

Excerpts From Law Enforcement Report of Commission on Violence

November 2, 1969

Contents

Additional Steps Urged	3
Job Role Defined	4
The Mosaic of Discontent	5
Public Funds Used	5
Concern With Crime	6

WASHINGTON, Nov. 1— Following are excerpts from a report of law enforcement by the National Commission of the Causes and Prevention of Violence: Governments in the United States-local, state and Federal-must be cognizant of the needs of citizens and take appropriate action if they are to command continuing respect and if their laws are to be obeyed. Disenchantment with governmental institutions and disrespect for law are most prevalent among those who feel they have gained the least from the social order and from the actions of government. A catalog of the features of American life that push people toward alienation and lawlessness usually emphasizes evils in the private sector: landlords who charge exorbitant rents for substandard housing, the practice of "block-busting" that feeds on racial antagonism to buy cheap and sell dear under inequitable purchase contracts, merchants with unscrupulous credit buying schemes, employers and unions who discriminate against minorities. But we need also to consider how the institutions of law and government, often inadvertently, contribute to the alienation.

In recent years the legal profession has contributed an increasing portion of its time to aiding the poor and this trend will undoubtedly continue despite the financial problems involved.

Additional Steps Urged

We recommend that Federal and state governments take additional steps to encourage lawyers to devote professional services to meeting the legal needs of the poor. The institution of government that is the most constant presence in the life of the poor is the police department. Crime rates are high in the urban slums and ghettos, and the police are needed continually. As they do their job, the police carry not only the burden of the law but also the symbolic burden of all government; it is regrettable, yet not surprising, that particularly the tensions and frustrations of the poor and the black come to focus on the police. The antagonism is frequently mutual. Racial prejudice in police departments of major cities has been noted by reliable observers. Prejudice compromises police performance. Policemen who systematically ignore many crimes committed in the ghetto, who handle ghetto citizens roughly, who abuse the rights of these citizens, contribute substantially to disaffection with government and disrespect for law.

Our society has commissioned its police to patrol the streets, prevent crime and arrest suspected criminals. It has established courts to conduct trials of accused offenders and sentence those who are found guilty. It has created a correctional process consisting of prisons to punish convicted persons and programs to rehabilitate and supervise them so that they can become useful citizens. It is commonly assumed that these three components-law enforcement (police, sheriffs, marshals), the judicial process (judges, prosecutors, defense lawyers) and corrections (prison officials, probation and parole officers)- add up to a "system" of criminal justice.

A system implies some unity of purpose and organized interrelationship among component parts. In the typical American city and state, and under Federal jurisdiction as well, no such relationship exists. There is, instead, a reasonably well-defined criminal process, a continuum through which each accused offender may pass: from the hands of the police, to the jurisdiction of the courts, behind the walls of a prison, then back onto the street. The inefficiency, fallout and failure of purpose during this process is notorious. Criminal courts themselves are often poorly managed and severely criticized. They are seriously backlogged; in many of our major cities the average delay between arrest and trial is close to a year. All too many judges are perceived as being inconsiderate of waiting parties, police officers and citizen witnesses. Too often lower criminal courts tend to be operated more like turnstiles than tribunals. In some jurisdictions, many able jurists complain that some of their most senior colleagues refuse to consider or adopt new administrative and managerial systems which could improve significantly the quality of justice and the efficiency of the court and which would also shorten the time from arrest to trial.

Job Role Defined

Corrections officials enter the crime picture long after the offense and deal only with convicted persons. Their job is to maintain secure custody and design programs which prepare individual prisoners for a successful return to society. They are discouraged when they encounter convicted persons whose sentences are either inadequate or excessive. They are frustrated by legislatures which curtail the flexibility of sentences and which fail to appropriate necessary funds. They are dismayed at police officers who harass parolees, or at a community which fails to provide jobs or halfway houses for ex-offenders. Yet, with a few significant exceptions, the prisons and correctional facilities operate in isolation and reject public scrutiny. Programs of rehabilitation are shallow and dominated by greater concern for punishment and custody than for correction. Prison inmate work assignments usually bear little relationship to employment opportunities outside. Internal supervision is often inadequate, and placed in the hands of inmates. Thus correctional administrators are often said to be presiding over schools in crime. While speaking of prisons, it should be noted that jails- institutions for detaining accused persons before and during trial and for short misdemeanor sentences-are often the most appalling shame in the criminal justice system. Many are notoriously ill-managed and poorly staffed. Scandalous conditions have been repeatedly reported in jails in major metropolitan areas. Even more than the prisons, the jails have been indicted as crime breeding institutions.

The Mosaic of Discontent

In the mosaic of discontent which pervades the criminal process, public officials and institutions, bound together with private persons in the cause of reducing crime, each sees his own special mission being undercut by the cross- purposes, frailties or malfunctions of others. As they find their places along the spectrum between the intense concern with victims at one end, and total preoccupation with reforming convicted lawbreakers at the other, so do they find their daily perceptions of justice varying or in conflict. These conflicts in turn are intensified by the fact that each part of the criminal process in most cities is overloaded and undermanned, and most of its personnel underpaid and inadequately trained. Too little attention has been paid to the crime commission's finding that the entire criminal justice's system- Federal, state and local, including all police, all courts and all corrections-is underfinanced, receiving less than 2 per cent of all government expenditures. On this entire system, we spend less each year than we do on Federal agricultural programs and little more than we do on the space program.

Public Funds Used

Under such circumstances it is hardly surprising to find in most cities not a smooth functioning "system" of criminal justice but a fragmented and often hostile amalgamation of criminal justice agencies. Obvious mechanisms for introducing some sense of harmony into the system are not utilized. Judges, police administrators and prison officials hardly ever confer on common problems. Sentencing institutes and familiarization prison visits for judges are the exception rather than the rule. Usually neither prosecutors nor defense attorneys receive training in corrections upon which to base intelligent sentencing recommendations. Nearly every part of the criminal process is run with public funds by persons employed as officers of justice to serve the same community. Yet every agency in the criminal process in a sense competes with every other in the quest for tax dollars. Isolation or antagonism rather than mutual support tends to characterize their intertwined operations. And even when cooperative efforts develop, the press usually features the friction, and often aggravates it. One might expect the field to be flooded with systems analysts, management consultants and publicly imposed measures of organization and administration in order to introduce order and coordination into this criminal justice chaos. It is not. A recognized profession of criminal justice system administrators does not exist today. Effective police administration is hard to find. The great majority of police agencies are headed by chiefs who started as patrolmen and whose training in modern management techniques, finance, personnel, communications and community relations is limited. Lateral entry of police administrators from other departments or outside sources such as military veterans is usually prohibited by antiquated civil service concepts. Apart from lack of

leadership, the process of crime control in most cities lacks any central collection and analysis of criminal justice information. It has no focal point for formulating a cohesive crime budget based on system needs rather than individual agency requests. It has no mechanism for planning, initiating or evaluating systemwide programs, or for setting priorities. It has no specialized staff to keep the mayor or other head of government regularly informed of the problems and progress of public safety and justice. Crime receives high-level attention only as a short-term reaction to crisis.

Concern With Crime

This nation is justifiably concerned about the increased rate of crime and about the conditions that give rise to crime, including our inadequate system of criminal justice. In this commission's judgment, we should give concrete expression to our concern about crime by a solemn national commitment to double our investment in the administration of justice and the prevention of crime, as rapidly as such an investment can be wisely planned and utilized. When the doubling point is reached, this investment would cost the nation an additional \$5-billion a year- less than three-quarters of 1 per cent of its national income and less than 2 per cent of its tax revenues. Our total expenditure would still be less than 15 per cent of what we spend on our armed forces. Surely this is a modest price to pay to "establish justice" and "insure domestic tranquility" in this complex and volatile age. Given the realities of state and local financial resources, the Federal Government will have to take the lead in making this commitment, and in providing most of the required funds under the matching grant formulas already contained in the 1968 statutes. The Federal commitment should be made in a manner that will convince the states, cities and the public that they can rely on the seriousness and continuity of the undertaking, and that they can invest matching funds of their own without fear that the Federal portion may be curtailed midway in the program. The pervasive fragmentation of police, court and correctional agencies suggests that some catalyst is needed to bring them together. An assumption that parallel and overlapping public agencies will cooperate efficiently can no longer suffice as a substitute for deliberate action to make it happen in real life. Periodic crime commissions -which study these agencies, file reports and then disappear-are valuable, but they are much too transient and non-operational for this coordinating role. A law-enforcement council-consisting of chief judges and agency heads who meet periodically - is usually little more than another committee of over- committed officials. A full-time criminal justice office is basic to the formation of a criminal justice system. Its optimum form, i.e., line or staff, and its location in the bureaucracy, need to be developed through experimentation.

The Ted K Archive

Excerpts From Law Enforcement Report of Commission on Violence
November 2, 1969

The New York Times, November 2, 1969, Page 56. <www.nytimes.com>

www.thetedkarchive.com