

M I N U T E S

SPECIAL COMMITTEE ON JUDICIARY

September 26, 1975

Members Present

Senator J. C. Tillotson, Chairman
Senator Paul Hess
Senator Jim Parrish
Representative Ted Templar
Representative William Cather
Representative David Mikesic
Representative Ben Foster
Representative Patrick Hurley
Representative Randall Palmer

Staff Present

Bob Alderson, Revisor of Statutes Office
Art Griggs, Revisor of Statutes Office
Walt Smiley, Legislative Research Department

Others Present

Senator John Simpson
Mr. Jim James, Judicial Administrator
Mr. Brian Moline, Director of Legal Aid Society of Wichita
Mr. Ira Kirkendall, Public Defender Office
Mr. Jerry Goodell, Chairman of KBA Public Defender Committee
Judge Michael Barbara, 3rd Judicial District
Ms. Ruth Groves, League of Women Voters
Mr. Jerry Shelor, Legal Services for Prisoners, Inc.
Mr. Terry Bullock, Legal Services for Prisoners, Inc.
Mr. John Ambrosio, 3rd Judicial District Public Defender

Morning Session

The Chairman called the meeting to order and asked for approval of the minutes of the last meeting. The appropriate motion was made and seconded, and the minutes were approved.

The Chairman introduced Senator Simpson, who presented the members with a written statement. (See Attachment No. I). Included in Senator Simpson's statement is a copy of "To Protect the Poor: The Legal Services Corporation Act of 1971", by U.S. Senator James Pearson (19 Kan. Law Rev. 641).

Senator Simpson told the Committee he knew of no other state with a similar plan although some bar associations have worked on this plan.

In response to a question from the Committee, Senator Simpson said he felt the fiscal note could be as large or as small as desired. He believed the corporation could start with a staff of 8 to 10 attorneys.

The next conferee to be introduced was Mr. Jim James, Judicial Administrator, who stated he intended to help the Committee understand aid to indigent defendants (AID). He said AID was started in 1969 with \$35,000 to provide defense for felonies. He noted that the bill as introduced also provided for misdemeanor defense, but that clause was stricken prior to final passage.

Mr. James said that the attorneys who represent indigent defendants are chosen from lists established by local courts. Standards for compensation have been set at \$20 per hour for preparation time and \$30 per hour for in-court time, with no allowance for secretarial help. There is a \$500 per case limitation on cases which conclude with a plea and \$750 per case if the case involves a not-guilty plea and a jury trial. Mr. James noted that in certain cases (such as class A or B felonies, or if the attorney spends more than 30 hours on the case), the judge can waive the limitation. He noted that compensation is allowed in a juvenile case only if the case involves a felony charge and is waived to the district court.

The appointed attorney may apply to the district judge for authority to hire an investigator and/or expert witnesses. If the cost of these services exceeds \$300, the claim must be reviewed by the board of supervisors. Mr. James said people hired for these purposes should not be paid at a rate exceeding that of the attorney, -- \$30 per hour. If the defendant is convicted and appeals to the supreme court, AID will pay for one copy of the transcript and attorney fees.

Mr. James then distributed copies of AID expenditures by county over the past six years. A copy of this table is appended as Attachment No. II.

In response to a question, Mr. James noted that attorneys who do not want to participate in the AID program may avoid such service at the court's discretion. The maximum amount paid in an AID case was \$9,000, Mr. James stated. Because such amount may represent an under-payment for the time required in a particular case, a small firm could be heavily burdened by taking an AID case, Mr. James noted.

Mr. James then distributed copies of a month-by-month breakdown of AID expenditures, FY 1970 - September FY 1976. A copy of this table is at Attachment No. III. The Committee's attention was called to the bottom line, which indicates that for the first two-and-one-half months of FY 76, AID expenditures are 34.4% over budget. This may mean a supplemental appropriation request of about \$350,000, Mr. James said.

A Committee member asked about AID policy when a felony charge is reduced. Mr. James replied that AID will pay for felony processing, but not for any appeals on a misdemeanor conviction.

In response to another question, Mr. James commented that, in his opinion, 1975 H.B. 2253 provided an insufficient remedy to the U.S. Supreme Court's objections in James V. Strange (407 US 128). Constitutional questions would remain, Mr. James felt, as long as a public defender's clients are not required to repay their costs. He suggested that perhaps a recovery statute could avoid such problems if public defenders kept track of their time per case.

The Chairman then introduced Mr. Brian Moline, Director of the Legal Aid Society of Wichita, who supported S.B. 435. He told the Committee his office provides legal aid for civil cases only. He noted that legal aid offices are also located in Kansas City and Topeka. A student-operated office is located in Lawrence, and a private office is located in Hutchinson, he said.

Mr. Moline said the Wichita office handled 4,200 cases last year, of which 45% were of the domestic relations nature. A large number of cases pertaining to landlord-tenant and social security disputes are also handled by legal aid.

Due to restrictions on the office's federal funds, Mr. Moline noted that his office can handle cases only for Sedgwick County residents. To maintain the level of federal support, Mr. Moline's office must acquire the equivalent of \$30-40,000 in private legal services. In his opinion, S.B. 435 would allow individuals throughout the state to benefit from such services. He said indigency guidelines established in the original OEO Act restricted the breadwinner's net income to a maximum \$40 per week with an additional \$13 for each dependent. He estimated his office receives 20 letters each week from people living outside Sedgwick County -- people who his office is not allowed to help. Mr. Moline felt it necessary to provide legal services to the indigent in order to promote respect for the law.

Mr. Moline pointed out that initial objections to a legal aid program center around a fear of hurting attorneys in private practice. He assured the Committee this fear is unfounded. His office has had difficulty controlling the caseload and sought help from the local bar association. The small claims procedure has functioned to reduce his office's caseload, he said.

The budget for the Wichita Legal Aid office has been the same for the past four years, as reported by Mr. Moline. He stated his office has received \$127,000 in federal funds and \$13,500 from United Way. In 1971 there were nine attorneys; presently, there are five, all full-time employees of the Corporation. Consequently, the number of cases handled has had to be reduced. While a budget increase may become effective next year, the increase will probably not suffice to hire the estimated 13 to 14 attorneys needed (in Mr. Moline's view) for an adequate staff.

In response to a question, Mr. Moline pointed out that the criteria outlined in the federal law limits the kind of clients who use his office. It was his view that members of the middle- and upper-classes rarely have problems with Public Assistance or Social Security to the extent that legal assistance is required. Mr. Moline emphasized that 45% of Legal Aid's total caseload involve domestic relations.

The Chairman introduced Mr. Ira Kirkendall, Public Defender for Shawnee County. Mr. Kirkendall wanted to support S.B. 435, but he felt the bill indicates the state's willingness to assume the cost for misdemeanor cases. He said he did not feel the state is willing to assume this financial burden. Mr. Kirkendall stated this was his only problem with the bill, and noted that S.B. 435 would help his office from the administrative standpoint.

Mr. Kirkendall advised the Committee that of the other three attorneys presently in his office, one came from legal aid, one from private practice and the third was formerly an assistant district attorney.

In response to questioning, Mr. Kirkendall said his office represents all felony cases involving indigent defendants. The court appoints Washburn law students to handle civil cases, he said. Mr. Kirkendall reported that his office has a budget of \$125,000, with four attorneys, two secretaries, one investigator and two part-time law students. He said his office handled about 600 cases last year with only three attorneys, and at a cost of approximately \$100 per case less than private practice cost. His office handles only cases arising in the 3rd Judicial District (Shawnee County).

Mr. Kirkendall told the Committee of their need for a set of Kansas Supreme Court Reports, which they have never been able to obtain.

Mr. Kirkendall noted that experience in five states indicates that recovering the costs of legal aid to indigent defendants usually means an expenditure of money four times the amount actually recovered.

The next conferee was Mr. Terry Bullock, Legal Services for Prisoners. He distributed copies of a "Consortium Statistical Breakout"-- a copy may be found at Attachment No. IV. This summary covers January through mid-September, 1975, he said.

Mr. Bullock pointed out three objectives of his office: to help eliminate institutional friction, to provide legal services for inmates, and to provide an educational opportunity for some 80 Washburn students who are working with his office. These students are supervised by three full-time attorneys and one part-time attorney.

The project is governed by a board of directors comprised of the Judicial Administrator, an appointee of Kansas Trial Judges Association, three appointees of the executive council of the Kansas Bar Association, one appointee of the Law Secretary of Kansas, and one appointee of Washburn University.

Mr. Bullock anticipates closing over 2,000 cases this year. He indicated that his office maintains a low profile, and has reduced the number of pro se cases handled by the courts. He also credited LSP with the demise of the "jail-house lawyer", the inmate who has picked up some legal know-how and hold out his knowledge for hire by other inmates. Mr. Bullock feels that some of the present calm in the prisons is due to the work of his office.

The Chairman then introduced Mr. Jerry Goodell, Chairman of KBA Public Defender Committee. Mr. Goodell said H.B. 2601 was introduced as a compromise bill. He noted that H.B. 2601 provides for one state-paid public defender who will hire and fire the attorneys, rather than allowing the trial judge this duty. The bill would also allow attorneys more flexibility to travel and to defend cases. Thirdly, the bill requires that local bar associations decide to implement a Public Defender's office, with the consent of the local district judge. These three features make H.B. 2601 preferable to present law, according to Mr. Goodell.

Mr. Goodell told the Committee of the present procedure whereby numerous attorneys are notified to appear in court on the same date. This means that they remain in the courtroom until their case is tried, all the while collecting \$30 per hour. He felt H.B. 2601 would alleviate this needless expenditure.

Another benefit of this bill would be the development and use of experts rather than paying an attorney \$30 per hour to go to the library to read how to handle a case, according to Mr. Goodell.

Mr. Goodell said the Kansas Bar Association's Public Defender Committee had asked him to tell the Committee that: 1) H.B. 2601 does not go far enough and 2) legislation similar to the Colorado law should be passed in Kansas.

The Chairman introduced Judge Michael Barbara, of the Third Judicial District. Judge Barbara indicated that most of

the third district judges are satisfied with the Shawnee County Public Defender program. He felt that speedy trial requirements are aided by a public defender-type program. He noted that a District of Columbia Superior Court judge recently dismissed a case because he felt the defendant had incompetent counsel -- a non-criminal lawyer was handling a criminal matter.

Judge Barbara felt that district judges should not appoint any public defender who might practice in their court. Kansas should have a statewide public defender system, in Judge Barbara's view. In response to a question, he noted that full-time prosecutors are also needed -- this program should be statewide and have sufficient flexibility that prosecutors may move with the need.

The Judge pointed out that graduating law school seniors are not necessarily inexperienced in courtroom procedures. He conducts a seminar on this subject at Washburn, Judge Barbara stated, and his students acquire practical experience.

Mr. Goodell noted that Colorado has solved the problem of allowing public defenders the flexibility to move with the case-load. He said he would leave a copy of the Colorado law with the staff.

Afternoon Session

Proposal No. 27 - Criminal Justice Information System

The Committee drove to the Kansas City, Missouri Police Department for an explanation and tour of the Alert II system. Chief Myron Scafe of Overland Park introduced Mr. Melvin Bockelman, Director of the Computer Systems Division of the Police Department. Mr. Bockelman spoke explaining a slide presentation and distributed printed copies of information to the Committee. Mr. Bockelman distributed copies of the following:

- 1) Bockelman, "Police Department's Computer Security Kept Under Surveillance," Infosystems (June, 1975), 65-66.
- 2) Bockelman, "Ethical Use of Computer Data Banks Within the Criminal Justice System," Kansas City, Missouri Police Department print, March 1974.
- 3) U.S., Department of Justice, Privacy and Security Planning Instructions (Washington: June 30, 1975).
- 4) Joseph D. McNamara (Kansas City, Missouri Police Chief), "Statement of Ethics - Automated Information Systems," January 31, 1974.

Copies of #1 and #4 are appended as Attachments V and VI, respectively. The other documents are on file with Legislative Research, as is "Prepared Statement of the International Association of Chiefs of Police for the Subcommittee on Constitutional Rights, Committee on the Judiciary, United States Senate, concerning the Criminal Justice Information Control and Protection of Privacy Act of 1975 (S.B. 2008)," July 25, 1975.

Following Mr. Bockelman's discussion, Police Chief Joseph McNamara spoke to the Committee concerning the benefits of a computerized criminal justice information system. Committee members then toured the Alert II facilities.

Subsequent to the Committee meeting, staff received a newsclipping from Mr. Bockelman concerning recent Oregon legislation. A copy of this clipping may be found at Attachment VII.

Prepared by Walt Smiley

Approved by Committee on:

Date

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COMMITTEE ASSIGNMENT:
 VICE-CHAIRMAN: ASSESSMENT AND TAXATION
 MEMBER: JUDICIARY
 EDUCATION
 LOCAL GOVERNMENT

SENATE CHAMBER

September 26, 1975

FROM: SENATOR JOHN M. SIMPSON
 TO: MEMBERS OF SPECIAL INTERIM JUDICIARY COMMITTEE
 RE: SENATE BILL NO. 435 - KANSAS LEGAL SERVICES CORPORATION

You are considering many programs relating to the delivery of legal services to indigent and low income individuals. As the sponsor of Senate Bill No. 435, I welcome the opportunity to discuss my reasons for submitting the bill to the legislature and to explain the provisions contained in the bill.

Briefly, the highlights of the bill are as follows:

1. A non-profit corporation, to be known as the Kansas Legal Services Corporation is established.
2. The purpose of the corporation is to provide legal services in non-criminal matters to indigent and low income individuals.
3. The corporation is governed by a board of directors of seven members, four of whom shall be lawyers admitted to practice law in the State of Kansas.
4. The remaining provisions in the bill relate to the operation of the corporation and provide guidelines to the corporation for the conduct of its activities and set forth limitations upon the activities of the corporation and its employee-attorneys.
5. While the bill does not make specific provisions for it, it is contemplated that the Kansas Legal Services Corporation would be funded by appropriations from the legislature and grants from foundations, and the federal government.

Those of you who are lawyers readily recognize that legal services for low income persons are difficult to obtain and are even non-existent in certain areas. Since this is the case, the individuals who are not able to obtain legal services are effectively denied access to the legal system. In the past, we have heard many concerns about people not using the system to remedy their grievances against the government or other individuals. This is a legitimate, but if this is the case, the individual who has the grievance or

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dispute must be able to remedy it through legal proceedings. When these services are made available, the person is less likely to be alienated and will not resort to damaging extra-legal remedies.

Attached to these comments is an article written by Senator James B. Pearson for the Kansas Law Review in 1971 in which he sets forth his reasons for supporting federal legislation creating a federal Legal Services Corporation. This legislation was passed in July 1974 after prolonged and heated debate in the Senate and House of Representatives. I urge you to consider Senator Pearson's comments because I believe they accurately reflect my feelings on the matter and clearly set forth why legal services in some form must be available to all citizens.

Many members of the Kansas Bar Association spend considerable time providing low cost or no cost services to indigent individuals. Such services are admirable and necessary, but the demand far exceeds the organized bar's ability to provide the services. Legal aid programs have been the alternative to the bar providing the services, and these programs have functioned quite well; but in all instances, they too are swamped and not able to adequately respond to the need.

Legal aid programs presently exist in Kansas City, Topeka, Wichita, Lawrence, and Hutchinson. Obviously these are large metropolitan areas or, with the exception of Hutchinson, an area where law students can be used to staff the program.

Aside from these five areas of the state, there are no such services available. Obviously, the problems of the low income individual do not stop when the boundaries of a metropolitan area are reached. Many, many cases exist in my own community of Salina and in the even smaller rural areas throughout the state.

To meet these needs, I visualize that the Kansas Legal Services Corporation would establish branch offices in rural areas where legal assistance programs are not available and would work in conjunction with existing legal assistance programs or open its own offices in the metropolitan areas.

The soon-to-be-released state program to provide social services under Title XX recognizes the need for legal assistance. As I understand it, one of the proposed uses for funds under Title XX will be the providing of legal services. Exactly how this will be done is not certain, but it is recognition that the need for legal aid programs exists.

It is probably not fair to ask individual members of the bar to meet this need. Undoubtedly, this is the reason that the organized bar has not responded to a greater extent. While the situation is not exactly analogous, the state has recognized, in the area of criminal law, that a lawyer who is appointed to represent an indigent is

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entitled to compensation or that the alleged criminal is entitled to legal representation provided by a state funded legal defender program. The needs for civil remedies are just as pressing and this is the reason that the OEO legal services programs were originally established by the federal government in the 1960's and the reason for the passage of the federal legislation establishing the Legal Services Corporation in 1974.

Even though there is a federal program, I believe that there is a genuine need for a state legal services corporation. If for no other reason, we ought to proceed in this manner in order to permit ourselves to rely to the minimum extent upon the federal government. Each of us is reminded almost every day by constituents that they do not want further "meddling" in Kansas affairs by bureaucrats in Washington. Senate Bill No. 435 is in a small way a response to these legitimate concerns and complaints.

Legal assistance programs have proved workable and there is little dispute about the fact that legal services are not readily available to the great bulk of our citizens. Repeatedly within the last ten years the American Bar Association has reflected its deep concern about the problem of providing legal services to all who need them. Even in the 1975 meeting of the Association, an extensive discussion was conducted about legal assistance programs. Obviously, when legal assistance needs are met controversy can arise. Matters such as consumers rights, landlord-tenant relations, environmental action class suits, and civil rights matters which are litigated by public service lawyers tread on many toes and touch many special interests; but if our system is to continue to function, then each and every individual must have an opportunity to raise the question in our courts and not resort to solving it in the streets or by sitting sullenly with a feeling of tremendous alienation. We cannot enjoy the luxury of permitting such feelings to exist.

John M. Simpson

Kansas Law Review

TO PROTECT THE RIGHTS OF THE POOR: THE LEGAL SERVICES CORPORATION ACT OF 1971

*Sen. James B. Pearson**

More: What would you do? Cut a great road through the law to get after the Devil?

Roper: I'd cut down every law in England to do that!

More: Oh? And when the last law was down, and the Devil turned around on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast—Man's law not God's—and if you cut them down—and you're just the man to do it—d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of the law for my own safety's sake.

R. BOLT, A MAN FOR ALL SEASONS

History advises that governments and laws tend to militate against those who are least able to defend themselves. The rights of the poor in our society have, for lack of adequate equal counsel, too often been unprotected. Injustices that could have been prevented, had they been brought before the bar, have often continued unabated. Thus, our system of law, though more equitable and compassionate than that of any other nation, has regrettably but truly afforded protection for some but not for others. And in their attempt to "get after the Devil" by defying that law, some of our people have been left bare and defenseless when the Devil (and the law) turned on them.

For centuries, Anglo-American jurisprudence granted full representation before the bar to anyone who could afford it and often ignored those who could not. But a fundamental and strengthening characteristic of representative democracy is its capacity for change and evolution. Acknowledging the inequities that existed in administering justice to the poor, the Congress of the United States in 1965 amended the Economic Opportunity Act to include provisions for a Legal Services Program to be established within the Office of Economic Opportunity.¹ In order to expand this program that has given substance to promise, the 92nd Congress now has before it a bill, which I have cosponsored, to re-establish the Legal Services Program as an independent, nonprofit corporation, responsible only to itself and to the law it serves.² This

* James B. Pearson, United States Senator from Kansas, is a graduate of the University of Virginia Law School, and has been a member of the Senate since 1962. He serves on the Commerce, Foreign Relations, and Joint Economic Committees of the Senate. Senator Pearson gratefully acknowledges the assistance of Michael J. Needham, Georgetown University Law Center, for providing supporting documentation for this article.

¹ Economic Opportunity Act of 1964, 42 U.S.C. §§ 2701-2981 (1964), *as amended*, §§ 2701-2981 (Supp. II, 1965-66). For a statement of the amendments of 1965, see Pub. L. No. 89-794, 80 Stat. 1451-77 (1965).

² S. 1305, 92d Cong., 1st Sess. (1971).

legislation seeks, through the creation of a separate entity controlled by a board of directors broadly representative of the legal community, to eliminate excessive political interference and to improve thereby the administration of justice to the poor.³

I. THE PUBLIC BENEFIT OF LEGAL SERVICES

The concept of legal services administered to the poor through a community law office has its roots in the legal aid movement of the late 19th century. Reginald Heber Smith followed with his classic *JUSTICE AND THE POOR*, which urged the organized bar of the 1920's to take a more active role in dealing with the problem of equal representation. Significant national growth, however, was painfully slow due to insufficient funds.⁴ With the inauguration of a government-supported program, legal aid to the poor grew remarkably. Initially, the Federal Government sent poverty lawyers to work with an appropriation of \$20 million. Since then, the Legal Services Program has become the country's largest law firm, utilizing a \$53 million budget to maintain some 2,000 lawyers involved with 265 legal services programs and 934 neighborhood offices. During 1970, approximately one million clients were served. It is encouraging, moreover, that the cost per case steadily decreased from \$97 in 1967 to \$53 in 1970.⁵

Of transcending importance, however, have been the benefits derived from the efforts of Legal Services attorneys. These benefits are clearly measurable by the sizeable sums in increased wages, food stamps, and welfare payments that successful suits have brought to the indigent. But of even greater value, in my judgment, have been both the continuing protection from consumer frauds and housing inequities and the landmark legal decisions that have benefited millions of poor American people.⁶

The social impact of equal representation in court is difficult to assess or

³ Legal Services is a program for the poverty stricken. The criteria used to determine eligible clients for Legal Services programs include income, number of dependents, assets and liabilities, cost of living in the community, and an estimate of the cost of legal services needed. Legal Services attorneys do not handle fee-generating cases, but refer such cases to private attorneys through the local bar association referral system. If the fee is not sufficient to obtain private representation, the client may be eligible for the assistance of an OEO funded program.

The scope of the work of Legal Services programs includes all areas of civil law, and the services provided include advice, representation, litigation, and appeal. These programs do not duplicate existing legal services for indigent clients.

Legal reform through the advocacy of changes in statutes, regulations, and administration practices are to be a part of the program as it is part of the lawyer's traditional role.

Civil Legal Services Programs may also include advice and representation in those areas of criminal law in which indigent defendants are not provided with the assistance of counsel. Legal Services programs may provide counsel in juvenile cases, counsel prior to arraignment, counsel in misdemeanor cases, and counsel in felony cases at any stage prior to indictment or information. Counsel may also be provided in post-conviction proceedings.

OFFICE OF ECONOMIC OPPORTUNITY, COMMUNITY ACTION PROGRAM: GUIDELINES FOR LEGAL SERVICES PROGRAMS (1966).

⁴ Pye, *The Role of Legal Services in the Antipoverty Program*, 31 *LAW AND CONTEMP. PROB.* 212 (1966).

⁵ Interview with Francis J. Duggan, Director of Program Operations, Office of Legal Services, Office of Economic Opportunity, in Washington, D.C., April 21, 1971.

⁶ A case in point is *Shapiro v. Thompson*, 394 U.S. 618 (1969), in which the U.S. Supreme Court struck down residency requirements for receiving public assistance. This decision alone had the potential of benefiting the poor by some \$100 to \$150 million.

describe. It appears clear, however, that a great mass of our people have perceived—perhaps for the first time—that our system of law does strive for fairness and can be an instrument for the change of our social order.⁷ It is my belief that Legal Services, by engaging in the daily tasks of resolving unhappy family situations, preventing evictions, and alleviating wage garnishments, has contributed substantially to reducing in intensity the mood of hostility from which sprang countless civil disturbances, some of which still scar the memory of this Nation.

The Legal Services Program has also been able to make governmental bureaucracies more responsible. One representative example relates to a case wherein the Supreme Court ruled that welfare recipients are entitled to an evidentiary hearing before payments can be cut off.⁸ As a result of this ruling, the time necessary to process welfare appeals has been reduced by half. Similarly, Legal Services lawyers in California recently won the elimination of tests written in English administered to Spanish-speaking children. The children who failed the tests were being placed in classes for the mentally retarded.⁹

II. LEGAL SERVICES IN CONTROVERSY

Whether legal counsel for the poor should be allowed to push and shove a political bureaucracy has become a serious policy question. Indeed, this question has thrust the entire Legal Services Program into a political turmoil that threatens its very existence. The arguments focus on legal reform and politics and the extent to which Legal Services should be involved in either field.

Initially, two dichotomous concepts concerning the Legal Services Program's proper role were advanced. The first concept generally proposed helping the poor to adapt to the equities and inequities of existing law. The second concept advocated that, rather than aid in the perpetuation of the poverty cycle, anti-poverty attorneys should challenge the injustices in our legal system and seek thereby to improve the administration of justice to the poor.

In February, 1965, the American Bar Association's House of Delegates passed a resolution reaffirming "its deep concern with the problems of providing legal services to all who need them." The same resolution stated: "*Resolved*, That the Association, through its officers and appropriate Committees, shall cooperate with the Office of Economic Opportunity and other appropriate

⁷This past year some 20 cases brought by Legal Services attorneys have reached the Supreme Court, an indication of the thorough and diligent representation the poor can expect from government funded attorneys. Of the cases decided this term a few are of particular interest. In *Tate v. Short*, 91 S. Ct. 668 (1971), decided on March 2, the Supreme Court ruled that alternative penalties of jail or a fine were unconstitutional as applied to indigents. In *Boddie v. Connecticut*, 91 S. Ct. 780 (1971), also decided on March 2, the Court held that indigents had the right to proceed *in forma pauperis* in divorce cases. In *Phillips v. Martin Marietta*, 400 U.S. 861 (1971), the Court held that it was discriminatory to deny employment to women, when having children was the main reason for denying employment.

⁸*Goldberg v. Kelly*, 397 U.S. 254 (1970):

⁹*Diana v. State Bd. of Educ.*, Civil Action No. C-70 37 (N.D. Cal. 1970).

groups in the development and implementation of programs for expanding the availability of legal services to indigents and persons of low income."¹⁰ The resolution, which won the approval of a majority of the local and state bars, is consistent with the Code of Professional Responsibility, which states in part:

The duty of a lawyer, both to his clients and to the legal system, is to represent his client zealously within the bounds of the law, which includes Disciplinary Rules and enforceable professional regulations. The responsibility of a lawyer derives from his membership in a profession which has the duty of assisting members of the public to secure and protect available legal rights and benefits. In our government of law and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law; to seek any lawful objective through legally permissible means; and to present for adjudication any lawful claim, issue or defense.¹¹

Left unresolved, then, were conceptual guidelines as well as the political implications of the Legal Services Program. While few people were able to forecast the dramatic social impact poverty law would have, it must have been manifestly clear to all that allowing anti-poverty lawyers to bring suit against government on any level would greatly increase the number and impact of court victories to be gained by the poor.¹² There are many fair-minded individuals, attorneys and laymen alike, who argue against such involvement. Their position is that lawyers should not be paid by government to sue another government agency.¹³ On the other hand, it has been argued that the poor, as well as the paying client, must have a proper recourse to assure their rights. And if they are truly unable to obtain legal advice because of financial hardship, government then should be obligated to provide it.¹⁴ Furthermore, there are

¹⁰ ABA Resolution, 90 ABA Reports 110, 111 (1965).

¹¹ ABA CODE OF PROFESSIONAL RESPONSIBILITY, Ethical Code 7-1 (1969).

¹² In April of 1968 the former Director, Legal Services Office, stated that in a 2-year period, Legal Services lawyers had:

1. Provided direct legal service and representation to approximately 60,000 poor families.
2. Benefited more than a million and a half poor people through favorable and far-reaching court decisions.
3. Educated over 2 million poor people as to their legal rights and responsibilities.
4. Aided over 1,000 block clubs, tenant groups, and other poverty organizations to set up buying clubs, cooperative laundromats, credit unions, and other self-help institutions to win their rightful share of public services and to obtain their rights.

COMPTROLLER GENERAL OF THE UNITED STATES, REPORTS TO THE CONGRESS: EFFECTIVENESS AND ADMINISTRATION OF THE LEGAL SERVICES PROGRAM UNDER TITLE II OF THE ECONOMIC OPPORTUNITY ACT OF 1964, at 10 (Aug. 7, 1969).

¹³ E.g., J. Landauer, *Legal Aid Skirmish in Poverty War*, Wall Street Journal, November 8, 1967.

¹⁴ What the Government does provide, as stated as the principal missions of every good Legal Services Program:

1. To provide quality legal service to the greatest possible number consistent with the size, staff, and other goals of the program.
2. To educate target area residents about their legal rights and responsibilities in substantive areas of concern to them.
3. To ascertain what rules of law affecting the poor should be changed to benefit the poor and to achieve such changes either through the test case and appeal, statutory reform, or changes in the administrative process.
4. To serve as advocate for the poor in the social decision-making process. This can be done by representing a neighborhood association at a zoning hearing, for example, or before a city council at which a street improvement is being considered. It could mean the organization and representation of a group of tenants to secure a standard lease that is fair to both landlord and tenant. In brief, it is to provide for the poor the same type of concerned advocacy that others have long enjoyed.

those who say that the legal system is a political resource and instrument in the community. If this tenet is accepted, as indeed it is among political scientists, then it follows that this system should bring needed change to those in the community who have not only been deprived of society's benefits, but suppressed in attempts to obtain them.¹⁵ To do so means to challenge existing and accepted standards. Professor Harry P. Stumpf writes in "Law and Poverty: A Political Perspective":

[T]he aims and operations of the Legal Services Program are inextricably involved in, and are a part of, the political system at all levels. . . . The program seeks to provide access to the judicial system for millions of citizens who, for a variety of economic, social, and psychological reasons, have heretofore been "legally alienated." The goal is to provide aggressive, sustained, and readily available advocacy for the poor in order to reassert forgotten rights, establish new rights and remedies, and, in brief, to redistribute societal advantages and disadvantages via the legal system. This is not simply related to politics; it is politics.¹⁶

And, Jean Cahn, an early proponent of national legal services to the poor, writes:

Why, it may be asked, should the legal system be made to bear the freight of the entire political and economic structure?

In part, because it sets the terms and conditions for use of that system. In part, because it mirrors the defects of that system. In part, because it blocks the need for social awareness and social reassessment by converting each need into a highly individual, personal, circumstantial case . . . and copes with it accordingly. In effect, the legal system exercises a monopoly on what constitutes a grievance . . . and even when the demands are legitimate, (it) tends to impose a clean hands doctrine which in effect denies to all but the "deserving poor" the right to complain, to need, to feel, or to demand.

So long as this monopoly continues, . . . the bulk of grievances and needs will never receive a full or fair hearing—or rational and full exposition.¹⁷

5. To assist poor people in the formation of self-help groups, such as cooperative purchasing organizations, merchandising ventures, and other business ventures.

6. To involve the poor in the decision-making process of the Legal Services Program project and, to the extent feasible, to include target area residents on the staff of the project.

OFFICE OF ECONOMIC OPPORTUNITY, LEGAL SERVICES PROGRAM EVALUATION MANUAL 1-2 (1967).

¹⁵ Klonoski & Mendelsohn, *The Allocation of Justice: A Political Approach*, 14 J. PUB. L. 323-35 (1965).

¹⁶ Stumpf, *Law and Poverty: A Political Perspective*, 1968 WIS. L. REV. 703 (1968).

¹⁷ Cahn & Cahn, *What Price Justice: The Civilian Perspective Revisited*, 41 NOTRE DAME LAW. 927, 941 n.25 (1966).

The necessity of establishing this widespread consciousness of legal rights within the ghetto was highlighted by the *Report of the National Advisory Commission on Civil Disorders* 292-93 (Bantam Books ed. 1968), which states:

Among the most intense grievances underlying the riots of the summer of 1967 were those which derived from conflicts between ghetto residents and private parties, principally the white landlord and the merchant. Though the legal obstacles are considerable, resourceful and imaginative use of available legal processes could contribute significantly to the alleviation of tensions resulting from these and other conflicts. Moreover through the adversary process which is at the heart of our judicial system, litigants are afforded meaningful opportunities to influence events which affect them and their community.

However, effective utilization of the courts requires legal assistance, a resource seldom available to the poor. Litigation is not the only need which ghetto residents have for legal services. Participation in the grievance procedure suggested above (Neighborhood Action Task Forces) may well require legal assistance. More importantly ghetto residents have need of effective advocacy of their interests and concerns in a variety of other contexts, from representation before welfare agencies

But in asserting the rights of the poor, the Legal Services Program has experienced political difficulties. Initially and perhaps mistakenly, the Office of Economic Opportunity decreed that neighborhood law firms receiving federal grants would have to report to the local Community Action Agency (CAA) rather than directly to Washington.¹⁸ Additionally, governors won the right to veto funds allocated by the Congress for Legal Services. Public officials have not been unaware of these provisions. For example, the Governor of Missouri, Warren E. Hearnes, vetoed an OEO grant to the St. Louis Community Action Program in December, 1969, on the grounds that legal services lawyers were representing "militant" groups.¹⁹ OEO Director Donald Rumsfeld overrode this veto as well as another affecting the Kansas City, Missouri program.²⁰ Elsewhere the Chicago Committee on Urban Opportunity, an OEO-funded CAA with the support of Mayor Richard J. Daley, threatened to withdraw funding from the Chicago Legal Aid Society in 1970 unless the Society discontinued representation of citizens groups against municipal agencies.²¹ OEO subsequently determined to fund the program directly. Additionally, between 1969 and the present, essential United Fund support of legal services programs has been withdrawn in St. Louis, Missouri; Albuquerque, New Mexico; and Oklahoma City, Oklahoma, on the basis of suits or threatened suits against local government agencies, particularly law enforcement agencies that contribute heavily to the United Fund.

Since 1967, when California Rural Legal Assistance (CRLA) was founded, its record has been remarkable. Though the state's major farmers, welfare bureaucracy, and prominent public officials have joined ranks to oppose CRLA, the lists of its supplicants and court victories have grown apace. In *Hernandez v. Hardin*,²² California was obliged to increase its food stamp program. In *Alaniz v. Wertz* and *Ortiz v. Wertz*,²³ California truck farmers were forced to stop importing *braceros* who would harvest crops for less wages than the native Californians. *Rivera v. Division of Industrial Welfare*²⁴ asserted that CRLA's claim to enforce the minimum wage of \$1.65 per hour to agricultural workers

and other institutions of government to advocacy before planning boards and commissions concerned with the formation of development plans. Again, professional representation can provide substantial benefits in terms of overcoming the ghetto resident's alienation from the institution of government by implicating him in its processes. Although lawyers function in precisely this fashion for middle-class clients, they are too often not available to the impoverished ghetto resident.

The Legal Services Program administered by the Office of Economic Opportunity has made a good beginning in providing legal assistance to the poor. Its present level of effort should be substantially expanded through increased private and public funding. In addition, the participation of law schools should be increased through development of programs whereby advanced students can provide legal assistance as a regular part of their professional training. In all of the efforts the local bar bears major responsibility for leaders and support.

¹⁸ Economic Opportunity Act, 42 U.S.C. §§ 2790, 2809 (1969).

¹⁹ New York Times, Dec. 28, 1969, at 56, col. 1.

²⁰ Governor Hearnes vetoed the St. Louis Community Action Program December 18, 1969, and Director Rumsfeld overrode his veto January 10, 1970. Governor Hearnes vetoed the Kansas City Program on March 4, 1970, and Director Rumsfeld overrode his veto on March 16, 1970.

²¹ *National Journal* 716 (April 4, 1970).

²² Civil Action No. 50333 (N.D. Cal. 1969).

²³ *Alaniz v. Wertz*, Civil Action No. 47807 (N.D. Cal. 1967); *Ortiz v. Wertz*, Civil Action No. 47803 (N.D. Cal. 1967).

²⁴ 265 Cal. App. 2d 576, 71 Cal. Rptr. 739 (1968).

was proper. *Romero v. Hodgson*²⁵ is currently under appeal to the Supreme Court to decide whether the exclusion of farmworkers from unemployment benefits is constitutional. The fact that the courts have ruled in favor of CRLA in 80 percent of the cases brought would suggest that the poor of California have substantially benefited from CRLA services. In late 1970, however, the Governor of California vetoed a \$1.8 million federal grant to CRLA on the grounds that CRLA lawyers failed to represent "the true legal needs of the poor."²⁶ The ensuing struggle has been intense. CRLA is currently operating under a temporary grant approved by Frank Carlucci, the recently appointed Director of OEO. But no permanent decision has yet been made concerning the future of CRLA, and an OEO-appointed commission comprised of three state supreme court justices is presently considering appropriate recommendations, a situation with which CRLA has become all too familiar during the course of its stormy existence.²⁷

III. THE NEED FOR LEGISLATION: INDEPENDENCE IS ESSENTIAL

Clearly, the Legal Services Program and the events that make up politics—both its good and bad aspects—are inexorably intertwined. What should be of serious concern to the legal community is the damage done by such political turmoil to the basic tenets of our profession.

One of these tenets is independence from nonjudicial, administrative control. The legal community has only one ultimate authority, and that is the law and the ethical code pertinent to its proper administration. Another tenet is the sanctity of the lawyer-client relationship. The ABA Code of Professional Responsibility specifically includes these two pertinent provisions:

A lawyer shall not permit a person who recommends employees, or pays him to render legal services for another to direct his professional judgment in rendering such legal services.²⁸

Since a lawyer must always be free to exercise his professional judgment without regard to the interest or motives of a third person, the lawyer who is employed by one to represent another must constantly guard against erosion of his professional freedom.²⁹

Yet as we have seen, public officials at all levels of government, through excessive interference in proper relationships with clients and through efforts to exert a crippling degree of lay control, have diverted anti-poverty lawyers from adherence to the Code. Moreover, as an indication of further, though unsuccessful interference, legislation has been offered in Congress

²⁵ 319 F. Supp. 1201 (1970).

²⁶ December 26, 1970.

²⁷ Robert B. Williamson, retired Chief Justice of the Maine Supreme Court, Chairman; Justice Robert B. Lee of the Colorado Supreme Court; and George R. Currie, retired Chief Justice of the Supreme Court of Wisconsin. Justice Currie replaced Justice Thomas H. Tongue of the Oregon Supreme Court, who resigned from the Commission on California Rural Legal Assistance due to the heavy caseload of his court.

²⁸ ABA Code of Professional Responsibility, Disciplinary Rule 5-107(B) (1969).

²⁹ *Id.*, Ethical Code 5-23 (1969).

to deny Legal Services lawyers the power to sue government agencies³⁰ and to grant state governors an absolute veto over federal funds.³¹ In 1970, it was proposed, also unsuccessfully, that the Legal Services Program be regionalized—a change that would have subjected its lawyers to an even greater degree of local political pressure.

The National Governors' Conference, in testimony before the Senate Subcommittee on Employment, Manpower and Poverty, recommended that state governors be duly authorized to approve or disapprove individual Legal Services Programs.³² The ABA Board of Governors, however, in a statement made on October 18, 1969, asserted that the Legal Services Program should "operate with full assurance of independence of lawyers . . . in cases which might involve action against governmental agencies seeking significant institutional change." The ABA statement further declared that a governor's veto power could be used to "circumscribe the freedom of legal service attorneys in representing their clients."³³ This view was supported by more than 50 state and local bar associations, including the National Legal Aid and Defender Association, the Judicial Conference of the United States, and the National Commission on the Causes and Prevention of Violence. The present administration, moreover, has lent its support to the proponents of legal reform. In a statement issued on August 11, 1969, promising the continuation of the Legal Services Program, President Nixon said that the sluggishness of many institutions at all levels of society in responding to the needs of the individual citizen is one of the central problems of our time.

The time to establish an independent, nonprofit corporation to administer legal services is at hand. Anti-poverty lawyers and the law itself must no longer bear the crushing burden of outside intervention. It is essential, in my judgment, that Congress approve the National Legal Services Corporation Act. The Corporation would be authorized to make grants and contracts, to provide comprehensive legal services and assistance to low-income persons, and to carry out programs for research, training, technical assistance, and law school clinical assistance. It would also provide a means for disadvantaged individuals to obtain a legal education. The Corporation would be administered by a 19-member board of directors, to be chosen as follows: five appointed by the President with the advice and consent of the Senate; one by the Chief

³⁰ S. 2388, 90th Cong., 1st Sess. (1967). The amendment, offered by Sen. Murphy of California, was defeated by a vote of 52-36. 113 CONG. REC. S27873 (Oct. 4, 1967).

³¹ 115 CONG. REC. S29894 (Oct. 4, 1969).

³² 115 CONG. REC. S36853 (Dec. 3, 1969).

³³ Resolution of the ABA Board of Governors on S3016, *Proceedings of the American Bar Association Board of Governors*, Oct. 16 & 17, 1969. Though the ABA has stood firm behind the Legal Services Program, it has not been certain of the future of the program. John P. Tracey, who represents the ABA in Washington, has stated that while support for Legal Services has held firm at the national level, the support has been spotty at the local level due to the conservative nature of local bar associations, and that this local support was crucial to the survival of the Legal Services Program. *National Journal*, *supra* at n.24.

Another program offered as a means of providing legal services to the poor is Judicare. But it is estimated by the Office of Economic Opportunity that Judicare, the legal equivalent of Medicare, would cost 3 times as much per case as the current Legal Services Program. Widiss, *Legal Assistance for the Rural Poor: An Iowa Study*, 56 IOWA L. REV. 100, 127 (1970).

Justice of the Supreme Court acting on the recommendation of the Judicial Conference of the United States; six by virtue of their office (the President and President-Elect of the American Bar Association, the President of the American Trial Lawyers Association, the President of the National Bar Association, the President of the National Legal Aid and Defenders Association, and the President of the American Association of Law Schools); three chosen by a clients advisory council; and three chosen by a project attorneys advisory council—each council being established by the act. An Executive Director of the Corporation, selected by the board of directors, would also serve as a voting member of the board. The Corporation would be funded by annual appropriations from the Congress, the authorization for fiscal 1973 being \$170 million.³⁴

The passage of this type of legislation is not unprecedented. In 1967, Congress approved the Public Broadcasting Act, which created the Corporation for Public Broadcasting—an independent, nonprofit corporation receiving governmental funds to assist in developing a noncommercial educational broadcasting system.³⁵ The reasons for creating such a corporation for Legal Services parallel those for creating the one for public broadcasting. Congress felt that the promotion of educational programming was a governmental function, an obligation it owed the people. And in order to prevent political interference, the corporation was placed beyond the influence of any political interest. As Fred Friendly, former Vice-President of the Columbia Broadcasting System, testified before the Senate Commerce Committee:

... Public Television will rock the boat. There will be—There should be—times when every man in politics—including you—will wish that it had never been created. But Public Television should not have to stand the test of political popularity at any given point in time. Its most precious right will be the right to rock the boat.³⁶

It should be emphasized that the independence of Legal Services is valuable and essential only because it will improve the delivery of legal services to poor people. Stated otherwise, the Legal Services Program should be independent in order to more closely adhere to the purposes for which Congress created it. The involvement of legal services lawyers in a case of nonindigent high school students fighting school haircut regulations,³⁷ for example, is in my judgment, an abuse of independence, a waste of resources, and an abrogation of Legal Services lawyers' responsibilities to their truly deserving clients, the poor. My support for the National Legal Services Corporation Act is accordingly based on the conviction that the needs of our poor are so great that those few human and material resources intended to serve them must not be diverted to other

³⁴ S. 1305, 92d Cong., 1st Sess. (1971).

³⁵ Public Broadcasting Act of 1967, 81 STAT. 365, 47 U.S.C. §§ 390-99, as amended, 82 STAT. 108, 47 U.S.C. § 396 (1968).

³⁶ The Public T.V. Act of 1967, *Hearings on S. 1160 Before the Subcomm. on Communications of the Senate Comm. on Commerce*, 90th Cong., 1st Sess. 173 (1967) (testimony of Fred Friendly).

³⁷ R. Evans & R. Novak, *Defending Poor or Violent?*, *The Washington Post*, May 7, 1971, at A-25.

purposes. It is my belief that a Legal Services Corporation cannot help but improve the lot of those whose impoverished condition renders them unable even to obtain proper legal counsel for their legitimate complaints. It is further my belief that this nation owes justice under the law to all its people. If we fail to provide it, we will have failed to recognize a fundamental right of free society. We will have failed to guarantee the best and most democratic means for those deprived to "Cut a great road through the law to get after the Devil."

ATTACHMENT II

AID TO INDIGENT DEFENDANTS

COMPARATIVE EXPENDITURE ANALYSIS - BY COUNTIES

Fiscal Year 1970			Fiscal Year 1971			Fiscal Year 1972			Fiscal Year 1973			Fiscal Year 1974			Fiscal Year 1975				
No. Cases	Amount	Average	No. Cases	Amount	Average	No. Cases	Amount	Average	No. Cases	Amount	Average	No. Cases	Amount	Average	No. Cases	Amount	Average		
5	\$ 1,430	\$ 286	8	\$ 1,198	\$ 150	Allen	17	\$ 8,474	\$ 498	17	\$ 4,195	\$ 247	Allen	15	\$3,165	\$211	10	\$ 1,780	\$178
0	0	0	3	662	221	Anderson	2	131	65	2	594	297	Anderson	1	500	500	3	623	208
24	4,280	178	34	4,095	121	Atchison	41	5,520	135	55	9,780	178	Atchison	41	9,270	226	56	17,820	318
6	488	81	6	363	60	Barber	3	979	326	0	0	0	Barber	2	391	196	6	1,638	273
28	4,516	161	54	9,972	185	Barton	61	8,507	139	67	17,383	259	Barton	50	10,707	214	72	22,413	311
8	1,889	236	7	550	79	Bourbon	7	687	98	26	5,721	220	Bourbon	28	7,833	280	11	2,457	223
1	130	130	13	1,607	124	Brown	7	673	96	2	280	140	Brown	8	1,512	189	5	2,225	445
40	3,474	87	50	7,675	134	Butler	18	2,037	113	30	4,197	140	Butler	66	11,861	180	55	12,010	218
0	0	0	2	262	131	Chase	1	212	212	3	1,142	381	Chase	7	1,104	158	9	1,489	165
1	330	330	1	35	35	Chautauqua	3	50	17	0	0	0	Chautauqua	0	0	0	0	0	0
10	1,460	146	12	2,175	181	Cherokee	8	586	73	1	106	106	Cherokee	19	3,482	183	9	1,751	195
0	0	0	1	100	100	Cheyenne	0	0	0	0	0	0	Cheyenne	0	0	0	1	765	765
1	541	541	6	342	57	Clark	1	27	27	2	339	170	Clark	1	459	459	0	0	0
5	585	117	3	570	190	Clay	1	253	253	9	1,081	120	Clay	5	510	102	17	2,613	154
10	1,315	132	12	1,999	167	Cloud	8	717	90	12	1,679	140	Cloud	24	11,283	470	27	7,043	261
0	0	0	2	211	106	Coffey	7	644	92	1	98	98	Coffey	1	408	408	3	1,142	381
0	0	0	0	0	0	Comanche	0	0	0	0	0	0	Comanche	0	0	0	2	225	113
38	6,600	174	49	6,625	135	Cowley	53	5,552	105	56	10,847	194	Cowley	68	12,606	185	51	7,986	157
53	9,045	171	62	12,836	207	Crawford	43	7,031	164	36	10,186	283	Crawford	65	18,661	287	80	32,310	404
0	0	0	1	200	200	Decatur	1	219	219	0	0	0	Decatur	1	158	158	1	211	211
26	4,017	155	38	7,688	202	Dickinson	30	4,412	147	2	503	256	Dickinson	8	3,188	399	3	578	193
0	0	0	7	1,064	152	Doniphan	7	623	89	10	1,823	182	Doniphan	6	1,047	175	6	1,568	261
31	3,834	124	77	14,461	188	Douglas	64	7,748	121	135	33,655	249	Douglas	162	38,714	239	153	42,203	276
7	605	86	5	416	83	Edwards	2	419	210	6	787	131	Edwards	10	2,597	260	9	2,063	229
2	190	95	1	103	103	Elk	4	218	55	4	549	137	Elk	2	790	395	6	1,205	201
24	2,317	97	27	4,316	160	Ellis	25	4,656	186	26	4,932	190	Ellis	41	13,497	329	36	8,989	250
3	320	107	0	0	0	Ellsworth	0	0	0	1	109	109	Ellsworth	1	60	60	1	478	478

JAMES R. JAMES
 JUDICIAL ADMINISTRATOR
 STATE HOUSE
 TOPEKA, KANSAS 66612

Fiscal Year 1970			Fiscal Year 1971			Fiscal Year 1972			Fiscal Year 1973			Fiscal Year 1974			Fiscal Year 1975				
No. Cases	Amount	Average	No. Cases	Amount	Average	No. Cases	Amount	Average	No. Cases	Amount	Average	No. Cases	Amount	Average	No. Cases	Amount	Average		
8	\$ 485	\$ 61	22	\$ 2,582	\$ 117	Finney	31	\$ 4,759	\$ 154	28	\$ 4,197	\$ 168	Finney	21	\$ 6,085	\$290	38	\$7,407	\$195
12	2,161	180	17	4,452	262	Ford	4	711	178	10	2,273	227	Ford	15	5,058	337	26	7,108	273
26	5,134	197	18	2,864	159	Franklin	26	2,237	86	27	6,475	240	Franklin	20	8,444	422	45	10,222	227
54	13,204	245	110	28,202	256	Geary	33	8,138	247	21	5,864	279	Geary	38	10,959	288	14	5,581	399
0	0	0	0	0	0	Gove	6	839	140	5	1,898	380	Gove	3	1,097	366	11	2,423	220
0	0	0	0	0	0	Graham	0	0	0	0	0	0	Graham	0	0	0	0	0	0
1	50	50	5	3,953	791	Grant	5	1,857	371	4	1,307	327	Grant	8	1,346	168	11	2,191	199
0	0	0	4	915	229	Gray	0	0	0	1	302	302	Gray	6	1,245	208	4	1,129	282
0	0	0	0	0	0	Greeley	0	0	0	0	0	0	Greeley	0	0	0	1	760	760
5	803	161	4	558	139	Greenwood	6	615	103	6	1,569	262	Greenwood	11	1,779	162	20	5,578	279
4	200	50	5	472	94	Hamilton	0	0	0	1	71	70	Hamilton	2	165	83	0	0	0
0	485	81	9	937	104	Harper	8	627	78	3	316	105	Harper	8	1,455	182	2	745	372
25	3,696	148	16	4,390	274	Harvey	25	3,205	128	31	5,834	188	Harvey	62	16,170	261	93	21,675	233
1	115	115	1	45	45	Haskell	2	305	153	0	0	0	Haskell	5	1,572	314	8	2,481	310
0	0	0	0	0	0	Hodgeman	2	211	106	1	485	485	Hodgeman	2	1,289	645	2	1,036	518
1	385	385	15	3,492	233	Jackson	3	368	123	12	2,192	183	Jackson	8	1,983	248	12	1,865	155
2	130	75	7	4,624	661	Jefferson	4	977	244	5	2,983	597	Jefferson	5	1,099	220	10	1,139	114
2	255	128	0	0	0	Jewell	1	33	33	0	0	0	Jewell	8	1,210	151	2	100	50
109	22,279	204	187	54,625	292	Johnson	208	42,083	202	181	49,843	275	Johnson	235	90,272	384	365	119,948	329
0	0	0	0	0	0	Kearny	2	365	183	4	1,179	295	Kearny	2	1,133	567	3	670	223
10	2,178	218	7	1,111	159	Kingman	1	326	326	9	1,206	134	Kingman	8	1,555	194	2	478	239
1	40	40	0	0	0	Kiowa	2	223	111	8	4,687	586	Kiowa	0	0	0	11	2,899	264
10	1,151	115	17	2,653	156	Labette	27	7,033	260	50	14,085	282	Labette	52	17,924	345	69	22,724	329
4	1,538	385	1	60	60	Lane	1	254	254	0	0	0	Lane	2	331	166	0	0	0
99	22,921	232	170	34,744	204	Leavenworth	131	19,630	150	185	47,269	256	Leavenworth	131	38,968	297	154	43,546	283
1	165	165	5	462	92	Lincoln	1	252	252	7	1,295	185	Lincoln	1	310	310	3	477	159
2	394	197	1	204	204	Linn	0	0	0	0	0	0	Linn	0	0	0	2	367	184
2	451	226	2	505	253	Logan	1	345	345	3	930	310	Logan	4	800	200	0	0	0
42	6,014	143	34	5,666	167	Lyon	22	2,885	131	51	11,294	223	Lyon	61	13,674	224	108	30,084	279
7	610	87	9	1,126	125	Marion	3	125	42	0	0	0	Marion	0	0	0	2	165	83
3	708	236	1	560	560	Marshall	3	286	95	9	4,548	505	Marshall	3	1,215	405	6	918	153
11	2,024	184	17	2,998	176	McPherson	9	1,209	134	29	8,275	285	McPherson	34	9,707	286	39	7,892	202
6	884	147	0	0	0	Meade	2	790	395	5	868	174	Meade	9	1,562	174	10	1,341	134
12	2,088	174	16	3,617	226	Miami	11	2,152	196	22	3,305	150	Miami	16	3,303	206	37	9,734	263

Fiscal Year 1970			Fiscal Year 1971			Fiscal Year 1972			Fiscal Year 1973			Fiscal Year 1974			Fiscal Year 1975				
No. Cases	Amount	Average	No. Cases	Amount	Average	No. Cases	Amount	Average	No. Cases	Amount	Average	No. Cases	Amount	Average	No. Cases	Amount	Average		
2	\$ 575	\$ 288	2	\$ 245	\$ 122	Mitchell	1	\$ 80	\$ 80	0	\$ 0	\$ 0	Mitchell	0	\$ 0	\$ 0	1	\$ 110	\$110
61	11,109	182	84	15,625	186	Montgomery	89	11,911	134	115	20,013	174	Montgomery	147	31,846	217	173	48,322	279
4	550	138	5	1,166	233	Morris	0	0	0	0	0	0	Morris	0	0	0	1	779	779
0	0	0	0	0	0	Morton	2	3,460	1,730	0	0	0	Morton	5	3,017	603	10	2,880	288
2	140	70	6	514	86	Nemaha	2	98	49	0	0	0	Nemaha	13	2,080	160	11	2,218	202
12	2,252	188	10	1,970	197	Neosho	13	1,294	100	14	3,397	243	Neosho	16	2,875	180	25	4,015	161
0	0	0	8	1,628	204	Ness	0	0	0	1	1,000	1,000	Ness	0	0	0	4	1,298	324
3	385	128	4	385	96	Norton	6	632	15	4	951	235	Norton	1	205	205	3	181	60
15	5,298	353	10	1,347	135	Osage	4	108	27	18	2,778	154	Osage	13	4,675	360	19	4,120	217
0	0	0	0	0	0	Osborne	0	0	0	3	658	220	Osborne	2	1,464	732	3	1,425	475
3	234	78	3	332	111	Ottawa	2	157	79	0	0	0	Ottawa	0	0	0	0	0	0
5	1,100	220	8	1,697	212	Pawnee	13	971	75	17	2,191	129	Pawnee	12	2,226	186	14	6,911	494
2	158	79	6	665	111	Phillips	5	303	61	5	457	91	Phillips	3	355	118	1	120	120
7	1,226	175	3	339	113	Pottawatomie	12	1,701	141	7	2,296	328	Pottawatomie	14	3,267	233	17	4,801	282
17	1,476	87	34	2,654	78	Pratt	18	1,176	65	35	3,613	103	Pratt	29	3,582	124	21	2,131	101
2	464	232	0	0	0	Rawlins	0	0	0	0	0	0	Rawlins	2	420	210	1	750	750
127	22,756	179	164	28,367	173	Reno	118	14,603	124	165	41,236	250	Reno	159	37,484	236	184	40,234	219
2	565	283	1	145	145	Republic	1	178	178	0	0	0	Republic	0	0	0	0	0	0
0	0	0	0	0	0	Rice	4	1,024	256	2	422	211	Rice	14	2,559	183	7	1,770	253
58	7,609	131	77	7,096	92	Riley	95	6,969	73	107	13,802	129	Riley	107	17,963	168	157	29,930	191
3	355	118	4	720	180	Rooks	0	0	0	2	78	39	Rooks	3	867	289	1	112	112
3	417	139	3	1,015	338	Rush	0	0	0	1	90	90	Rush	2	320	160	1	145	145
6	1,317	220	6	2,306	384	Russell	3	223	74	1	17	17	Russell	9	1,920	213	2	322	161
67	8,306	124	122	22,678	156	Saline	116	17,629	152	32	7,376	231	Saline	17	3,593	211	18	6,451	358
4	1,072	268	8	817	102	Scott	7	527	75	1	110	110	Scott	15	3,171	211	11	1,801	164
357	96,901	271	449	134,213	299	Sedgwick	354	82,508	233	406	149,256	367	Sedgwick	618	252,736	409	689	296,654	431
18	2,337	130	57	9,091	159	Seward	38	3,842	101	49	11,452	234	Seward	73	17,561	241	71	17,925	253
110	24,094	219	201	46,726	232	Shawnee	54	10,169	188	14	2,929	209	Shawnee	61	23,793	390	65	24,343	375
0	0	0	1	105	105	Sheridan	0	0	0	3	1,214	404	Sheridan	2	1,273	637	0	0	0
5	765	153	4	630	158	Sherman	6	786	131	9	2,301	256	Sherman	8	2,832	354	20	3,882	194
0	0	0	3	432	144	Smith	1	387	387	2	770	385	Smith	9	1,928	214	3	389	130
2	869	435	5	1,315	263	Stafford	7	1,618	231	6	1,486	248	Stafford	2	408	204	3	769	256
0	0	0	1	245	245	Stanton	1	193	193	2	413	207	Stanton	0	0	0	3	314	105
0	0	0	1	50	50	Stevens	2	74	37	0	0	0	Stevens	3	769	256	7	1,523	218

Fiscal Year 1970			Fiscal Year 1971			Fiscal Year 1972			Fiscal Year 1973			Fiscal Year 1974			Fiscal Year 1975					
No. Cases	Amount	Average	No. Cases	Amount	Average	No. Cases	Amount	Average	No. Cases	Amount	Average	No. Cases	Amount	Average	No. Cases	Amount	Average			
10	\$ 1,709	\$ 171	14	\$ 2,353	\$ 168	7	\$ 788	\$ 113	23	\$3,516	\$ 153	20	\$ 3,599	\$180	22	\$3,850	\$175			
0	0	0	0	0	0	0	0	0	0	0	0	1	28	28	0	0	0			
2	120	60	0	0	0	0	0	0	0	0	0	1	516	516	1	481	481			
0	0	0	0	0	0	11	558	51	0	0	0	2	395	198	18	2,829	157			
2	936	468	2	748	374	Wallace	3	308	103	14	2,064	147	Wallace	1	301	301	3	878	293	
0	0	0	2	669	335	Washington	6	301	50	1	199	199	Washington	0	0	0	0	0	0	
0	0	0	2	576	288	Wichita	0	0	0	0	0	0	Wichita	2	200	100	1	95	95	
12	1,369	114	11	1,614	147	Wilson	1	105	105	0	0	0	Wilson	33	3,609	109	37	4,199	113	
4	600	150	12	2,439	203	Woodson	9	1,166	130	14	1,588	113	Woodson	1	400	400	17	3,716	219	
123	24,865	202	240	61,382	256	Wyandotte	170	41,884	246	2	627	314	Wyandotte	195	68,250	350	317	134,240	423	
1,839	\$359,846	\$ 196	2,754	\$599,641	\$ 218	TOTAL FEES & SERVICES	2,175	\$370,946	\$ 171	2,514	\$642,096	\$ 255	TOTAL FEES & SERVICES	3,027	\$897,999	\$297	3,704	\$1,143,179	\$309	
	<u>21,530</u>			<u>11,272</u>		ADMIN. EXPENSES		<u>7,250</u>			<u>13,286</u>		ADMIN. EXPENSES		<u>13,103</u>			<u>16,520</u>		
	<u>\$381,366</u>			<u>\$610,913</u>		TOTAL EXPENDITURES		<u>\$378,196</u>			<u>\$655,382</u>		LEGAL SERVICES FOR PRISONERS					<u>13,001</u>		
						PAYMENTS FROM FUNDS:							TOTAL EXPENDITURES--A.I.D.		<u>\$911,102</u>			<u>\$1,172,700</u>		
						Gen'l Revenue														
	\$376,151			\$607,959		Appropriations		\$378,196			\$852,318		General Revenue							
	<u>5,215</u>			<u>2,954</u>		Recoveries		<u>0</u>	Balance	<u>196,936</u>		Appropriations	\$1,016,061		General Revenue		\$927,937			
	<u>\$381,366</u>			<u>\$610,913</u>								Reappropriations	208,773		Appropriations		226,299			
												Less: Pub. Def. Expense	- 82,675		Reappropriations		150,000			
												Balance	- 231,057		Supplemental Appr.		1,304,236			
													<u>\$911,102</u>		Total Available		-114,729			
															Less: Pub. Def. Ex.		-16,807			
															Carryover FY 76		<u>\$1,172,700</u>			

A.I.D. STATISTICS - ASSIGNED COUNSEL AND ADMINISTRATIVE EXPENSES

FISCAL YEAR	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Recoveries	TOTAL	\$ INC.*	% IN
1970	450	5,468	18,843	36,653	39,481	38,097	39,395	43,707	61,064	43,647	41,461	7,885	5,214	381,366		
1971**	34,551	29,444	46,231	46,201	49,889	61,372	41,200	547	547	43,438	126,264	90,018	2,954	610,913	229,547	60
1972	8,176	39,665	30,369	35,583	26,357	31,117	28,460	40,307	36,378	33,462	38,882	29,440	--	378,196	(232,717)	(61)
1973	40,273	24,801	36,968	51,481	58,151	48,515	62,357	57,293	59,976	60,913	62,292	92,362	--	655,382	277,186	73
1974	55,392	59,632	54,522	74,412	76,986	87,792	75,603	79,668	91,186	68,737	102,026	85,146	--	911,102	255,720	39
1975	85,462	74,511	85,313	94,098	99,916	102,628	115,124	90,801	137,561	98,761	111,699	76,825	--	1,172,699	261,597	29

*Dollar Amount Increase (Decrease) from Prior Fiscal Year
 **Percent (%) of Increase (Decrease) from Prior Fiscal Year
 ***1971 Figures Include \$38,257 Carryover

FISCAL YEAR	JUL	AUG	SEP 1-15
1976	147,637	102,655	54,497

TOTAL
304,789*

*3^ 1% over budget

Legal Service for Prisoners

ATTACHMENT IV
All Institutions

CONSORTIUM STATISTICAL BREAKOUT (Summary)

	<u>Number of Cases</u>	<u>Percent of Total Civil Cases</u>	<u>Total Time (Man-days other than clerical)</u>
I. Civil			
A. Major Category			
1. Divorce	123	38%	108
2. Child Custody	19	6%	25
3. Bankruptcy/debts	37	12%	34
4. Tax returns	18	6%	8
5. Welfare	9	3%	2
6. License	3	1%	3
7. Defendant: civil suit	22	7%	22
8. Miscellaneous	88	27%	108
<u>TOTALS</u>	<u>319</u>	100%	<u>310</u>
II. Criminal			
A. Major Category			
1. Post-conviction relief	118	26%	202
a. New trial/appeal (includes 60-1507)	101	23%	170
b. Habeas Corpus	17	3%	32
2. Pending offense matters	163	36%	198
a. Outstanding charges	17	3%	9
b. Demand for speedy trial	9	2%	3
c. Extradition	7	2%	5
d. Detainers	130	29%	181
3. Review of convictions	60	14%	31
4. Court review of sentences	105	24%	58
<u>TOTALS</u>	<u>446</u>	100%	<u>489</u>
III. Cases Not Requiring Judicial Solution			
A. Major Category			
1. Sentence computation	25	3%	14
2. Probation/parole hearing	57	6%	72
3. Credit for jail time	131	14%	142
4. Restoration of good conduct time	3	1%	1
5. Representation at disciplinary hearings	605	65%	290
6. Miscellaneous (Includes cases in which just advice was given, except divorce cases) or those cases in which inmates had retained counsel or solved their own problems	111	11%	66
<u>TOTALS</u>	<u>932</u>	100%	<u>585</u>
<u>TOTAL NUMBER OF CASES - Jan. 1 - Sept. 15, 1975</u>			
(Including: Institutional Grievances - 29			
Institutional Transfers - 15)			
	<u>1,741</u>		

THE FOLLOWING TABLE REFLECTS THE STATISTICAL CASELOAD OF LEGAL SERVICES FOR PRISONERS SINCE ITS INCEPTION:

<u>Time Period</u>	<u>No. of Cases</u>	<u>Average No. Cases per Month</u>
August 1972 - April 1973	445	49.4
May 1973 - June 1974	994	71.0
July 1974 - December 1974	1,084	180.6
January 1975 - Sept. 15, 1975	1,741	204.8

Police department's computer security kept under surveillance

There is a need for vast new data banks with sophistications yet unheard of to support the complicated operations of our modern day society and economy. The Kansas City, MO, Police Computer Center, through Alert II, ensures the confidentiality and integrity of their computerized data banks.

by Melvin F. Bockelman

-Perfecting the security of computer data banks is a goal that we must work tirelessly to attain, while recognizing that we may never quite attain it. The Computer Systems Div. of the Kansas City (MO) Police Dept. operates in an environment of awareness and constant monitoring of our operational security procedures, ever mindful that the change for security violations is always present.

This thread does not go away when the day's work is done, nor does the capability of it diminish just because we have installed the computer within a fortress. The object of our entire security and confidentiality program must be to make the probability of detection and interruption so great, that planned violations won't be attempted and that any unplanned violations will come to our attention as soon as they occur.

We have also implemented many other extensive security precautions to protect the release and flow of information from the computers' data banks. The following policy statements outline the major steps taken by our department to protect the security and confidentiality of computerized information systems:

A) Data included in the system must be limited to that based upon a source document maintained on file in the agency which exercises managerial control over the system and identified by a unique case number assigned to each document.

B) The adoption of a systematic and permanent program of data verifi-

cation against source documents. (I believe we should be committed to spend approximately five percent of our total automation budget toward the support of the validation of automated information files.)

C) Education programs are administered to all who access data from remote terminals.

D) The computer is programmed to screen all inquiries and to exclude those inquiries that are inconsistent with the system's rules.

E) Our telecommunication system's activity is logged for all actions occurring on the network and this permanent record of activity may be examined at any time.

F) Program systems are designed to provide for "Locked Data Files," in which records cannot be accessed until the proper codes or terminal identity is read and matched to the master terminal access list that is core resident.

G) Rigid security and inventory controls are in effect in computer library operations to prevent duplicating files and removal at the same time to unauthorized sources.

H) Discarded criminal record printouts are all subjected to a shredding machine to ensure that the contents may not be reconstructed for later use.

I) Remote terminal operations are under programmed control to rigidly control access to only those real-time files that the user has prior clearance to access.

J) The users of system data have been informed that any careless use of system data represents unprofessional

conduct, and this type of data use may subject them to disciplinary or civil litigations.

K) An Operating Procedure has been published which clearly identifies to whom data may be released and under what circumstances. This procedure also requires the removal of names and addresses on reports before they are released to non-criminal justice agencies.

L) The computer has been programmed to identify each printout with a reminder of the security of the information contained in the printout.

M) In recognition of each citizen's right to review his arrest files, the Kansas City, MO, police department has a policy of purging arrest records where the facts substantiate such a request.

N) Security and confidentiality agreements have been executed within the Alert II Criminal Justice System to ensure management control over the use and release of information generated within the system.

O) There is a great variety of ways and means to enhance the physical security of a criminal justice computer complex. The most important is restricting access to the computer center by non-authorized personnel who must be identified and be under escort while in the Computer Systems Div.

P) Access to the bulletproof computer complex is rigidly controlled by electronic locks.

Q) Through software control, individual on-line remote terminals are deactivated from the computer center for those agencies who do not operate on a 24-hour basis. This ensures that access is denied to anyone who might attempt to use the terminal while the working staff is off duty.

R) Smoke detection devices, emergency lights and a fire-alarm system have been installed in the computer center. These devices provide control capabilities important to the overall

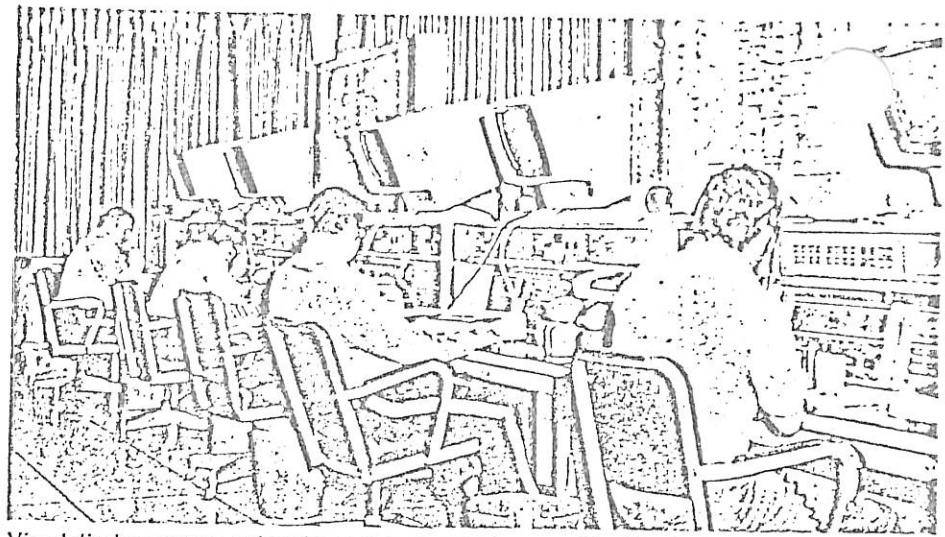
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curity of the complex.

Personality tests are administered to applicants in an effort to weed out prospective technicians with troubled personalities. The sensitivity of data recorded in the Alert II criminal justice system dictates that we must establish high standards in the selection process for all applicants.

It is absolutely essential that we continue to move with great rapidity in the development of ethical standards for the use and dissemination of automated systems. In the final analysis, these considerations all boil down to a balancing of values—the need for informed managers of government and industry and the need of the citizen to expect ethical control by government and industry in the use of data about a citizen's private life. We recognize that the greatest and most important aspect of these must be the right of the



Visual display screens, rather than printer terminals, are utilized in the Police Computer Center to prevent the possibility of sensitive information getting to unqualified persons. All inquiries and responses to the terminals are logged for follow-up and review action.

individual citizen and his right to expect that computerized data regarding his private life will be used under ethical circumstances.

I believe that computerized infor-

mation systems that are properly designed and operated under these guidelines, can provide a greater service to our society than ever possible under manually maintained record systems. □

Intelligent terminals speed auto parts to customers

No more hand-typed sales orders and "after-the-fact" invoicing for Raybestos-Manhattan. Now Sycor 340 intelligent terminals simplify ordering, shipping and billing, and provide timely information for better management decisions.

Increased prices and threatened gasoline shortages, as well as uncertain economic conditions at home, have been driving Americans to realign their priorities. One priority, the automobile, was formerly considered a status symbol, but is now being viewed primarily as a means of transportation. Slumping automobile sales reflect these changing values. More and more Americans are flocking to "fix-it-yourself" shops and service stations in an effort to prolong the life of their cars.

To meet a growing demand for auto parts, Raybestos-Manhattan (R-M), a leading organization in the competitive after-market business, developed a computerized system that provides better methods for shipping and billing parts, faster delivery to customers and allows for better-informed management planning.

The order processing system relies

on Sycor 340 intelligent terminals, and has proven the catalyst for future applications, including inventory control and production scheduling, sales analysis, financial reporting and control and manufacturing.

Before initiating the automated system, R-M distribution centers had to type sales orders, ship the ordered items to the customer and then mail the orders to headquarters for billing purposes. "It was a classic after-the-fact invoicing operation," said Lawrence B. Row, director of management services for R-M. "There were multiple problems inherent within the system," he explained. "For example, it took an average of seven days to determine the previous day's activities, and we were in danger of being out of control—warehouse foremen were unable to determine and schedule the day's work load with warehouse personnel and carriers; each R-M plant and distribu-

tion center was developing its own unique and incompatible system; and decision-making information could not be consolidated on a timely basis."

For those reasons, as well as a growing awareness of what part his company would play in the marketplace, Row and his staff decided to design a system that would simplify order entry and shipping procedures, improve customer service and provide a common data base of inventory, customer and outstanding order information for business decision making.

Having investigated alternative methods and devices, R-M selected the Sycor 340 intelligent terminal. Row attributes the selection to the ease of use, editing capabilities and communications features of the terminal.

Now, after an order is received and a cursory edit performed, it is keyed into the 340 via the keyboard. At the close of each operating day, all orders entered are transmitted to Trumbull, CT, headquarters for processing on the company's Honeywell 2040 computer, using a data base of customer and product information. The next morning, shipping information is retransmitted to each distribution center and printed out on a Sycor matrix printer operating at 165 cps. Row estimates that through the combination of intelligent functions on the terminal and the operator's skill in data entry, order preparation has been speeded up

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POLICE DEPARTMENT
KANSAS CITY, MISSOURI 64106



JOSEPH D. McNAMARA
Chief of Police

January 31, 1974

Kansas City Regional Criminal Justice Telecommunications

Network System - ALERT II

Statement of Ethics - Automated Information Systems

SCOPE

Modern day technology has made possible the development of electronic computer data banks. The use of these systems represent but another step forward in social and economic progress of our society.

The capability of access and entering information into integrated data banks also presents a potential for unethical use and the releasing of such information which may have a harmful and damaging effect upon the welfare of the citizens.

RESPONSIBILITY

The following policies are hereby established and shall serve as the basis for the ethical use and release of computerized information within the criminal justice system:

1. All categories of information collected and recorded in the Alert II data banks shall be a matter of public record.
2. A citizen will have the right to view any information which has been collected on him and he shall have the right to challenge the authenticity of such information recorded in the Alert II data banks.
3. All information collected for entry must be substantiated by official records. These records shall be maintained within the criminal justice system and shall meet at least one of the following criteria:
 - a. The information will be recorded by officers of public agencies, directly and principally concerned with crime prevention, apprehension of criminals, adjudication and rehabilitation of offenders.

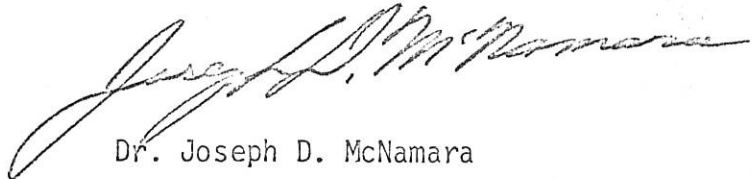
- b. The recording of information must be made in the satisfying of a public duty and must have been made relevant to the criminal justice responsibility of the agency recording.
4. The Computer Systems Division shall not compile reports reflecting information entered by other agencies of the ALERT II system without their consent.
5. Systematic audits shall be conducted by each element of the criminal justice system to insure the accuracy and integrity of all information collected in the data bank.
 - a. The Alert II system shall log all activity occurring on the telecommunications network, so that any or all transactions taking place can be examined at any time from the log file.
6. All terminals interfaced into the Alert System must be under the managerial control of an agency of the criminal justice system. They must also remain fully independent of non-criminal justice data systems.
7. The Kansas City Missouri Police Department is responsible to NCIC for the maintenance of security control of the system. Therefore, any violations of security, as it relates to this network, shall be investigated and disposed of in accordance with the code of ethics relating to such matters. The following rules apply:
 - a. Information exchanged over the network involves official privileged national, state and area criminal justice agency information. This information must be processed and safeguarded in such a manner that only those personnel on official criminal justice agency duties may have access to such information.
 - b. Information contained in the computer is only an abstract of a subject's record, therefore, the content must be used only for legitimate criminal justice process.
 - c. Arrest information, by policy of the Kansas City Missouri Board of Police Commissioners, must not be given to non-criminal justice agencies, therefore, terminal users must not divulge that portion of the message contents which falls within this criteria.

- d. All printouts from terminals or machine listings will be safeguarded and disposed of in such a manner so as to deny non-authorized personnel access to such documents.
 - e. Under no circumstances shall unauthorized persons be given a copy of computer printouts.
 - f. All employees and in particular newly employed personnel should, as a minimum measure, be given a thorough orientation into the privacy and security aspects of criminal justice information. Whenever possible, psychological tests shall be administered to prospective applicants. This is vital in insuring the stability of employees who have direct access to computer systems.
8. Each criminal justice agency is responsible for 'input' of its own records and for the proper removal of the information when it is no longer valid.

Those individuals who utilize computerized information must understand that careless or unethical use of such data is in violation of this directive and will result in disciplinary action or civil litigation.

The right of the citizen to expect governmental agencies to rigidly control the use and release of information is of overwhelming importance to our society. The effectiveness of automated criminal justice information systems must always be reviewed in light of these considerations.

These policies should be recognized as an obligation on the part of all elements of the Criminal Justice System to abide by these statements of ethics.



Dr. Joseph D. McNamara