, eighty-four percent (37/44) of them finding inadequate incarceration programs. While eighty-six percent (36/42) of those who agreed that their prisons or jails were overcrowded also agreed that prisons or jails lacked adequate training and rehabilitation programs, sixty percent (9/15) of those who did not find overcrowding did agree that the facilities lacked adequate programs (see Appendix A-9).

How one perceived prison or jail overcrowding also correlated with the frequency with which one believed that prisons or jails were the source of many suits against governmental entities and that prison or jail staffs had difficulty maintaining prisoner safety and their own safety (see Appendices A-10, A- 11, and A-12).

Respondents, then, acknowledged substantial problems with prison or jail overcrowding and administration and the existence of too few correctional alternatives. The next section of this report describes respondent beliefs as to who should be responsible for helping solve state and local correctional deficiencies.

II. RESPONSIBILITY FOR SOLVING CORRECTIONAL PROBLEMS

Despite the long-held desire for a panacea answer to stubborn crime and correctional problems, simple solutions remain elusive and the problems appear to expand. We tend to turn to government officials: legislators, judges, and correctional officials, both to do something about this and to be held responsible for what they now do. In some communities where the officials' actions have not been salutary, people have turned to watch their neighborhood or imprison themselves in their homes and apartment houses. Some have exercised self help.

The courts, and more particularly trial court judges, are in the center of this maelstrom of discontent. Highly visible because of the primacy of their sentencing decisions, they nonetheless function between the somewhat narrow parameters of legislation which affects their discretionary sentencing practices and currently available sentencing alternatives. They are also constrained by such factors as plea bargaining practices, speedy trial rules, the media, and public norms and expectations. Most judges are also aware that they need to stand for reelection or retention.

Standards commissions and justice system literature tend to reject the "judge as victim" concept, urge an expanded community change agent role for judges, and cite examples of the contribution of the judiciary to improving the court's machinery, facilitating improvements in pretrial release systems, and among other areas, working with or leading others to a more coherent, better prioritized criminal justice system. Of course, the motto that "the judge's job is to judge and it is the correctional officials' function to correct" is still

heard. Such a belief may be hewed to on philosophical grounds, for political reasons, or due to indifference. The concept of judicial autonomy or judicial independence has validity in its foundation. The American judicial system does not accept a judge in the prosecutor role nor grant a judge the jail administration function. Few, however, would disagree tht a judge should be an independent and impartial decisionmaker. But even in the hearing of trials, subjective opinions and influences constantly bombard the judicial thinking which results in official rulings.

Possibly, judicial autonomy and judicial independence are different but related concepts. The judiciary controls court procedures. Judges, and judges only, are accorded autonomy for entering any number of types of judicial decisions. The autonomy concept supports the recently developed court management precept that the courts, not the attorneys, control court calendars. Concerns over judicial autonomy may influence judicial opposition to certain legislative preemption of broadly-based judicial sentencing discretion which results in a narrowing of such boundaries or, for example, in enacting mandatory sentencing laws. Judicial independence suggests a grand dimension to the judging role: that judicial decisions should be bound in only by the facts, law, and the Constitution and not by an angered public or a vested interest. The view set forth here is that neither judicial autonomy nor judicial independence need be compromised if judges go forth to visit the facilities which house persons or service persons who are within their jurisdiction, if judges assemble or participate in an assembly of cross-system officials and citizens who decide to embark on a plan to develop pretrial or posttrial sentencing alternatives, or if judges review court scheduling practices to better accommodate correctional agency staff deployment. Criminal court judges obviously function in a wider environment than just the judge and defendant. It is an environment in which both judicial leadership and certain judicial accommodation to other agencies and agents is a necessary reality.

Questionnaire data support a strongly responsible role for trial court judges in helping solve correctional problems. As shown by Table 4, trial court judge s are accorded far more responsibility by the various respondents for helping solve state correctional problems than are either state court administrators or trial court administrators. While few agree strongly as to any judicial system's official's responsibility, fewer disagree strongly as to the trial court judge's role.

TABLE 4

Responsibility of Court Officials for Solving State Correctional Problems

Category	Trial Court Judges Frequency	Trial Court Judges Percentage	State Court Admin. Frequency	State Court Admin. Percentage	Trial Court Admin. Frequency	Trial Court Admin. Percentage
Agree Strongly	3	7.0	1	2.3	1	2.3
Agree	15	34.9	12	27.9	7	16.2
Disagree	16	37.2	21	48.8	24	55.8
Disagree Strongly	5	11.6	8	18.6	10	23.3
Not Sure/Not Applicable	4	9.3	1	2.3	1	2.3
TOTALS:	43	100%	43	100%	43	100%

QUESTION: To what extent do you agree that trial court judges, state court administrative staff, and trial court administrators are responsible for solving state correctional problems?

Trial court judges are granted the primary judicial system role in helping solve local correctional problems, as shown by Table 5. While few respondents agreed strongly or disagreed strongly as to any court system official's responsibility, as appears appropriate, agreement as to the trial court judge is noteworthy.

TABLE 5

Responsibility of Court Officials for Solving Local Correctional Problems

Category	Trial Court Judges Frequency	Trial Court Judges Percentage	State Court Admin. Frequency	State Court Admin. Percentage	Trial Court Admin. Frequency	Trial Court Admin. Percentage
Agree Strongly	4	5.5	1	1.4	1	1.4
Agree	43	58.9	13	17.8	26	35.6
Disagree	14	19.2	41	56.2	35	47.9
Disagree Strongly	2	2.7	7	9.5	3	4.1
Not Sure/Not Applicable	10	13.7	11	15.1	8	11.0
TOTALS:	73	100%	73	100%	73	100%

QUESTION: To what extent do you agree that trial court judges, state court administrative staff, and trial court administrators are responsible for solving local correctional problems?

Though state court administrators are granted greater responsibity than trial court administrators in helping solve state correctional problems, the reverse is true at the local level. But overall, the trial court administrator's visibility is somewhat low, the state court administrator's lower. Further, it is particularly revealing that responding correctional officials view all court officials as more responsible for correctional problem solving than court officials do themselves, as shown by further analysis of these data in Table 6.

TABLE 6

Responsibility of Court Officials for Solving Correctional Problems

	State Correctional Problems	
	Judicial System Respondents	Correctional Official Respondents
Trial Court Judge		
Agree	11	7
Disagree	20	1
Not Sure	3	
State Court Administrator		
Agree	6	7
Disagree	28	1
Not Sure	1	0
Trial Court Administrator		
Agree	4	4
Disagree	30	4
Not Sure	1	0

	Local Correctional Problems	
	Judicial System Respondents	Correctional Official Respondents
Trial Court Judge		
Agree	31	16
Disagree	13	3
Not Sure	5	0
State Court Administrator		
Agree	6	8
Disagree	39	9
Not Sure	4	2
Trial Court Administrator		
Agree	18	9
Disagree	29	9
Not Sure	2	1

QUESTION: To what extent do you agree that trial court judges, state court administrative staff, and trial court administrators are responsible for solving state and local correctional problems?

Trial court judges accepted responsibility for local correctional problems (16/23) and local trial court administrators are agreeable to this role (10/15), though correctional representatives are more impressed here with what judges rather than court administrators can achieve.

Despite the responsibility that state correctional officials assign the state court administrator, it is noteworthy that among the state court administrators interviewed in the eight states, only one, Rhode Island, reported receiving regular information as to state prison populations. Also, the Rhode Island state correctional agency administers the central pretrial jail facility in that state and the court administrator uses these data to monitor compliance with speedy trial rule requirements as to detained prisoners.

Interview respondents, however, assigned the heaviest responsibility for solving state correctional problems to state legislatures and state correctional agencies. Further, they heavily accorded this responsibility at the local level to county commissioners, local correctional agencies, and state legislatures (see Appendix A-13).

Yet to consider the strong role granted trial court judges in helping solve correctional probelms, particularly at the local level, it is pertinent to understand how trial court administrators might enhance trial court judges' potentials in this regard. Court administrators are relatively new additions to the staffs of metropolitan courts and their numbers are growing in suburban courts as well as in more rural settings.[6] While the companion monograph to this study reports in greater detail trial court administrator activities that relate to courts-corrections interchanges and to enhancing the judicial contribution to this relationship, considerable activity was experienced in their responses to interview questionnaires.

Trial court administrators cited a number of actions they had taken or assisted with which were aimed at facilitating the local correctional enterprise. These actions often grew out of meetings or other informational exchanges with correctional officials. These activities can be categorized as follows:

1. Altering court procedures to better accommodate corrections population concerns and management needs.

   - Bail policies and schedules were revised and updated.
   - Judicial hearings were initiated to review the pretrial status of inmates unable to make bail.
   - Case processing was accelerated.
   - The scheduling of judicial sentencing hearings was altered to make it easier for sheriffs' deputies to transport prisoners and cover all hearings.
   - A plan was developed for closed circuit televising of court arraignments, eliminating the need to transport prisoners from jail to court for this purpose.
   - The flow of court commitment orders to correctional facilities was expedited.
   - Weekender sentencing was expanded to reduce general overcrowding.

2. Facilitating or supporting improved or expanded community-level services to assist both jails and the courts.

   - Judicial-branch pretrial release services were expanded to furnish supervision to certain releasees and reduce jail populations.
   - Support was provided to increase the number of probation officers and to develop work release programs.
   - Assistance was provided in implementing additional rehabilitation programs.

3. Steps taken to improve the quality of care to correctional inmates or the particularized use of certain county correctional facilites.

   - Suggestions were made to improve jail food storage and obtain smoke detectors and improved lighting.
   - Resolutions were prepared for judicial approval and forwarding to county commissioners concerning programs and procedures at correctional institutions.

4. Steps taken to improve or better utilize a court or jail management information system.

   - Uniform records were developed for locally sentenced offenders.
   - Court statistics were developed to provide improved information for addressing correctional problems.

5. Legislative strategies to improve court procedures which affect correctional concerns.

   - Proposed procedural changes were lobbied through the legislature to enable judges to better cope with caseloads.

One can envision additional roles they might perform: to procure and assess management information from all correctional and court-related agencies; to assist with the design of related agencies' information systems that will yield the information the courts need to understand and monitor what is happening and not happening; to review the nature and even the quality of the program services offered court clientele; to review unmet community service needs and bring these to judicial attention; to directly oversee program services, such as probation and pretrial services, where these services are judicial branch functions; to structure and review criminal case processing time frame experience, assess processing bottlenecks, and propose revised procedures by courts, correctional, and collaborative agencies to eliminate obstructive practices; to furnish court data that are relevant to correctional and related agencies. They can facilitate agenda preparation, supply data for consideration, and help implement changes in order to enhance the judicial function in formal and informal meetings with other agencies. They can encourage and facilitate judicial visits to correctional agencies and arrange meetings with correctional officials for the judiciary. They can assist judicial attendance at correctional conferences and arrange for judicial attendance at national and in-state seminars where correctional matters are considered. On-site visits conducted in the present study revealed that trial court administrators have both hands-on and hands-off attitudes toward executing the above described roles.

It has been shown above that correctional officials do grant a stronger role to the courts in helping solve state and local correctional problems than court officials acknowledge. The following section presents and analyzes other correctional agency perceptions.

III. THE VIEWS OF CORRECTIONAL OFFICIALS

The literature review had indicated that while correctional officials may prefer to have unfettered control in managing their facilities and programs, many need to accommodate to federal court intervention. Constantly, all correctional officials adapt to another form of court intervention, namely the intake of persons who await court processing or who have been sentenced by judges to their facilities and programs. Studies of organizations indicate their interest in shaping intake criteria in order to permit early classifiction to be synchronized with the way subsequent services are organized and staff are deployed.[7] Correctional agencies cannot control their intake to the degree that other organizations such as universities or banks do. Yet correctional agencies need not be totally passive and simply await who is brought to their doors by law enforcement or judicial agencies. They can encourage judicial modification of bail schedules including release on recognizance mechanisms in order to impact their intake flow. They can encourage courts to speed up case processing so that jailed defendants might be more readily released to community status or transferred to prison settings. Jails can facilitate the implementation of work release programs to help restore an at least partial normal life experience for their inmates. Prison administrators can seek legislation that might funnel more serious and repetitive rather than less serious and less chronic offenders to their gates. They can influence judicial sentencing decisions by acquainting judges with what they can and cannot furnish offenders. Despite the certain resentment which correctional officials may have with federal court intervention on their terrain, questionnaire data evidences that these officials are very interested in expanded communication and collaboration with the judiciary.

Based on these data, correctional officials, more than judicial system officials, appear to initiate more meetings with the other system. The former group expressed more concerns that problems exist in communicating with other system officials than did the judiciary, more often citing that relevant people

were too busy or indifferent. They also reported more problems with the information they receive from the judiciary than the judiciary reported as to correctional information. Quite dependent on judicial decisionmaking, these officials seem to be asking for enhanced working relationships with the judicial system.

It is interesting, however, that correctional officials saw more value and fewer problems associated with the management of their facilities than did the judiciary. While this may reflect a greater pride in their accomplishments than the judicial system acknowledges or a defensiveness that may not be useful, this does indicate the need for efforts leading to a more commonly shared assessment of correctional effectiveness. Among those expressing viewpoints, 84 percent (37/44) of court officials believed that prisons and jails lacked resources necessary to provide adequate training and rehabilitative programs while 63 percent (10/16) of correctional officials accepted that contention (see Appendix A-14). Local correctional officials were more critical of local jail services than state correctional officials of state prison services. The courts more often than correctional officials contended that prison and jail staffs had a difficult time insuring inmate safety as well as the staff's own safety (see Appendices A-15 and A-16). Also, court system officials were somewhat more likely to agree than correctional officials that judges had too few sentencing alternatives to incarceration (see Appendix A-17).

As set forth earlier, correctional officials seem to want better court information and communication, and a closer working relationship. They acknowledge that trial court judges have a strong responsibility and role to assist in solving both state and local correctional problems, indicate that the state court administrator can be helpful with state-level problems particularly, and see some potential for assistance from trial court administrators. The court officials indicated that they were attentive to reports they receive from correctional agencies and correctional officials. During the study's site visits,

correctional officials indicated that they encourage judicial system visitations to their agencies and respond quickly to judicial system requests for information. Improved judicial system familiarity with correctional resources and greater collaboration with these officials in helping solve problems that affect their mutual interests may be of value in helping resolve certain correctional problems and in having a more commonly shared perception as to the values of correctional programs as well as of their deficiencies.

Other data obtained in this study offer further insights pertinent to the observations that have been described.

IV. OTHER FINDINGS

Certain additional information obtained from questionnaire interviews merits presentation. While some statutes exist that mandate the transmission of jail population information to local judges and while generally prison and jails found overcrowded need to transmit population data to federal judges, just twenty-six percent of judicial system officials receiving this information reported that its transmission was mandated by law. These data support the notion that informal communication systems are often worked out, particularly at local levels. Some trial court administrators use this information to advise judges whether jail space is likely to be available for weekend sentencing, to monitor compliance with speedy trial rules, to structure court reviews of misdemeanants detained because they are unable to meet bail requirements, and for other purposes. Trial court judges use this information to keep an eye on jail capacity versus jail population. This informational use at the local level raises the issue as to a transmission and review of state prison data by the chief justice, state court administrator, and upper trial court judges and administrators, only five of the three latter sets of officials having indicated that they receive such information presently.

Earlier in this report, data were presented which correlated officials' perceptions as to prison or jail overcrowding with whether there were too few incarceration alternatives, whether judges sometimes impose lesser sentences than incarceration due to facility overcrowding, whether prisons and jails lack adequate training and rehabilitative programs, and other related beliefs. It was suggested that the information on which the first of these perceptions was concluded, or even the lack of information, influenced opinions regarding corollary questions. Other statistically significant correlations found that those agreeing that judges did impose lesser sentences than incarceration because of institutional overcrowding also agreed that prisons or jails lack adequate training rehabilitative programs, that institutional staffs experience difficulty maintaining inmate safety, and that there are too few incarceration alternatives.

Statistically significant correlations also were found which showed consistency in how officials viewed the responsibilities of upper trial court judges, state court administrators, and upper trial court administrators in helping resolve correctional problems. A number of officials might be termed "responsibilitarians". If they agree that a particular judicial system official should be responsible for helping solve such problems, they also perceive that another judicial official is responsible for helping with correctional problems. Another group might be termed the "abstentionists". If they disagreed that a particular judicial official held some form of responsibility in this regard, they also disagreed as to whether another judicial official also should be held responsible.

For example, if one agreed that upper court trial judges had such a responsibility with state correctional problems, one also agreed (67 percent) that state court administrators were also responsible. If one disagreed regarding the upper trial court judge responsibility, one also disagreed (95 percent) that the state court administrator held such a responsibility and also disagreed (95 percent) that a trial court administrator held such a responsibility (see Appendices A-18 and A-19).

If one agreed that trial court judges were responsible for helping solve local correctional problems, one agreed (60 percent) that the trial court administrator was also responsible. If one disagreed concerning a trial court judge responsibility, one also disagreed (100 percent) that the trial court administrator was responsible (see Appendix A-20).

There were similar agreements (or disagreements) as to the state court administrator's responsibility for helping solve state correctional problems, with the state court administrator's responsibility for helping solve state as well as local correctional problems, and with the state court administrator's and trial court administrator's responsibility for helping solve local correctional problems.

One statistically significant correlation, however, avoided this typology and this difference underscores how the trial court judge is accorded the highest responsibility among the court officials whose responsibility was assessed. If one agreed that the state court administrator had responsibility for helping solve state correctional problems, one also agreed (100 percent) that the trial court judge had such a responsibility in helping solve local correctional problems. But even if one disagreed as to the state court administrator's state-level responsibility, one agreed (72 percent) that the trial court judge held such a responsibility with local correctional problems (see Appendix A-21).

In another area, that only two of nine state court administrators and none of the thirteen upper trial court judges accepted the state court administrator's responsibility for solving state correctional problems suggests both that this official declines responsibility in this area and that the invisibility of his activity in this arena leads judges to deny him such a role. Yet, seven of eight state correctional officials accorded him such responsibility. That two state court administrators in states whose prisons have been held unconstitutionally overcrowded still denied themselves a function in helping solve such problems that bear significantly on the judicial function points to a need for

state court administrators to reassess who they are and what they do. (It should also be noted that no state court administrator in a non-overcrowded state accepted responsibility for solving state correctional problems.) With other responses, state court administrators typically fell back on a separation of powers ideology, contending the courts had no active function in helping with state correctional problems, or acknowledged a reactive interest in responding to calls for help from state correctional departments. Several did suggest there was merit to the concept of regularly scheduled joint meetings. It is known that state court administrators enter their position from different professional experiential and educational backgrounds. Some, but far from all, have completed a graduate degree in judicial administration or been certified as a Fellow of the Institute for Court Management. They, less often than any other judicial system official questioned, responded affirmatively to whether they or someone from their staff visited prisons or jails. While forty- four of the fifty-six judicial system officials queried responded affirmatively to this question, just four of nine state court administrators answered affirmatively.

Correctional administrators, not court administrators, manage correctional systems, facilities, and services. Correctional administration impacts upon and is impacted by judicial decision making. State court administrators, in managing state court systems and facilitating the judicial enterprise, need to re-examine their roles to ascertain and obtain the types of correctional information and cooperation that are beneficial to judicial performance.

Pertinent questions also include: Whether the education of court administrators has any concentration on correctional developments and problems? Whether their education encourages their fulfilling any roles in the court-corrections relationship? Whether their supreme courts assign them such responsibilities? Whether they request their supreme courts to assign them such responsibilities?

Inquiries directed to universities and centers that train court administrators revealed that in general they provide only a modest orientation to the world of corrections, to court administrator roles that might be developed in this relationship, or skill training that might strengthen as well as activate court administrator functions in this regard.

Court administrators as well as trial court judges were questioned in this study as to whether they would be interested in experiencing training programs that focused on corrections and the court-corrections relationship. Ninety percent of such officials answered that subject matter covering "Alternatives to Institutionalization" and "Basic Issues in the Courts-Corrections Interface" would be useful (see Appendix A-22). They were also questioned as to whether they would be interested in attending an educational program involving teams of state and local court and corrections personnel to address the joint problems of courts and corrections. Seventy-five percent of officials responded affirmatively (see Appendix A-23).

That judicial system officials indicated extremely positive responses to increasing their knowledge of correctional matters pertinent to the courts and to convening with corrections personnel to work on interrelating problems supports a stronger educational initiative in this arena.

V. SUMMARY

Correctional administration is viewed as having serious problems even in non-overcrowded states. Solutions to these problems need to be obtained from a number of sources. Improved and expanded information sharing, communication, and collaboration between the courts and correctional agencies appear to be a desired strategy.

Correctional officials allocate a stronger responsibility to the judicial system for assisting with their problems than the judicial system accords itself, and perceive more deficiencies in present information sharing and communication

than the judicial system acknowledges. Correctional officials appear to be asking additional judicial system assistance with these problems.

State legislatures and state correctional agencies receive the most agreement as to a responsibility in helping solve state correctional problems and county commissioners and local correctional agencies and state legislatures in having this responsibility to help solve local correctional problems. Expanded judicial system assistance to legislative bodies in helping solve these problems would also be in order.

The trial court judge is granted a prominent role in helping resolve local and, to a lesser degree, state correctional problems. This opportunity can be maximized through enhancing the skills, understanding, and involvement of trial court administrators.

State court administrators least often acknowledge responsibility for helping solve state correctional problems. Pre-position and post-position educational efforts with state and local court administrators, to assist their achievement of an increased comprehension of correctional issues and the court administrator's function in the courts-corrections relationship, may well be a useful undertaking. There was strong support for further educational experiences with both court administrators and judges.

Heightened judicial system official familiarity with correctional issues, facilities, and programs would seem to offer numerous benefits, one of them being a more mutually-held assessment with correctional officials as to the quality of correctional administration. There is more that correctional officials can do to facilitate judicial system awareness of correctional developments and to further communication with judicial system officials. Further descriptions of court and correctional relationships and approaches for improving this interchange are set forth in the study monograph, Courts and Corrections: An Agenda for Cooperation.

FOOTNOTES

1. Abt Associates, Inc., Summary and Policy Implications of a National Survey, Volume 1, National Institute of Justice (Washington, D.C.: Government Printing Office, 1981).

2. Ernest C. Friesen et al., "Justice in the Felony Courts: A Prescription to Control Delay", Whittier Law Review 2 (1979): 7.

3. Thomas Church, Jr. et al., Justice Delayed: The Pace of Litigation in Urban Trial Courts, Executive Summary (Williamsburg, Va.: National Center for State Courts, 1978).

4. E. Kim Nelson, Howard Ohmart, and Nora Harlow, Promising Strategies in Probation and Parole, LEAA Program Model Series (Washington, D.C.: Government Printing Office, 1978); Douglas Lipton, Robert Martinson, and Judith Wilks, The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies (New York: Praeger, 1975).

5. Crime and Delinquency 18 (1972): 331.

6. Geoffrey Mort, "Court Administrators: Professional Associations", State Court Journal 1 (Fall 1977): 16.

7. Donald A. Schon, Beyond the Stable State (New York: W.W. Norton & Company, 1971).

APPENDIX A-1

Interview Respondents by Category and Number

Category	Number
State Court Administrator	9
State Correctional Administrator	8
Upper Trial Court Judge	13
Upper Trial Court Administrator	13
Lower Trial Court Judge	12
Lower Trial Court Administrator	5
Local Correctional Administrator	13
TOTAL	73

APPENDIX A-2

Site Visit Interviews

Arizona - August 26-27, 1981

1. E. J. Aitken, Correctional Administrator, State Department of Corrections
2. Gordon Allison, Administrator, Superior Court, Maricopa County
3. Todd Barton, Administrator, Tucson City Court
4. Noel Dessaint, State Court Administrator
5. Dennis Douglas, Administrative Services Bureau, Sheriff's Office, Pima County
6. William Druke, Presiding Judge, Superior Court, Pima County
7. Clarence Dupnik, Sheriff, Pima County
8. Jeff Erskine, Administrator, Superior Court, Pima County
9. Sal Fiore, Administrative Assistant, Probation Department (Adult), Superior Court, Maricopa County
10. Gary Graham, Director, Investigations and Special Services, Probation Department (Adult), Superior Court, Maricopa County
11. Robert Long, Chief Probation Officer (Adult), Superior Court, Pima County
12. John Tremaine, Director, Field Supervision, Probation Department (Adult), Superior Court, Maricopa County

Minnesota - September 1-3, 1981

1. Eugene Burns, Director, Community Corrections, Ramsey County
2. Dale Good, Director, Management Information System, Office of the State Court Administrator
3. Gordon Griller, Administrator, District Court, Ramsey County
4. Richard Kantorowicz, Judge, District Court, Hennepin County
5. Bruce McManus, Assistant Director, Community Corrections, State Department of Corrections
6. Allen Oleisky, Judge, District Court, Hennepin County

(Continued on next page)

Minnesota - September 1-3, 1981 (Cont'd.)

7. Dale Parent, Director, Minnesota Sentencing Guidelines Commission
8. Jack Provo, Administrator, District Court, Hennepin County
9. Orville Pung, Assistant Director, Institutions and Reformatories, State Department of Corrections
10. Judith Rehak, Deputy State Court Administrator
11. Harold Schultz, Chief Judge, District Court, Ramsey County
12. Rita Stellick, Administrator, Municipal Court, Hennepin County
13. Ken Young, Director, Department of Court Services, District Court, Hennepin County

APPENDIX A-3

Prison Population Data Furnished to Various Court Officials

Category	State Court Administrator		Upper Trial Court Judge		Upper Trial Court Administrator	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Furnished	1	11.1	3	23.1	1	7.7
Not Furnished	8	88.9	10	76.9	12	92.3
TOTALS	9	100%	13	100%	13	100%

QUESTION: Is your office regularly informed of the number of inmates in the prisons across your state?

APPENDIX A-4

Jail Inmate Data Furnished to Various Court Officials

Category	Upper Trial Court Judge		Upper Trial Court Administrator		Lower Trial Court Judge		Lower Trial Court Administrator	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Furnished	8	61.5	9	69.2	7	58.3	3	60.0
Not Furnished	4	30.8	3	23.1	5	41.7	2	40.0
Not Sure	1	7.7	1	7.7				
TOTALS	13	100%	13	100%	12	100%	5	100%

QUESTION: Is your office regularly informed of the number of inmates in the prisons across your state?

APPENDIX A-5

Category	State Court Administrator Freq.	%	Upper Trial Court Judge Freq.	%	Upper Trial Court Administrator Freq.	%	Lower Trial Court Judge Freq.	%	Lower Trial Court Administrator Freq.	%
Yes	4	44.4	12	92.3	10	76.9	10	83.3	4	80.0
No	5	55.6	1	7.7	3	23.1	2	16.7	1	20.0
TOTALS	9	100%	13	100%	13	100%	12	100%	5	100%

QUESTION: Do you or does someone else on your staff visit the prisons or jails?

APPENDIX A-6

The Imposition of Lesser Sentences Due to Overcrowded Prisons

Category	State Court Administrator		State Correctional Official		Upper Trial Court Judge		Upper Trial Court Administrator	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Agree Strongly	0	0.0	0	0.0	0	0.0	0	0.0
Agree	2	22.2	2	25.0	4	30.8	6	46.2
Disagree	5	55.6	2	25.0	7	53.8	6	46.2
Disagree Strongly	0	0.0	2	25.0	0	0.0	0	0.0
Not Sure/Not Applicable.	2	22.2	2	25.0	2	15.4	1	7.7
TOTALS	9	100%	8	100%	13	100%	13	100%

QUESTION: To what extent do you agree that judges sometimes impose lesser sentences, rather than prison terms, because of prison overcrowding?

The Imposition of Lesser Sentences Due to Overcrowded Jails

Category	Local Correctional Official		Lower Trial Court Judge		Lower Trial Court Administrator	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Agree Strongly	1	7.7	2	16.7	0	0.0
Agree	4	30.8	3	25.0	2	40.0
Disagree	6	46.2	4	33.3	1	20.0
Disagree Strongly	1	7.7	2	16.7	1	20.0
Not Sure/Not Applicable	1	7.7	1	8.3	1	20.0
TOTALS	13	100%	12	100%	5	100%

QUESTION: To what extent do you agree that judges sometimes impose lesser sentences, rather than jail terms, because of jail overcrowding?

APPENDIX A-7

Degree of Association between Views on whether There is Prison or Jail Overcrowding and whether Judges Impose Lesser Sentences Due to Overcrowding

Degree of Agreement that Judges Impose Lesser Sentences Due to Overcrowding

Degree of Agreement that Prisons or Jails are Overcrowded	Agree Strongly	Agree	Not Sure/ Not Applicable	Disagree	Disagree Strongly	TOTALS
Agree Strongly	2	9	2	4	0	17
Agree	1	13	5	15	1	35
Not Sure/Not Applicable	0	0	1	2	0	3
Disagree	0	0	1	6	3	10
Disagree Strongly	0	1	0	2	2	5
TOTALS	3	23	9	29	6	70

Tau b = .453 Gamma = .642 Sig. Level = .001

If one agreed there was overcrowding, a respondent was also more likely to agree that judges imposed lesser sentences due to overcrowding. If one disagreed that prisons or jails were overcrowded, a respondent was extremely likely to disagree that judges imposed such lesser sentences.

APPENDIX A-8

Degree of Association Between Views on Whether There is Prison or Jail Overcrowding and Whether There Are Too Few Alternatives to Incarceration

Degree of Agreement that There are Too Few Alternatives to Incarceration

Degree of Agreement that Prisons or Jails Are Overcrowded	Agree Strongly	Agree	Not Sure/ Not Applicable	Disagree	Disagree Strongly	TOTALS
Agree Strongly	4	7	0	5	1	17
Agree	4	15	3	12	1	35
Not Sure/Not Applicable	0	1	0	2	0	3
Disagree	1	1	0	7	1	10
Disagree Strongly	2	0	0	2	1	5
TOTALS	11	24	3	28	4	70

Tau b = .188 Gamma = .27 Sig. Level = .033

If one agreed as to overcrowding, a respondent was more likely to indicate there were too few alternatives. If one disagreed as to overcrowding, a respondent was also more likely to disagree that there were too few alternatives.

APPENDIX A-9

Degree of Association between Views on Whether There is Prison or Jail Overcrowding and Whether Prisons or Jails Lack Adequate Training or Rehabilitation Programs

Degree of Association that Prisons or Jails Lack Adequate Training and Rehabilitation Programs

Degree of Agreement that Prisons or Jails are Overcrowded	Agree Strongly	Agree	Not Sure/ Not Applicable	Disagree	Disagree Strongly	TOTALS
Agree Strongly	9	6	0	0	0	15
Agree	4	17	4	6	0	31
Not Sure/Not Applicable	0	1	1	1	0	3
Disagree	0	6	0	4	0	10
Disagree Strongly	0	3	0	1	1	5
TOTALS	13	33	5	12	1	64

Tau b = .44 Gamma = .635 Sig. Level = .001

If one agreed as to overcrowding, a respondent was very likely to indicate that training and rehabilitation programs were inadequate. If one disagreed as to overcrowding, a respondent nonetheless was more likely to agree such programs were inadequate.

APPENDIX A-10

Degree of Association between Views on Whether There is Prison or Jail Overcrowding and Whether Prisons or Jails are the Source of Many Suits

Degree of Agreement that Prisons or Jails are the Source of Many Suits

Degree of Agreement that Prisons or Jails are Overcrowded	Agree Strongly	Agree	Not Sure/ Not Applicable	Disagree	Disagree Strongly	TOTALS
Agree Strongly	6	7	2	2	0	17
Agree	3	14	4	13	1	35
Not Sure/Not Applicable	0	2	0	1	0	3
Disagree	1	1	1	7	0	10
Disagree Strongly	0	2	0	2	1	5
TOTALS	10	26	7	25	2	70

Tau b = .356 Gamma = .506 Sig. Level = .001

If one agreed as to overcrowding, a respondent was more likely to agree prisons or jails were the source of many suits against governmental entities. If one disagreed as to overcrowding, a respondent was more likely to disagree that prisons or jails were the source of many suits.

APPENDIX A-11

Degree of Association between Views on whether There is Prison or Jail Overcrowding and whether Prison or Jail Staff Have a Difficult Time Insuring the Safety of Inmates

Degree of Agreement Staff Have Difficulty Insuring Inmate Safety

Degree of Agreement that Prisons or Jails are Overcrowded	Agree Strongly	Agree	Not Sure/ Not Applicable	Disagree	Disagree Strongly	TOTALS
Agree Strongly	4	9	2	2	0	17
Agree	3	15	6	10	0	34
Not Sure/Not Applicable	0	0	3	0	0	3
Disagree	0	5	1	3	1	10
Disagree Strongly	0	0	0	4	1	5
TOTALS	7	29	12	19	2	69

Tau b = .319 Gamma = .444 Sig. Level = .001

If one agreed as to overcrowding, a respondent was more likely to agree prison or jail staff had difficulty insuring the safety of inmates. If one disagreed as to overcrowding, a respondent was more likely to disagree that staff experienced such difficulty.

APPENDIX A-12

Degree of Association between Views on whether there is Prison or Jail Overcrowding

Degree of Agreement Staff Have Difficulty Insuring Their Own Safety

Degree of Agreement that Prisons or Jails are Overcrowded	Agree Strongly	Agree	Not Sure/ Not Applicable	Disagree	Disagree Strongly	TOTALS
Agree Strongly	2	8	2	5	0	17
Agree	1	8	11	14	0	34
Not Sure/Not Applicable	0	0	3	0	0	3
Disagree	0	2	2	5	1	10
Disagree Strongly	0	0	0	3	2	5
TOTALS	3	18	18	27	3	69

Tau b = .298 Gamma = .413 Sig. Level = .002

If one agreed as to overcrowding, a respondent was more likely to agree prison or jail staff had difficulty insuring their own safety. If one disagreed as to overcrowding, a respondent was more likely to disagree that staff experienced such difficulty.

APPENDIX A-13

Responsibility for Solving State Correctional Problems

Category	State Correctional Agency Frequency	State Correctional Agency Percentage	State Legislature Frequency	State Legislature Percentage
Agree Strongly	21	72.1	31	72.1
Agree	10	23.3	11	25.6
Disagree	1	2.3	0	0.0
Disagree Strongly	0	0.0	0	0.0
Not Sure/ Not Applicable	1	2.3	1	2.3
TOTALS:	43	100%	43	100%

QUESTIONS: To what extent do you agree that the state correctional agency and state legislators are responsible for solving state correctional problems?

Responsibility for Solving Local Correctional Problems

Category	County Commissioners Frequency	County Commissioners Percentage	Local Correctional Officials Frequency	Local Correctional Officials Percentage	State Legislature Frequency	State Legislature Percentage
Agree Strongly	41	56.2	37	51.4	24	32.9
Agree	21	28.8	23	32.0	33	45.2
Disagree	2	2.7	6	8.3	7	9.6
Disagree Strongly	0	0.0	0	0.0	1	1.4
Not Sure/ Not Applicable	9	12.3	6	8.3	8	12.9
TOTALS:	73	100%	72	100%	73	100%

QUESTIONS: To what extent do you agree that county commissioners, local correctional officials, and state legislators are responsible for solving local correctional problems?

APPENDIX A-14

The Provision of Adequate Training and Rehabilitation Programs

Category	Judicial System Officials Frequency	Judicial System Officials Percentage	Correctional System Officials Frequency	Correctional System Officials Percentage
Agree Strongly	9	17.3%	4	19.0%
Agree	28	53.8%	6	28.6%
Disagree	6	11.5%	6	28.6%
Disagree Strongly	1	1.9%	0	0.0%
Not Sure/ Not Applicable	8	15.4%	5	23.8%
TOTALS:	52	100%	21	100%

QUESTION: To what extent do you agree that the prisons or jails lack the resources to provide adequate training and rehabilitation for inmates?

APPENDIX A-15

Prison or Jail Staff Difficulty Insuring Safety of Inmates

Category	Judicial System Officials		Correctional System Officials	
	Frequency	Percentage	Frequency	Percentage
Agree Strongly	6	11.5%	2	9.5%
Agree	22	42.3%	7	33.3%
Disagree	10	19.2%	9	42.9%
Disagree Strongly	1	1.9%	2	9.5%
Not Sure/ Not Applicable	13	25.0%	1	4.8%
TOTALS:	52	100%	21	100%

QUESTION: To what extent do you agree that the prison or jail staff has a difficult time insuring the safety of inmates?

APPENDIX A-16

Prison or Jail Staff Difficulty Maintaining Its Own Safety

Category	Judicial System Officials		Correctional System Officials	
	Frequency	Percentage	Frequency	Percentage
Agree Strongly	[illegible]	5.8%	1	4.8%
Agree	13	25.0%	5	23.8%
Disagree	16	30.0%	11	52.4%
Disagree Strongly	1	1.9%	3	14.3%
Not Sure/ Not Applicable	19	36.5%	1	4.8%
TOTALS:	52	100%	21	100%

QUESTION: To what extent do you agree that the prison or jail staff has a difficult time maintaining its own safety?

APPENDIX A-17

Too Few Alternatives to Incarceration Available to Judges

Category	Judicial System Officials Frequency	Judicial System Officials Percentage	Correctional System Officials Frequency	Correctional System Officials Percentage
Agree Strongly	5	9.6%	6	28.6%
Agree	22	42.3%	3	14.3%
Disagree	20	38.5%	9	42.9%
Disagree Strongly	2	3.8%	2	9.5%
Not Sure/ Not Applicable	3	5.8%	1	4.8%
TOTALS:	52	100%	21	100%

QUESTION: To what extent do you agree that there are too few alternatives available to incarceration available to judges?

APPENDIX A-18

Degree of Association as to whether Trial Court Judges and State Court Administrators Have Responsibility for Solving State Correctional Problems

State Court Administrators Have a Responsibility

Trial Court Judges Have a Responsibility	Agree Strongly	Agree	Not Sure/ Not Applicable	Disagree	Disagree Strongly	TOTALS
Agree Strongly	1	0	0	2	0	3
Agree	0	11	0	4	0	15
Not Sure/Not Applicable	0	0	1	2	0	3
Disagree	0	1	0	11	4	16
Disagree Strongly	0	0	0	1	4	5
TOTALS	1	12	1	20	8	42

Tau B = .642 Gamma = .824 Sig. Level = .001

If one agreed that trial court judges have a responsibility for solving state correctional problems, a respondent was also more likely to agree that state court administrators have a responsibility. If one disagreed as to the trial court judge responsibility, a respondent was extremely likely to disagree that state court administrators have a responsibility.

APPENDIX A-19

Degree of Association as to whether Trial Court Judges and Trial Court Administrators Have Responsibility for Solving State Correctional Problems

Trial Court Judges Have a Responsibility \ Trial Court Administrators Have a Responsibility	Agree Strongly	Agree	Not Sure/ Not Applicable	Disagree	Disagree Strongly	TOTALS
Agree Strongly	1	0	0	2	0	3
Agree	0	6	1	8	0	15
Not Sure/Not Applicable	0	0	0	3	0	3
Disagree	0	1	0	10	5	16
Disagree Strongly	0	0	0	0	5	5
TOTALS	1	7	1	23	10	42

Tau b = .616 Gamma = .864 Sig. Level = .001

If one agreed that trial court judges have a responsibility for solving state correctional problems, a respondent was also more inclined to agree that trial court administrators have a responsibility. If one disagreed as to the trial court judge responsibility, a respondent was extremely likely to disagree that trial court administrators have a responsibility.

APPENDIX A-20

Degree of Association as to whether Trial Court Judges and Trial Court Administrators have a Responsibility for Solving Local Correctional Problems

Trial Court Judges Have a Responsibility \ Trial Court Administrators Have a Responsibility	Agree Strongly	Agree	Not Sure/ Not Applicable	Disagree	Disagree Strongly	TOTALS
Agree Strongly	1	1	0	2	0	4
Agree	0	25	2	16	0	43
Not Sure/Not Applicable	0	0	1	4	0	5
Disagree	0	0	0	12	2	14
Disagree Strongly	0	0	0	1	1	2
TOTALS	1	26	3	35	3	68

Tau b = .526 Gamma = .823 Sig. Level = .001

If one agreed that trial court judges have a responsibility for solving local correctional problems, a respondent was also more likely to agree that trial court administrators have a responsibility. If one disagreed as to the trial court judge responsibility, a respondent also disagreed as to the trial court administrator's responsibility.

CONTINUED

1 OF 2

APPENDIX A-21

Degree of Association as to whether State Court Administrators Have a Responsibility for Solving State Correctional Problems and whether Trial Court Judges Have a Responsibility for Solving Local Correctional Problems

Trial Court Judges Have a Responsibility

State Court Administrators Have a Responsibility	Agree Strongly	Agree	Not Sure/ Not Applicable	Disagree	Disagree Strongly	TOTALS
Agree Strongly	0	0	0	0	0	0
Agree	0	11	0	0	0	11
Not Sure/Not Applicable	0	0	1	0	0	1
Disagree	1	14	1	4	0	20
Disagree Strongly	1	2	1	2	1	7
TOTALS	2	27	3	6	1	39

Tau b = .269 Gamma = .436 Sig. Level = .033

If one agreed that state court administrators have a responsibility for solving state correctional problems, a respondent also agreed that trial court judges have a responsibility for solving local correctional problems. But if one disagreed as to the state court administrator's responsibility, a respondent nonetheless was likely to agree as to the trial court judge's responsibility.

APPENDIX A-22

Interest in Training Programs (Specific Correctional Topics)

	Upper Trial Court Judges		Upper Trial Court Administrators		Lower Trial Court Judges		Lower Trial Court Administrators		State Court Administrators	
	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
A. Correctional Law	6	7	7	6	5	7	2	3	1	7
B. Correctional Economics	6	7	9	4	5	7	4	1	4	4
C. Alternatives to Institutionalization	11	2	12	1	12	-	5	-	7	1
D. How Correctional Facilities Are Run	8	5	8	5	7	5	3	2	4	4
E. Basic Issues in the Courts-Corrections Interface	11	2	12	1	10	2	5	-	6	1

QUESTION: One aspect of this study is to find out your thoughts regarding training programs for judges and court administrators. The following are possible court and correctional topics that educational institutions training judges and court administrators might wish to incorporate into future training programs. Would you please indicate which of the following areas strike you as useful topics?

APPENDIX A-23

Interest in Joint Judicial-Corrections Team Seminars

Position	YES	NO
Upper Trial Court Judges	9	4
Upper Trial Court Administrators	9	2
Lower Trial Court Judges	10	2
Lower Trial Court Administrators	5	-
State Court Administrator	3	4

QUESTION: Would you be interested in attending an educational program involving teams of state and local court and correctional personnel on the joint problems of courts and corrections?

COURTS AND CORRECTIONS

AN AGENDA FOR COOPERATION

By

H. Ted Rubin

COURTS AND CORRECTIONS: AN AGENDA FOR COOPERATION

TABLE OF CONTENTS

Introduction

The American criminal justice system has been neatly divided into a three-pronged structure. Law enforcement agencies are accorded the responsibility for preventing crime and for apprehending persons believed to have committed criminal law violations. Their agents conduct investigations which form the basis for the initiation and prosecution of alleged violators. The judicial system administers and oversees the case processing of criminal suspects from the bail or pretrial release stage through adjudication and sentencing. Determinations of whether crimes were indeed committed and, if so, the application of sanctions to offenders are governed by the judiciary within the context and constraint of the law and of constitutional strictures. The correctional system is responsible for the housing of individuals who are subject to court sanctions and for implementing intervention designed to effectuate punishments and achieve rehabilitative advancements.

In reality, the criminal justice system is far more complex than what has been simply sketched above. Many crimes go unreported and criminals unapprehended, law enforcement agencies selectively emphasize the enforcement of certain crimes as opposed to others, and judicial decisions impact upon the nature of police investigations. Court processing is frequently hinged upon prosecution and defense lawyer plea agreements accompanied by judicial ratification. Legislative policy restrains judicial discretion at the sentencing stage. Correctional agencies are not only governmental entities; they are a potpourri of public and private organizations, custodial and non-custodial, community-based and state-level in nature. Nor do these separate systems operate in isolation from each other.

The interdependence of two of these, courts and corrections, is the subject of this monograph. The monograph derives from a study conducted by the Institute for Court Management into the ways judicial system officials interact with correctional agency officials. The study was prompted by the recognition that

little was known about how these two critical sub-systems do in fact intersect, and from a belief that however much these interactions did or did not occur, an examination of this area might lead to benefits to both organizations, their clientele, and the wider public.

The study had several phases, beginning with a literature review that was conducted along four dimensions: recommendations of national commissions and task forces, state statutes and administrative rules, federal court decisions related to correctional institutions, and legal periodicals and justice system journals. In general, the review revealed many interdependencies between these systems and discovered a number of recommendations for increased information sharing, communication, collaboration, and education across these systems.

Second, structured interviews were administered to seventy-three judicial and correctional system officials in eight states to document current courts-corrections interactions and to obtain practitioner viewpoints as to the nature of correctional problems in these states, the relationship of correctional administration problems to judicial practices, views on what sets of officials are responsible for helping solve correctional problems, and the interest among judicial system officials in educational experiences focused on correctional issues and the interrelationship between courts and corrections. The officials interviewed included state court administrators and correctional officials, upper and lower trial court judges, upper and lower trial court administrators, and local correctional officials. The interviews were conducted by telephone. They were accomplished in four states whose prisons had been held by federal courts to be unconstitutionally overcrowded: Arizona, Florida, Maryland, and Rhode Island, and in four states where such decisions had not occurred: Idaho, Minnesota, North Carolina, and South Dakota.

Third, supplementary on-site interviews were conducted with state and local judicial and correctional officials in Arizona and Minnesota to gain more extensive information, experiences, and perspectives in order to enrich the study's directions, findings, and presentation.

This monograph is directed at the functions which judges and court administrators perform or could perform in relation to the correctional enterprise. Activities by correctional officials in relation to the courts receive comment but are not the central focus. More extensive activity on their part than appears to occur at present is necessary, but the court's role receives emphasis in this presentation.

The monograph opens with a definition of court administration as used in this study. The concept incorporates functions that are performed by both judges and court managers. A perspective of the management function is set forth that is both broad and activist. Section II presents findings from the survey of seventy-three court and correctional system officials. These officials allocate significant responsibility to trial court judges for helping solve both state and local correctional problems. Section III reports the more particularized viewpoints of correctional officials in regard to court relationships and correctional problems. These officials call for more cooperation from the judicial system. Sections IV and V detail judicial system interactions with the correctional system at trial court and state levels. This account is extensive, more so at the trial court level. The monograph concludes with recommendations for actions to be taken by court administration, for educational undertakings, and for further research.

I. CONSIDERATIONS OF THE ROLE OF COURT ADMINISTRATION

The concept of court administration, as used in this monograph, encompasses functions performed by both judges and court administrators.

Until the recent era courts were administered, if at all, by judges and by clerks of court. The clerks, frequently, were "independent functionaries. . . beyond effective court control".[1] Certain administrative functions of the court, such as budget preparation and fiscal administration, were performed for the courts by legislative or executive-branch agencies.[2] Civil service reforms that sought to remove patronage considerations from governmental employment re-

sulted in the administration of certain judicial personnel systems by executive branch merit system agencies. In many jurisdictions, prosecutors set and controlled judicial calendars,[3] a function now seen as a cardinal prerogative of court administration.[4]

Judicial systems did not begin to employ professional court administrators until perhaps three decades ago.[5] Since then, the proliferation of court administrators at state and local trial levels, especially since 1970, has provided courts with an improved capability for managing their own affairs, administering a more self-contained organization, and furthering the independence of the judicial system as a more co-equal branch of government. In the context of this monograph, judges now have an administrative arm to help them achieve an effective collaboration with correctional agencies, if, indeed, judges and court administrators believe they have a responsibility to establish effective linkages with correctional agencies. Where court clerks rather than court administrators perform judicial system management functions, the judiciary is more likely today to be assisted by officials who accept a broader responsibility for achieving effective court operations.

Judges retain the ultimate responsibility for the administration of the courts.[6] Generally, a chief justice or chief judge serves as the main liaison between the jurists and court administrator. It is not, however, that the judicial administration function is only to set policy and superintend policy administration by the court manager. Rather, justices and judges continue to perform a large number of functions that affect a court's purposes and business. A few examples of such activity, related to the present context, include superintendency of a court's probation arm, reviewing and testifying on pending legislation related to court procedures and sentencing discretion, or the establishment of an interagency committee aimed at reducing jail overcrowding through the institution of a pretrial service agency. The Chief Justice of the United States Supreme Court's continuous

advocacy for correctional system improvements is a prominent illustration of judicial activity that goes beyond the narrow parameters of managing a court's workflow.[7]

Court administrators might assist judges in performing certain of these functions. For example, they may help the probation department in the design and implementation of a data log to inform the judiciary of the average duration required to complete presentence investigation reports and to report on factors involved when a longer time than average occurs. They may analyze and project the probable impact of proposed legislation on court fiscal, space, and personnel requirements. Also, they may coordinate planning for the pretrial service development, aggregate relevant court data, draft release criteria, and design a monitoring program.

Judges may be either interested in or indifferent to projects such as these. When interested, they may invoke or choose not to invoke their court administrator's assistance. And court administrators may actively engage in these efforts or prefer a more narrowly defined role that is bounded by internal court functions.

The just, prompt, and economic determination of cases is a primary objective of court systems. A secondary objective is to maintain the courts as "an independent and respected branch of government." Effective management of its workflow, personnel, and administrative processes facilitates a court's attainment of its justice goal and its independence.[8]

Carl Baar has analyzed several models of trial courts according to measures of persistence (the judiciary's maintenance of its fundamental life processes) and significance (the judiciary's ability to manage its increasing workload). Only the change agent court protects its integrity through active leadership and collaboration with agencies that are part of the court's wider environment. It also insures that its own workload is well managed. This court is high in both persistence and significance.[9]

Geoff Gallas would replace the term change agent court with the label proactive court, considering that the latter term better describes the requisite administrative and political leadership the judiciary should exhibit in order to preserve its integrity and managerial competence. From this vantage point, the change agent term appears more concerned with change "primarily to maintain power with respect to emerging economic, social, and political realities".[10]

A more proactive stance by the judiciary may occasion greater conflicts with more agencies. But a noteworthy managerial activism in the last decade or more is evident, particularly at the state supreme court level, in asserting court leadership to protect the judicial system turf, its reviewing processes, and its independence. Courts have taken major strides to gain administrative control over their workloads. These actions signify a more proactive court approach.

A more proactive court system should not be seen as seeking to dominate other agencies or intrude upon the integrity or responsibility of collaborative organizations or governmental branches. But it opposes the passive stance whereby others gain control of the "fundamental life processes" of the judicial system or dominate a court's control of its own workload. The proactive judicial stance is supported by the prescriptions of national commissions. These standards support the role of the state and trial court administrator in facilitating a court's significance. While these officials are not urged to take lead roles in intergovernmental liaison efforts except as directed by the judiciary, the administrators are seen as key agents of the judiciary in maintaining or enhancing a court system's persistence in this context.[11] This monograph takes the view that a proactive court stance facilitates judicial system objectives and can provide important benefits to correctional agencies.

Another perspective relied upon here is the open system concept. General management and organization theory have for some time recognized that organizations function in wider environments, that they are not autonomous entities, and that coordination and negotiation are necessary management dimensions with in-

terdependent organizations. A bureaucracy or closed system seeks certainty and efficiency and utilizes control and authority over its personnel and those clients dependent upon it.[12] Because courts are hierarchical organizations, they may tend to rely more readily on a closed system rather than an open system approach. The court management literature is conscious of the natural tendency of the judicial system to pursue a closed system approach that relies on authority and legal orders to obtain its desires, but some writers see shortcomings with such an orientation. Saari, for example, finds that "Because the court's environment is exceedingly complex and variable, an open system approach is more realistic than the inward-looking approach of the bureaucratic model."[13] Gallas calls on the courts to recognize the necessity "for managing not organizations, but organizational environments".[14] There is also recognition that the justice system has many leaders rather than one leader, that there are many interests being served which are often in conflict, and that effective court caseflow must emphasize the coordination which needs to be accomplished both within the court hierarchy and with interrelated "outside" organizations.[15]

A third and final judicial system perspective must be dealt with before proceeding, one that was frequently noted by persons who were interviewed during the course of the study. Its origins lie in the separation of powers doctrine. The argument is that courts are independent agencies, as are executive branch correctional services. Accordingly, neither body should tell the other body how to handle its internal business.

True, courts are responsible for safeguarding substantive and procedural due process, but their protection of these purposes is heavily influenced by other agencies and factors. Externally related examples include a prosecutor unprepared to proceed to trial the day before the end date permitted by a speedy trial rule, a probation officer who fails to ascertain a defendant's prior criminal record, and court hearings that are delayed because of a correctional agency failure to obtain the requested psychiatric evaluation.

Nor is the correctional agency privy to total autonomy in the real world: the judge accepts a plea bargain and insists that a correctional halfway house accept a highly assaultive individual into its residence; a federal court orders a prison to spend additional funds for medical services and a law library; a state legislator "persuades" a parole agency administrator to employ an unqualified political supporter.

The real world, then, is an interdependent one and the boundary lines between organizations are neither rigid nor totally clear. This world is not a static one. Policies and procedures cannot be set in concrete and will often require renegotiation and amendment. This monograph takes the position that organizational autonomy is not a fixed, isolating concept; the purposes of interdependent organizations are best achieved through collaboration which need not derogate their persistence.

At the trial court level particularly, both telephone interviews and on-site visitations conducted in this study disclosed numerous examples of judges and court administrators interacting with correctional agents. Information was shared, communication occurred, and in some settings there was extensive collaboration. Such findings were not universal. A number of judges and court administrators took a largely "hands off" or reactive policy approach. Activity, or inactivity, related to how court officials perceived their responsibility for helping solve correctional problems.

II. PERCEPTIONS OF RESPONSIBILITY FOR SOLVING CORRECTIONAL PROBLEMS

Questionnaire tabulations reflect a strongly responsible role for trial court judges in helping solve both state and local correctional problems. As shown by Table 1, trial court judges are accorded far more responsibility by respondents for helping solve <u>state</u> correctional problems than either state or trial court administrators. While few agree strongly as to any judicial system official's responsibility, still fewer disagree strongly as to the trial court judge's role.

TABLE 1

Responsibility of Court Officials for Solving State Correctional Problems

	Trial Court Judges		State Court Admin.		Trial Court Admin.	
Category	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Agree Strongly	3	7.0	1	2.3	1	2.3
Agree	15	34.9	12	27.9	7	16.2
Disagree	16	37.2	21	48.8	24	55.8
Disagree Strongly	5	11.6	8	18.6	10	23.3
Not Sure/ Not Applicable	4	9.3	1	2.3	1	2.3
TOTALS	43	100%	43	100%	43	100%

QUESTION: To what extent do you agree that trial court judges, state court administrative staff, and trial court administrators are responsible for solving state correctional problems?

Trial court judges, strikingly, are granted the strongest judicial system responsibility for helping solve <u>local</u> correctional problems, as shown by Table 2. State court administrators are granted greater responsibility than trial court administrators in helping solve state correctional problems, but the reverse is true at the local level. Overall, the trial court administrator's visibility is somewhat low and the state court administrator's even lower. While few respondents agree strongly or disagree strongly as to any court system official's responsibility, the agreement as to the trial court judge is noteworthy.

TABLE 2

Responsibility of Court Officials for Solving Local Correctional Problems

	Trial Court Judges		State Court Admin.		Trial Court Admin.	
Category	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Agree Strongly	4	5.5	1	1.4	1	1.4
Agree	43	58.9	13	17.8	26	35.6
Disagree	14	19.2	41	56.2	35	47.9
Disagree Strongly	2	2.7	7	9.5	3	4.1
Not Sure/ Not Applicable	10	13.7	11	15.1	8	11.0
TOTALS	73	100%	73	100%	73	100%

QUESTION: To what extent do you agree that trial court judges, state court administrative staff, and trial court administrators are responsible for solving local correctional problems?

When interview responses are separated, there is a stunning difference as to perceptions of responsibility. Correctional officials view all court officials as more responsible for helping solve state correctional problems than court officials do, as shown by Table 3. This distinction represents a commentary on the difference between how judicial system officials describe their roles and how other officials perceive the responsibilities of judges and court administrators.

TABLE 3

Responsibility of Court Officials for Solving State Correctional Problems

	Judicial System Respondents	Correctional Official Respondents
Trial Court Judge Responsible		
Agree	11	7
Disagree	20	1
Not Sure	3	0
State Court Administrator Responsible		
Agree	6	7
Disagree	28	1
Not Sure	1	0
Trial Court Administrator Responsible		
Agree	4	4
Disagree	30	4
Not Sure	1	0

QUESTION: To what extent do you agree that trial court judges, state court administrative staff, and trial court administrators are responsible for solving state correctional problems?

A clear difference exists also with correctional official versus judicial system official perceptions of responsibility for helping solve local correctional problems, as shown by Table 4.

TABLE 4

Responsibility of Court Officials for Solving Local Correctional Problems

	Judicial System Respondents	Correctional Official Respondents
Trial Court Judge Responsible		
Agree	31	16
Disagree	13	3
Not Sure	5	0

TABLE 4 (Cont'd.)

	Judicial System Respondents	Correctional Official Respondents
State Court Administrator Responsible		
Agree	6	8
Disagree	39	9
Not Sure	4	2
Trial Court Administrator Responsible		
Agree	18	9
Disagree	29	9
Not Sure	2	1

QUESTION: To what extent do you agree that trial court judges, state court administrative staff, and trial court administrators are responsible for solving local correctional problems?

Only two of nine state court administrators and none of the thirteen upper trial court judges agreed that the state court administrator had responsibility for solving state correctional problems. This suggests both that this official declines responsibility in this area and that the invisibility of his activity in this arena leads judges to deny him such a role. However, state correctional officials almost unanimously believe (7/8) that state court administrators should provide assistance with state correctional problems. Correctional officials also suggested that state and trial court administrators can be more helpful with local correctional problems than judicial system officials contend. Trial court judges clearly accepted responsibility at the local level (16/23) and local trial court administrators are more agreeable to this role (10/15), though correctional representatives are more impressed here with what judges rather than court administrators can achieve.

Despite the responsibility that state correctional officials assign the state court administrator, it is interesting that among the state court administrators interviewed in the eight states, only one, Rhode Island, reported receiving regular information as to state prison populations. Also, the Rhode Island state correctional agency administers the central pretrial jail facility in that state and the court administrator uses these data to monitor compliance with speedy trial rule requirements as to detained prisoners.

Interview respondents, however, assigned the heaviest responsibility for solving state correctional problems to state legislatures and state correctional agencies. They ranked this responsibility at the local level, from highest to lowest, with county commissioners, local correctional agencies, state legislatures, trial court judges, state correctional agencies, trial court administrators, and state court administrators. The following section presents and analyzes other correctional agency perceptions.

III. THE VIEWS OF CORRECTIONAL OFFICIALS

The literature review had indicated that while correctional officials may prefer to have unfettered control in managing their facilities and programs, many need to accommodate to federal court intervention. Constantly, all correctional officials adapt to another form of court intervention, namely the intake of persons who await court processing or who have been sentenced by judges to their facilities and programs. Studies of organizations indicate their interest in shaping intake criteria in order to permit early classification to be synchronized with the way subsequent services are organized and staff are deployed.[16]

Correctional agencies cannot control their intake to the degree that other organizations such as universities or banks do. Yet correctional agencies need not be totally passive and simply wait for individuals to be brought to their doors by law enforcement or judicial agencies. They can encourage judicial modification of bail schedules ,including release on recognizance mechanisms, in order to impact their intake flow. They can encourage courts to speed up case processing so that jailed defendants might be more readily released to community status or transferred to prison settings. Jails can facilitate the implementation of work release programs to help restore an at least partially normal life experience for their inmates. Prison administrators can seek legislation that might funnel more serious and repetitive rather than less serious and less

chronic offenders to their gates. They can influence judicial sentencing decisions by acquainting judges with what they can and cannot furnish offenders. Despite the resentment which correctional officials may have toward federal court intervention on their terrain, questionnaire data evidences that these officials are very interested in expanded communication and collaboration with the judiciary.

Based on these data, correctional officials, more than judicial system officials, appear to initiate meetings with the other system. The former group expressed more concerns that problems exist in communicating with other system officials than did the judiciary, more often citing that relevant people were too busy or indifferent. They also reported more problems with the information they receive from the judiciary than the judiciary reported as to correctional information. Quite dependent on judicial decisionmaking, these officials seem to be asking for enhanced working relationships with the judicial system.

It is interesting, however, that correctional officials saw more value and fewer problems associated with the management of their facilities than did the judiciary. While this may reflect a greater pride in their accomplishments than the judicial system acknowledges or a defensiveness that may not be useful, this does indicate the need for efforts leading to a more commonly shared assessment of correctional effectiveness. Among those expressing viewpoints, eighty-four percent (37/44) of court officials believe that prisons and jails lack the resources necessary to provide adequate training and rehabilitative programs while sixty-three percent (10/16) of correctional officials accepted that contention. Local correctional officials were more critical of local jail services than state correctional officials of state prison services. The courts more often than correctional officials contended that prison and jail staffs had a difficult time insuring inmate safety as well as the staff's own safety. However, correctional officials were somewhat more likely than court officials to agree that judges had too few sentencing alternatives to incarceration.

As noted earlier, correctional officials emphasized that trial court judges have a strong responsibility to assist in solving both state and local correctional problems, indicated that the state court administrator can be helpful with state-level problems particularly, and see some potential for assistance from trial court administrators. The fact that court officials indicated they were attentive to reports from correctional agencies provides support for the notion that courts are sensitive to correctional developments. During the study's site visits, correctional officials indicated that they consciously encourage judicial system visitations to their agencies and respond quickly to judicial system requests for information. Increased judicial system familiarity with correctional resources and greater intersystem collaboration should be useful in helping resolve intersecting problems and in developing a more commonly shared perception as to the values and deficiencies of correctional programs. Further, the study found numerous examples of court collaboration with correctional officials, particularly at the trial court level.

IV. THE FUNCTIONS OF TRIAL COURT ADMINISTRATION IN RELATION TO CORRECTIONS

This section reports on the activities of upper and lower trial court judges and administrators in regard to correctional agencies. The materials were obtained from questionnaire interviews and on-site visits, and were augmented by the literature review. Certain additional functions are included which seem to be logical expansions of the court role, though they were not encountered directly in the study. The report, then, is both descriptive and prescriptive. The presentation considers the particular activities that may be performed in the broader correctional context as well as activities as they arise at different stages of the criminal justice caseflow. Each subsection begins with a checklist of particular functions to be performed by court system officials. This listing is then followed by examples drawn in the main from the jurisdictions studied, which illustrate the application of these functions.

The scope of these functions, performed or performable, is impressive. This underscores the breadth of the courts-corrections interdependence as well as the need for achieving effective management of the boundaries between these two systems.

A. The Functions of Trial Court Administration in the Broader Correctional Context

The most prolific number and variety of court administrative functions could be classified as occurring within the broader context of court and correctional relationships. The following considerations illustrate this extensive range of information sharing, communication, and collaboration.

THE FUNCTIONS OF TRIAL COURT ADMINISTRATION IN THE BROADER CORRECTIONAL CONTEXT

Category	Judicial Role	Court Administrator Role
1. Court Policies and Procedures that Facilitate Correctional Administration		
• Design and promulgate bail schedules and pretrial release criteria	X	X
• Reduce case processing delay and develop processing time standards	X	X
• Develop a court policy to limit continuances	X	X
• Study potential value of video arraignments, extended arraignment hours, alternate arraignment settings, and telephone conferencing hearings	X	X
• Develop procedures for review hearings of persons unable to make bail	X	X
• Develop interagency procedures for releasing inmates if jail capacity approaches	X	X
• Provide efficient system for early appointment of defense counsel	X	X
• Coordinate system for correctional services' delivery of prisoners for court hearings		X
• Arrange system for development and delivery of probation department presentence investigation reports		X
• Develop a courtroom security program	X	X
• Develop a system for fine collection and administration		X
• Develop a system for victim restitution payment collection and administration		X
2. Information System Development and Exchanges		
• Develop and refine a judicial management information system		X

Category	Judicial Role	Court Administrator Role
• Insure that correctional management information system provides information needed by the court		X
• Develop an effective system for notifying officials of court hearings, delivery of court orders, and delivery of related agency reports		X
• Coordinate the procedure to obtain a daily or weekly jail list		X
• Develop procedures for jailers to notify the court of weekender offenders who do not appear		X
• Coordinate the procedure to obtain periodic prison population data		X
• Provide judicial management information system reports to the state court administrator		X
3. Judicial Awareness of Correctional Issues		
• Develop a structure for regular judicial consideration of sentencing practices and effects and of correctional services availability	X	X
• Provide a directory to judges as to available alternatives to pretrial and posttrial incarceration		X
• Provide ongoing information to judges regarding correctional developments, problems, and research	X	X
• Provide information to judges on correctional system calculation of good time and of furlough and work furlough practices	X	X
• Facilitate judicial visits to and orientation by correctional agencies		X
• Arrange informal communication linkages with primary correctional officials	X	X
4. Liaison with and Oversight of Correctional and Related Services		
• Designate judicial committees on probation and correctional services	X	
• Appoint judicial and administrative official liaison to particular correctional services	X	
• Appoint chief probation officer and top administrators of court-administered probation and correctional services	X	
• Oversee program and fiscal administration of court-administered probation and correctional services	X	X
• Assist law enforcement in the development of guidelines for a citation/summons procedure	X	X
• Oversee union negotiations regarding employees of court-administered probation and correctional services	X	X
• Investigate inmate complaints regarding jail treatment or non-treatment	X	X
5. Advocacy for Criminal Justice System Improvements		
• Insure presence of adequate pretrial, diversion, probation, and community correctional services	X	X
• Support funding requests of related correctional agencies	X	X

Category	Judicial Role	Court Administrator Role
• Testify before legislative bodies regarding judicial system and correctional system needs	X	X
• Facilitate the development of jail and prison standards	X	X
6. Participation on Judicial and Interagency Commissions		
• Develop an interagency committee on the courts-corrections interrelationship	X	X
• Provide ongoing data to interagency courts-corrections committee		X
• Participate on local community corrections advisory boards or criminal justice planning councils	X	X
• Serve on a task force considering new, expanded, or remodeled jail	X	X
• Participate on sentencing guidelines commissions and judicial committees related to correctional issues	X	

1. Court Policies and Procedures that Facilitate Correctional Administration

Bail schedules are commonly in place and frequently administered by law enforcement and correctional personnel. For example, city court judges in Tucson approved release guidelines utilized by the pretrial services agency which is administered by the superior court and provides contract services to the city court. The bail and fines committee of the municipal court judiciary in Minneapolis has also approved criteria to be used for release from jail on recognizance as well as a bail forfeiture fine system.

Court projects to reduce case delay are increasingly evident, particularly in the general trial courts. Delay reduction projects often need to involve probation, jail, and other correctional officials. The pace of court processing, and any change of pace, have an effect upon local jail administration. Speeded up case processing, at least in its early stages, also may result in an increased flow of convicted defendants to prisons and other correctional agencies. The superior court in Phoenix invoked the aid of its probation arm in reducing the time span from plea or trial to sentencing, agreeing to procedures which would help its probation arm cope with a speeded up time frame for completing presen-

tence investigation reports. The Dade County Circuit Court, in Miami, established time lapse guidelines between processing stages in order to achieve earlier dispositions; court administration staff played a strong role in gathering caseflow data for their own and judicial review.

Development or refinement of court policies related to continuances of scheduled hearings has also received considerable attention and usually forms part of a court system's effort to reduce delay. Judges set these policies; court administrators may provide actual data as to continuances requested and granted for court analysis of policy implementation.

The county corrections department in Tucson invoked the assistance of the chief superior court judge in the design of a plan to develop a video system for the conduct of first appearance and arraignment hearings. It was suggested that significant savings would result from eliminating the need to transport defendants from the distant jail to the courthouse and from the reduced courtroom security staffing need. The plan includes a second video room in the courthouse where defense counsel, pretrial service agency staff members, and probation officers can communicate with their clients without the transportation need. The chief judge became the catalyst in coordinating a special committee of judges, correctional officials, members of the board of supervisors, and county executive officials in implementing this design. A similar scheme was implemented in Boise, Idaho, and by the court administrator in Prince George's County, Maryland.

In Phoenix, the superior court administrator was superintending a plan to develop a seven day a week arraignment program, to expand the judicial branch pretrial service agency function to a 24-hour staffing pattern, and to utilize lower court judges and superior court commissioners to achieve this. The Phoenix jail has been held unconstitutionally overcrowded and the plan to reduce jailing was expected to reduce pretrial detention by 75 percent.

A number of courts have initiated experimentation with the use of telephone conferencing to conduct certain criminal court motion hearings, stimulated in large part by the American Bar Association Action Commission to Reduce Court Costs and Delay and the Institute for Court Management. For a variety of reasons, including cost savings and developments with telecommunications systems, it is likely this approach will proliferate. Both judges and court administration officials are being involved in such plans and implementation.

The municipal court in Phoenix, among others, reported that systems were being used by the court administrator to trigger court review of previous bail determinations in order to accelerate adjudicatory hearings for jailed defendants.

A related approach was reported by the deputy director of corrections in Tucson. When capacity is approached at either the pretrial or the sentenced offender facilities, this official meets with judicial branch pretrial release agency staff or probation staff to agree on those persons having the lowest need for confinement. Pretrial release and probation staff members then speak with the chief judge of the superior court, who, if his criteria are met, directs their release. The chief judge performs this function rather than the judge responsible for the particular offender.

The superior court administrator in Phoenix reported his review of the system of attorney appointment for indigent defendants and the search for a still earlier appointment mechanism. Several communities reported that pretrial release agencies conduct eligibility screening of jailed defendants for appointment of counsel; this appears to contribute to earlier appointment and a reduction in fruitless court hearings occasioned by delays in counsel appointment.

The timely delivery of particular defendants to particular courtrooms at designated times is not always a smoothly coordinated process. It is necessary that court administrators and clerks insure that jailers are informed as to persons scheduled for hearings, as well as when hearings are cancelled prior to the hear-

ing date. A Rhode Island trial court administrator observed that working out problems with prisoner transportation is one of his ongoing functions.

Presentence investigation reports prepared by probation officers are critical to all felony courts and are used in a growing number of lower criminal courts. A function of court administration is to insure that a system is in place for immediate notification to the probation agency that an order to conduct such an investigation has been entered, for the return of this report and its dissemination to judges and counsel, and for the transmission of this report to particular correctional agencies following sentence.

Courtroom security is of particular importance to judges and involves the assistance of the court administrator. The district court administrator in Minneapolis helped arrange a judicial directive that fewer defendants be brought at any given time to first appearance hearings in order to reduce security problems.

Sentences of money fines are an everyday ingredient of lower courts, especially. Court administrators and clerks seem particularly suited to the administration of fine collections and the design of procedures to be systematically invoked upon default. In some jurisdictions, probation officials also receive fine payments. Orders requiring defendants to reimburse victims are now more common, may be ordered to be paid to clerks or probation officials, and require a repayment plan that is monitored and refined from time to time.

2. Information System Development and Exchanges

Numerous court administrators and judges review data aggregated from some form of management information system, computerized or otherwise. Many MIS's have helped courts become more aware of their caseloads and case processing time experiences. The issues in the present context relate to more prompt hearings and case dispositions, and the provision of information needed by correctional agencies. Certain joint information systems intersect between the courts and other justice system agencies.

The superior court administrator in Tucson spearheaded the development of an interagency information system. Reportedly, this approach will help assure that correctional agencies have access to court information they deem useful and that courts will obtain appropriate correctional agency data. Pertinent data goes beyond the information used for scheduling hearings and obtaining the presence of necessary parties. By illustration, court decrees and law enforcement records are needed by pretrial service personnel and correctional officials. Pretrial service information can be used by probation departments in developing presentence investigation reports. Knowledge that an individual is on probation status affects a pretrial service agency's recommendations.

Whether court hearing dates and court orders are transmitted by cathode ray tube or by paper, systems need to be designed for accurate preparation and speedy delivery to interested organizations. When completed, terminals planned for the Tucson jail will be able to show the next action date on all incarcerated defendants.

Whether or not mandated by law and whether or not the local jail is overcrowded, there appears to be merit to a court administrator's obtaining daily, or at least weekly, jail logs showing the names of all detained prisoners and their status, for review by this official and the judiciary as to compliance with speedy trial rules and for other monitoring purposes.

Another function of an information system is to apprise both correctional and court officials of the existence of outstanding warrants on newly arrested persons. A Rhode Island district court administrator reported working out standardized procedures for all eight divisions of the court to make sure that prisoners wanted on holds elsewhere are not released.

Administrators in courts using weekend sentencing, such as with driving under the influence offenders, need to be sure that jailers report promptly any offender who fails to appear for a weekend sentence. The municipal court administrator in Phoenix receives routine notification of weekender "no shows".

The other side of this coin is that there needs to be space in the jail when the offender reports for his weekend stay. One lower court administrator reported that he regularly monitors jail population data so as to advise his judges whether or not weekend jail space is a likely possibility, in order to help guide their sentencing practices.

A possible new frontier may be the acquisition of state prison population reports by a trial court administrator for review and consideration by judges at their own policy meetings as well as by individual judges at sentencing. While the Arizona Supreme Court has indicated to its trial judiciary that officially-found prison overcrowding should not affect sentencing decisions, a number of judges and court administrators indicated that lesser sentences than incarceration were being used due to overcrowding. Further, the chief judge in Baltimore City indicated that he did obtain state reports each three months and reviewed them as to their implications for policy and practice.

The provision of local court case data to state court administrative offices enables state court administrators to aggregate statewide data for budgeting, planning, and monitoring purpsoses. The submission of these data are widespread. In the present context, trial courts transmit such information as criminal case workloads, processing time requirements, and sentencing statistics.

3. Judicial Awareness of Correctional Issues

When Tucson judges sentence an offender to the state department of corrections, the offender may begin serving his time in a local correctional center while awaiting space in the overcrowded Arizona prison system. This practice is common in other states with overcrowded state facilities. The chief superior court judge in Tucson is aware of this procedure and the tension it creates between the locally-funded correctional department and the state correctional agency. He functions actively as vice chairman of the Pima County policy intake board, which largely determines who shall stay in jail at the front end. He also helps to relieve local facility overcrowding by approving the release of low priority inmates when capacity is approached.

Also in that county, the judicial branch adult probation department formerly administered the work release program that is centered at the local correctional facility. Subsequently, the county board of supervisors transferred the administration of this program to the county correctional agency, seemingly with the consent of the judiciary. However, the agency now reports that probation officers less frequently recommend, with presentence investigation reports, that judges approve a work release program for a given offender. County corrections prefers both to administer this program and to designate which of its residents should go into the program. The judiciary, however, has held onto this authority. The open communications and ongoing collaboration between the county corrections agency and the chief judge, along with the latter's interest in asserting leadership in this interrelationship, appear to have reduced the frustrations that can and do develop between courts and correctional agencies.

The board of judges meets monthly or more often in many courts. Frequently the court administrator helps prepare the agenda for this meeting and presents relevant data and information for judicial consideration. Local probation officials may be invited to attend when their consultation appears relevant. At these meetings, judges can and sometimes do consider the status of correctional problems and the intersecting influences of courts and correctional agencies.

Expanded community correctional alternatives in the past decade, particularly, compel judicial awareness of the variety of sentencing alternatives. As one strategy, the administrator of the municipal court in Minneapolis has compiled a bench book for judges that includes descriptions of community agencies.

The director of community corrections in St. Paul acknowledged that judges read different journals and literature sources than correctional agents. He attempts to forward pertinent materials to the judges and court administrator. The chief judge of the district court in St. Paul states that the judges invite in local correctional officials once or twice a year "to suggest solutions for what we see as problems". St. Paul judges tend to sentence rather heavily to

the workhouse, feeling that this facility is "pretty much under our control" and that the "staff there want to give the judges what they want". When advised that the workhouse population is nearing capacity, they tend to take this into consideration when sentencing.

Another example of intersystem dependence involved the municipal court judiciary in Minneapolis. In that city, judges were aware that overall capacity at the workhouse was below the maximum and continued to sentence offenders there, designating work release program participation. The judiciary was not aware, however, of the facility's housing classification and staff deployment approach. Persons on work release were housed separately since staff needed to conduct searches upon the offenders' return from the community. The assignment of more work release offenders than could be housed in the special unit required their integration into other workhouse settings and presented staff deployment problems to the agency.

A state correctional official in Arizona described the numerous phone calls he has received from judges asking how "good time" is calculated. Together with other officials, he developed an information wheel for judges and other officials to use in calculating these measures at sentencing. Judicial questions concerning good time administration were also heard in Minneapolis. There, when a sentenced offender called a lower court judge to thank him for releasing him early, the judge's investigation discovered that, unknown to him, county workhouse officials permitted good time to be earned which resulted in early releases. Another judge learned, after the fact, that certain offenders were granted weekend furloughs. Subsequently, a board of judges' memorandum modified these practices by the workhouse administration.

The orientation of judges to probation services and their visits to jails and correctional institutions is common at the trial court level. However, except for the municipal court in Minneapolis, the function of the court administrator in arranging orientations and visitations was not reported. Rather,

chief probation officers or directors of community corrections departments extend the invitations, although some courts have a routinized orientation program for new judges that includes such dimensions. The community corrections director in St. Paul annually invites judges to the workhouse for lunch and encourages them to have one of their regular judges' meetings there each year. The municipal court in Minneapolis programs a two-week orientation for new judges which includes visits to the workhouse, the state women's correctional facility, and meetings with probation officials to review the nature of presentence investigation reports and supervision practices. The probation agency in Tucson, in its orientation for new judges, shows a film that is also used with new probationers to explain the probation program and its requirements. Phoenix probation officials sometimes take the new judge, during orientation, to visit the work furlough facility.

Informal communications occur frequently between court and correctional officials. Sometimes they have met each other through working on a joint committee or during an address by a state correctional executive to a judicial conference. At a later date, a corrections official may call the court administrator to inquire into the rationale of a particular judicial policy, or a judge may call the state correctional official and request that a person, about to be sentenced, be placed in a particular correctional facility.

4. Liaison with and Oversight of Correctional and Related Services

The designation of a local judges' committee on probation or correctional services is appropriate to multi-judge courts. Many of these courts have constituted such an entity, though reportedly some function actively and some less actively. The probation committee appears to be more a creature of the courts that administer this function. When probation is administered by an executive agency, the court's liaison necessity may be even stronger although its oversight function is reduced.

In Minneapolis, the "court services committee" is composed of seven district court judges. There, probation is a judicial branch function within the department of court services. The department director indicated that the committee meets irregularly and meetings are not well attended. The committee does review the department's budget, helps it determine priorities, and ratifies the director's selections of personnel for top management positions. It also agreed to the agency's use of shorter presentence investigation reports in certain types of cases. The director stated a preference for greater judicial input, superintendency, and challenge.

The committee structure in St. Paul is different. There, the court services committee is composed of both district and municipal court judges, the court administrator serving as an ex-officio member. The director of community corrections, appointed by the judiciary, meets regularly with that committee. He also meets informally, on a regular basis, with the chief district court judge and an interested judge on the committee. Among other activities, this committee did approve shorter form presentence investigations, determined an average workload figure for probation officers, and approved the use of "paper caseloads" for the assignment of probationers for whom reporting was not considered necessary.

Only the district court administrator in St. Paul, of the four upper trial courts visited in Minnesota and Arizona, maintained close liaison with probation services. In Rapid City, South Dakota, where a state trial court judge had issued an order limiting the local jail population and requiring improvements in cell space, plumbing, and other provisions, the court administrator made visits to the jail to help monitor compliance with the order. This judge is the court's primary liaison with jail and local governmental officials in working toward physical improvements in the jail, alternatives to incarceration, and new jail programs. In Prince George's County, Maryland, the chief judge of the circuit court has designated a particular judge as liaison for jail issues and the planning of a new jail.

Arizona law places superintending responsibility for judicial branch probation services with the chief superior court judge. The chief judge in Phoenix meets twice monthly with the chief probation officer on a regularly scheduled basis, supplemented by as-needed sessions. The focus is on overall policy and budget administration. In addition, the chief criminal court judge meets weekly with the chief probation officer to oversee probation department operations. This judge also meets monthly with all probation staff, supervisory level and above, including clerical supervisors. The chief probation officer and a middle manager also attend the twice monthly criminal division judges' meetings.

The chief probation officer in Tucson meets frequently with the chief superior court judge, though these are not regularly scheduled meetings. Memoranda go back and forth between these officials as do telephone discussions. The court has a corrections committee (it has no criminal division; judges hear both criminal and civil cases). A judge chairs this committee which includes other judges, probation officials, the psychological clinic director, and certain other officials. One product of this committee was to regularize the number of sentencing hearings conducted to four hearings per judge per day. Reportedly, the probation agency can now better plan its time in preparing presentence investigation reports.

The judiciary appoints top probation officials in St. Paul and Minneapolis. The board of county commissioners appoints other correctional officials pursuant to that state's community corrections act. An effect of the act has been to shift certain previously judicial branch probation and correctional functions to executive administration. At present, the county boards serving St. Paul and Minneapolis are very interested in acquiring central control over all probation and community correctional functions. Legislation would be required. The district court administrator in St. Paul, with the approval of his chief judge, met with the chairman of the county board to explore potential compromise and options regarding the future of community corrections administration. He also scheduled

a meeting with his counterpart in Minneapolis to explore whether there was a common ground for jointly opposing or seeking modification of a legislative redirection.

Where probation is an executive function in other jurisdictions that were examined, court administrators reported, at the most, a liaison function with probation officials on an ad hoc basis when a problem arose.

The municipal court administrator in Phoenix serves as his court's liaison to the sheriff. The sheriff's concern regarding illegible court orders led to the administrator's decision to centralize order preparation in one court official.

Any number of communities that have sought to curb unnecessary pretrial jailing have encouraged law enforcement officials to use citation or summons notices to court in lieu of bringing defendants to jail. The court administrtor, in this regard, can fulfill a liaison and data analysis function.

Probation officers and other correctional officials employed by the judicial branch have been undergoing unionization in a number of states and communities. Trial court administrators, as well as judges, have relevant roles to perform in this connection, depending upon the extent executive branch officials participate as negotiating agents for the court.

Judges in South Dakota, Arizona, Maryland, and Minnesota reported receiving complaints from jailed inmates as to their treatment or non-treatment. They tended to make inquiry as to whether there was merit to a complaint and directed responses to the inmates. Jail inspections were sometimes part of the inquiry.

5. Advocacy for Criminal Justice System Improvements

Commonly, judges and to a lesser degree court administrators reported their participation on state planning agency boards, local criminal justice coordinating councils, and with other formal groups, part of whose agenda was to procure implementation of new, improved, or expanded correctional programs. Judicial support is often seen as critical to such developments. Correctional officers bring their needs and ideas to the judiciary; judges and interested court administrators take

similar concerns to correctional officials. Court officials reported providing support letters or support testimony before city or county legislative officials to urge the funding of presumably needed correctional services. The chief superior court judge in Phoenix issued a support statement for a bond issue for a new jail which was approved by voters. Several judges and court administrators reported their support of draft prison and jail standards.

6. Participation on Judicial and Interagency Commissions

The criminal justice coordinating committee in Miami is an example of an interagency effort working to address ongoing court and correctional problems as well as law enforcement matters. It is chaired by the chief judge of the circuit court and includes top level representation from major agencies, including the chief prosecutor and public defender. Task forces spin off from the committee to work on specific projects. Middle managers from these agencies meet monthly as the working group to more systematically define problems and issues raised by the task forces or committee and to work out study and implementation plans. The coordinating committee has worked extensively on obtaining actions by the respective agencies that address systemic problems, developed a new prisoner booking system for the county, documented and improved court caseflow procedures, further regularized pretrial release authority, implemented a central intake unit at the local jail to expedite pretrial release eligibility determinations, and dealt with a variety of other matters. Trial court administrative staff performed systems analyses and developed data to facilitate task force studies and coordinating committee accomplishments.

The administrative judge of the supreme bench in Batimore City chairs a mayor's council on criminal justice, initiated to deal with the overcrowded city jail. One court response there has been to expedite scheduling of criminal proceedings in order to speed up the trial dates of detained defendants. A range of alternate strategies to deal with overcrowding was developed by correctional agencies as well. In the words of this judge, "we now have coordination at the highest level it's been in years".

The policy intake board in Tucson is another example of an interagency effort set up to deal with jail overcrowding. This body also helped spawn an increased range of pretrial and posttrial correctional services, designated criteria for pretrial release upon recognizance, facilitated accelerated court proceedings, and substantially improved communications across systems.

Another interagency structure model is the community corrections advisory board, mandated by Minnesota law in the various counties and regions. The statute requires judicial representation on the boards. Further, an influential Minnesota jurist served as a member of the sentencing guidelines commission whose report led to radical changes in that state's sentencing practices, severely narrowing judicial discretion in this regard. His participation helped assuage judicial concern with these restrictions. The commission includes three jurists, a prosecutor and public defender, two correctional representatives, and two citizen members.

The above-described catalogue reveals extensive court administrative functions in the crossing of the intersection with corrections. Among the significant findings were that through a series of internal procedures and collaborative initiatives, courts can materially reduce the prospect of jail overcrowding; that the efficient interchange of appropriate offender information across systems facilitates the administration of both courts and corrections; that greater judicial system familiarity with correctional administration increases the fit between judicial decisions and correctional programs; that the application of both formal and informal communication approaches is useful to problem solving; and that there is support for judicial system advocacy for correctional system enhancement. Certain additional activities that occur at the different court processing stages will now be described.

B. The Functions of Trial Court Administration at the Pretrial Stage

Judge and court administrator functions at the pretrial stage refine and elaborate upon the way a court structures itself to function in relation to correctional agencies. These activities also reflect upon the court's acceptance of responsibility for leadership, cooperation, and oversight. Many of the roles that are described at this stage are within conventional definitions of contemporary judicial and court administrator job descriptions. Certain other functions are less often performed by these officials and are triggered more by a belated recognition that a problem needs to be dealt with than by a more general acceptance of a coordination and oversight responsibility with these matters.

THE FUNCTIONS OF TRIAL COURT ADMINISTRATION AT THE PRETRIAL STAGE

Category	Judicial Role	Trial Court Administrator Role
Review police administration of citation and summons	X	X
Monitor administration of bail schedule and 10 percent bail deposit		X
Monitor pretrial service agency administration of release guidelines and supervision function	X	X
Review jail populations and inmate status	X	X
Insure that designated prisoners appear for hearings		X
Refine procedures for review bail hearings		X
Monitor diversion program entry and termination criteria and program services		X
Provide for reinstatement to formal calendar of persons failing diversion program		X
Insure speedy procedures for obtaining grand jury indictments and prosecutor informations	X	X
Facilitate lower court judge authority to accept felony pleas	X	X
Insure efficient transmission of lower court felony case records to upper court		X
Refine system for early appointment of defense counsel for indigents	X	X
Facilitate improved arraignment hearings schedule	X	X
Refine case processing procedures and interagency coordination to reduce case delay	X	X
Review courtroom security	X	X
Review procedures to insure prompt medical and psychiatric services to jailed inmates		X

Police use of citations and summons reduces unnecessary jailing. It is desirable that judges and court administrators review the criteria used by law enforcement in implementing this procedure, assess the regularity of citation and summons use, and consider recommendations for refinements.

Court systems need to continuously revise the bail schedules they promulgate. Court administrators can be useful in obtaining opinions and experiences regarding the appropriateness of particular bail amounts. Ten percent bail deposit plans, where defendants deposit this amount with the court in lieu of purchasing commercial bail, are in place in many communities and require court administrator refinements and oversight with the administration of these procedures.

In Minneapolis, Tucson, and other communities, pretrial service agencies have been granted authority to release defendants who meet certain prescribed criteria without the necessity of a judicial hearing. Release criteria can be revised from time to time following review. Whether or not such authority has been granted, these agencies utilize particular criteria in making recommendation to the judiciary for or against release or release with supervision. Where these agencies supervise releasees, it is important that court administrators report to the judiciary as to the nature of the supervision function.

Jail population lists are reviewed daily in many jurisdictions, for a variety of purposes. A South Dakota judge reviews these lists to insure that the population limit he decreed is not exceeded and to insure that defendants do not spend unwarranted time in jail. A district court administrator in Rhode Island reviews cases of pretrial defendants jailed more than thirty days. If a minor charge is involved and no attorney represents the defendant, he arranges for an attorney and promotes a speeded-up disposition. In the municipal court in Minneapolis, persons still in jail two days after bail has been set are scheduled for review bail hearings. A lower court administrator in Phoenix reviews jail log data to project time requirements for daily pretrial hearings. Florida court administrators monitor these lists to assure adherence to speedy trial rules and attendance at scheduled hearings.

Diversion programs, instituted in part to reduce the burden of judicial hearings, rely upon entry criteria that are determined by statute, court rule, prosecutor standards, and agency intake provisions. Normally judges influence the

determination of the criteria that are used. Some diversion agencies delineate written procedures regarding involuntary termination from the program and for an appeal procedure if such termination is contested; the judiciary should review the fairness and adequacy of termination procedures. With involuntary termination, formal case consideration should be reinstituted. The court administrator needs to insure that reinstitution does in fact occur.

Felony proceedings in a number of states are formally initiated following grand jury indictment. While grand juries are more the province of a prosecutor than of a court, it is of court concern if typical grand jury time frames are slow, whether or not the suspect is detained. This applies as well to prosecutor investigations and the filing of informations. It is appropriate for judicial system officals and interagency coordinating councils to review data compiled as to the time required by these procedures.

Commonly, lower court judges hold first appearance and preliminary hearings with felony cases. Where these judges are authorized to accept felony pleas, caseflow tends to be expedited. Where court administration has fine-tuned the paperflow accompanying bindovers from lower to upper courts, caseflow is expedited.

The refinement of court caseflow processes, from initial appearance through sentencing, is a constant agenda of judges and court administrators. Experience indicates that no one approach fits all courts. However, early and continuous court control of cases, combined with stage-to-stage time lapse guidelines, monitoring, and reassessments are important ingredients of effective caseflow management. Not only judges and court administrators, but correctional agents and other officials can contribute ideas that are beneficial in expediting caseflow. Reasons for case delay need to be studied, whether it is the slow appointment of defense counsel, excessive continuance grants, overscheduling or underscheduling, or a multitide of other reasons. One aspect of delay that appears not to have received much attention relates to detained persons in need of medical

services or psychiatric evaluation or treatment. Court administrators can review current jail services and collaborative agency programs in this regard and explore alternate service delivery approaches.

It is known that the vast majority of criminal cases are resolved without trial. The ability of the court to insure the provision of a trial at an early date tends to promote earlier case resolution for all cases.

C. The Functions of Trial Court Administration at the Trial Stage

This activities list is less extensive than the lists of possible activities at other processing stages. In brief, it involves the essentials of good court administration and cooperation with correctional agents and other officials. Court administrators are visualized as responsible for day-to-day court operations, overseeing coordination with others, and carrying operational responsibility for instituting court policies and monitoring court operations. The judicial oversight responsibility remains strong, however. Effective court administration functions at this and other stages rely upon the judicial decision to effectuate an ongoing plan to reduce delay, obtain reliable information, achieve effective communication with related agencies, and to make all of this a deliberate and ongoing agenda.

THE FUNCTIONS OF TRIAL COURT ADMINISTRATION AT THE TRIAL STAGE

Category	Judicial Role	Trial Court Administrator Role
Implement priority trials for jailed defendants	X	X
Refine system for notifying jail of trial dates and insure presence of jailed defendants at trial		X
Refine judicial calendaring and case scheduling practices	X	X
Monitor hearing and trial continuance experience and reasons	X	X
Refine approaches to having back-up judges and court reporters to assure trials will occur	X	X
Refine juror utilization system		X
Review courthouse facilities used by witnesses, jurors, and attorneys, as well as courtroom security	X	X

Priority trial scheduling for jailed defendants facilitates correctional population control. It is a desirable objective regardless of whether the jail population has been exceeded or nears capacity.

Despite general jailer interest in delivering prisoners to the courts at designated times, slip-ups occur. Court administrator examination as to these exceptions is important in ascertaining whether the court's notification approach or the jail's information system is subject to error.

Refining judicial calendaring methods and case scheduling practices is a continuous need. There are many costs associated with scheduled trials that fail to occur when some but not all participants are present. Court administrators as well as the judiciary need to monitor the reasons why trials are continued and develop strategies to reduce their occurrences. Having back-up judges and court reporters available reduces the need for continuances. The district court in Minneapolis reported the assignment of civil judges to the criminal calendar to expedite criminal trials.

Court administrators have developed skills in overseeing juror selection and utilization. Broadly drawn juror lists reduce challenges to the jury array that slow trial completion; the presence of a sufficient number of jurors can avoid jury trial delays. Administrators also need to be attentive to the existence and maintenance of suitable space arrangements for witnesses, juror deliberations, attorney conferences, and the adequacy of courtroom security. The interrelationship between courts and corrections intensifies following adjudication.

D. The Functions of Trial Court Administration at the Sentencing and Post-Sentencing Stages

The sentencing stage of court proceedings is a particularly critical point for informed decisions that impact offenders, correctional officers, and the public. The court's function here is a primary but interdependent one.

THE FUNCTIONS OF TRIAL COURT ADMINISTRATION AT THE SENTENCING AND POST-SENTENCING STAGES

Category	Judicial Role	Trial Court Administrator Role
Serve as a communications clearinghouse	X	X
Provide information for judicial meetings that consider local and state correctional matters	X	X

The Functions of Trial Court Administration at the Sentencing and Post-Sentencing Stages (Cont'd.)

Category	Judicial Role	Trial Court Administrator Role
Review data regarding judicial sentencing practices and disparities	X	X
Refine judicial calendaring and case scheduling practices	X	X
Monitor jail logs	X	X
Monitor available space in correctional agencies		X
Review system for delivery of court orders and presentence investigations and related reports to correctional agencies	X	X
Provide information to correctional agencies as to number of persons awaiting sentencing		X
Review system for transporting sentenced prisoners to state institutions		X
Refine system of notice to probation agency to conduct presentence investigation		X
Review format and content of presentence investigation reports	X	X
Review timeframes for completion of presentence investigation reports	X	X
Monitor probation services delivery, work release program, and community correctional services administration	X	X
Inform defendants of correctional facility regulations and program opportunities	X	
Determine particular programs for sentenced offenders	X	
Provide reasons for a particular sentence	X	
Arrange job slots in court for community service restitution offenders		X
Review fine and victim restitution collection and disbursement administration		X

The superior court administrator in Phoenix arranged to receive a central listing from state correctional officials of sentenced offenders waiting parole or commutation consideration and to distribute this to the particular sentencing judges. He is also advised of any escapes by prisoners and notifies his judges so they can determine whether special security precautions should be taken.

The provision of oral and written communications to the judiciary regarding correctional programs and available space is also part of this clearinghouse role. Data and reports supplied to judges' meetings can form some of the basis for judicial consideration of local or state correctional matters. Data aggregated as to judicial sentencing practices can be reviewed by the judiciary in considering disparities and for determining sentencing practices which consider the most appropriate resources in relation to particular offenders.

Enhanced case scheduling and caseflow management are pertinent to this stage as well. Sentencing hearings that occur as scheduled reduce the time loss of probation officers and community agency representatives who may attend these hearings. The time of the day these are conducted is also relevant. The municipal court in Minneapolis changed its calendar to provide early morning plea hearings so that short form presentence investigations could be conducted and sentencing could take place within hours, thereby averting the need for a defendant to return for sentencing on a different day. Making space available to probation officers for offender interviews within the courthouse facilitates this approach. The Minneapolis court's efforts in the design of a joint information system will result in court orders being entered into a terminal that will show up immediately at the workhouse and eliminate the need for correctional transportation officials to wait with the defendants for a half hour or more at the end of court hearings in order to obtain a typed court list of the sentenced offenders. Court administrators in St. Paul and Rhode Island also reported revising sentencing hearing calendars to better accommodate correctional transportation capabilities.

Court officials indicated conflicting views on the need to monitor whether sentenced offenders were released from jail on the proper date. Several who support the monitoring concept suggested that monitoring might focus also on whether offenders served any time or served less time than was ordered. Also, several administrators expressed interest in informing the judiciary as to whether space was available for sentenced offenders at the jail or a work release program.

One Rhode Island court administrator and a South Dakota judge noted their involvement in refining and overseeing the transmission of court orders to cor-

rectional agencies. There was general recognition that presentence investigation reports need to arrive promptly for correctional classification and rehabilitation program enrollment purposes. Further, court administrators need to review the current approach taken with the transmission of these reports to determine whether transmission should be the responsibility of probation or of court personnel.

Only Rhode Island reported sending the pending list of persons awaiting sentencing to the state correctional agency. Reportedly, correctional officials there utilized this information in projecting their intake admissions population. Where correctional officials express interest in this information, court administrators might more simply advise correctional agencies when pending sentencing caseloads appear larger or smaller than normal.

A court's intersection with probation services is an especially critical one regardless whether probation is administered by the judiciary or executive branch. Since the timely completion of presentence investigation reports is important for numerous reasons, it is relevant for court administrators to review and refine the court's provision of notice to the probation department of the need to perform such investigations. Several probation agencies commented that it now requires several days to receive notice.

At present, there is extensive national interest in the format and content of presentence investigation reports. Formats are being reorganized in a number of communities, different length forms are being developed for different types of offenses and special problem offenders, and abbreviated reports are being utilized with lesser felonies, misdemeanors, and ordinance violations. Judges are particularly concerned with these matters, but many court administrators appear to regard this as beyond the purview of their responsibility. Court administrators are more accepting of a responsibility for assuring that the great bulk of these reports are completed within a prescribed time frame.

Sentencing hearing dates need to be coordinated with the probation agency's capability for completing these reports. For example, the superior court in Phoenix involved its probation agency in a delay reduction project. The probation department offered to complete its investigation reports in twenty-one days rather than twenty-eight days if it could reduce the length of its reports to a two-page average for the two least severe felony offender classes. In concurring with this, the court also agreed to encourage waivers of these reports with these offender classes. The probation department also asked that the project facilitate earlier delivery of police reports and criminal histories from the prosecutor.

While a number of court administrators seem to prefer that probation officials report to judges and not to them, elsewhere court administrators accept an oversight if not auditing responsibility with judicial branch probation agencies and a clear liaison role with executive branch services. Further, judges often need information which a court administrator can acquire as to what can be expected upon sentencing an offender to various correctional agencies. A Minneapolis judge cited his experience in visiting a local community correctional facility and observing certain confrontation methods used with clients which he found objectionable. He then asked the director of the court's probation arm to prepare a one-page description of all agencies used by the court. The particular confrontation method, which included a head-shaving sanction, was discontinued following the site visit by the probation officer in preparing this report.

At sentencing hearings, one South Dakota judge informs defendants of prison regulations furnished to the court by the state correctional department. This judge includes recommendations in his decree that particular defendants be enrolled in particular vocational education or job training programs administered by correctional agencies. Minnesota and Arizona state correctional officials reported phone calls from judges asking that defendants they were sentencing be

placed in one correctional institution rather than another. While statutes frequently fail to give a judge the authority to determine a specific treatment program or a specific faculty when the law provides for central commitment to the state correctional department, correctional officials indicated willingness to cooperate with judicial requests if at all possible. It was reported that judges sometimes request that an offender be placed in an out-of-state prison, having knowledge that criminal colleagues of the defendant, already housed at the prison, might endanger his life if he is institutionalized at the same facility. Officials in Arizona and Minnesota reported working relationships with other state correctional authorities which allowed placement of such offenders in out-of-state prisons.

Judges typically have the authority to determine whether an offender shall be placed on work release at a local correctional facility, enter a specialized alcohol or drug abuse program, obtain mental health services, or enroll in other local program services.

Community service restitution programs, often administered by probation agencies, may entail a responsibility for the court to review whether work placements can be performed within the court itself. Such offenders tend to be low risk and bring a range of capabilities to community service settings. In one example, a carpenter made bookshelves for one court office. Other persons may perform data gathering tasks under supervision or perform certain typing tasks.

Court administrators in the Minneapolis municipal court and the lower courts in Tucson and Phoenix reported working somewhat arduously at refining their system for the collection, monitoring, and transmission of fines.

This wide array of functions detailed by trial court judges and administrators attests to the necessity and viability of judicial system interactions with the correctional system. It comprises a far more extensive documentation than was obtained with state court administrative functions.

V. THE FUNCTIONS OF STATE COURT ADMINISTRATION IN RELATION TO CORRECTIONS

Only state court administrators or their key deputies were questioned in conducting telephone or on-site interviews. State supreme court justices were not interviewed due to study constraints, though it is known that many of them perform significant judicial administration functions which relate to correctional programs. The following checklists, then, apply only to state court administrative functions and do not encompass supreme court justice roles. Commentary regarding these functions begins with broader state-level responsibilities and is followed by this office's relationship to trial court criminal case processing.

A. The Functions of State Court Administration in the Broader Correctional Context

State court administrators indicated that their functions did include a number of the following checklisted items, particularly those relating to more internal court management. They repeatedly suggested there was a strong need for ongong courts-corrections dialogue, with regularized and improved communications. However, the study found that, generally, state court administrators did not hold to any significant responsibility to assist with correctional problems. Several state court administrators rejected such a responsibility even when their state was confronted with federal court findings of unconstitutional prison overcrowding. While many perceived the relationship between trial court sentencing decisions and state correctional crowding or overcrowding, they tended to fall back on a separation of powers ideology, contending the courts had their own job to do as did correctional agencies. Greater involvement in this sector is restricted by state court administrator attitudes, other priorities, staff limitations, perceptions of separation of powers, and the delicacy and balance of their functions in relationship to trial court administrators.

THE FUNCTIONS OF STATE COURT ADMINISTRATION
IN THE BROADER CORRECTIONS CONTEXT

- Statewide case processing time standards
- State probation standards for judicial branch departments
- Structure for provision of technical assistance to trial courts
- Structure for systematic review of proposed legislation relating to criminal law and procedure
- Statewide judicial management information system
- Communications clearinghouse with state correctional officials
- Transmission of court reports and data to state correctional agencies
- Provide state correctional information to supreme court and trial courts
- Review state prison population data
- Provide training programs for judicial and non-judicial personnel
- Facilitate judicial conference correctional speakers and policy deliberation regarding correctional matters
- Arrange judicial and non-judicial staff visitations to correctional agencies
- Facilitate ongoing judicial review of statewide correctional concerns
- Enlist judicial system support of correctional needs and standards
- Arrange legislative testimony by judges concerning criminal law and correctional matters
- Facilitate a structure for joint courts and correctional attention to intersecting problems
- Participate in interdepartmental management information system planning and implementation

State court administrators appeared highly sensitive to the need for reducing delay at the trial court level and to the value of local or statewise processing time guidelines and speedy trial rules in promoting more rapid caseflow. Their review of trial court case processing data provides them with awareness of slower courts which may require their attention.

There is evidence that increased state funding of local courts has encouraged state court administrators to assume more interest in the services provided by local probation agencies when they are administered by the judicial branch. The state director of court services in South Dakota, a judicial branch employee, exercises a wide range of responsibilities in coordinating local probation services and administering statewide probation standards. The Arizona state court administrator is responsible for supervising a partial state subsidy to local probation offices. Factoring into this task is a statute mandating probation supervision workloads of no more than sixty offenders.

Technical assistance services from the state court administrator to local court administration is one avenue for the state office to enhance trial court

effectiveness. This assistance may take forms which facilitate criminal caseflow or, for example, enhance probation staff achievements.

Very aware of proposed and pending legislation that affects the judicial system, numerous state court administrators assign personnel to review both bills and legislative commission reports. In Minnesota, this office provides judicial impact statements to the state finance office concerning the fiscal and personnel impact of proposed legislation.

Statewide judicial management information systems aggregate trial court data and enable state court offices to monitor local caseflow and to study, for example, whether additional judges or court personnel may be needed to expedite a court's workload. The Minnesota state court office provides such data to that state's sentencing guidelines commission to help its assessment of court processing population trends, sentencing patterns, and sentencing compliance with guidelines.

The effectiveness of the state court office as an informal communications clearinghouse with state correctional officials in part depends upon staff members having worked with state correctional agents on formally organized task forces. It may also relate to the state's population, less populous states being associated with more frequent opportunities for informal exchanges. Throuh this office, state correctional representatives may communicate their concerns regarding certain trial court practices, such as slowness in transmitting court orders to the prison.

Maryland's state court office indicated it carefully reviews the work of state-level task forces such as one concerned with overcrowded prison facilities. The Idaho state court administrator sends copies of court system newsletters to key state correctional officials. It is common for state court offices to transmit copies of annual reports to the corrections department. There was no evidence that any court administrator sits down with a state corrections director to consider the implications of these data on correctional programs.

Expanding on the communications clearinghouse role, a state court office can provide valuable information relating to correctional developments and problems to state supreme court justices and trial court judges and administrators. A state correctional agency can also use the state court administrator as a funnel for transmitting correctional innovations and research findings from other states and, for example, pertinent journal articles by legal and correctional scholars and practitioners.

Review of state prison population data could enable the state court administrator to heighten judicial awareness of a need to review sentencing legislation and sentencing practices. The Rhode Island state court administrator receives this information. A combined review of these data with judicial management information system data could enable the state court administrator to better advise the judiciary as to the types of offenders being sentenced to state facilities by the different courts. The Minnesota Sentencing Guidelines Commission is in the process of analyzing such joint data. Such information exchanges and review may offer benefits to overall public policy in ways that do not undermine judicial autonomy.

Law Enforcement Assistance Administration funding, now being replaced in part by state funding in a number of jurisdictions, has enabled the state court administrative office to expand training opportunities for judicial and non-judicial personnel, both on an in-state basis and at regional and national institutes. Generally, this is viewed positively as a contribution to court system improvement. Judicial sentencing institutes and, for example, the provision of training for probation personnel impact the courts-corrections relationship.

Annual or semi-annual state judicial conferences frequently invite state correctional officials to address these assemblies where other presentations on criminal law developments and structured opportunities for judicial consideration of, for example, correctional alternatives can be seen as useful. The state court administrator often has a major role in planning this agenda. This

office also may arrange visitations by judicial and non-judicial personnel to correctional agencies.

Organizations of chief trial court judges as well as statewide judicial committees may address correctional concerns. Judicial planning committees in a number of states have the opportunity to consider a range of issues that pertain to the court's intersection with corrections.

Several state court offices reported their support of state correctional budget and program requests. Some state court officials provide information for chief justice state of the courts messages to legislative bodies. One presentation supported prison space expansion. State court administrators may arrange legislative testimony by judges concerning a variety of pertinent matters.

To respond to their repeated suggestions for improved courts and corrections cooperation, state court administrators could facilitate and help staff interorganizational commissions and provide data to assist commission review of the impact of present and proposed legislation and of court practices and correctional problems.

One forum in which joint planning and implementation has taken place has been with interdepartmental management information system design. The state court administrative office in North Carolina is actively engaged in such an effort which, besides developing appropriate data, has been concerned with the security and privacy of information and with working with law enforcement officials to curb the unauthorized dissemination of offender records.

State court administrative offices also perform functions related to trial court case processing.

B. <u>The Functions of State Court Administration in Relation to Trial Court Criminal Case Processing</u>

Prescription of the most suitable working relationship at the state court administrator-trial court administrator nexus is no easy task. Differing state court system structures, traditions, "local court cultures", political considerations, and many other factors make this relationship highly ideosyncratic.

STATE COURT ADMINISTRATIVE FUNCTIONS IN RELATION TO TRIAL COURT CRIMINAL CASE PROCESSING

- Augment trial court's efforts to obtain adequate pretrial, diversion, probation, and community correctional services, and indigent counsel services
- Provide technical assistance to courts experiencing case delay
- Provide technical assistance to courts regarding fine collection, records administration, and other matters
- Arrange visiting judges to facilitate trial court case dispositions
- Provide information on state correctional facilities to trial courts
- Assist in the refinement of procedures relating to provision of psychiatric evaluations by state mental health agencies
- Obtain and review state executive probation agency time frame experience with providing presentence investigation reports
- Assist with the design and promulgation of uniform forms

Trial courts need to carry the primary responsibility to obtain a suitable array of program services providing alternatives to jail, to court, and to incarceration, but supplementary assistance can be provided to these efforts by the state court administrator. This may take the form of supporting state legislation which helps fund programs that serve local courts or encouraging private grants directed at these objectives. Other relevant state-level activities were reported. The Minnesota state court administrator chairs a statewide jail coalition which seeks to curb unnecessary jailing and improve jail conditions. The Idaho state court administrator endorsed proposed local jail standards. Arizona's state cout administrator initiated legislative changes with the state probation subsidy act he administers that resulted in funds targeted for reducing probation caseloads.

Based on assessments of trial court data and consultation with trial court officials, state court offices may provide technical assistance to help trial courts expedite case processing. This office also may arrange for technical assistance provision from one trial court that has done well with caseflow matters to another trial court that is performing less well. There is a broad range of

technical assistance services that can be provided or orchestrated at the state level, all ofwhich may add up to more efficient and effective trial court administration. State court educational strategies and targeted budget allocations can assist trial court accomplishments. Many states authorize a chief justice to assign retired judges as well as sitting judges to courts requiring supplementary judicial hearing officers. State court administrators help with these arrangements. They may stimulate a request for such services from a court whose trial dockets may benefit from supplementary assistance.

State court officials can obtain and direct to the trial courts useful information concerning state prisons and correctional programs.

Trial court delay is sometimes occasioned by the imperfectly coordinated transfer of jailed inmates to psychiatric hospitals to obtain psychiatric evaluation or treatment. This may involve a local jail's need to negotiate space with a state mental hospital. State court administrative staff can help smooth coordination and more rapid completion of an evaluation through their communication with state-level mental health personnel.

The Idaho state court administrator reported that his request to the state executive probation agency for time lapse data regarding the provision of presentence investigation reports resulted in a generally more rapid completion of these reports. His interest apparently influenced the executive agency's interest in accommodating more rapid report completion.

The Arizona state court administrator reported his work with local probation directors to develop uniform probation forms for use throughout the state. The forms included face sheets, standard conditions of probation (which could be supplemented by the local judge), and motion to revoke probation formats. Another product of this effort was the design of probation statistical data for regular submission to the state court office. The state court office in Maryland assisted executive-branch correctional officials in revising presentence investigation formats that would benefit the courts and also provide necessary

information for the parole administration function. That office also developed forms and guidelines for use by sentencing judges in explicating reasons for their particular sentences, as required by a new rule of the Court of Appeals.

In sum, there is a growing array of functions that state court administrators do or might perform in helping solve correctional problems at both state and local levels. It would seem to be in the interest of state court administration to accept greater responsibility in relation to the corrections sector along with a more active stance in initiating appropriate efforts and directions.

VI. STUDY RECOMMENDATIONS

A. Actions to be Taken at Trial Court and State Levels

The study found numerous examples of court collaboration with correctional agencies, particularly at the trial court level. Few courts, however, had fully exploited the potential for cooperation, and various aspects of this relationship were often unexamined or not being addressed. Further, correctional officials expressed positive interest in working more closely with the courts and sought greater leadership from trial court judges, particularly. There is much that many courts can do now.

Court administrators should look hard at their local jails and alternatives to pretrial jailing to determine what needs are not now being met, to help institute efforts to remedy shortcomings, and to insure that suitable monitoring mechanisms are in place and are utilized. The scope of this task extends to police citation use, pretrial release and diversion agency services, bail experience and bail alternatives, jail conditions and populations, and procedures for transmission of court hearing schedules and transportation of prisoners.

Criminal caseflow reexamination can be undertaken to discover current obstacles to more expeditious case processing. The scope of this assessment can profitably extend from arrest through sentencing. Time lapse guidelines can be established, monitored, and refined for the different processing stages. Judicial calendaring methods, speeded up probation agency presentence investigation reports, and priority scheduling for detained defendants are dimensions of this consideration.

Court administration should also review carefully their sentencing practices and sentencing alternatives. This requires a more intense familiarity with the procedures, service delivery, and effectiveness of the probation agency, community correctional programs, and state correctional facilities. Judicial system advocacy to improve the quality of such services is in order.

Judicial system leadership with interorganizational planning and coordinating commissions is needed in many communities to address, on an ad hoc or ongoing basis, problems and needs at pretrial, court processing, and posttrial stages. Continuous consultation across systems is necessary. Another task for court administration is to insure the integrity and efficiency of fine and victim restitution collection systems.

Study findings indicated that an initial agenda at the state court administrator level is an attitudinal one of accepting a greater responsibility and role in relation to correctional problems. These officials, in becoming more knowledged as to correctional issues and developments, can provide important information to chief justices, judicial councils, and the trial courts. The severity of state correctional concerns is so generalized as to suggest that these officials activate ongoing interbranch commissions to assess ways to improve cooperation between courts and corrections. There is also a need for their stimulating judicial interest in a range of intersecting issues.

B. Training Programs for Judges, Court Administrators, and Correctional Officials

Study findings reinforce the proposition that extensive interdependence exists between court and correctional agencies. Though communication and cooperation between these respective organizations occurs, particularly at local levels, there is a need for more expansive collaboration as well as understanding of the

related system at both local and state levels. The attitudinal issue, from the court's side as to whether it has responsibility for correctional problems, and for the correctional side as to whether the problems they face must be dealt with without assitance from the courts, was seen quite differently by various judges, court administrators, and correctional officials. For example, two judges in the same county, a jurisdiction that had experienced federal court holdings as to both an overcrowded jail and prison system, held markedly different opinions as to the judiciary's role in helping to solve correctional problems. The first view noted, "The courts should do nothing; this has to be left to the executive and legislative branches of government". The other judge took a hands-on approach: "Judges need to understand their impact on correctional systems and the impact of their disparate sentences on prisoners. They must support adequate correctional programs and must insure that the state carries out its mandates for sentenced ofenders". Also visible in the study were correctional officials who had activated effective working relationships with the judiciary and those who passively saw themselves as victims, not only of the judiciary but of other agencies of government. Nonetheless, ways to achieve more commonly held attitudes that active cooperation benefits both systems are in order.

Judges and court administrators were questioned as to the possible value of training programs aimed at their professions. Ninety percent of judges and court administrators expressed positive interest in seminars focused on "Basic Issues in the Courts-Corrections Interface" and "Alternatives to Institutionalization". Further, 75 percent of these officials saw merit in attending an educational program involving teams of state and local court and correctional personnel to deal with the joint problems of courts and corrections. Such indicators substantiate the value of inserting such curricular content at the national training centers and universities where these officials undertake educational programs, and the development of intensive workshops bringing together judicial and correctional system officials. This need is underscored by the statement of one professionally trained court administrator: "Everything that I have learned about community corrections I have learned on the job." The statement of a state correctional administrator is also pertinent: "We have ignored the court administrators. I will stop to visit judges wherever I go but I don't know who the court administrators are." This latter statement underpins the need for workshops with correctional officials to deal with their interdependence with the courts.

As inquiry into the curriculum content of basic judicial education programs at the National Judicial College revealed little in the way of any significant concern for the judicial role in the courts-correctional interrelationship. At the college, judges become steeped in law and procedure and seriously consider sentencing alternatives, but there appears to be only limited attention directed to the proactive stance or the independent perspective.

Inquiries into the curricula of court administration training centers indicated that court administrators are oriented to developing skills in the traditional bread and butter of this field: caseflow management and jury utilization, management information systems, personnel and records management, fiscal administration, plus an understanding of the broader environmental perspective. However, there is no clear focus on clarifying the court administrator's role in relationship to the correctional enterprise or with developing specific skills that would facilitate their accomplishments in this regard.

It would seem that educational efforts with judges should consider not only the opportunities and the boundaries of their functions in regard to corrections, but ways their court administrators can be useful to them in this regard. Certan sections of these curricula need to deal with attitudes regarding responsibilities, others with the development of skills that facilitate more effective judicial system functioning in this interrelationship. The different training programs and workshops for judges and court administrators may usefully consider:

- Standards for administration of correctional facilities
- Factors contributing to problems in correctional administration
- Alternatives to local and state incarceration

- Evaluation of rehabilitative effectiveness with different offenders and different programs
- Correctional economics
- Practical issues in correctional facilities management
- Content and use of the presentence investigation report
- Judicial decisionmaking from bail through sentencing
- Court and correctional agency considerations regarding criminal case scheduling
- The impact of the judicial system on correctional administration
- The impact of correctional administration on judicial administration
- Effective communications between the judiciary and corrections
- The interrelationship between lower and upper courts and jails and prisons

Correctional manager training may well consider as content the growing court research findings, developments in court administration, and the intersection between courts and corrections. Correctional managers might beneficially examine a variety of ways to strengthen their communication with judges and court administrators and the structuring of different approaches to planning and problem solving which involve the judicial system. While our research findings indicate strong interest on the part of correctional officials in enhanced cooperation with the judicial system, it is also clear that they need to review different ways of activating judicial interest in correctional administration and problems.

Well designed work group problems could be used in these training efforts to stimulate participant consideration of alternate solutions to hypothetical but real problems presented in such exercises.

The strong interest and seeming merit in interorganizational workshops designed to deal with the joint problems of courts and corrections acan be implemented at local, state, regional, and national levels. While cognitive content regarding both courts and corrections would form part of the workshops and the intersecting nature of their respective organizational efforts should receive

focus, such sessions will need to deal with attitudes, perceived judicial autonomy or correctional autonomy, the nature and implementation of change, structured and informal approaches to problem solving across systems, and the types of information needed to address jointly held problems. It would seem useful if these interorganizational teams would define and develop a plan to address, at the conference, those local and state problems they consider priorities. Related interagency efforts have been successfully utilized by the Institute for Court Management, in concert with both the National Judicial College and the National Center for State Courts, in several series of national workshops to address trial court delay. Similarly, teams of court, correctional, and legislative officials, organized to provide a multi-year address to correctional problems in several states, is a concept presently being developed by the National Institute of Corrections.

C. The Evaluation of Formally Structured Interorganizational Councils

The use of local or statewide interagency councils to consdier court and corrections problems has received considerable attention in recent years. These efforts take different forms: a policy intake board to determine release criteria, develop jail alternatives, and regulate jail populations in Tucson; a criminal justice coordinating council in Miami, augmented by a middle management staffing structure, to work on a range of problems confronting law enforcement, courts, and corrections in that community; a criminal justice group in Phoenix which brings together federal, state, and local department heads who assess concerns and enter policy recommendations; community corrections advisory boards, throughout Minnesota; statewide task forces to address prison overcrowding in Maryland and the criminal justice system in Florida. Many other communities and states have formed commissions or committees to consider these and other related problems. These efforts may be organized to seek to solve a particular problem or set of problems an then disband. Others are visualized as having indefinite tenure and may be either centered on a limited focus or a broader and relatively unlimited agenda.

What we seem to lack is organized research evaluation which analyzes such formal structures and assesses those factors that contribute to success or non-success. In general, these efforts should improve information sharing, communication, and collaboration across systems. It is no easy task to obtain and maintain an effective, formal structure for dealing with joint problems. But an assessment could be beneficial to a realistic perception as to the merits of formal approaches and the problems incident to their achievements.

D. A More Extensive Inquiry into State and Trial Court Administration Functions which Intersect with Corrections

The literature is silent, and this study permitted only a limited inquiry into the functions carried out by state and local court administrators in regard to corrections. More extensive assessment may be beneficial at both levels of court administrator function. It seems that state court administrator functins, in part, are influenced by the interest of this official and of his chief justice, supreme court, or judicial council in exercising different roles in regard to state correctional matters. This may relate to philosophic asumptions and job priorities as well, to the extent of overcrowded prison facilities, legislative and judicial interest in altering sentencing procedures and practices, the "state legal culture", the extent of state funding of local courts, whether or not the state court administrator appoints local or regional court administrators, and whether probation is a judicial branch function. It relates as well to correctional system activation of judicial interest.

Clearly, trial court administrators are more intensively involved with corrections than their state counterparts. Since trial court judges are more directly concerned, their court administrators are also more active, although this potential seems far from having been reached. Trial court administrators may be preempted by tasks which they view as higher priority, or which are more natural or easier for them to perform. It would be useful to know more about their interests, perceptions, and functions, and why they accept or decline

responsibility in particular or general aspects of this relationship. Their visibility may range from high to low in the eyes of correctional officials. However, in the eyes of a national presentence investigation demonstration project that indicated the need for involving judges, prosecutors, and defense counsel in achieving earlier sentencing following speedier preparation and presentation of presentence investigation reports, there was no mention of the need to involve trial court administrators in the problem solution.[17]

E. An Evaluation of Data Exchanges between Courts and Corrections

The study has reported on a number of examples of data exchange between these two organizations, from simple to more complex. Some officials use these data in somewhat meaningful ways, others do not. More exchange occurs at the trial level than state level. Yet it would seem to be valuable to undertake a more thorough assessment of data interchange at both local and state levels so that the information opportunity can be maximized. Rather than a simplistic plea for more information exchange, the argument is for the exchange of useful information that will be used. Considerations should range from what chief justices, state court administrators, and upper trial court judges and administrators might do if they received regular prison population data to the average duration of time required to obtain a psychiatric evaluation of a jailed defendant.

Finally, it is important to reaffirm the apparent value of informal communication between representatives of these systems. The need for further training, formal interorganizational councils, and expanded inquiries into court administration functions and informational exchanges does not deny the great merit of the informal communication exchange. Such training efforts, councils and committees, research knowledge, and information exchanges are adjuncts to furthering the day-to-day problem solving that occurs through informal communication. And yet informal communication alone is not sufficient to address the giant tasks that confront this interdependence between the judicial system and correctional organizations.

FOOTNOTES

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2. Carl Baar, Separate but Subservient: Court Budgeting in the American States (Lexington, Mass.: D.C. Heath and Company, 1975).

3. Maureen Solomon et al., Study of Calendar Management Practices in the Rhode Island Superior Court (Denver: Institute for Court Management, 1972), p. 19.

4. Maureen Solomon, Caseflow Management in the Trial Court, American Bar Association Commission on Standards of Judicial Administration, Supporting Studies-2 (Chicago: American Bar Association, 1973), p. 30.

5. Ernest C. Friesen, Jr., Edward C. Gallas, and Nesta M. Gallas, Managing the Courts (Indianapolis: Bobbs-Merill Co., 1971), pp. 5-6.

6. "The judges' managerial function--in a multiple judge court--is dischargeable by the judges sitting as a policy board. Their primary responsibility is to formulate management policies for the court. . . General managerial functions. . . are delegable to a court executive selected by the Board of Judges and subject to their direction." Friesen, Gallas, and Gallas, Managing the Courts, p. 134.

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15. Institute for Court Management, State Court Administrative Systems: Perspectives and Relationships (Denver: Institute for Court Management, 1975), p. 92.

16. Donald A. Schon, Beyond the Stable State (New York: W.W. Norton & Company, 1971); Yeheskel Hasenfeld, "People Processing Organizations: An Exchange Approach", in Yeheskel Hasenfeld and Richard A. English, eds., Human Service Organizations (Ann Arbor: University of Michigan Press, 1974), pp. 60-70.

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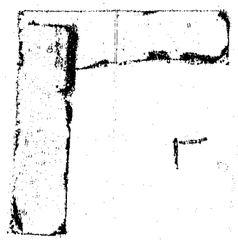
SURVEY INSTRUMENTS



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