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HEARSAY / Criminal Justice News

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PLANNING NOTES

Volume I Issue 4 February 15, 1973

1973 Regional Plan Given Two Year O.K.

That all-important event in the process of regional criminal justice planning has come and gone. On February 2, 1973, the California Council on Criminal Justice, meeting in San Diego, approved the 1973 San Diego Regional Criminal Justice Plan. Acting on a recommendation submitted by a 20 member State Plan Review Committee, the Council indicated its satisfaction with the quality and direction of San Diego's planning program by "certifying" the 1973 Plan for a two-year period. Normally, regional planning organizations are required to submit a plan to CCCJ annually. Two-year certification will allow San Diego's Planning Board and staff to get off the "planning treadmill" and take a long, hard look at the effectiveness of the many crime reduction programs promoted by the Board over the past two years. Although a regional plan will not be required in 1974, the Planning Board will submit a series of action projects for funding in 1974. The Board retains the option of changing plan priorities in 1974, should the regional crime picture change.

Although a formal timetable for implementation of the projects included in the 1973 Plan has yet to be established, preliminary work has commenced on a number of projects, including the $450,000 Strike Force Robbery Project. Generally, it can be anticipated that all first-year projects will be aiming toward a July 1, 1973, start-up date.

The Citizen-Based, Coordinated Crime Prevention Project ($200,000) and the Correctional System Evaluation Project ($130,000), the number 2 and 3 priority projects for 1973 respectively, both remain in a "concept" status. Special Planning Board sub-committees, in conjunction with staff, are currently finalizing R.F.P.'s for both projects. Interested organizations should contact the Regional Planning Board Office to ensure entry on the distribution list for these future R.F.P.'s.

National Policy and Local Crime

Until recently, it seemed a safe wager that the national emphasis on reducing "crime in the streets" would continue via the form of grants to local government from the Law Enforcement Assistance Administration. Although the predictability of "crime" as a national priority remains fairly certain, the precise form of the Federal effort has become less certain.

Hearsay believes there are two major trends developing which may well affect Federal Funding of innovative, local criminal justice projects. First, is the developing concept of Revenue Sharing (RS). RS, it will be remembered, is structured in such a way that Federal support to local government is offered with little or no controls. Local governments are essentially free to exercise their own discretion over the use of the RS funds. President Nixon's recent budget request to Congress recommends that LEAA funding be converted to a revenue sharing program. The second factor which clouds the certainty of LEAA funding is the growing constitutional battle developing between the administration and Congress concerning the Executive's legal right to impound funds appropriated by Congress. Hearsay will follow the progress of the proposed Fiscal 1973-1974 LEAA budget with interest and report to our reader's periodically.

LEAA Reference Service Revisited

In the second edition, Hearsay made reference to LEAA's NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE (NCJRS).

Following Hearsay encouragement to utilize the service, staff acted on its own advice. The experience was gratifying and enlightening - here's how it works.

Staff was assisting a local agency in research and planning preliminary to the implementation of a robbery prevention project. We called the NCJRS in Washington and asked for a read-out on what research and projects had been conducted across the nation in the area of robbery prevention, detection and apprehension. Within a short period of time staff received a computer print-out of 17 pages giving the following information on 17 projects related to robbery projects conducted nationwide.

1. A brief description of the project
2. I.D. number
3. Title of project
4. Author of the report
5. Where the report can be obtained
6. Date of publication - number of pages
7. List of subjects included
8. List of specific contents included

The local agency developing the robbery project was then given a copy for its perusal prior to ordering the materials of interest to it.

On another occasion, staff made a NCJRS request of a more generalized nature, and in response to its inquiry received a packet of cards covering the area of interest. The following is a copy of the type of cards received.

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
Washington, D.C. 20530
SELECTIVE NOTIFICATION OF INFORMATION

DOCUMENT TITLE Delinquency and City Life, Interim Report
AUTHOR(S) M Lalli and L Savitz
DOCUMENT GENERATING SOURCE Temple University, Philadelphia, Pa.
COPIES AVAILABLE AT NCJRS
CONTRACT/GRANT NO. NI 70-027
DOCUMENT NO.
ACCESSION NO. NCJ 001892
DOCUMENT DATE Jan 1972
NO. OF PAGES 67
SPONSORING AGENCY National Institute of Law Enforcement and Criminal Justice

SUBJECT Juvenile Delinquency and Crime, Crime Causes, Behavioral and Social Science

ABSTRACT: The study, ongoing and longitudinal, seeks to explain why some but not all boys in the most depressed urban areas in the same social and economic circumstances, become delinquent. The findings of 532 interviews with black male juveniles and their mothers are presented. The attitudes concerning family, education, aspirations, fear of crime, behavior changes, and self were measured. Dropping out of school was found to be a consequence of delinquency and not a cause. Both delinquent and nondelinquent boys agreed with middle class values. Delinquents were found to be more fearful of victimization and were more apt to take precautions. The source of income rather than low socioeconomic status itself leads to low self esteem.

In both instances staff quickly received a national survey of projects related to its area of interest. A valuable service indeed, and without cost. Registration forms for the service may be obtained from the Liaison Office, California Council on Criminal Justice, 1927 13th Street, Sacramento, Ca.95814.

Spotlight

Preventive Detention - Judge Franklin B. Orfield

At its next meeting on March 1, 1973, CCCJ will be presented a position paper by its Executive Committee on the potentially controversial concept of "Preventive Detention." Preventive detention incorporates the idea of continued confinement of an accused during the period between being charged and his being tried for the offense.

The rationale behind preventive detention is the fact that certain types of offenders frequently commit offenses between the time they are released O.R. or on bail. The rationale sounded reasonable enough but Hearsay raised an eyebrow when a couple of basic legal/constitutional provisions were called to mind; i.e., the presumption of innocence, the constitutional provision against excessive bail and the constitutional provision against depriving a citizen of his liberty without due process of law.

Attempting to move out of a position of confusion between the reasonable rationale of preventive detention and the well known constitutional guarantees, Hearsay sought counsel from Franklin B. Orfield, Supervisor of San Diego Superior Courts' Criminal Department.

Judge Orfield confirmed the fact that "there is an increasing frequency of occasions when an accused commits another violation during the period he is out on bail or O.R. while awaiting trial. This increase is especially noticeable in cases of hard drug users and peddlers." When asked about the apparent conflict between constitutional guarantees and detention prior to a guilty verdict, the Judge expressed the opinion that "the due process requirement of the law could be satisfied by applying the prevention concept in selective areas where past history and experience has demonstrated a high incidence of violations while awaiting trial. It is presently within the legal discretion of a Judge to informally engage in preventive detention by setting a high bail when past involvements indicate a lessened likelihood of appearance at time of trial." It was also pointed out to Hearsay that Washington, D. C., presently has a preventive detention statute passed by the Federal Congress. Although recognizing the potential efficacy of a preventive detention policy in the regional effort to reduce crime, Judge Orfield concluded that real impact on the crime problem will occur only with progress in the following areas:

1. Restoration of a less permissive family environment

"Children particularly want and need direction, a structure or framework within which to learn who and what they are. This framework or structure is primarily provided in the home and results from a combination of parental discipline and love. When a reasonable balance between the two is absent in a child's life, he is a good candidate for a criminal career."

2. Quick and certain punishment for criminal violations

"In England where the problem of crime is far less serious than here in the United States, just 6 weeks elapses from the time of being found guilty of a crime to the time of final appeal and execution of sentence. Under our system, punishment because of a violation is less of a deterrant because it frequently is remote to the criminal act. Frequently, it is possible to delay the execution of sentence by the filing of many writs, motions and appeals which delay imposition of sentence for years. This possibility greatly weakens the deterring effect of punishment."

More $ $ $ $ Available

In 1971, the Omnibus Crime Control and Safe Streets Act was amended to provide funds for improvement of correctional programs and facilities. This amendment was entitled "Part E". Funds available under Part E of the Act address all aspects of corrections, including probation and parole, as well as detention facilities and programs.

Recently CCCJ published its "Plan For Expenditure of Part E Funds for 1972-1973." Briefly, the Plan provides for the expenditure of $4,048,461 in the following categories:

1. Rehabilitation and diversionary programs which will reduce jail populations $809,692;
2. Renovation of existing jails that are below "minimum" standards established by the Board of Corrections $1,619,384;
3. Provide sufficient space to relieve existing overcrowded conditions in existing facilities $809,692;
4. Provide for the construction of physical facilities if present facilities are beyond renovation $809,692.

It is interesting to note the coincidence of the availability of "Part E" funds and the philosophical shift emphasizing the treatment of the offender in the community where he resides. Support for this change in the locale of treatment can be found among the courts, probation, State correctional officials and virtually every authority who writes or comments on the goals of a correctional system. "Part E" funds should make a substantial contribution toward lessening the increasing burden this change is placing on community based correctional facilities.

Anyone interested in additional information on "Part E" funds should contact:

Bob Bates
California Council on Criminal Justice
1927 13th Street
Sacramento, Ca.95814 (916) 445-0500

TO SUBMIT NEWS OR COMMENTS TO HEARSAY, CALL
CRIMINAL JUSTICE PLANNING – 236-2844

CRIMINAL JUSTICE PLANNING
COUNTY ADMINISTRATION CENTER
ROOM 268
SAN DIEGO, CALIFORNIA 92101

C.U.R.E.
3386 30TH ST.
SAN DIEGO, CA 92104

CJ