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National Institute of Justice
United States Department of Justice
Washington, D.C. 20531
THE CHALLENGE OF CRIME IN A FREE SOCIETY

A REPORT BY THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE

United States Government Printing Office
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FOREWORD

On July 23, 1965, recognizing the urgency of the Nation's crime problem and the depth of ignorance about it, President Johnson established this Commission on Law Enforcement and Administration of Justice, through Executive Order 11236.

This general report—"The Challenge of Crime in a Free Society"—embodies all the major findings we have drawn from our examination of every facet of crime and law enforcement in America. These are summarized in an opening section, and our recommendations are cataloged in a table following chapter 13. In addition, we are finishing the work on a series of volumes reflecting the detailed and extensive research and analysis underlying this report. These volumes, each dealing with a different major segment of the field of crime and law enforcement, will be issued shortly, as they are completed.

We have described, in appendix A, how the Commission went about its work. But one aspect deserves particular note. Our work was, as indeed it should and had to be, in the fullest sense, a joint undertaking. We received the unstinting assistance of the Federal Bureau of Investigation, the U.S. Bureau of Prisons, the Department of Health, Education, and Welfare, and every other Federal agency we called on.

We had the invaluable assistance of many State, local, and private agencies and groups in this field. We had at our service the special talent and knowledge of hundreds of expert consultants and advisers who contributed to our work. And, most important, the foundation to our work came from a staff whose energy and endurance was exceeded only by its brilliance and imagination. Every member of this Commission joins me in expressing the warmest gratitude and admiration for James Vorenberg, professor at the Harvard Law School, the Executive Director of the Commission, who directed this extraordinary staff effort, and for each of his colleagues.

Nicholas deB. Katzenbach
Chairman

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# CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary</td>
<td></td>
<td>v</td>
</tr>
<tr>
<td><strong>CHAPTER 1</strong></td>
<td>THE CHALLENGE OF CRIME IN A FREE SOCIETY: INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Toward Understanding and Preventing Crime</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>America's System of Criminal Justice</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>The Foundations of a Crime Control Program</td>
<td>12</td>
</tr>
<tr>
<td><strong>CHAPTER 2</strong></td>
<td>CRIME IN AMERICA</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>The Amount of Crime</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>Trends in Crime</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>The Economic Impact of Crime</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>Crime and the Inner City</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>The Victims of Crime</td>
<td>38</td>
</tr>
<tr>
<td></td>
<td>Characteristics of Offenders</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td>Public Attitudes Towards Crime and Law Enforcement</td>
<td>49</td>
</tr>
<tr>
<td><strong>CHAPTER 3</strong></td>
<td>JUVENILE DELINQUENCY AND YOUTH CRIME</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td>Facts About Delinquency</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td>Understanding and Preventing Juvenile Delinquency</td>
<td>58</td>
</tr>
<tr>
<td></td>
<td>Focusing Prevention</td>
<td>58</td>
</tr>
<tr>
<td></td>
<td>Slums and Slum Dwellers</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>The Family</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>Youth in the Community</td>
<td>66</td>
</tr>
<tr>
<td></td>
<td>Delinquency and the School</td>
<td>69</td>
</tr>
<tr>
<td></td>
<td>Delinquency and Employment</td>
<td>74</td>
</tr>
<tr>
<td></td>
<td>The Juvenile Justice System</td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>The Police: Initial Contact Point With the Juvenile Justice System</td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>The Juvenile Court and Related Agencies</td>
<td>79</td>
</tr>
<tr>
<td></td>
<td>Conclusion</td>
<td>88</td>
</tr>
<tr>
<td><strong>CHAPTER 4</strong></td>
<td>THE POLICE</td>
<td>91</td>
</tr>
<tr>
<td></td>
<td>The Law Enforcement Function of the Police</td>
<td>92</td>
</tr>
<tr>
<td></td>
<td>The Operational Problems of Law Enforcement</td>
<td>95</td>
</tr>
<tr>
<td></td>
<td>The Community-Service Function of the Police</td>
<td>97</td>
</tr>
<tr>
<td></td>
<td>The Police in the Community</td>
<td>99</td>
</tr>
<tr>
<td></td>
<td>The Development of Guidelines for Police Action</td>
<td>103</td>
</tr>
<tr>
<td></td>
<td>Police Personnel</td>
<td>106</td>
</tr>
<tr>
<td></td>
<td>Police Organization, Management and Field Operations</td>
<td>113</td>
</tr>
<tr>
<td></td>
<td>Coordination and Pooling of Police Services</td>
<td>119</td>
</tr>
<tr>
<td></td>
<td>State Commissions on Police Standards</td>
<td>123</td>
</tr>
<tr>
<td><strong>CHAPTER 5</strong></td>
<td>THE COURTS</td>
<td>125</td>
</tr>
<tr>
<td></td>
<td>The Constitutional Foundations of the Process</td>
<td>125</td>
</tr>
<tr>
<td></td>
<td>Substantive Criminal Law</td>
<td>126</td>
</tr>
<tr>
<td></td>
<td>Criminal Procedures</td>
<td>127</td>
</tr>
<tr>
<td></td>
<td>The Lower Courts</td>
<td>128</td>
</tr>
<tr>
<td></td>
<td>The Initial Stages of a Criminal Case</td>
<td>130</td>
</tr>
<tr>
<td></td>
<td>Pretrial Release</td>
<td>131</td>
</tr>
<tr>
<td></td>
<td>The Disposition of Cases Before Charge</td>
<td>133</td>
</tr>
<tr>
<td></td>
<td>The Negotiated Plea of Guilty</td>
<td>134</td>
</tr>
<tr>
<td></td>
<td>Court Proceedings</td>
<td>137</td>
</tr>
<tr>
<td></td>
<td>Sentencing Policies and Procedures</td>
<td>141</td>
</tr>
<tr>
<td></td>
<td>Officers of Justice</td>
<td>146</td>
</tr>
<tr>
<td></td>
<td>Court Scheduling, Management and Organization</td>
<td>154</td>
</tr>
<tr>
<td><strong>CHAPTER 6</strong></td>
<td>CORRECTIONS</td>
<td>159</td>
</tr>
<tr>
<td></td>
<td>Background of Corrections Today</td>
<td>160</td>
</tr>
<tr>
<td></td>
<td>Community-Based Corrections</td>
<td>165</td>
</tr>
<tr>
<td></td>
<td>Correctional Institutions</td>
<td>171</td>
</tr>
</tbody>
</table>
CHAPTER 7 ORGANIZED CRIME

The Types of Organized Criminal Activities .... 188
Location of Organized Crime Activities .......... 191
Corruption of the Enforcement and Political Systems .. 191
Membership and Organization of Criminal Cartels .... 191
The Nation's Efforts To Control Organized Crime .... 196
A National Strategy Against Organized Crime .... 200

CHAPTER 8 NARCOTICS AND DRUG ABUSE

The Drugs and Their Regulation ................. 211
Enforcement ................................... 216
Drug Abuse and Crime .......................... 221
Penalties ...................................... 222
Marihuana .................................... 224
Treatment ..................................... 225
Civil Commitment ................................ 228
Medical Practice and Addiction .................. 230
Education ...................................... 231

CHAPTER 9 DRUNKENNESS OFFENSES

The Existing System ................................ 233
Evaluation of the Existing System ............... 235
Lines for Action .................................. 235

CHAPTER 10 CONTROL OF FIREARMS

Correctional Decisionmaking ...................... 179
Creating Change .................................. 183

CHAPTER 11 SCIENCE AND TECHNOLOGY

Police Operations ................................ 247
Court Operations ................................ 257
Corrections Operations .......................... 259
Reducing Criminal Opportunities ............... 260
Systems Analysis of Criminal Justice ............ 261
Criminal Justice Information Systems .......... 266
Scientific and Technological Research and Development Program .. 269

CHAPTER 12 RESEARCH—INSTRUMENT FOR REFORM

Planning and Organizing Research ............... 274

CHAPTER 13 A NATIONAL STRATEGY

What State and Local Governments Can Do .... 279
Major Lines for State and Local Action ......... 281
What the Federal Government Can Do .......... 283
The Commission's Program ....................... 285
What Citizens and Their Organizations Can Do .. 288
Conclusion ...................................... 291

Table of Recommendations ....................... 293
Additional Views of Individual Commission Members .. 302
Appendices ..................................... 309
A. The Commission and Its Operations ...... 309
B. Consultants and Advisors ................. 313
C. Supporting Staff and Services ............ 323
Picture Credits .................................. 326
Index ........................................... 327
Summary

This report is about crime in America—about those who commit it, about those who are its victims, and about what can be done to reduce it. The report is the work of 19 commissioners, 63 staff members, 175 consultants, and hundreds of advisers. The commissioners, staff, consultants, and advisers come from every part of America and represent a broad range of opinion and profession.

In the process of developing the findings and recommendations of the report, the Commission called three national conferences, conducted five national surveys, held hundreds of meetings, and interviewed tens of thousands of persons.

The report makes more than 200 specific recommendations—concrete steps the Commission believes can lead to a safer and more just society. These recommendations are more than just a list of new procedures, new tactics, and new techniques. They call for a greatly increased effort on the part of the Federal Government, the States, the counties, the cities, civic organizations, religious institutions, business groups, and individual citizens. They call for basic changes in the operations of police, schools, prosecutors, employment agencies, defenders, social workers, prisons, forwarding authorities, and probation and parole officers. But the recommendations are more than just a list of new procedures, new tactics, and new techniques. They are a call for a revolution in the way America thinks about crime.

Many Americans take comfort in the view that crime is the vice of a handful of people. This view is inaccurate. In the United States today, one boy in six is referred to the juvenile court. A Commission survey shows that in 1965 more than two million Americans were arrested in prisons or juvenile training schools, or placed on probation. Another Commission study suggests that about 40 percent of all male children now living in the United States will be arrested for a nontraffic offense during their lives. An independent survey of 1,700 persons found that 91 percent of the sample admitted they had committed acts for which they might have received jail or prison sentences.

Many Americans also think of crime as a very narrow range of behavior. It is not. An enormous variety of acts make up the "crime problem." Crime is not just a tough teenager snatching a lady's purse. It is a professional third-striking car "on order." It is a well-masked loan-shark taking over a previously legitimate business for organized crime. It is a police young man who suddenly and inexplicably murders his family. It is a corporation executive conspiring with competitors to keep prices high. No single formula, no single theory, no single generalization can explain the vast range of behavior called crime.

Many Americans think controlling crime is solely the task of the police, the courts, and correction agencies. In fact, as the Commission's report makes clear, crime cannot be controlled without the interest and participation of schools, businesses, social agencies, private groups, and individual citizens.

What, then, is America's experience with crime and how has this experience shaped the Nation's way of living? A new insight into these two questions is furnished by the Commission's National Survey of Criminal Victims. In this survey, the first of its kind conducted on such a scope, 10,000 representative American households were asked about their experiences with crime, whether they reported these experiences to the police, and how these experiences affected their lives.

An important finding of the survey is that for the Nation as a whole there is far more crime than ever is reported. Burglaries occur about three times more often than they are reported to police. Aggravated assaults and larcenies over $50 occur twice as often as they are reported. There are 50 percent more robberies than are reported. In some areas, only one-tenth of the total number of certain kinds of crimes are reported to the police. Seventy-four percent of the neighborhood commercial establishments surveyed do not report to police the thefts committed by their employees.

The existence of crime, the talk about crime, the reports of crime, and the fear of crime have eroded the basic quality of life of many Americans. A Commission study conducted in high crime areas of two large cities found that:

☐ 43 percent of the respondents say they stay off the streets at night because of their fear of crime.
☐ 30 percent say they do not speak to strangers any more because of their fear of crime.
☐ 21 percent say they use cars and cabs at night because of their fear of crime.
☐ 20 percent say they would like to move to another neighborhood because of their fear of crime.

The findings of the Commission's national survey generally support those of the local surveys. One-third of a representative sample of all Americans say it is unsafe to walk alone at night in their neighborhoods. Slightly more than one-third say they keep firearms in the house for protection against criminals. Twenty-eight percent say they keep watch dogs for the same reason.

Under any circumstance, developing an effective response to the problem of crime in America is exceedingly difficult. And because of the changes expected
1. PREVENTING CRIME

The prevention of crime covers a wide range of activities: Eliminating social conditions closely associated with crime; improving the ability of the criminal justice system to apprehend, judge, and reduce the situations in which crimes are most likely to be committed. Every effort must be made to strengthen the family, for it is in the family that children learn how to behave. The problem of increasing the ability of the police to act faster than response to emergency calls not only requires a far more effective system of criminal justice but also means the improvement of the police. Through the combined efforts of law enforcement, and by reducing criminal opportunities.

Entrenched criminals are those who cannot or will not fit into society, and they must be handled as criminals. Those in the control group are assigned to institutional treatment.

Youth Services Bureau—on an agency to handle many troubled and troublesome young people outside the criminal system—is needed in part because society has failed to give the juvenile courts that power which they should have. The method of programming and as a part of the community treatment program. The findings show: 28 percent of the experimental group have had their parole revoked, compared with 32 percent in the control group. Furthermore, the community treatment program is less expensive than institutional treatment.

To make community-based treatment possible for both adult and juvenile, the Commission recommends the development of an entirely new kind of correctional institution: located close to community centers; maintaining close relationships with schools and universities; and using part of the money saved to house as few as 50 inmates; serving as a classification center for various kinds of community treatment programs and as a post of reentry to the community for those difficult and dangerous offenders who have received treatment in facilities with lighter custody.
Such institutions would be useful in the operation of present criminal justice systems. By the Commission—
that permits selected inmates to work or study in the community during the day and return to control at night, and programs that permit long-term inmates to become adjusted to society gradually rather than being discharged directly from maximum security institutions to the street.

Another aspect of the Commission's conviction that different offenders with different problems should be treated in different ways, is its recommendation about the handling of public drunkenness, which, in 1965, ac-

3. ELIMINATING UNFAIRNESS

- The third objective is to eliminate injustices so that the system of criminal justice can win the respect and cooperation of all citizens. Our society must give the policies, the courts, and correctional agencies the resources and the mandate to provide fair and dignified treatment for all.

The Commission found overwhelming evidence of institutional shortcomings in almost every part of the United States. A survey of the lower court operations in a number of State and local American cities found cramped and noisy court-rooms, undignified and perfunctory procedures, badly trained personnel overwhelmed by enormous caseloads. In short, the Commission found assembled line justice.

The Commission found that in at least three States, justices of the peace are paid only if they convict and collect a fee from the defendant, a practice held unconscionable by everybody for 20 years.

The Commission found that approximately one-fourth of the 400,000 police officers in 1965—of a variety of causes but including truancy,

In addition to eliminating the injustice of holding persons charged with a crime merely because they cannot afford bail, this recommendation also would save a good deal of money. New York City alone, for example, spends approximately $10 million a year holding persons who have not yet been found guilty of any crime.

Besides institutional injustices, the Commission found that while the great majority of criminal justice and law enforcement personnel perform their duties with fairness and understanding, even under the most trying circumstances, some take advantage of their official position and act in a callous, corrupt, or brutal manner.

Injustice will not yield to simple solutions. Over-crowding it requires a whole series of new or improved methods of selecting personnel, the mass-injection of additional hands, the revising of capping procedures and the adoption of more effective internal and external controls.

The relations between the police and urban poor de-

The police officer would respond to calls for service, render emergency police, render emergency services, make prearranged house calls, and enforce traffic regulations. In order to qualify as a police officer at the present time, he must have served a year in the armed service, have a high school diploma, and should demonstrate a capacity for college work.

The police officer would do whatever police jobs were most complicated, most meaningful, and most demanding. He might be a specialist in police community relations or minority relations; he might be utilities police, preparing to be a high-crime neighborhood. He might have staff duties. To become a police agent would require at least 2 years of criminal justice and preferably a baccalaureate degree in the liberal arts or social sciences.

As an ultimate goal, the Commission recommends that all police departments, including general enforcement powers have baccalaureate degrees.

While candidates could enter the police service at any one of the three levels, they also could work their way through different categories as they master the basic education and other requirements.

In many jurisdictions there is a critical need for additional police personnel. Studies by the Commission indicate a recruiting need of 50,000 police officers in 1967 just to fill positions already authorized. In order to in-

Another kind of broad procedural change that the Commission recommends is that every State, county, and local jurisdiction provide public defenders with sufficient information about individual defendants to permit counsel for himself. The Commission found that approximately one-fourth of those arrested in the United States are indigent, yet they are represented by counsel to any criminal defendant who faces a significant criminal justice system.

The Commission recommends that for adults, the Commission recommends providing counsel at various points in the criminal process—

For juveniles, the Commission recommends the following procedures:

- The fourth objective is that higher levels of knowledge, expertise, and integrity be achieved by police, prosecutors, defense attorneys, and correctional authorities so that the system of criminal justice can improve its ability to control crime.

The Commission found one obstacle to recruiting bet-

The Commission recommends that policies departments give up single entry and establish three levels of counsel to begin their police careers. The Commission calls these levels the "commission service officers," the "police officers," and the "police agent."

This division, in addition to providing an entry place for the better educated, also would permit police depart-

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The fifth objective is that every segment of the system of criminal justice devote a significant portion of its resources to research to ensure the development of new and effective methods of controlling crime.

The Commission found that little research is being conducted into such matters as the economic impact of crime; the effects on crime of increasing or decreasing criminal sanctions; possible methods for improving the effectiveness of various procedures of the police, courts, and corrections authorities.

Organized crime is another area in which almost no research has been done. The Commission found that the police as a group with any significant knowledge about this problem was law enforcement officials. Those in other disciplines—social scientists, economists and businessmen, for example—have not until recently considered the possibility of research projects on organized crime.

A small fraction of 1 percent of the criminal justice system's total budget is spent on research. This figure could be multiplied many times without approaching the 3 percent industry spends on research, much less the 15 percent the defense department spends. The Commission believes it should be multiplied many times.

That research is a powerful force for change in the field of criminal justice perhaps can best be demonstrated by the history of the Vera Institute in New York City. Here the research of a small, non-government agency has in a very short time led to major changes in the bail procedures in approximately 100 cities, several States, and the Federal Government.

Before the initiation of research, the Commission recommends that major criminal justice agencies—such as those in the police, the courts, the corrections, and the metropolitan areas—organize operational research units as integral parts of their structures.

In addition, the criminal justice agencies should rely more on the advice and counsel of experts to understand their problems and operations. These agencies cannot undertake research on their own; they urgently need the help of outsiders.

The Commission also recommends that several regional research institutes designed to concentrate a number of different disciplines on the problem of crime. It further recommends the establishment of an independent National Criminal Research Foundation to stimulate and coordinate research and to see that its results.

One essential requirement for research is more complete information about the operation of the criminal process. To meet this requirement, the Commission recommends the creation of a National Criminal Justice Statistics Center. The center's first responsibility would be to work with the FBI, the children's bureau, the Federal Bureau of Prisons, and other agencies to develop an integrated picture of the criminal crime report to police, the number of persons arrested, the number of accused persons prosecuted, the number of offenders plead on probation, in prison, and subsequently on parole.

Another major responsibility of the Center would be to continue the Commission's initial effort to develop a new yardstick to measure the extent of crime in our society as a supplement to the FBI's Uniform Crime Reports. The Commission believes that the government should be able to plot the levels of different kinds of crime in a city or a State as precisely as the Labor Department and the Census Bureau plot the rate of unemployment. Just as unemployment information is essential to sound economic policy, just so crime data and may criminal information help official planning in the system of criminal justice.

6. MONEY

Sixth, the police, the courts, and correctional agencies will require substantially more money if they are to control crime.

Almost all of the specific recommendations made by the Commission will involve increased budgets. Substantially higher salaries or pay for all types of personnel. The minimum salary is something less than $1,000 above the starting salary. The Commission believes the most important change that can be made in police salary scales is to increase them. For example, an FBI agent, for example, starts at $8,421 a year and if he remains long and well enough can reach $16,000 a year without being promoted to a supervisory position. The Commission is aware that such a figure implies a great deal of possible salary in many cities, but it believes there should be a large range from minimum to maximum everywhere.

The Commission also recommends new kinds of professional and occupational training programs. The Federal Bureau of Employment, for example, has made $3,500,000 to $5,000,000 dollars annually to develop new training programs in the police services.

In the employment programs, the Commission believes the rising importance of training that should be contributed by the Federal Government.

The Federal Government already is conducting a broad range of programs—aid to elementary and secondary schools, the Neighborhood Youth Corps, Project Head Start, and others—for the purpose of developing anti-crime abilities and for the purpose of developing anti-crime abilities and for the purpose of developing anti-crime abilities.

5. RESEARCH

7. RESPONSIBILITY FOR CHANGE

Seven, individual citizens, social-service agencies, universities, religious institutions, civic and business groups, and all kinds of governmental agencies at all levels must be involved in planning and executing changes in the criminal justice system.

The Commission is convinced that the financial and technical assistance program it proposes can be and should be an integral part of the national effort to develop a more effective and fairer system to crime.

In March of 1966, President Johnson asked the Attorney General to form a group of the most knowledgeable and responsible citizen to form a State committee on criminal administration.

The response to this request has been encouraging; more than two-thirds of the States already have such committees or have just initiated them.

The Commission recommends that in every State and there should be an agency, or one or more officials, with specific responsibility for planning improvements in criminal administration and encouraging their implementation.

Planning agencies, among other functions, play a key role in accepting grants and in providing technical and professional assistance for planning improvements in criminal administration and encouraging their implementation.

The responsibility of the individual citizen runs far deeper than participating with the police or the court or helping to reform the system or even reorganizing the system that may weaken or efface the evil consequences of this system. It must be an involvement in the core of crime, which is the business of every American.

On the other hand, crime prevention must be the task of the community as a whole. While this report has concentrated on recommendations for action by governments, the Commission is convinced that governmental actions will not be enough. Crime is a social problem that involved almost every aspect of American life. Controlling it involves improving the quality of life in every community. If the courts are not run, the way crimes are planned, the way workers are paid, the way business is done by every American.

Universities should increase their research on the prevention of crime, on social welfare agencies and religious institutions should continue to experiment with advanced techniques of helping slum children overcome their environment; labor unions and business can enhance their programs to provide workers with vocational and professional and community organizations can help provide and parole workers with their work.

The responsibility of the individual citizen runs far deeper than cooperating with the police or the court or helping to reform the system or even reorganizing the system that may weaken or efface the evil consequences of this system. It must be an involvement in the core of crime, which is the business of every American.
"The problems of crime bring us together. Even as we join in common action, we know there can be no instant victory. Ancient evils do not yield to easy conquest. We cannot limit our efforts to enemies we can see. We must, with equal resolve, seek out new knowledge, new techniques, and new understanding."

—Message from President Johnson to the Congress, March 9, 1966.

Chapter 1

The Challenge of Crime in a Free Society: Introduction

There is much crime in America, more than ever is reported, far more than ever is solved, far too much for the health of the Nation. Every American knows that. Every American is, in a sense, a victim of crime. Violence and theft have not only occurred, often irresistibly, hundreds of thousands of citizens, but have directly affected everyone. Some people have been impelled to uproot themselves and find new homes. Some have been made afraid to use public streets and parks. Some have come to doubt the worth of a society in which so many people behave so badly. Some have become distrustful of the Government’s ability, or even desire, to protect them. Some have given into the attitude that criminal behavior is normal human behavior and consequently have become indifferent to it, or have adopted it as a good way to get ahead in life. Some have become suspicious of those they conceive to be responsible for crime: felons or Negroes or drug addicts or college students or demonstrators; policemen who fail to solve crimes; judges who pass lenient sentences or write decisions restricting the activities of the police; parole boards that release prisoners who resume their criminal activities.

The most understandable mood into which many Americans have been plunged by crime is one of frustration and bewilderment. For “crime” is not a single simple phenomenon that can be examined, analyzed, and described in one piece. It occurs in every part of the country and in every stratum of society. Its practitioners and its victims are people of all ages, incomes and backgrounds. Its trends are difficult to ascertain. Its causes are legion. To cure is speculative and controversial. An examination of any single kind of crime, let alone of “crime” as a whole, raises a myriad of issues of the utmost complexity.

Consider the crime of robbery, which, since it involves both stealing and violence or the threat of it, is an especially hurtful and frightening one. In 1965 in America there were 118,916 robberies known to the police. 306 robberies a day; a robbery for every 1,830 Americans. Robbery takes dozens of forms, but supposely it seeks only four: forcible or violent purse-snatching by boys, muggings by drug addicts, store stickups by people with a sudden desperate need for money, and bank robberies by skillful professional criminals. The technical, organizational, legal, behavioral, economic and social problems that must be addressed if America is to deal with any degree of success with just those four kinds of events and those four kinds of persons are innumerable and refractory.

The underlying problems are ones that the criminal justice system can do little about. The unrelenting of young people, widespread drug addiction, the existence of much poverty in a wealthy society, the pursuit of the dollar by any available means are phenomena the police, the courts, and the correctional apparatus, which must deal with crimes and criminals one by one, cannot control directly. They are strands that can be disentangled from the fabric of American life only by the concerted action of all of society. They concern the Commission The Challenge of Crime deeply, for unless society does take concerted action to change the general conditions and attitudes that are associated with crime, no improvement in law enforcement and administration of justice, the subjects this Commission was specifically asked to study, will be of much avail.

Of the everyday problems of the criminal justice system itself, certainly the most delicate and probably the most difficult concerns the proper ways of dealing individually with individuals. Arrest and prosecution are likely to have quite different effects on delinquent boys and on hardened professional criminals. Sentencing occasional robbers and habitual robbers by the same standards is clearly inappropriate. Rehabilitating a drug addict is a procedure that has little in common with rehabilitating a holdup man. In short, there are no general prescriptions for dealing with “robberies.” There are no general prescriptions for dealing with “robbery” either. Keeping streets and parks safe is not the same problem as keeping banks secure. Investigating a mugging and tracking down a band of prudent and well-organized bank robbers are two entirely distinct police procedures. The kind of police patrol that will deter boys from street robberies is not likely to deter even with guns from holding up bank tellers.

Robbery is only one of 28 crimes on which the Federal Bureau of Investigation reports in its annual Uniform Crime Reports. In terms of frequency of occurrence, it ranks fifth among the UCR’s “Index Crimes,” the seven serious crimes that the FBI considers to be indicative of the general crime trends in the Nation. (The others are willful homicide, forcible rape, aggravated assault, burglary, theft of $50 or over, and motor vehicle theft.) The Index Crimes accounted for fewer than 1 million of the almost 5 million arrests that the UCR reports for...
1965. Almost half of those arrests were for crimes that have no real victims (prostitution, gambling, narcotics use, vagrancy, juvenile curfew violations and the like) or for breaches of the public peace (drunkenness, disorderly conduct). Other crimes for which more than 50,000 people were arrested were such widely different kinds of behavior as vandalism, fraud, sex offenses other than rape or prostitution, driving while intoxicated, carrying weapons, and offenses against family or children.

Each of the 25 categories of crime confronts the community and the criminal justice system, to a greater or lesser degree, with unique social, legal, constitutional, and law enforcement problems. Taken together they raise a multitude of questions about how the police, the courts, and corrections should be organized; how their personnel should be trained; what orders current technology can do to help their work; what kinds of personnel and procedures they should use; what resources they should be given; what the relations between the police and the courts and the various parts of the criminal justice system should be.

And so, when the President asked the Commission to "deepen our understanding of the causes of crime and of how society should respond to the challenge of the present levels of crime," he gave it a formidable assignment.

Crime and society's response to it resemble a gigantic disassembled jigsaw puzzle whose pieces the Commission was asked to assemble into one complete and accurate picture as it could. It was charged with discovering whether the popular picture of crime in America is how it really looks and, if not, what the differences are; with determining how poverty, discrimination and other social ills relate to crime; with ascertaining whether America's spending on police protection is really worthy of the way the public thinks it does and the books say it should and, if it does not, how and why it does not.

Commission observers rode in police cars, sat in courtrooms, visited prisons, walked the streets of city slums, conferred with persons as a way of understanding what the victims of crime think, how they are, and why they do what they do. Commission witnesses heard with subjects from police administration to prison and correctional theory. The Commission's studies in several cities indicate that just this kind of "deepening our understanding of the causes of crime and the criminal justice system" has been one of the fundamental purposes of the Commission's work.

The pattern of a crime like robbery is, of course, irregular. A rash of robberies at a single time may give people the feeling that they are engulfed by danger and lawlessness. In Washington, D.C., for example, between 8 a.m., Friday, December 9, and 8 a.m., Saturday, December 10, 1966, an extraordinary total of 25 robberies that netted the robbers almost $15,000 was reported to the Metropolitan Police Department.

Friday, December 9:
3:15 a.m. Strongarm robbery, theater, $50.
10:00 a.m. Armed robbery, liquor store, $1,500.
11:15 a.m. Pocketbook snatched with force and violence, street, $30.
11:30 a.m. Holding with revolver, restaurant, $150.
1:30 p.m. Holding with gun, shoe store, $150.
3:00 p.m. Holding with gun, apartment, $150.
3:45 p.m. Holding with gun, bank, $87.71.
5:45 p.m. Mugging, street, $25.
6:05 p.m. Holding with revolver, tourist home, $30.00.
7:05 p.m. Strongarm robbery, street, $50.
7:10 p.m. Holding with gun, street, $50.
7:20 p.m. Holding with gun, apartment, $50.
7:40 p.m. Holding with gun, street, $120.
8:35 p.m. Holding with shotgun, newspaper kiosk, $69.60.
13:00 p.m. Holding with gun, hotel, $29.50.
14:00 p.m. Strongarm robbery, street, $50.
14:15 p.m. Holding, a restaurant, $150.
15:00 p.m. Holding with gun, street, $150.
16:00 p.m. Holding with gun, street, $120.
17:00 p.m. Holding, tavern, $20.
18:00 p.m. Holding with gun, street, $25.
21:10 p.m. Strongarm robbery, theater, $50.
21:30 p.m. Holding with gun, transfer company, $2,400.
21:45 p.m. Holding with shotgun, newspaper kiosk, $69.60.
22:15 p.m. Holding with gun, theater, $20.
23:45 p.m. Strongarm robbery, street, $50.
24:00 a.m. Holding with intent to rape, street, $75.
24:00 a.m. Holding with gun, marvay building, no amount listed.
24:25 a.m. Holding with gun, street, $25.
24:45 a.m. Holding with gun, tourist home, no amount listed.
1:05 a.m. Holding, street, $4.
4:00 a.m. Robbery with intent to rape, street, $75.
4:15 a.m. Holding with gun, shoe store, $30.
5:15 a.m. Holding with gun, theater, $60.
6:15 a.m. Holding with gun, cleaners, $200.
7:15 a.m. Strongarm robbery, street, $60.

visited and corresponded with other hundreds of such experts. The staff collected its own statistics and other data, along with data from other agencies, for comparison and analysis. It read hundreds of books dealing with subjects from police administration to juvenile-gang subcultures, from criminal sentencing codes to correctional theory.

The Commission did not—it could not—find out "everything" about crime and the criminal justice system. It became increasingly aware during its work that far from seeking to say the last word on crime, its task was rather a step in a long process of systematic inquiry that must be continued and expanded by others. But the work the Commission was able to do did deepen its understanding of the field. The Commission hopes and believes, it provides a basis for a vigorous and effective program for meeting crime's challenge to the Nation.

TOWARD UNDERSTANDING AND PREVENTING CRIME

A slaid-drunk lying in a gutter is crime. So is the killing of an unlawful life. As Costi Nostra conspiracy to bolster public officials is crime. So is a strong-arm robbery by a 15-year-old boy. The unfulfillment of a corporation's financial obligation is crime. So is the possession of marihuana cigarettes by a student. These crimes can no more be lumped together for purposes of analysis than can measles and schizophrenia, or lung cancer and a broken ankle. As with disease, as with crimes: if we try to fit them into a single category, if we combine the figures if risks are to be evaluated, and if preventive or remedial actions are to be taken, each kind of crime has to be viewed separately. Thinking of "crime" as a whole is futile.

It is impossible to answer with precision questions about the volume or trends of crime as a whole, or even of any particular kind of crime. Techniques for measuring crime are, and probably always will be, imperfect. Successful crime, after all, is secret crime. The best, in fact almost the only, source of statistical information about crime volumes is the Uniform Crime Reports of the FBI. The UCR is the product of a nationwide system of crime reporting that the FBI has painstakingly developed over the years. Under this system local police agencies report the offenses they know of to the FBI; the UCR is a compilation of these reports. The UCR is of great importance in measuring the volume of crime; it tells us how the criminal and victim are acquainted. Robbery is the most frequent crime of which the UCR has data, although the FBI has information about crime volumes in all categories. They are the best information we have, although deficiencies are so great that they make the figures suspect. This is illustrated in the Figure 11.

The most disquieting of the effects of violent crime is fear, and that fear must not be tolerated. Suddenly becom- ing the object of a stranger's violent hostility is as frightening as any class of experience. A citizen who has lost thousands of dollars to a stranger, and who has perhaps learned the names of his victim, and who has found him as he walks down a dark and otherwise deserted street cannot be expected to calculate that the chance of these footsteps having a sinister purpose is only one in a thousand; he must decide that he must make such a calculation, to be calmed by his re- cognition that his fears are not justified. Any chance at all must be taken when Commission interviewers asked a sample of citizens what they would do in just such a situation, the most common reply was, "Run as fast as I could or call for help." Commission studies in several cities indicate that just this kind of fear has impelled hundreds of thousands of Americans to move their homes or change their habits.

Controlling violent crime presents a number of distinct problems. To the extent that these crimes occur on private premises, as on homes and cars and many
and are, therefore, one aspect of the enormously
in the
As long as there is no effective gun-control
we're reported to the FBI in 1965, approximately one-half
ing, burglary was the most frequent; 1,173,201 burglaries
burglary is a serious crime that carries heavy penalties
ima~~inative
methods of police patrol, and solving
for 1965 were crimes of
Other than stealing automobiles of their parts or for resell­ing
is a growing part of professional crime, a Commission study
for minor ones is considerably lower.
and other forms of thievery from the public
cau3ed by the three index crimes against property.
America,"
More than 60 percent of those arrested for this crime in
2,201 burglaries were reported to the FBI in 1965, approximately one-half
found concern to almost every parent in America and of
ways, and both are entangled with another
limitations. Burglary is expensive; the FBI calculates that
the northeast temporary transportation, often for "joyriding."
alone by 20 percent of all the automobile thefts were solved, some 87 percent of all stolen automobiles were
re­covered and returned to their owners. The
reverse side of this is that it is an extremely difficult crime
and protects its position there by bribery and graft and'
the population than they did 10 years ago accounts for
quarter of the 1965 arrests for Index crimes, plus petty
months of age, or under, and the weight of the evidence
of the increase that is reported in juvenile and youth
true of all—not just because
and protects its position there by bribery and graft and'
and protecting its position there by bribery and graft and;
and all too often, assault and murder. White-collar crime
and organized crime are subjects about which the crimi­
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man is to act in a face-to-face crime like robbery.
there is no knowing how much
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people are not only more numerous than ever, but more crime prone; it is impossible to be sure.

The tendency to escape from the country, in the cities, and in the suburbs, among the poor and among the well-to-do, is that parental, and especially paternal, authority over young people is becoming weaker. However, there is no doubt that the criminal justice system has not been developed by their community so to speak, and therefore under its control. A city man is often almost invisible, socially isolated from his neighborhood and therefore incapable of being controlled by it. He has more opportunities for crime. At the same time in a city, much more than in a small community, he rubs constantly, abrasively, and impersonally against other people; he is likely to lose his life unnoticed and unreported, his hopes unfulfilled, his ideas unexpressed, his help unrequired, his hate unfeared; he is likely to remain an outcast and be treated as a thing not the same as his fellow human beings providing moral standards. The community's social institutions have so far not found ways to give young people the motivation to live moral lives; some of them have not even recognized their duty to seek for such ways. Young people who have not received strong and loving parental guidance, or whose experience leads them to believe that all of society is callous at best, or a racket at worst, are likely to be unmotivated, and therefore people with whom the community is most imperfect to cope. Much more to the point, they are people who are unprepared to cope with the many ambiguities and laches that their freedom and freedom means sensibilities and cynicism corrupts those with ethical sensitivity. For young people, the principal obstacles and opportunities are the community.seemingly needs prolonged development. Poverty and racial discrimination, bad housing and commercial exploitation, the enormous gap between economic pressures that the criminal justice system preoccupies itself with. Society should cope with them unhesitatingly, for their programme of action, and the criminal process operates on that assumption. However, society has not made any provision for ensuring that the young should have the same ability to assume responsibility for their actions, and the criminal process is based on that. It is too many of the circumstances of juvenile delinquency grow up unobserved, unreported, unrecorded that the process oversimplifies. The criminal justice system has a great potential for dealing with individual instances of crime, but it was not designed to eliminate the conditions in which most crime is committed.

It needs help. Wearing on poverty, inadequate housing and unemployment, is wearing on all of society, and it is a law against crime. Money for schools is money against crime. Medical, psychiatric, and family-counseling services are services against crime. And the most important effort to improve life in America's "inner cities" is an effort against crime. A community's most enduring protection against crime is to the welfare and curtail the illnesses that tempt men to harm their neighbors.

Finally, for society, however well staffed or organized, the level of material well-being for all, will aid a society of crime if there is not a widespread ethical motivation, and a widespread belief that by and large the government and the social order deserve censure, respect and loyalty.

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AMERICA'S SYSTEM OF CRIMINAL JUSTICE

The system of criminal justice America uses to deal with the crime problem is very old; it is not hard to understand what criticism of life there, economic and social, complex to make crime not only easy to engage in but easy to invent, justifications for. A man who lives in the country or in a small town is likely to be competent, under surveillance by his community so to speak, and therefore under its control. A city man is often almost invisible, socially isolated from his neighborhood and therefore incapable of being controlled by it. He has more opportunities for crime. At the same time in a city, much more than in a small community, he rubs constantly, abrasively, and impersonally against other people; he is likely to lose his life unnoticed and unreported, his hopes unfulfilled, his ideas unexpressed, his help unrequired, his hate unfeared; he is likely to remain an outcast and be treated as a thing not the same as his fellow human beings providing moral standards. The community's social institutions have so far not found ways to give young people the motivation to live moral lives; some of them have not even recognized their duty to seek for such ways. Young people who have not received strong and loving parental guidance, or whose experience leads them to believe that all of society is callous at best, or a racket at worst, are likely to be unmotivated, and therefore people with whom the community is most imperfect to cope. Much more to the point, they are people who are unprepared to cope with the many ambiguities and laches that their freedom and freedom means sensibilities and cynicism corrupts those with ethical sensitivity. For young people, the principal obstacles and opportunities are the community.seemingly needs prolonged development. Poverty and racial discrimination, bad housing and commercial exploitation, the enormous gap between economic pressures that the criminal justice system preoccupies itself with. Society should cope with them unhesitatingly, for their programme of action, and the criminal process operates on that assumption. However, society has not made any provision for ensuring that the young should have the same ability to assume responsibility for their actions, and the criminal process is based on that. It is too many of the circumstances of juvenile delinquency grow up unobserved, unreported, unrecorded that the process oversimplifies. The criminal justice system has a great potential for dealing with individual instances of crime, but it was not designed to eliminate the conditions in which most crime is committed.

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A general view of The Criminal Justice System

This chart seeks to present a simple yet comprehensive view of the movement of cases through the criminal justice system. Procedures in individual jurisdictions may vary from the pattern shown here. The differing weights of line indicate the relative volumes of cases disposed of at various points in the system, but this is only suggestive since no nationwide data of this sort exists.

1. May continue until trial.
2. Administrative record of arrest. First step at which temporary release on bail may be available.
3. Before registration, coroner, or justice of peace. Formal notice of charge, advice of rights. Summary trials for petty offenses usually conducted here without further processing.
4. Preliminary hearing for misdemeanors. Summary trials for petty offenses usually conducted here without further processing.
5. Charge filed by prosecutor on basis of information submitted by police or citizens. Alternative to grand jury indictment: often used in felonies, rarely in misdemeanors.
6. Reviews whether Government evidence sufficient to justify trial. Some States have no or infrequent system; others seldom use it.
7. Appearance for plea; defendant elected trial by judge or jury. If indigent, counsel for indigent usually appointed here in felonies. Often not at all in other cases.
8. Charge may be reduced at any time prior to trial to return for plea of guilty, or for other reasons.
9. Challenge on constitutional grounds to legality of detention. May be sought at any point in process.
a tumultuous urban area has provoked the criminal justice system in the cities with a volume of cases too large to handle by traditional methods. One result of heavy case loads is that courts, which process hundreds of cases with excessive haste and many others with excessive slowness. To the interest both of effectiveness and of fairness to individuals, justice should be swift and certain; too often in city courts today it is, instead, haste or failure.

Visibility, the pressure of numbers has affected a series of adventitious changes in the criminal process. Informal shortcuts have been used. The decision making process has often become routinized. Throughout the system the importance of individual judgment and discretion, as distinguished from stated rules and procedures, has increased. Decisions may be made on an administrative rather than on a judicial basis. Thus, an examination of how the criminal justice system works and a question of how the changes needed to make it more effective and fair must focus on the extent to which, if at all, visible, administrative procedure depart from the visible, traditional ones, and on the desirability of that departure.

The Police

At the very beginning of the process—or, more properly, before the process begins at all—something happens that is rarely discussed in textbooks and is seldom recognized by the public: law enforcement policy is made by the policeman. For policemen cannot and do not arrest all the offenders they encounter. It is doubtful that they arrest everyone who commits a criminal act. In practice, it is a set of specific instructions to policemen to arrest a more or less well-defined group of offenders in a particular place. How an individual policeman moves among that territory depends largely on his personal discretion.

Preliminary hearings and many others, and prejudice. He may hurt or kill someone unnecessarily. His actions may even touch off a riot.

The Magistrate

In direct contrast to the policeman, the magistrate before whom a suspect is first brought usually exercises discretion. Is the law? When is the suspect's personal, family, social, or economic status going to weigh in the magistrate's decision? Moreover many magistrates, especially in big cities, have such heavy caseloads that it is almost impossible for them to subject any case but an extraordinary one to prolonged scrutiny.

In practice the most important things, by far, that a magistrate does are to set the amount of a defendant's bail and in some jurisdictions to appoint counsel. Too seldom does either action get the careful attention it deserves. In many cases the magistrate accepts a waiver of counsel without respecting that the suspect knows the significant implications of the plea bargain. The assurance in his plea bargain. Bail is a device to free an untried defendant and at the same time to see that he appears for his trial. That is the basic stated legal purpose in America. The Eighth Amendment to the Constitution declares that it must not be "excessive." Appellate courts have declared that not excessive, and that it is that the defendant without the assistance of counsel, must be weighed against the amount of his bail is fixed. Yet more magistrates than set bail have allowed answer to inadvisable. The failure of many bail officers to set bail is not by its stated purpose but by the belief of police, prosecu- tors, and courts that the only way to keep a defendant from committing more crimes before trial is to set bail so high that he cannot obtain his release.

The Prosecutor

The key administrative officer in the processing of cases is the prosecutor. Theoretically the examination of the evidence against a defendant by a judge at a pre-trial hearing, and the reexamination by a grand jury, is the most important part of the process. Practically they seldom are involved. In the vast most of cases the prosecutor, simply by his presence, can be decisive in making a prime facie case against a defendant. In fact, if the prosecutor feels that the evidence and all those preliminary hearings and much more often than not grand juries inadvisable to prosecutors ask them to. The prosecutor is usually the official who reduces it.

The Magistrate

In direct contrast to the policeman, the magistrate before whom a suspect is first brought usually exercises discretion. Is the law? When is the suspect's personal, family, social, or economic status going to weigh in the magistrate's decision? Moreover many magistrates, especially in big cities, have such heavy caseloads that it is almost impossible for them to subject any case but an extraordinary one to prolonged scrutiny.

The prosecutor makes a cautious example! With juveniles especially, the police exercise great discretion. Finally, the manner in which a policeman works is influenced by personal judgment, in which the legal strength of the available evidence, the willingness of victims to press charges and witnesses to testify, the quality of the information of the events, and information at the policeman's disposal. Much is at stake in how the policeman exercises this discretion. If he judges conduct not suspicious enough to justify intervention, the chance to prevent a robbery, rape, or murder may be lost. If he overestimates the seriousness of a situation or his actions are controlled by panic or prejudice, he may hurt or kill someone unnecessarily. His actions may even touch off a riot.
Many are skilled and conscientious, but they generally are
able to spend too much time in the achievements of cases.
Parole decisions that are made in haste and on the basis
of insufficient information, in the absence of parole
machinery that can provide good supervision, are necessarily
important decisions and problems. Once there is virtually no
appeal from them, they can be made arbitrarily or discrim­
atorily. Just as carefully formulated and clearly stated
law enforcement policies would help policemen, change
policies would help prosecutors and sentencing policies
would help judges, so parole policies would help parole
authorities perform their delicate and important duties.

In sum, America's system of criminal justice is over­
crowded and congested. It needs varying degrees and kinds
of supervision, an average of caseloads too large to be
emanated by the law. In the absence of parole
boards, which typically are
exempt, it can be handled.

The most striking fact about the correctional approach
is that, although the rehabilitation of criminals is
presumably the major purpose, the custody of criminals
is virtually the major task. On any given day there are
over a million people being "corrected" in America, two-
thirds of them are parolees or parolees who are in jailprisons. However, prisons and jails are
where five-fifths of criminal money is spent and where
nine-tenths of correctional employees work. Furthermore,
prisons and jails are filled with people who work in State
and local prisons and jails, many of whom are not essentially
custodial or administrative in character. Many
jails have nothing but custodial and administrative per­
onal. Of course many jails are crowded with delinquents
who have not been able to afford bail and who are not
considered by the law to be appropriate objects of
rehabilitation. They are considered as criminals who need
it. It is almost never
by parole officers with parole officers. For parole
officers to make effective decisions, they need copa­
with parole officers. Parole officers have a
wide range of responsibilities, but it has not yet been determined
that they are criminals who need it.

This lack of understanding of parole rationales is that the enormous potential of the correctional apparatus for
making creative decisions about its treatment of convicts
is seldom governed by any but the most broadly
necessity of parole officers and parole officers and potential offenders. The need, above all, the
willingness to recognize old ways of doing things, to
reform itself, to experiment, to run risks, to dare. It
needs vision.

The FOUNDATIONS OF A CRIME CONTROL PROGRAM
In the ensuing chapters of this report, the Commission's specific recommendations for improvements in the crimin­
justic system are set forth in detail. Here a brief
identification of the general needs of the system is
sufficient.

RESOURCES
The many specific needs of the criminal justice sys­
tem— for manpower, for equipment, for facilities, for pro­
grams, for research, for money—are interlocking. Each
must be filled with the others in mind. Equipment cannot
be operated, facilities manned, programs initiated or
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police and the residents of such neighborhoods and enable them to work together. Community-based correctional programs require that organizations of many kinds, and individuals as well, involve themselves actively in the job of rehabilitating offenders into the life of the community. Programs designed to reduce juvenile delinquency require the same kind of public involvement.

Above all, the Commission inquiry has convinced it that it is undesirable that offenders travel any further along the full course from arrest to charge to sentence to detention than is absolutely necessary for society's protection and the offenders' own welfare. Much of the congestion throughout the system, from police stations to prisons, is the result of the presence in the system of offenders who are there only because there is no other way of dealing with them. One of the system's greatest needs is for the community to establish institutions and agencies to which policemen, prosecutors, and judges can refer various kinds of offenders, without being compelled to bring the full force of criminal sanctions to bear on them. Doubtless, deviating and instituting alternative ways of treating offenders is a long and complicated process. It must begin with an understanding by the community of the limited capacity of the criminal justice system for handling the whole problem of crime. Until the public becomes fully aware of what the system can do and what it cannot do, it cannot give the system the help it needs.

A WILLINGNESS TO CHANGE

The inertia of the criminal justice system is great. More than 30 years ago the Wickersham Commission described the scandalous way in which justice was being administered in many of the country's "lower" courts, and urged that they be abolished; few of them have been abolished and many of the remaining ones are still a scandal. For centuries the imposition of money bail has discriminated against poor defendants, but only in the last few years has there been a movement to eliminate money bail for most defendants gained any momentum, and even so money bail is still used for almost everyone in the overwhelming majority of courts. State prisons that were built before 1850 and became obsolete before 1900 are still in operation. Police departments continue to insist that all policemen start their careers at the bottom and rise through the ranks slowly, despite the clearly damaging effect this has on the recruitment and effective use of able personnel. A third of the arrests and convictions in America every year are for drunkenness, though for many years almost everyone in the criminal justice system and out of it has recognized that the criminal process is an irrational means of dealing with drunks. The list of examples could extend for pages.

Many of the criminal justice system's difficulties stem from its resistance to change old ways or, to put the same proposition in reverse, its reluctance to try new ones. The increasing volume of crime in America establishes conclusively that many of the old ways are not good enough. Innovation and experimentation in all parts of the criminal justice system are clearly imperative. They are imperative with respect both to entire agencies and to specific procedures. Court systems need reorganization and case-docketing methods need improvement; police-community relations programs are needed and so are ways of reliving detectives from the duty of typing their own reports; community-based correctional programs must be organized and the pay of prison guards must be raised. Recruitment and training, organization and management, research and development all require reexamination and reform.

The Commission finds, first, that America must translate its well-founded alarm about crime into actual action that will prevent crime. It has no doubt whatever that the most significant action that can be taken against crime is action designed to eliminate slums and ghettos, to improve education, to provide jobs, to make sure that every American is given the opportunities and the freedoms that will enable him to assume his responsibilities. We will not have dealt effectively with crime until we have alleviated the conditions that stimulate it. To speak of controlling crime only in terms of the work of the police, the courts and the correctional apparatus, is to refuse to face the fact that widespread crime implies a widespread failure by society as a whole.

The Commission finds, second, that America must translate its alarms about crime into action that will give the criminal justice system the wherewithal to do the job it is charged with doing. Every part of the system is undermined. There is too little manpower and what there is is not well enough trained or well enough paid. Facilities and equipment are inadequate. Research programs that could lead to greater knowledge about crime and justice, and therefore to more effective operations, are almost nonexistent. To lament the increase in crime and at the same time to starve the agencies of law enforcement and justice is to whistle in the wind.

The Commission finds, third, that the officials of the criminal justice system itself must stop operating, as all too many do, by tradition or by rote. They must re-examine what they do. They must be honest about the system's shortcomings with the public and with themselves. They must be willing to take risks in order to make advances. They must be bold.

These three things are what this report is about.
Crime in America

The most natural and frequent question people ask about crime is "Why?" They ask it about individual crimes and about crime as a whole. In either case, it is an almost impossible question to answer. Each single crime is a response to a specific situation by a person with an infinitely complicated psychological and emotional makeup who is subject to infinitely complicated external pressures. Crime as a whole is millions of such responses. To seek the "causes" of crime in human motivations alone is to risk losing one's way in the impenetrable thickets of the human psyche. Compulsive gambling was the cause of an embarrasement, one may say, or drug addiction the cause of a burglary or madness the cause of a homicide; but what caused the compulsions, the addiction, the madness? Why did they manifest themselves in these ways at these times?

There are some crimes so irrational, so unpredictable, so explosive, so resistant to analysis or explanation that they can no more be prevented or guarded against than earthquakes or tidal waves. At the opposite end of the spectrum of crime are the carefully planned acts of professional criminals. The elaborately organized robbery of an armored car, the skillfully executed jewel theft, the murder of an informant by a Cosa Nostra "enforcer," the murder of a political figure by an army officer, the murder of a judge by a defendant--all are so rational, so deliberate, so calculated, so realistic, that understanding the motivations of those who commit such crimes does not show us how to prevent them. How to keep competent and intelligent men from taking up crime as a life work is as baffling a problem as how to predict and discourage sudden earthquakes or tidal waves.

To say this is not, of course, to belittle the efforts of psychiatrists and other behaviorial scientists to identify and to treat the personality traits that are associated with crime. Such efforts are an indispensable part of understanding and controlling crime. Many criminals, no matter what kind of people their perpetrators were, would not have been committed if their victims had understood the risks they were running.

From another viewpoint, crime is "caused" by public tolerance of it, or reluctance or inability to take action against it. Corporate and business--"white-collar"--crime is closely associated with a widespread notion that, when making money is involved, anything goes. Shoplifting and employee theft may be made more safe by their victims' reluctance to report to the police--often due to a recognition that the likelihood of detection and successful prosecution are negligible. Very often slum residents feel they live in territory that it is useless for them even to try to defend. Many slum residents feel overwhelmed and helpless in the face of the flourishing vice and crime around them; many have received indifferent treatment from the criminal justice system when they have attempted to do their duty as complainants and witnesses; many have experienced, especially victims of racketeers. When citizens do not get involved, criminals can act with relative impunity.

In a sense, social and economic conditions "cause" crime. Crime flourishes, and always has flourished, in city slums, those neighborhoods where overcrowding, economic depression, social disruption and racial discrimination are endemic. Crime flourish in conditions of affluence, when there is much desire for material goods and many opportunities to acquire them illegally. Crime flourishes when there are many restless, relatively footloose young people in the population. Crime flourishes when standards of morality are changing rapidly.

Finally, to the extent that the agencies of law enforcement and justice, and such community institutions as schools, churches and social service agencies, do not do their jobs effectively, they fail to prevent crime. If the police are inefficient or starved for manpower, otherwise preventable crimes will occur; if they are overzealous, people better left alone will be drawn into criminal careers. If the courts fail to separate the innocent from
the guilty, the guilty may be turned loose to continue their depredations and the innocent may be criminally tendered. If the system fails to convict the guilty with reasonable certainty and promptness, deterrence of crime may be blunted. If correctional processes do not correct, a core of hardened and habitual criminals will continue to plague the community. If the community institutions that can shape the characters of young people do not take advantage of their opportunities, youth rebellions will turn into crime.

The causes of crime, then, are numerous and mysterious and interwoven. Even in to begin to understand them, one must gather statistics about the amounts and types of crime, study the conditions of life where crime thrives, identify criminals and the victims of crime, any public attitudes toward crime. No one way of describing crime describes it well enough.

The AMOUNT OF CRIME

There are more than 200 Federal crimes and a much larger number of State and local ones. Some involve serious bodily harm, some stealing, some public morals or public order some governmental revenues, some creation of crime. No one way of describing crime describes it well enough. It is the task of this report to describe the extent of injury serious enough to require any degree of hospitalization of any individual is about 1 in 3,000 on the average, and much less for most American crimes. There suggest that the injury inflicted by the laws and order of the State are likely to be much more limited than for group. As shown by table 1, the risk of death from a serious injury is about 1 in 50,000.

Table 1—Deaths From Other Than Natural Causes

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961</td>
<td>43,000</td>
</tr>
</tbody>
</table>

Criminal behavior accounts for a high percentage of motor vehicle deaths and injuries. In 1960 there was an estimated 40,000 motor vehicle deaths. Negligent manslaughter, which is largely a motor vehicle offense, accounted for more than 7,000 of these. Studies indicate that an even higher percentage of serious personal injury is involved in criminal behavior. They suggest that driving while intoxicated is involved in more than 12 percent of the 1,900,000 accidental motor vehicle injuries each year.

For various statistical and other reasons, a number of serious crimes against the person, such as murder, kidnapping, child molestation, and simple assault, are not included in the Index. In a study of all cases in which there was physical injury, 2 percent of the forcible rapes ended in homicide. About 15 percent of all criminal homicides, both nationally and in the District of Columbia Crime Commission surveys, occurred in the course of committing other offenses. About 3 percent of the forcible rapes were attacked by family members, friends, or other persons personally known to the victim. Robbery usually does not involve this prior victim-offender relationship.

Robbery, for UCR purposes, is the taking of property from a person, or with the intent to commit any theft or with or without a weapon. Normally, about one-half of all robberies are street robberies, and slightly more than one-half involve weapons. Attempted robberies are unknown.

The risk of sudden attack by a stranger is perhaps best measured by the frequency of robberies because, according to UCR and other studies, about 70 percent of all willful killings, nearly two-thirds of all aggravated assaults and a high percentage of forcible rapes are committed by family members, friends, or other persons personally known to their victims. Robbery usually does not involve this prior victim-offender relationship.

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nary of the total number of property crimes reported to the police is not a particularly good indicator of the seriousness of monetary loss from all property crimes. Commission studies indicate that such non-Index crimes as fraud and embezzlement are more significant in terms of dollar volume. Fraud can be a particularly persistent offense. It is not only expensive in total but also too often goes unreported.

Many larcenies included in the Index total are misdemeanors rather than felonies under the laws of their own States. Auto thefts that involve only unauthorized use are also misdemeanors in many States. Many stolen automobiles are abandoned after a few hours, and more than 85 percent are ultimately recovered according to UCR studies. Studies in California indicate that about 20 percent of recovered cars are significantly damaged.

**Other Criminal Offenses**

The mean crime shows for which all offenses are known are reported on the police form 5-15 in 1927 and modified in 1935 by a special advisory committee of the International Association of Chiefs of Police on the basis of their serious nature, their frequency, and the reliability of reporting from citizens to police. In 1965 reporting for these offenses included information supplied voluntarily by some 8,000 police agencies covering nearly 92 percent of the total population. The FBI tries vigorously to increase the number of jurisdictions that report each year and to promote uniform reporting and classification of the reported offenses.

The UCR Index does not and is not intended to assist in assessing all serious national crime problems. For example, some crimes, such as those involving the use of threats, fraud, and forgery, which are significant, are not reported to the police. The UCR Index is, however, useful in setting national crime trends and in assessing the scope of professional automobile theft, for which there are some national statistics.

Taking the automobile theft offense as an example, the amount of the national annual property crime index reported to the FBI covers about one-third of all automobile thefts, according to some estimates. The number of offenses committed by organized crime groups. Likewise, the number of jurisdictions that report each year is not necessarily a good indication of the number of persons arrested for these offenses, however, as some individuals may be arrested many times during the year. Arrest statistics measure the number of arrests, not the number of crimes.

**Table 2—Number and Rate of Arrests for the 10 Most Frequent Offenses, 1965**

<table>
<thead>
<tr>
<th>Offense</th>
<th>Number of Arrests</th>
<th>Rate per 100,000 Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Larceny</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto theft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Possession of narcotic drugs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receipt of stolen property</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fraud</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vagrancy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**FEDERAL CRIMES**

More than 50 percent of all Federal criminal offenses relate to general law enforcement in territorial or maritime jurisdictions directly subject to Federal control, or are also State offenses (bank robberies, for example). Federal statistics for these offenses are normally reported in the UCR, particularly when local law enforcement is involved. Such other Federal crimes as antitrust violations, food and drug violations, and tax evasion are not included in the UCR. Although Federal crimes constitute only a small percentage of all offenses, crimes such as those shown in table 3 are an important part of the national crime picture.

**Table 3—Selected Federal Crimes (Excludes NDR and UCR)**

<table>
<thead>
<tr>
<th>Offense</th>
<th>Number of Arrests</th>
<th>Rate per 100,000 Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank robbery</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robbery</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forgery</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tax fraud</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bribery</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicular homicide</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Except for larceny under $50 and negligent manslaughter, for which there are some national offense-known-to-the-police data, knowledge of the volume and trends of non-Index crimes depends upon arrest statistics. Since the police are not able to make arrests in many cases, these are necessarily less complete than the "offences known to the police" data. Moreover, the ratio between arrests and the number of offenses differs significantly from offense to offense—as is shown, for example, by the high percentage of reports in which arrests are made for murder (91 percent) and the relatively low percentage for larceny (20 percent). Reporting to the FBI for arrests covers less than 70 percent of the population. However, because arrest statistics are collected for a broader range of offenses than any other indices of crime—they show more of the diversity and magnitude of the many different crime problems. Property crimes do not loom so large in this picture.

Nearly 45 percent of all arrests are for such crimes without victim, against the public order or decency, as gambling, liquor law violations, vagrancy, and prostitution. As table 2 shows, larcenies alone accounts for almost one-third of all arrests. Statistics show that the actual amount of crime in the United States today is several times that reported in the UCR. For example, the amount of personal injury crime reported to NORC is almost twice the UCR rate and the amount of property crime more than twice as much. The FBI rate for individuals. Forcible rapes were more than 3 times the reported rate, burglaries three times, aggravated assaults and larcenies of $50 or more over and double, and robbery 50 percent greater than the reported rate. Only vehicle theft was lower and then by a small amount. (The single homicide reported to the police never get into the statistical system. The only small number to be statistically useful.)

Even these rates probably understate the actual number of crimes. The national survey was a survey of the victim experience of every member of a household based on interviews of one member. If the results are tabulated only for the family member who was interviewed, the amount of unreported victimization for some offenses is considerably higher. It is too small a number to be statistically useful.

Estimated Rates of Offense1

<table>
<thead>
<tr>
<th>Crime</th>
<th>Rate per 1000 Residents 18 Years or Over</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total, All Crimes</td>
<td></td>
</tr>
<tr>
<td>Willful homicide, murder</td>
<td></td>
</tr>
<tr>
<td>Forcible rape, rape, robbery</td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td></td>
</tr>
<tr>
<td>Larceny</td>
<td></td>
</tr>
<tr>
<td>Total, Seven Offenses</td>
<td></td>
</tr>
</tbody>
</table>

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1. Survey of Crime Offense (SOCO), BJS, 1971. The survey initially tabulated youth crime and later expanded to include other offenses. The numbers are based on interviews of one member of the household. The results are made to the 1970 U.S. Census for reporting.


**Table 4—Comparison of Survey and UCR Rates (Per 100,000 Population)**

<table>
<thead>
<tr>
<th>Offense</th>
<th>Survey Rate</th>
<th>UCR Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total, All Crimes</td>
<td>30.2</td>
<td>30.2</td>
</tr>
<tr>
<td>Willful homicide, murder</td>
<td>12.4</td>
<td>12.4</td>
</tr>
<tr>
<td>Forcible rape, rape, robbery</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td>4.0</td>
<td>4.0</td>
</tr>
<tr>
<td>Larceny</td>
<td>17.8</td>
<td>17.8</td>
</tr>
<tr>
<td>Total, Seven Offenses</td>
<td>19.6</td>
<td>19.6</td>
</tr>
</tbody>
</table>

**Notes:**

- Offenses not included in the survey or the UCR.
- The survey included noncriminal and commercial offenses.
- The survey includes financial, larceny, rape, robbery, aggravated assault, burglary, larceny over and under $50, and motor vehicle theft.
adequate information did not exist for eliminating bias among transient victims from the police statistics. If crime reporting could have been made, the Boston and Chicago figures would undoubtedly have shown a closer similarity to the Washington findings. In a similar survey of households those victims saying that they had not notified the police of their victimization were asked why. The reason most frequently given for all offenses was that the police could not do anything. As Table 3 shows, this reason was given by 66 percent of those not reporting malicious mischief, and by 60 or more percent of those not reporting burglaries, larcenies of $50 or over, and auto thefts. It is not clear whether these responses are accurate assessments of the police’ inability to help the police or merely rationalizations of their failure to report. The next most frequent reason was that the offense was a private matter or that the victim did not want to harm the offender. It was given by 50 percent or more of those who did not notify the police for aggravated and simple assaults, family crimes, and consumer frauds. Fear of reprisal, though least often cited, was greatest in the case of assaults and family crimes. The extent of failure to report to the police was highest for consumer fraud (90 percent) and lowest for auto theft (11 percent).

Table 5.—Victims’ Most Important Reason for Not Notifying Police

<table>
<thead>
<tr>
<th>Crime</th>
<th>Percentage Notifying Police</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
<tr>
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</tr>
<tr>
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<td>35</td>
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<td>18</td>
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<tr>
<td>Family crimes (without rape)</td>
<td>16</td>
</tr>
<tr>
<td>Malicious mischief</td>
<td>10</td>
</tr>
<tr>
<td>Simple assault</td>
<td>7</td>
</tr>
<tr>
<td>Total Index Crimes Against the Person</td>
<td></td>
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</tbody>
</table>

The survey technique, as applied to criminal victimization, is still new and beset with a number of methodological problems. However, the Commission has found the information provided by the surveys of considerable value, and believes that the survey technique has a great untapped potential as a method for providing additional information about the nature and extent of our crime problem and the relative effectiveness of different programs to control crime.

TRENDS IN CRIME

There has always been too much crime. Virtually every generation since the founding of the Nation and before has felt itself threatened by the specter of crime and violence. A hundred years ago contemporary accounts of San Francisco told of extensive areas where "no decent man was in safety to walk the street after dark; while at all hours, both day and night, his property was jeopardized by incivilities and burglary." Teenage gangs gave rise to the word "hoodlum"; while in one central New York City area, near Broadway, the police entered "only in pain, and never unarmed." A noted chronicler of the period declared that "municipal law is a failure." As the nation moved into the 20th century, the police were given more responsibility for crime control. The overall rate for violent crimes, primarily due to the increased rate for aggravated assault, now stands at its highest point, well above what it has been throughout most of the period.

Property crime rates, as shown in figure 4, are up much more sharply than the crimes of violence. The rate for larceny of $50 or over has shown the greatest increase.

"Alarming" increases in robbery and violent crimes were reported throughout the country prior to the Revolution. And in 1910 one author declared that "crime, especially as regards violence to persons among the young is increasing steadily and is threatening to bankrupt the Nation." Crime and violence in the past took many forms. During the great railway strike of 1877 hundreds were killed across the country and almost 2 miles of railroad cars and buildings were burned in Pittsburgh in clashes between strikers and company police and the militia. It was nearly a half century later, after pitched battles in the steel industry in the late thirties, that the Nation's long history of labor-violence subsided. The hoisting and take-over of New York for 3 days by mobs in the 1863 draft riots revealed the violence of Watts, while racial disturbances in Atlanta in 1887, in Chicago, Washington, and East St. Louis in 1919, Detroit in 1943 and New York in 1930, 1933, and 1935 marred big city life in the first half of the 20th century.

The overall rate for violent crimes, primarily due to the increased rate for aggravated assault, now stands at its highest point, well above what it has been throughout most of the period. Property crime rates, as shown in figure 4, are up much more sharply than the crimes of violence. The rate for larceny of $50 or over has shown the greatest increase.

Index Crime Trends, 1933-1965

Table 5.—Victims’ Most Important Reason for Not Notifying Police

<table>
<thead>
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<th>Crime</th>
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Property crime rates, as shown in figure 4, are up much more sharply than the crimes of violence. The rate for larceny of $50 or over has shown the greatest increase.
of all Index offenses. It is up more than 550 percent over 1933. The burglary rate has nearly doubled. The rate for auto theft has followed an inverse course to a point about the same as the rate of the early thirties.

The upward trend for 1960-65 as shown in Table 6 has been faster than the long-term trend, up 25 percent for the violent crimes and 36 percent for the property crimes. The greatest increases in the period came in 1965, in forcible rape among crimes of violence and in vehicle theft among property crimes. Preliminary reports indicate that all Index offenses rose in 1966.

This picture portrayed by the official statistics in recent years, both in the total number of crimes and in the number of crimes per 100,000 Americans, is one of increasing crime. Crime always seems to be increasing, never going down. Up 5 percent this year, 10 the next, and the Commission's surveys have shown there is a great deal more crime than the official statistics show.

The public can fairly wonder whether there is ever to be an end to this.

This official picture is also alarming because it seems to prove that: Crimes of violence are up in both the biggest and smallest cities, in the suburbs as well as in the rural areas. There is crime for property crimes. Young people are being arrested in increasing numbers. Offense rates for most crimes are rising every year and are in every section of the country. That there are some bright spots does not change this dismal outlook. Rates for some offenses are still below those of the early thirties and perhaps of earlier periods. With this trend the police have been found to level through most of the last few years. Robbery rates continue to decline in the rural areas and small towns, and arrest rates for many non-Index offenses have remained relatively stable.

Because the general picture is so disturbing and the questions it raises go to the very heart of concern about the level of crime in our cities today, the Commission has made a special effort to evaluate as fully as possible the information available. It has tried to determine how far this picture is a reflection of the fact that our cities are becoming more crime prone than those who were in their same circumstances in earlier years, to see what lies behind any increases that may have occurred, and to determine what if anything this information tells us can be done to bring the crime rate down.

What is known about the trend of crime—in the total number of offenses, in the ratio of offenses to population, which measures roughly the risk of victimization, and in the relationship of crime trends to changes in the composition of the population, which means roughly the crime proneness of various kinds of people—is almost wholly a product of statistics. Therefore the Commission has taken a particularly hard look at the current sources of statistical knowledge.

Factors Affecting the Reporting of Crime

From the time that police statistics first began to be maintained in France in the 1820's, it has been recognized that the validity of calculations of changes in crime rates was dependent upon a constant relationship between reported and unreported crime. Until the Commission's surveys of unreported crime, however, no systematic effort of wide scale had ever been made to determine what the relationship between reported and unreported crime was. At present, these surveys have now indicated that the actual amount of crime is several times larger than that reported to the police, even in some of the precincts with the highest reported crime rates. This margin of unreported crime raises the possibility that even small changes in the way that crime is reported by the public to the police, or classified and recorded by the police, could have significant effects on the trend of reported crime. Therefore, the Commission want to believe that a member of such changes have taken place within recent years.

Changing Expectations. One change of importance in the amount of crime that is reported in our society is the change in the expectations of the poor and members of minority groups about civil rights and social protection. Not that this was a tendency to dismiss reports of all but the most serious offenses in slum areas and segregated minority group districts. The poor and the segregated minority groups were left to take care of their own problems. Commission studies indicate that whatever the past pattern was, these areas now have a strong feeling of need for adequate police protection. Crimes that could be taken care of once unknown to the police, or ignored when complaints were received, are now much more likely to be reported and recorded as part of the regular statistical procedure.

The situation seems similar to that found in England. The University of Cambridge's Institute of Criminology, which in 1965 conducted an exhaustive study of the sharp rise in crimes of violence, concluded in its report that:

One of the main causes for an increase in the recording of violent crime appears to be a decrease in the tendency of the public to consider a crime that, even in those years and places, and their tender areas where such quarrels, jealousy, or even quite trivial arguments.

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years. It has also noted that changes of this sort are still taking place, being indicated in 1966 for Detroit, Chatta­
nooga, Worcester, Mass., and New York City among others.

Perhaps the clearest illustration of the impact that changes in reporting systems can have is that shown by the history of such changes in New York City and Chi­

cago. These cities are two of the Nation's largest police

jurisdictions, always having more than half the size of New York City with 7½ million throughout the period covered in figure 6, it was reporting in 1935 about 8 times as many rob­

beries. It continued to report several times as many as Chicago. New York City until 1949, when the FBI discontinued publication of New York reports because it no longer believed them. In 1950 New York disin­

continued its practice of allowing precincts to handle com­

plaints directly and install a central reporting system, which cities had to route all calls.

In the first year, robberies were 400 percent and burg­

laries 1,300 percent, passing Chicago in volume for both cities. In 1969 Chicago installed a centralized complaint bureau of its own, reporting thereafter several times more offenses than New York. In 1966 New York, which appeared to have had a sharp decline in robberies in the late five-year period, ended again tightened in central controls and found a much higher number of offenses. Based on preliminary reports for 1966, it is now reporting about 25 percent more robberies than Chicago.

The existence of the UCR system has been one of the strongest forces pushing toward the adoption of better and more complete reporting. The FBI has been alert both to the need to encourage better reporting and to the problem that sizable changes in reporting present to the national statistical system. Through a careful system of checks the FBI is able to identify the units that are reporting on a different basis than the previous year. It then restricts its computations of trends from one year to the next to those police agencies that have had com­

parable records and reporting practices. In 1965, for example, computations of changes from 1964 were limited to agencies representing 82 percent of the U.S. popula­

tion. In Chicago, for example, only 147 reporting agencies, including about 70 percent of the population were eliminated because of changes in reporting practices.

In order to make comparisons for periods greater than 1 year the UCR assumes that the city that underwent the change in reporting practices had the same ex­

perience as other cities of its size and State throughout the period and reestimates the amount of crime for all prior years back to its base period of the 1935-40 average. In the 1960-65 period, use of this system reduces the 36 percent increase in Index crimes against the person based on published rates to 25 percent increase, and the 39 percent increase in crimes against property to 36 percent. Cities are restored to the trend computations after they have had 2 years of comparable experience under the new system.

This system is perhaps as good as can be devised. It is obviously very hard, however, to estimate how much crime would have been reported in a major city in the year prior to that in which the system of reporting was changed, and even harder to say what the crime rate was 5 years earlier. It seems unlikely that the level of rob­

bery in New York today is 13 times what it was in 1960, but how does one decide for the purpose of long-term comparisons? The cities that have significantly changed their reporting systems since 1950 have included over 25 percent of all reported Index crimes against the person and about 16 percent of all Index property crimes. The real question is not the method of estimation, but whether the yard­

stick at the present time is too changeable to allow sig­

nificant trend comparisons to be made at the national level. A further problem is raised by the fact that a number of other large cities have not yet adopted the central complaint bureau and strong staff controls necessary for an effective reporting program. In one of these cities Commission staff members were informed of a precipi­
tate 13, where citizen complaints not forwarded to the cen­
tral statistical office were filed for the purpose of answer­
ing insurance inquiries. The President's Commission on

Crime in the District of Columbia recently criticized Washington's failure to record all offenses reported to the police. It is not clear how large this group of cities is, but disparities between cities of the same size for each of the 3 years makes it hard to say that they seem more unlikely in the absence of some variation in reporting practice.

The reporting problem arises at least in part from the tendency of some cities, noted in 1931 by the Wacker­

shire Commission, to use these reports in order to advertise their freedom from crime as compared with other cities. The current tendency has apparently not yet been fully overcome. It sometimes arises from politi­
cal pressure outside the police department and sometimes from the desire of the police to appear to be doing a good job of keeping the crime rate down. Defective or in­

efficient reporting practices may also prevent crimes reported by citizens from becoming part of the record. The drawback is that such a system will result in the loss of such information for all purposes and one is not surprised that such practices have been found throughout the country and most other crimes were increasing, auto thefts fall off rapidly.

The introduction to the UCR provides a checklist of some of the many factors that must be taken into ac­

count in interpreting changes in crime rates and in the amount and type of crime that occurs from place to place:

Density and size of the community population and the metropolitan area of which it is a part.

Composition of the population with reference particu­

larly to age, sex, and race.

Economic status and mores of the population.

Relative stability of the local criminal population, com­
munities, seasonal, and other transient types.

Climatic, seasonal, and cultural conditions.

Educational, recreational, and religious characteristics.

Effective strength of the police force.

Standards governing appointments to the police force.

Policies of the prosecuting officials and the courts.

Attitude of the public toward law enforcement problems.

The administrative and investigative efficiency of the local enforcement agency.

A number of these factors have been changing in ways that would lead one to expect increases in the amounts of certain kinds of crime.

Changing Age Composition. One of the most signifi­
cant factors influencing the crime rate is the composition of the population. In 1965 more than 44 percent of all persons arrested for forcible rape, more than 29 percent for robbery, and more than 26 percent for willful homicide and aggravated assault were in the 16 to 24-year-old age group. For property crimes the highest percentages are found in the under 18 group—nearly 50 percent of all those arrested for burglary and larceny are more than 60 percent for auto-theft.

Factors Indicating an Increase in Crime.

Many factors affect crime trends but they are not al­
ways easy to isolate. Murder is a personal offense. Rates are generally higher in the summer, except for December, which is often the highest month and almost always 5 to 20 percent above the yearly average. In December 1961, following the assassination of President Kennedy, murders were below the yearly average by 4 percent, one of the few years in the history of the UCR that this oc­
curred. Since 1950 the pace of auto thefts has increased faster than but in the same direction as car registrations.

During World War II, however, when there was ration­
ing and a shortage of cars, rates for auto theft rose sharply. And in 1946 police reports back in New York and other cities increased, auto thefts fall off rapidly.

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For most of these offenses the rate of offense per individual in these age groups is many times that in older groups. Of course the differences are based on arrest figures, and the national figures on offenses reviewed by arrest figures. The size of the underrepresented group ofburglaries, larcenies, and auto thefts is unknown. It is possible that older persons committing offenses against property are more successful at evading arrest, so that the age figures for arrests give a somewhat blurred picture.

Because of the unusual birth rate in the postwar years, the youthful high-risk group—those in their teens and early twenties—has been increasing much faster than the other groups in the population. Beginning in 1940 nearly 1 million more young people have reached the ages of maximum risk each year than did so in the prior year. Thus the volume of crime and the overall crime rate could be expected to grow for any given age increased or not.

Two studies based on 1960 arrest rates indicate that between 1960 and 1965 about 40 to 50 percent of the total increase in the arrests reported by the UCR could have been expected as the result of increases in population and changes in the age composition of the population.

Urbanization. Rates for most crimes are highest in the big cities. Twenty-six core cities of more than 500,000 people, with less than 18 percent of the total population, account for more than 30 percent of all reported Index crimes. One of every three robbers and nearly one of five rapists occurs in cities of more than 1 million. The average rate for every Index crime except burglary, as table 8 shows, is at least twice as great—and often more—in these cities as in the suburbs or rural areas. With a few exceptions, average rates increase progressively as the size of the city becomes larger.

Although rural rates are lower generally than those for cities, the differences have always been much greater for property crimes than for crimes against the person. Until the last few years rural rates for murder and rape are about the same as those of the big cities, and rural rates for murder and rape still exceed those for small towns.

The counties have for many years seen a steady increase in urban population and a decline in the proportion of the population living in rural areas and smaller towns. Since 1950 the rural population has increased by less than 2 percent while the city population has increased by more than 50 percent. The increase in the cities and their suburbs since 1960 alone has been about 10 percent. Because of the higher crime rates in and around the larger cities, this trend toward urbanization has a considerable effect on the national rate for most Index crimes. Commission studies show that if metropolitan, small city, and rural crime rates for 1960 had remained constant through 1965, the increase that could have been expected due to urbanization would have been about 7 to 8 percent of the increase reported by the UCR.

It would obviously tell us a great deal about the trend of crime if we could analyze all the changes that have been taking place in urbanization, population composition of the population, number of slug dwellers, and other factors such as sex, race, and level of income. The Commission has a spent considerable amount of time trying to make this kind of analysis. However, it was unable to analyze satisfactorily more than one or two factors in conjunction with each other on the basis of present information. As more factors were brought into the analysis the results differed in some instances substantially from those obtained when only one factor was added. It appeared that the number of crimes related to the conditions of the effect of changes in conditions on the rate of crime emerged.

In a recent summary of these studies, the Commission estimates that the total expected increase in crime from 1960 to 1965 resulting from changes could be at least half, and possibly a great deal more, of the total increase in crime rates actually observed. The Commission's study clearly indicates the need for fuller reporting of arrest information and for the development of more comparability between police statistics and information collected by other statistical agencies. The FBI has already made substantial progress in this direction in recent years and further steps are still needed.

Some Unexplained Variations. Some crimes are clearly concentrated in the urban areas as the Index offenses show. Robbery, larceny, forgery, counterfeiting, and embezzlement and fraud are much more evenly spread over cities of all sizes and rural areas. Narcotics violations, gambling, drunkenness, vagrancy, and disorderly conduct generally follow the same pattern as Index offenses. The explanations that have been offered for urban areas having higher rates of crime than rural areas have usually centered around the larger number of criminal opportunities available, a greater likelihood of association with those who are already criminals, a more impersonal life that offers greater freedom and, in many cases, the harder conditions of slum life—often in sharp and visible contrast to the affluence of nearby areas. That these factors operate differently with regard to crimes of violence and crimes against property, and with regard to more serious offenses, suggests that the relationship between changes in population composition and the degree of urbanization is a very complicated one.

This seems to be borne out by the disparities in rates between cities of the same size. While average rates clearly vary by categories of population, the rates of individual cities seem much more closely related. Of the 86 cities in the country with more than 250,000 in population, only one, Los Angeles, of the 10 cities with the highest rates for all Index offenses is a city of over 1 million. Nairobi, the city with the highest rate for all Index offenses, is in the 250,000-500,000 category, as are 4 others. Philadelphia ranks 31st and New York, before changes in reporting ranked 28th. The reasons for this variability from offense to offense within the broad categories of crimes against property and crimes against the person are not known. Los Angeles is 1st for rape and 4 th for aggravated assault but 10th for murder, while a murder rate less than half that of St. Louis. Chicago has the highest rate for robbery but a relatively low rate for burglary. New York is 5th in larceny but 3rd for burglaries under $50. The risk of auto theft is about 50 percent greater in Boston than anywhere else in the country, but in Boston the likelihood of other kinds of theft is about the average for cities over 250,000. Table 9 shows the robbery rates for the 14 largest cities.

<table>
<thead>
<tr>
<th>City</th>
<th>Robbery Rate per 100,000 Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicago</td>
<td>14.21</td>
</tr>
<tr>
<td>New York</td>
<td>10.82</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>8.37</td>
</tr>
<tr>
<td>Houston</td>
<td>7.71</td>
</tr>
<tr>
<td>Washington, D.C.</td>
<td>7.56</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>6.59</td>
</tr>
<tr>
<td>San Francisco</td>
<td>6.59</td>
</tr>
<tr>
<td>Boston</td>
<td>6.48</td>
</tr>
<tr>
<td>St. Louis</td>
<td>5.72</td>
</tr>
<tr>
<td>Detroit</td>
<td>4.01</td>
</tr>
<tr>
<td>Cleveland</td>
<td>3.57</td>
</tr>
<tr>
<td>Detroit</td>
<td>3.21</td>
</tr>
<tr>
<td>Nashville</td>
<td>2.53</td>
</tr>
<tr>
<td>Dallas</td>
<td>2.13</td>
</tr>
</tbody>
</table>
| Source: FBI, Uniform Crime Report, Sector, unadjusted data.

Not very much study has been devoted to this kind of difference and the Commission is aware of only a little more than the survey literature already in existence. Some of these differences, perhaps as many as 50 percent, are likely attributable to differences in reporting. Disparities as great as 17 to 1 between Newark and Jersey City, or 10 to 1 between St. Louis and Milwaukee for certain offenses have been observed that seem unlikely in the absence of some reporting variations. There are significant differences, however, among cities in such factors as sex, race, and other population characteristics, economic status, character of industry, climate, and the like and it seems clear that there are real and substantial differences in the true amounts of crime.

The few studies that have been done in this area have failed altogether to account for these differences in offense rates in terms of characteristics such as these. These studies suggest that whatever factors are operating affect personal and property crimes differently, and substantial doubts have been expressed that the idea that crime rate variations can be accounted for by any single factor such as urbanization, industrialization, or standard of living. Some of these factors offer are not able to account for the variations within the cities themselves. Given the large, often gigantic, differences in rates between cities, the Commission has been struck that so little has been done to learn the causes of these variations. If only a little more was known as to why the robbery rate was 12 times as high in Chicago as in San Jose, it would be much easier to figure out what to do about robberies in Chicago. While no simple answer can be expected, the Commission strongly believes that further exploration of these differences could make an important contribution to the prevention and control of crime.

Increased Affluence. Another change that may result in more crime is increasing affluence. There are others good around to be stolen. National wealth and all categories of merchandise have increased in terms of constant dollars more than fourfold since 1940—significantly more than the population or the rate of reported theft. Increased affluence and increased crime rate is now protected less well than formerly. More than 40 percent of all auto thefts involve cars with the keys inside or the switch left open. A substantial percentage of
of reported crimes against property as compared with crimes against persons. It has noted that while property crimes are far more numerous than crimes against the person, and so dominates any reported trends, there is much public concern about crimes against persons. The more recent reports of the UCR have moved far toward separating the reporting of these two classes of crime altogether.

The Commission recommends:
The present Index of reported crime should be broken into two wholly separate parts, one for crimes of violence and the other for crimes against property.

The Commission also recommends, in principle, the development of additional indices to monitor changes and trends of such important crime problems as embezzlement, fraud, and other crimes against trust, crimes of vice that are associated with organized crime, and perhaps others. The Commission urges that consideration be given to the development of such indices.

The Commission also urges that the public media and others concerned with crime be careful to keep separate the various crime problems and not to deal with them as a unitary phenomenon. Whenever possible, crime should be reported relative to population as well as by the number of offenses. So a more accurate picture of risks of victimization in any particular locality.

The Commission believes that age, urbanization, and other shifts in the population already under way will likely operate over the next 10 years to increase the volume of offenses faster than population growth. Further, the commission of offenses of these categories is likely to combine with these increases in crime to produce even greater increases in reported crime rates. Many of the basic social forces that tend to increase the amount of such crime are already taking effect and are for the most part irreversible. If society is to be successful in its desire to reduce the amount of reported crime, it must find new ways to create the kinds of conditions and institutions—social, economic, educational, and psychological—that will bring about a greater commitment to law-abiding conduct and respect for the law on the part of all Americans and a better understanding of the great stake that all men have in being able to trust in the honesty and integrity of their fellow citizens.

The ECONOMIC IMPACT OF CRIME

One way in which crime affects the lives of all Americans is that it costs all Americans money. Economic costs alone cannot determine attitudes about crime or
polices toward crime, of course. The costs of lost or damaged lives, of fear and of suffering, and of the failure to control critical events cannot be measured solely in dollars and cents. Nor can the requirements of justice and law enforcement be established solely by use of economic measures. A high percentage of a police department's manpower may have to be committed to catch a single murderer or bumfowler. The poor, unemployed defendant in a minor criminal case is entitled to all the same rights as the wealthier murderer or bomb thrower. The poor, unemployed man may have to be committed to catch a single defendant in a minor criminal case is entitled to all the same rights as the wealthier murderer or bomb thrower. The poor, unemployed man may have to be committed to catch a single defendant in a minor criminal case. Risks and benefits cannot be judged with maximum effectiveness until the full extent of economic loss has been ascertained. Researchors, policymakers, and operating agencies should recognize which crimes cause the greatest economic loss, which the least; and on whom the costs of crime fall, and what the costs are to prevent or protect against it; whether a particular or general crime situation warrants further expenditures for control or prevention and, if so, what expenditures are likely to have the greatest impact.

The number of policemen, the size of a plant security force, or the amount of insurance any individual or business carries are controlled to some degree by economic conditions—the balance of the value to be gained and the burden of additional expenditures. If the protection of property is the objective, the economic loss from crime must be weighed directly against the cost of better prevention or control. In view of the importance and the frequency of such decisions, it is surprising that the cost information on which they are based is as fragmentary as it is. The lack of knowledge about which the Wickersham Commission complained 30 years ago is almost as great today.

Some cost data are now reported through the UCR and additional data are available from individual police forces, insurance companies, industrial security firms, trade associations, and others. However, the total amount of information is not nearly enough in quantity, quality, or detail to give an accurate overall picture. The information available about the economic cost of crime is most usefully presented not as an overall figure, but as a series of separate private and public costs. Knowing the economic impact of each separate crime aids in identifying important areas for public concern and guides officials in making judgments about priorities for expenditure. Breakdowns of money now being spent on different parts of the criminal justice system, and within each separate part, may afford insights into past errors. For example, even excluding value judgments about rehabilitative methods, the fact that an adult probationer costs 30 cents a day and an adult offender in prison costs $3.24 a day suggests the need for reexamining current budget allocations in correctional practice.

Figure 7 represents six different categories of economic impacts both private and public. Numerous crimes were omitted because of the lack of figures. Estimates of doubtful reliability were used in other cases so that a fuller picture might be presented. Estimates do not include any amounts for pain and suffering. Except for alcohol, which is based on the amount of tax revenue lost, estimates for illegal goods and services are based on the gross amount of income to the seller. (Gambling includes only the percentage retained by organized crime, not the total amount gambled.) The totals should be taken to indicate rough orders of magnitude rather than precise details.

**Economic Impact of Individual Crimes**

The picture of crime as seen through cost information is considerably different that shown by statistics portraying the number of offenses known to the police or the number of arrestees:

- Organized crime takes about twice as much income from gambling and other illegal goods and services as criminals derive from all other kinds of criminal activity combined.
- Unreported commercial theft losses, including shoplifting and employee theft, are more than double those of all reported private and commercial thefts.
- Of the reported crimes, willful homicide, though comparatively low in volume, yields the most costly estimates among those listed on the UCR crime index.
- A list of the seven crimes with the greatest economic impact includes two willful homicides and larceny of $50 and over (reported and unreported), of the offenses included in the crime index.
- Only a small proportion of the money expended for criminal justice agencies is allocated to rehabilitative programs for criminals or for research.

Employee theft, embezzlement, and other forms of crime involving business, which appear in relatively small numbers in the police statistics, loom very large in dollar volume. Direct stealing of cash and merchandise, manipulation of accounts and stock records, and other forms of these crimes, along with shoplifting, appear to constitute a tax of one to two percent on the total sales of retail establishments, and significant amounts in other parts of business and industry. In the grocery trade, for example, the theft estimate for shoplifting and employee theft almost equal the total amount of profit. Yet Commission and other studies indicate that these crimes are largely dealt with by business itself. Merchants report to the police fewer than one-quarter of the known offenses. Estimates for these crimes are particularly incomplete for essential industries.

Fraud is another offense whose impact is not well conveyed by police statistics. Just one conspiracy involving the collapse of a fraudulent salut oil empire in 1964 created losses of $125-$175 million. Fraud is especially vicious when it attacks, as it so often does, the poor or those who live on the margin of poverty. Expensive nostrums for incurable diseases, home-improvement products, charitable solicitation schemes, and other deceptions are but a few of the common examples of fraud.

**Figure 7**

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**Figures 7 and 8**

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frauds, forfeitures from the sale or repair of cars, and other crimes which are economic losses for which there are not only
sizable in gross but are significant and possibly devastating
for individuals and businesses. Although a very frequent
crime, fraud is seldom reported to the police. In consumer
and business fraud, as in tax evasion, the line between
these crimes themselves and civil fraud is often unclear.
And just as the amount of civil tax evasion is much
greater than the amount of criminal tax fraud, the amount of
crime probably far exceeds that of criminal fraud.

Cost analysis also places the crimes that appear so fre-
quently in police statistics—robbery, burglary, larceny,
and auto theft—in somewhat different perspective. The
number of reported offenses for these crimes accounts for
less than one-sixth the estimated total dollar loss for all
property crimes and would constitute an even lower per-
centage if there were any accurate way of estimating the
very large sums involved in extortions, blackmail, and other
criminal schemes.

This is not to say, however, that the large amounts of
police time and effort spent in dealing with these crimes are
not important. In particular,ysqliurcially residential burglary, have importance beyond the number of
offenses involved. The effectiveness of the police in securing the return of better than 85 percent of the $500
million worth of cars stolen annually appears to be high,
and without the efforts of the police the costs of these
crimes would doubtless be higher. As with all categories of
crime, the total cost of property crimes cannot be
measured because of the large volume of unsolved crimes;
however, Commission surveys suggest that the crimes that
are unsolved involve less money per offense than those that are reported.

Public Expenditures for Prevention and Control of Crime

<table>
<thead>
<tr>
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<th>Local</th>
<th>State</th>
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<tr>
<td>Police</td>
<td>$845</td>
<td>$291</td>
<td>$243</td>
</tr>
<tr>
<td>Prosecution &amp; Defense Counsel</td>
<td>$125</td>
<td></td>
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<td>Courts</td>
<td>$2001</td>
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<td>$1532</td>
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<td>(Estimated Costs in Millions of Dollars)</td>
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Expenditures for Crime Prevention and Control

Public expenditures, shown on figure 8, for the police,
courts, and corrections—currently estimated at more than
$4 billion a year—are borne primarily by taxpayers at the
state and local level.

Both corrections costs and police costs have been grow-
ing, with corrections costs expanding at a more rapid rate.

About 85-50 percent of all police costs are for salaries and
wages, leaving only a small proportion for equipment or
research. Ten to 15 percent of local police time and greater
amounts for some State police units is spent on traffic
control. Because it is difficult to distinguish the civil from the
criminal allocations of police time, no adjus-
tment has been made in figure 8. A small percent-
age of the correctional costs is spent for the treatment
as opposed to custody or institutionalization of offenders.

Many other public expenditures play a direct and im-
portant role in the prevention of crime. These include
antipoverty, educational, and vocational programs. They have not been included in this tabula-
tion, however, because they must have social purposes that go far beyond preventing crime.

Private costs related to crime are also difficult to de-
termine, particularly those for crime prevention and pro-
tection. While the $200 million spent annually for
burglar alarms and other protective equipment clearly
relates only to crime, the night watchman's additional duties
indicate that only an undetermined percentage of his salary should be attributed to crime prevention.

Many other public expenditures play a direct and im-
portant role in the prevention of crime. These include
antipoverty, educational, and vocational programs.
They have not been included in this tabula-
tion, however, because they must have social purposes that go far beyond preventing crime.

THE NEED FOR MORE DATA

The Commission recommends that the lack of infor-
mation about the economic costs of crime in America be remedied—not only to furnish a better basis for assaying
the nature and amounts of the various kinds of losses but also in a means for developing new and improved meas-
ures of control. Much of the study needed to do this
can be accomplished in Federal, State, and local criminal
justice agencies. But it must also contrib-
ute to the effort and university research should be greatly
expanded. The Federal Bureau of the Census, for example, in chapter 13 could collect annual cost data, be the central
repository for it, and disseminate it widely to relevant
agencies. In addition, periodic censuses and surveys
would provide more detailed information that would be
useful in indicating crime problems of national scope and
impact. It would also be valuable to determine the effec-
tive of the various crime prevention and control measures adopted by indi-
viduals, businesses, and governments.
Crime rates in American cities tend to be highest in the city center and decrease in relationship to distance from the center. This typical distribution of Grand Rapids, Mich., shown in figure 9, is found even in medium sized cities, such as fenders, although it is sometimes features of geography, enclaves of ethnic groups, irregularities in the distribution of opportunities to commit crime, and unusual concentrations of commercial and industrial establishments in outlying areas. The major irregularity found is the clustering of offenses and offenders beyond city boundaries in satellite areas that are developing such characteristics of the central city as high population mobility, commercial and industrial concentration, low economic status, broken families and other social problems. A detailed discussion of the relationship of crime to the conditions of larger cities is found in chapter 3 of this report, in connection with programs aimed at reducing juvenile delinquency.

The big city slum has always been its own town on its inhabitants, except where those inhabitants are bound together by an intense social and cultural solidarity that provides a collective defense against the pressures of slum living. Several slum settlements inhabited by people of oriental ancestry have shown a unique capacity to do this. However, the common experience of the great successive waves of immigrants of different racial and ethnic back-

grounds that have poured into the poorest areas of our large cities has been quite different.

An historic series of studies by Clifford R. Shaw and Henry D. McKay of the Institute of Juvenile Research in Chicago documented the disorganizing impact of slum life on several groups of immigrants as they moved from city to city and struggled to gain a foothold in the economic and social life of the city. Throughout the period of immigration, areas with high delinquency and crime rates kept those high rates, even though members of some nationality groups successively moved in to displace the older residents. Each nationality group showed high rates of delinquency among its members who were living near the center of the city and lower rates for those living in the better outer residential areas. Also for each nationality group, those living in the poorer areas had more of all the other social problems commonly associated with life in the slums.

This same pattern of high rates in the slum neighborhoods and low rates in the better districts is true among the Negroes and members of other minority groups who have made up the most recent waves of migration to the big city. As other groups before them, they have had to crowd into the areas where they can afford to live while they search for ways to live better. The disorganizing personal and social experiences with life in the slums are producing the same problems for the new minority group residents, including high rates of crime and delinquency. As they acquire a stake in urban society and move to better areas of the city, the crime rates and the incidence of other social problems drop to lower levels. However, there are a number of reasons to expect crime and related problems among the new migrants to the city then among the older immigrants. These have been major changes in the job market, greatly reducing the demand for unskilled labor, which is all most new migrants have to offer. At the same time the educational requirements for jobs have been rising. Discrimination in employment, education, and housing, based on such a visible criterion as color, is harder to break than discrimination based on language or ethnic background.

What these changes add up to is that slums are becoming ghettos from which escape is increasingly difficult. It could be predicted that this frustration of the aspirations that originally led Negroes and other minority groups to seek out the city would ultimately lead to more crime. Such evidence as exists suggests this is true.

\[\text{Graph: Variation in Index Offense Rates by Police District} \]

Grand Rapids, Michigan, 1965

(1965 Estimated population, 205,300)

Grades per 1000 population

- Over 2000
- 2000-2999
- 2000-2999
- 2000-2999
- 2000-2999
- Grand River
- Highways

\[\text{Table: Adjustment Programs} \]

\[\text{Number of migrants who were living near the center of the city and lower rates for those living in the better outer residential areas. Also for each nationality group, those living in the poorer areas had more of all the other social problems commonly associated with life in the slums.} \]

\[\text{This same pattern of high rates in the slum neighborhoods and low rates in the better districts is true among the Negroes and members of other minority groups who have made up the most recent waves of migration to the big city. As other groups before them, they have had to crowd into the areas where they can afford to live while they search for ways to live better. The disorganizing personal and social experiences with life in the slums are producing the same problems for the new minority group residents, including high rates of crime and delinquency. As they acquire a stake in urban society and move to better areas of the city, the crime rates and the incidence of other social problems drop to lower levels. However, there are a number of reasons to expect crime and related problems among the new migrants to the city then among the older immigrants. These have been major changes in the job market, greatly reducing the demand for unskilled labor, which is all most new migrants have to offer. At the same time the educational requirements for jobs have been rising. Discrimination in employment, education, and housing, based on such a visible criterion as color, is harder to break than discrimination based on language or ethnic background.} \]

\[\text{What these changes add up to is that slums are becoming ghettos from which escape is increasingly difficult. It could be predicted that this frustration of the aspirations that originally led Negroes and other minority groups to seek out the city would ultimately lead to more crime. Such evidence as exists suggests this is true.} \]

\[\text{Notes:} \]

One hypothesis about everyday crime in the slums is that much of it is a blind reaction to the conditions of slum living. The ghetto riots of 1964, 1965, and 1966 were crime in its most aggravated form. In the Watts riot in the Watts section of Los Angeles alone, 34 persons were killed, 1,032 injured, and 3,952 arrested. Some 600 buildings were damaged. Some $40 million in property was destroyed.

The size of the threat to the community that riots offer is perhaps as complicated as any other form of crime, and another way of looking at them is as direct and deliberate attacks on ghetto conditions. This is what all the studies, particularly those of the Watts riot by the McCone Commission, an independent non-political body; by the attorney general of California; and by members of the faculty of the University of California at Los Angeles, show. Although once underway some riots were exploited by agitators, they were not deliberate in the sense that they were planned at the outset; the best evidence is that they were spontaneous outbreaks, set off more often than not by some quite ordinary and proper action by a policeman. They were deliberate in the area that they were directed, to an extent that varied from city to city, against specific targets.

The principal objects of attack were most often just those people or institutions that stood in the way of the social and economic progress that the rioters thought of as being their principal oppressors: Policemen and white passers-by, or white-owned commercial establishments, especially those that charged high prices, dealt in inferior merchandise or employed harsh credit policies. Loan offices were a favorite target. Homes, schools, churches, and libraries were, by and large, left alone.

The studies show how the riots were not preponderantly wild adolescents, hoodlums, radical extremists, and radical agitators, as is sometimes asserted, although such people undoubtedly did take part. They were, more or less representative cross section of the Negro community, particularly of its young men, many of whom had lived in the neighborhood for many years and were steadily employed. The studies show further that many of those who participated in the riots, when questioned...
subsequently about their motives, stated quite explicitly they had been protecting against, indeed trying to call the attention of the white community to, police abuse, exploitation and economic deprivation, and racial discrimination.

Along with all responsible citizens, the Commission believes strongly, of course, that riots must be suppressed promptly when they occur. No society can afford to tolerate violent and dangerous mass crime.

But a far more determined effort must be made to eradicate conditions that invite riots. Citizen reactions reported in the UCLA study of Watts provide useful clues to riot prevention. A majority (55 percent) of the Negroes interviewed felt that one cause of the riot would be to diminish racial problems. The main stated reason for this belief was that help would now be forthcoming. It would be forthcoming because whites would now be more sympathetic to Negro problems (of the Negroes who had opinions, over half believed that white sympathy would increase). The dilemma of Negro residents data as a constant threat of anger at discrimination, yet basic trust in America.

A full and adequate investigation of the causes of riots and the means for preventing them is a complex and difficult undertaking beyond the scope of the exposition and mandate of this Commission. However, examination of the crimes that are committed during riots and of the conditions of life in the places where riots break out leads to the conclusion that the only enduring guarantee that riots will not occur is the city of "Help" that Negroes feel they can get from many years, and that can be clearly heard even amidst the destruction and bloodshed of a riot.

American must move more rapidly than it has so far toward fundamental reorganization of the institutions of the urban communities and toward the abolition of the discriminatory practices that maintain the ghetto in existence. Measures to prevent delinquency, especially in the slums, that are proposed in the next chapter should also help prevent the ghetto riot that in recent years have killed and injured so many people, have destroyed so much property, have inspired so much fear, have so badly shaken the confidence of Americans in the capacity of their society to achieve long-needed reform in a peaceful manner.

THE VICTIMS OF CRIME

One of the most neglected subjects in the study of crime is its victims: the persons, households, and businesses that bear the brunt of crime in the United States. Both the part the victim can play in the criminal act and the part he could have played in preventing it are often overlooked. If it could be determined with sufficient specificity that people or businesses with certain characteristics are more likely to be other than to be crime victims, and that crime is more likely to occur in some places than in others, efforts to control and prevent crime would be more productive. Then the public could be told where and when the risks of crime are greatest. Measures such as preventive police patrol and installation of burglar alarms and special locks that could be pursued more effectively and efficiently. Individuals could then substitute objective estimation of risk for the general apprehensiveness that today restricts—perhaps unnecessarily and at best haphazardly—their enjoyment of parks and their freedom of movement on the streets after dark.

Although information about victims and their relationships to offenders is recorded in the case files of the police and other criminal justice agencies, it is rarely used for systematic study of those relationships or the risks of victimization. To discover variations in victimization rates among different age, sex, race, and income groupings in the population, the Commission analysed information on these items obtained in the national survey by NORC.

Rather striking variations in the risk of victimization for different types of crime appear among the age levels in the population. The results shown in table 11 indicate that the highest rates of victimization occur in the lower income groups when all Index offenses except homicide are considered together. The risks of victimization from forcible rape, robbery, and burglary, are clearly concentrated in the lowest income group and decrease steadily at higher income levels. The picture is somewhat more erratic for the offenses of aggravated assault, larceny of $50 and over, and vehicle theft. Victimization for larceny increases sharply in the highest income group.

Nonwhites are victimized disproportionately by all Index crimes except larceny of $50 and over.

Table 12—Victimization by Race

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<th>Race</th>
<th>Total</th>
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<tbody>
<tr>
<td>Total</td>
<td>1,874</td>
<td>1,083</td>
<td>791</td>
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<tr>
<td>Nonwhites</td>
<td>1,269</td>
<td>716</td>
<td>553</td>
</tr>
<tr>
<td>Whites</td>
<td>605</td>
<td>367</td>
<td>238</td>
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The rates of victimization shown for Index offenses against men (table 13) are almost three times as great for women, but the higher rates of burglary, are an artifact of the survey procedure of assigning offenses against the household to the head of the household.

Table 13—Victimization by Age and Sex

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<tr>
<th>Age Group</th>
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<td>10-19</td>
<td>2,369</td>
<td>1,306</td>
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<td>20-29</td>
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<td>50-59</td>
<td>2,365</td>
<td>1,822</td>
</tr>
<tr>
<td>60 and over</td>
<td>2,297</td>
<td>1,798</td>
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The victimization rate for women is highest in the 20 to 29 age group. In fact the victimization rate for all the Index offenses reported, with the exception of larceny, are greatest in this age group. The concentration of offenses against women in this age group is particularly noticeable for forcible rape and robbery and much less apparent in aggravated assault and the property crimes.

For men the highest Index total rate falls in the 30-39 age category, a result heavily influenced by the burglaries assigned to men as heads of households. Actually, all the Index property offenses against men show peak rates in the older age categories. This is predicted not only at older ages they are likely to possess more property.
Columbia Crime Commission surveyed a number of other crimes. Its findings on victim-offender relationships in rape and aggravated assault closely resemble those for murder:

Almost two-thirds of the 151 rape victims surveyed were attacked by acquaintances, of whom they were at least casually acquainted. Only 36 percent of the 224 assault victims about whom some identifying information was obtained were complete strangers to their victim: 16 (7 percent) of the attackers were known to the victim by sight, although there had been no previous contact. Twenty-four (14 percent) of the 224 assailants were relatives, friends, boy friends, or some other acquaintance of the victim.

As shown in Table 14, Victin-Offender Relationships by Race and Sex in Assaultive Crimes Against the Person (Except Homicide), there are two-thirds Negroes, their victims two-thirds Negroes. Robbery, the only crime of violence in which whites were victimized more often thanNegroes, is also the one in which Negroes are primarily victimized inter- raciau; in 56 percent of the robberies committed by Negro offenders in the District of Columbia, victims were white. The high proclivity of both assaults, and the interracial character of offenses are further borne out by the findings of another study developed for the Commission. Analyzing data obtained from the Seattle Police Department, this study compared the census tract where the crime occurred with the tract (or other place) in which the offender lived. It found that a relatively large percentage of crimes against persons, as contrasted with crimes against property, had been committed in the offender’s home tract—an area likely to be racially homogeneous and in which he is most likely to be known at least by sight.

Another source of the concern about crime, in addition to its violence and its frequency, is the extent to which it is assumed to involve interracial attacks. Therefore a key question in any assessment of the crime problem is to what extent men or women of one racial group victimize those of another. For evidence on the validity of such a community philosophy, the Commission, in connection with the operation of the Chicago Police Department, solicited conflict in its offices, as the result of the poor financial condition suffered by many in many of these programs. The Commission was able to make a pilot survey, although the community has not yet to receive public hearings. The Commission believes that such hearings would provide a national forum for a much needed debate over the philosophy, assumptions, and potential advantages and disadvantages of such programs generally, and the relative merits and design of a program on the Federal level in particular.

The Commission has been impressed by the temporary arrest of a Negro, and the prospect of most offenders. And the criminal law itself, as such, is not always effective because of the poor financial condition and prospects of most offenders. And the criminal law itself, as such, is not always effective because of the poor financial condition.
and Boston. The objective was to discover through in-
terviews what types of victimization businesses and organ-
izations had experienced. From such burglaries as burglary,
shoplifting, passing of fraudulent checks, and employee theft.

**Burglary and Robbery.** Reports to the UCR indicate that nationally about 80 percent of all burglaries in 1965 were nonresidential, and that the average worth of the property stolen in such burglaries was about $225. In the Com-
mission survey almost one of five businesses and organ-
izations in the eight northeastern police precincts surveyed was burglarized at least once during the one-year period covered by the survey. Considering only those that were burglarized, 62 percent had two to seven burglaries.

In both Chicago and Washington, but for some reason not in Boston, the burglary victimization rates were high-
est in the districts where the overall crime rates were highest. Precinct 13 in the District of Columbia, for example, had a victimization rate of 5.8 per 100 organi-
izations—nearly twice the rate of the precinct with the lowest
burglaries—and a third of all the businesses and organiza-
tions sampled in that area had been victimized. Nationally, reports to the UCR indicate that in 1965 9 percent of all robberies were of service stations or chain-
stores, almost 1 percent were of banks, and more than 20 percent were of other types of commercial establish-
ments. The average value of the property reported stolen varied from $109 for service station robberies to $3,789 for bank robberies.

In the Commission survey the picture that emerges for victimization by robbery is similar to that for bur-
grary, which occurs more frequently. Among the or-
ganizations that were robbed, 30 percent reported one
robbery but 2 percent had as many as five. While any business in a high crime area is obviously in dan-
ger, it appears that some businesses, like some people, are more likely than others to be victimized by crime. Clearly, the reasons for the differences need investiga-
tion as guides in prevention. The findings of the Presi-
dent's Commission on Crime in the District of Columbia with respect to the circumstances of housebreaking are suggestive of the way risks vary:

In 27 percent of the 313 commercial burglaries sur-
veyed housebreakers entered through unlocked doors and in 70 instances (22 percent) through unlocked windows.

In 111 instances the housebreakers broke windows to gain entry, and locks were found to be in place in 56. A total of 105 of the commercial establishments victimized were reported to have had burglary-resistant locks; 65 of these establish-
ments, however, were entered other than by tampering
with the lock. Sixty-four percent of the burglarized com-
mercial establishments were located on the first floor.

**Shoplifting.** Shoplifting usually involves the theft of relatively small, inexpensive articles, although the professional shoplifter may steal expensive fur coats, cloth-
ings and jewelry. It is heaviest in the chainstores and other
larger stores which do the most retail business. Here the
amount is small but the frequency is high. It is the smaller establishments, particularly those that operate on a margin of profit, to which shoplifting may make the difference between success and failure.

In the Commission survey, 35 percent of the neigh-
borough wholesale and retail establishments surprisingly
reported no problem with shoplifting, while sizable per-
centages of other types of businesses, such as construction
companies (30 percent), manufacturers of machine tools (33 percent), finance, insurance, and real estate firms (25 percent), which might not be expected to have any prob-
lem, reported some shoplifting difficulties. The average amount of shoplifting experienced by the nonrobbery
establishments was considerably less than that for retail establishments.

As one might expect, the highest rates of shoplifting occurred in the high crime rate districts. The most
common items carried off by shoplifters were food, liquor or beer, clothing and footwear, and miscellaneous small items worth less than $10. However, it is the total vol-
ume, rather than individual acts, that makes shoplifting a serious problem for most commercial enterprises.

Nationally, most large retail businesses estimate their overall inventory shrinkage due to shoplifting, employee theft, and accounting errors between 1 and 2 percent of total inventory. Experts in industial and commercial security estimate that 7 to 80 percent of the inventory
shrinkage is probably attributable to some type of dis-
lonesty. Among the neighborhood businesses found by
the Commission survey to have high rates of shoplifting,
60 percent placed their losses at less than 2 percent of total business revenue. Twenty-eight percent estimated they had lost between 2 and 6 percent. Surprisingly, 25 percent were unable to give any estimate at all of the amount of their losses due to shoplifting.

**Employee Theft.** According to security experts for retail and other commercial establishments, theft by em-
ployees accounts for a considerably larger volume of
theft than shoplifting. Theft of merchandise or equip-
ment by employees is particularly hard to control because detection is so difficult. Employees have opportunities for theft every working day, whereas the shoplifting cus-
tomer cannot steal merchandise regularly from the same
establishment without arousing suspicion.

Employee theft is also a problem in many industrial commercial organizations. The National Industrial Conference Board of 475 companies indicated that 20 percent of all companies and nearly 30 percent of those with more than 1,000 employees had a serious problem with employee theft of tools, equipment, materials or company products. More than half of the companies with a problem of employee theft indicated trouble with both white and blue-collar workers.

In neighborhood establishments surveyed by the Com-
mission only 14 percent reported the discovery of any employee dishonesty. Among those, 60 percent estimated losses at no more than 50 cents a year. Most managers or owners surveyed attempted to establish the honesty of employees before hiring them. Nearly one-third made an effort to check references or to clear the employee with the local police department but 74 percent did not report to the police the discovery of theft by their own employees, preferring to handle the matter in some other way by themselves.

**Crime Against Public Organizations and Utilities**

Public organizations and utilities are repeatedly victim-
ized by crime. While some of the crime committed by these organizations is reported to the police, it is not clear just how much goes unreported and how
widespread it is.

To obtain some estimation, the Commission surveyed
48 such organizations in Boston, Chicago, and Washing-
ton with special attention to the police districts in which other surveys were being conducted.

The most prevalent and persistent problem reported was vandalism of buildings and equipment. Telephone
companies, electric companies, schools, libraries, trave-
ls and highways departments, parks, public transportation, and housing all are victims. Estimates of damage rang-
ing up to $200,000 a year were quoted for such facilities as public housing, area youth centers, public parks, and recre-
ation facilities in schools.

The public school system in Washington, D.C., for example, provided data for 1965 showing a total of 26,500 window panes broken and re-
paced at a cost of $118,000. A similar report was
received in Chicago.

Larceny was also a frequently mentioned problem, in-
to which many types of public ownerships, such as public
parks, go to considerable lengths and expense to control.

Many public facilities reported problems with various forms of violence within their boundaries. Assaults and
child molestation occur in parks, libraries, and schools.

Emergency rooms of hospitals cited disturbances by drunk
and disorderly persons. The threat of violent behavior or the potential threat of violence was reported to affect markedly the patroinship of parks, libraries and after-school activities, especially in areas with high crime rates.

**CHARACTERISTICS OF OFFENDERS**

There is a common belief that the general population
consists of a large group of low-skill people and a small
circle of criminals. However, studies have shown that most people, when they are asked, remember having committed offenses for which they might have been sen-
tenced if they had been apprehended. These offenses are called "self-reported" crime generally hens of juveniles or young
adults, mostly college and high school students. They uniformly show that delinquent or criminal acts are committed by people at all levels of society. Most people admit to relatively petty delinquent acts, but many
report larcenies, auto thefts, burglaries, and assaults of a
more serious nature.

One of the first studies of this type dealing with criminal behavior by adults was a sample of about 1,200
people, most of them from the State of New York. In this
study, 1,010 males and 670 females were asked which of
49 offenses they had committed. The list included felonies and misdemeanors, offenses for which they might have been sentenced under the adult
criminal code.

Ninety-nine percent of the respondents admitted they had committed one or more offenses for which they might have received jail or prison sentence. Thirteen percent of the males admitted to grand larceny, 12 percent to
shoplifting, and 17 percent to burglary. Sixty-four percent of the males and 27 percent of the females committed at least one felony for which they had not been apprehended. Although some of these offenses may have been reported to the police by the victims and would thus appear in
official statistics as "crimes known to the police," these
offenders would not show up in official arrest statistics.

...
Such persons are part of the "hidden" offender group. They evidently at one time or another found themselves in situations that led them to violate the criminal law. However, few people are truly committed criminals. For many the risk of arrest and prosecution is deterrent enough, while others develop a stake in a law-abiding way of life in which their youthful "indiscretions" no longer have a place.

What is known today about offenders is confined almost wholly to those who have been arrested, tried, and sentenced. The criminal justice process may be viewed as a large-scale screening system. At each stage it tries to sort out the better risks to return to the general population. The further along in the process that a sample of offenders is selected, the more likely they are to show major social and personal problems.

Arrest records, probation reports, and prison statistics a "portrait" of the offender emerges that grossly highlights the disadvantaged character of his life. The offender at the end of the road in the system is known today about offenders is confined to details: from arrest records, probation reports, and prison records.

As Table 1 shows, Negroes are arrested every year but Negroes and whites have arrested for certain crimes of violence have been growing faster than whites (1,684 to 325). In contrast, the ratio of whites to Negroes arrested for offenses has been decreasing over the same period.

The statistics also show that the differences in arrest rates for Negroes and whites are not confined to the same age group in the population. The median age of arrest was 29.2 years for Negroes and 32.3 years for whites.

The differences between the Negro and white arrest rates for certain crimes of violence have been growing smaller between 1960 and 1965. During that period, the case of murder, rape, and assault, the ratio of Negroes to whites decreased from 1.69 to 1.60.

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The professional criminal

Professional criminals think of themselves as very different from the habitual, amateur offenders whose persistent criminality arises from bad self-control, but who do not have the skills or contacts to make a good living at crime. These differences relate to the law. Professional criminals engage in a wide variety of common law property offenses, including the using of the force or threat of harm, and in which the intent is accomplished by stealth or by manipulating the victim. They spend a full time and their full energies on crime. Often they may be hired to do special jobs by the established figures in the world of organized crime, but they are not regarded as permanently a part of that world.

A pilot study of professional crime in four cities sponsored by the Commission found that the way the professional criminals spend his time varies with his standing in the profession. The small-time professional spends virtually all of his time directly engaged in crime. He develops criminal opportunities, sells goods he has stolen, or performs some service expected of his skills.

The more successful professional criminals spend a greater proportion of their time planning and other preparation. A single promising "caper" can take weeks or months to plan and execute. But this calculation pays off in higher "scores" and lower risks of arrest. The most successful professional gangs even employ specialists to develop criminal prospects for them. Indeed, all professional criminals probably are more technically competent than most, not only habitual or amateur criminals, they usually differ in their professed abilities. At one end of the spectrum are the big-time jewel thieves and the "big con" men who manipulate wealthy victims into parting with hundreds of thousands of dollars. At the other are the petty thieves, "short con" operators, pickpockets, and shoplifters.

The Commission's study found that professional criminals, particularly the less successful, generally do not operate in the same groups or gangs or under sustained periods. Different criminal skills are needed for different crimes and circumstances. To meet this fluctuating need for skills there is an "employment" system operating out of the bars and restaurants that professional criminals habitually frequent. These places serve as job placement centers. Even professional crime is a big business. The Commission's study found that the professional criminals' need for ready capital often compels them to run exploitation by beakers. The cost of the premium required to break into crime is very high because of the risks involved. For some of these careers, as in the operation of a small-time drug store, a criminal is an honest and a legal legal fact must engage in more frequent criminal activity, often more risky in his line of work. It is rare that he will have additional costs, and this pattern may be repeated many times before the professional is brought to trial. Professional crime could not exist except for two essential relationships with legitimate society: the "fence" and the "fix." These are the mutually beneficial arrangements between professional criminals and members of legitimate society. The fence is the adjustment function of criminal goods; the fix gives the professional criminals as opportunity to legitimize their benefit from organized crime. The fence allows the professional criminals to engage in legitimate businesses or to be employed in a legitimate business. The fence also helps the professional criminals to sell stolen goods. Although professional criminals rarely sell their own stolen goods, they usually sell to receivers of stolen goods, who resell them. The fence is the agent of the consumer of the value of the goods, but it reduces the risk of their possession. He also avoids the risks involved in goods, and for which there is a specialized demand, the value of the goods, and for which there is a specialization of labor and level of organization between the fence, as an individual.

Professional criminals use cash as the base, but sometimes a case may be fixed on credit or as a favor. Often professional criminals offer enforcement authorities a token sum in return for a dismissed or view, but to live enforcement it is an indispensable and almost unpreventable change. This may be a "fix" in the criminal investigation, a "score" in the course of committing a crime. The professional's connections with the population is a key to his sales deals directly with the off-the-peg society, who has political connections and may the price, the professional is often able to pay an excellent profession.

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"White-collar" offenders and business crime

Immediately, crimes reflect the opportunities people have to commit them. Whether a person has access to a crime is likely to be determined by the legal and social situation in which he lives. Most of the persons the public, the common crimes of violence or theft that threaten society in a real way, are not as serious as the crimes discussed in this report. What they have, mass thefts, clearly defined as theft of goods or services, are readily sold or purchase, robberies, theft of services at low cost and high quality has resulted in the depredations of the large business enterprises with the most dollars in circulation and in volume with hundreds of thousands of members.

Until the late 19th century economic life has become vastly more complex. Individual families or groups of necessities of life on thousands and millions of people, each with a specialized function, many of whom live hundreds or thousands of miles away. The crimes at the time were, on the large size, the giant business enterprises with the most dollars in circulation and in volume with hundreds of thousands of members.

When the lower 19th century economic life of this country was largely unregulated. At that time, the business enterprise had to be regulated in order to protect not only the public but the business itself. The problems of business and the "white collar" were made clear that the "white collar" must be the basis for the concept. The corporate executive does not have the same limitations as the criminal. He is not constrained to commit his crime in a given place and at a given time. The person has access to a crime is likely to be determined by the legal and social situation in which he lives. Most of the persons the public, the common crimes of violence or theft that threaten society in a real way, are not as serious as the crimes discussed in this report. What they have, mass thefts, clearly defined as theft of goods or services, are readily sold or purchase, robberies, theft of services at low cost and high quality has resulted in the depredations of the large business enterprises with the most dollars in circulation and in volume with hundreds of thousands of members.

The "white-collar" criminals are the broker who distributes.

These regulations were designed to protect the public, the builder who deliberately competes in the market of goods, the architect, the builder, the contractor, the service station, and the real estate agent. The "white-collar" crime is the broker who distributes.

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corruption, to a fine. Less serious violations, of housing codes for example, are minor offenses handled in the lower courts and punished usually by small fines. On the other hand, many regulatory laws, such as some labor laws, are enforced by administrative agencies outside the criminal system. Typically, the agency holds a hearing and, if a violation is found, either imposes or asks the courts to impose an administrative remedy. This remedy might be an order to abate or cease violations or suspension of a license. Frequently, such remedies are enforced by court injunction. Noncompliance with administrative or court orders may be a violation of the criminal law. While there is considerable debate as to what regulatory laws should be deemed criminal in nature the crucial fact is that these laws are violated on a vast scale, sometimes in deliberate disregard of the law, sometimes because businesses, in their effort to come as close to the boundary of legality as possible, overstep it.

It is impossible to ascertain even approximately the amount of business crime because it is almost certain that only a small proportion of it is detected. However, in his analyses of government studies. Edwin H. Sutherland examined decisions of the courts and regulatory commissions under the antitrust, false advertising, patent, copyright, and labor laws. The evidence indicates that approximately 1 in every 15 of the 3 million business violations; the average number of convictions per market violations during World War II, he found that a major part of the total volume of violations was not been imposed. About 70 decisions against them. About 70 percent of the 70 corporations had 1 or more decisions against them; 50 percent had 4 or more decisions against them. About 60 percent of the 70 corporations had been convicted by criminal courts; the average number of convictions per corporation was 4. Another study examined black market violations during World War II. It indicated that approximately 1 in every 15 of the 3 million business concerns in the country had serious sanctions imposed on them for violations of price regulations. The evidence suggested further that the total volume of violations was much larger than was indicated by officially imposed sanctions.

Business crime imposes three kinds of costs on society. First, physical injury or even death can come from tainted foods and harmful drugs sold in violation of the Pure Food and Drug Act. These violations of local health laws, and various violations of safety laws and housing codes. Second, economic losses are produced, for example, by the marketing of worthless, defective, or injurious products in violation of Post Office Department regulations, by frauds that violate the rules of the Securities and Exchange Commission, and by the sale of goods based on misrepresentation in advertising. The price-fixing by 29 electrical equipment companies alone probably cost utilities, and therefore, the public, more money than is reported as stolen by burglars in a year.

Third, as serious as the physical and financial costs of corporate crime may be, it is much more serious than the damage it does to the Nation's social, economic, and political institutions. Restrained of trade tools is not simply an indication that price-fixing and other antitrust laws are intended to protect. For example, the damage from the price-fixing conspiracy in the electrical equipment industry was not limited to the direct extra costs imposed. As Judge T. Cullen Gause declared in sentencing the defendants: "This is a shocking indictment of a vast section of our economy, for what is really at stake here is the survival of the kind of economy under which this country has grown great, the free enterprise system." Serious erosion of morals accompanies violations of this nature. It is reasonable to assume that prestigious companies that flout the law set an example for other businesses to follow. Hence, individuals and people, to commit other kinds of crime on the ground that everyone is doing it. One way that business people who are respected as leaders of the community can do much larger than was indicated by officially imposed sanctions; the average number of convictions per market violations during World War II, he found that a major part of the total volume of violations was not been imposed. About 70 percent of the 70 corporations had 1 or more decisions against them; 50 percent had 4 or more decisions against them. About 60 percent of the 70 corporations had been convicted by criminal courts; the average number of convictions per corporation was 4. Another study examined black market violations during World War II. It indicated that approximately 1 in every 15 of the 3 million business concerns in the country had serious sanctions imposed on them for violations of price regulations. The evidence suggested further that the total volume of violations was much larger than was indicated by officially imposed sanctions.

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Galliup poll of 1965. When persons were asked to name the three problems in their community from a list of 39 possibilities, the problem perceived as the second most frequent selection—exceeded only by complaints about local morals—was fear of crime. The problems related to the problems of the youth was a third frequently chosen problem—the need for more recreation areas.

However, people are more inclined to think of crime in moral than in social terms. An August 1965 Gallup poll that asked people what they thought was responsible for the increase of crime found that most of the reasons people mentioned had to do directly with the moral character of the population rather than with changes in objective circumstances or with law enforcement. Over half of the answers fitted under the category "family, poor moral guidance." About 6 percent of the answers gave "breakdown of moral standards." A variety of other direct moral causes were given in 10.6 percent, such as "people expect too much," "people want something for nothing," and "communism." Relatively few (12 percent) of the responses cited objective conditions such as "unemployment," "poverty," "the automobile," or "the population explosion.

Public concern about crime is mounting. National polls by Harris and Gallup show that the majority of people feel that their neighborhoods are getting worse, that a substantial minority think the situation is staying about the same, and that almost no one thinks the situation is improving. A Gallup survey in April 1965 showed that this pessimistic view of the crime trend was held by males and females of all ages, incomes, and degrees of education in all parts of the country. In July 1966 a Harris survey indicated that in each survey year there has been an increase over the year before in the percent of persons worried about their personal safety on the streets.

PERSONAL FEAR OF CRIME

Perhaps the most intense concern about crime is the fear of being attacked by a stranger when not alone. One-third of Americans feel unsafe about walking alone at night, and 60 percent, accordingly, to the NORC survey. As one would expect, the percentage of people feeling unsafe at night on the street is, according to an April 1965 Gallup survey, higher in large cities than in smaller ones and higher in cities than in rural areas.

Recent studies have been undertaken to develop an index of defensiveness based on the seriousness of different offenses. It was found that there is widespread public concern on the relative seriousness of different types of crimes and that rankings furnish useful indicators of the public's concern. Of offenses involving physical assaults against the person are the most feared crimes and the greatest concern it creates in the community where the event is used.

A further index of the public concern about crime may be found in attitudes toward reporting crime when it occurs. Whether one reports a crime or not involves in many cases an assessment of the significance of the event as it affects one's self or others. Harris found that the second most frequent selection—exceeded only by complaints about local morals—was fear of crime. The problems related to the problems of the youth was a third frequently chosen problem—the need for more recreation areas.

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Second, the fear of crimes of violence is not a simple fear of injury or death or even of all crimes of violence, but an irrational fear of strangers. The personal injury that Americans risk daily from sources other than crime are enormously greater. The annual rate of all deaths from heart disease or other causes or the threat of violence is 1.8 per 1,000 Americans. This is minute relative to the total accidental injuries calling for medical attention or restricted activity of 1 day or more, as reported by the Public Health Service. A recent study of emergency medical care found the quality, numbers, and distribution of ambulances and other emergency services severely deficient, and estimated that as many as 20,000 Americans die unnecessarily each year as a result of improper emergency care. The means necessary for combating this situation are very clear and would probably yield greater immediate return in reducing death than would expenditures for reducing the incidence or crimes of violence. But a different personal significance is attached to deaths due to the willful acts of fiends as compared to the incompetence or poor equipment of emergency personnel.

Furthermore, this chapter has noted that most murders and assaults are committed by persons known to the victim, by relatives, friends, or acquaintances. Indeed on a straight statistical basis, the closer the relationship the greater the hazard. In one sense the greatest threat to anyone is himself, since suicides are more than twice as common as homicides.

Third, this fear of strangers can greatly impoverished the lives of many Americans, especially those who live in high-crime neighborhoods in large cities. People stay behind the locked doors of their homes rather than risk walking in the streets at night. Poor people spend money on some items because they are afraid to walk or use public transportation. Sociable people are afraid to talk to those whom they do not know. In short, society is to an increasing extent suffering from what economists call "opportunity costs" as the result of fear of crime. For example, the mass media and overly emotional or opportunistic crime fighters may play a role in raising fears of crime by associating the idea of "crime" with a few sensational and terrifying criminal acts. Past research on the mass media's connection with crime has concentrated primarily on depictions and accounts of violence in the mass media as possible causes of delinquency and crime. Little attention has thus far been given to what may be a far more direct and costly effect—the creation of distorted perceptions of the risk of crime and exaggerated fears of victimization.

The greatest danger of an exaggerated fear of crime may well reside in the tendency to use the violent crime as a stereotype for crimes in general. For example, there may be a significant interplay between violence and the mass media and the reporting of general crime figures. Publicity about total crime figures without distinguishing between the trends for property crime and those for crimes against persons may create mistaken ideas about what is actually happening. If burglaries and larcenies increase sharply while violent crimes decrease or remain stable, the total figures will follow the property crime figures, since crimes against property are more than four-fifths of the total. Yet under these conditions people may intercorrelate the increases in terms of the dominant stereotypes of crimes of violence, thus needless increasing their fears. They may not only restrict their activities out of an exaggerated fear of violent crimes but may fail to protect themselves against the more probable crimes. The fact is that most people experience violence vicariously through the daily press, periodicals, novels, radio and television, and often the reported experiences of other persons. Their fear of crime may be more directly related to the quality and the amount of this vicarious experience than it is to the actual risks of victimization.

The Commission believes that there is a clear public responsibility to keep citizens fully informed of the facts about crime so that they will be aware enough to decide what the risks are and what kinds and amounts of precautionary measures they should take. Furthermore, without an accurate understanding of the facts, they cannot judge whether the interference with the individual liberties which strong crime control measures may involve is a price worth paying. The public obligation to citizens is to provide this information regularly and accurately. And if practices for disseminating information give wrong impressions, resources should be committed to developing more accurate methods.

Finally, public concern about crime need not have only the adverse effects that have been described so far. It can be a powerful force for action. However, creating one will not be easy. The Commission's Washington survey asked people whether they had ever "gotten together with other people around here, or has any group or organization you belong to met and discussed the problem of violence, how to deal with it, and what you could do to combat crime." Only about 12 percent answered affirmatively, although the percentage is quite broad and included any kind of group meeting or discussion. Neither did most persons believe that they as individuals could do anything about crime in their own neighborhoods. Only slightly over 17 percent thought that they could do either a lot or just something.

Most people feel that the effort to reduce crime is a responsibility of the police, the courts and perhaps other public agencies. This was even true to some extent of administrators and officials of public agencies and utilities who were interviewed in the three city precinct survey. Every second, the fear of crimes of violence is not a simple fear of injury or death or even of all crimes of violence, but an irrational fear of strangers. The personal injury that Americans risk daily from sources other than crime are enormously greater. The annual rate of all deaths from heart disease or other causes or the threat of violence is 1.8 per 1,000 Americans. This is minute relative to the total accidental injuries calling for medical attention or restricted activity of 1 day or more, as reported by the Public Health Service. A recent study of emergency medical care found the quality, numbers, and distribution of ambulances and other emergency services severely deficient, and estimated that as many as 20,000 Americans die unnecessarily each year as a result of improper emergency care. The means necessary for combating this situation are very clear and would probably yield greater immediate return in reducing death than would expenditures for reducing the incidence or crimes of violence. But a different personal significance is attached to deaths due to the willful acts of fiends as compared to the incompetence or poor equipment of emergency personnel.

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Chapter 3

Juvenile Delinquency and Youth Crime

America's best hope for reducing crime is to reduce juvenile delinquency and youth crime. In 1965 a majority of all arrests for major crimes against property were of people under 21, as were a substantial minority of arrests for major crimes against the person. The recidivism rates for young offenders are higher than those for any other age group. A substantial change in any of these figures would make a substantial change in the total crime figures for the Nation.

One of the difficulties of discussing the misconduct, criminal or not, of young people is that "juvenile" and "youth" are not precise definitions of categories of people. People are legally juveniles in most States until they pass their 18th birthdays, but in some States they stop being juveniles after they turn 16 or remain juveniles until they turn 21. The problems and behavior patterns of juveniles and youths often are similar.

Facts About Delinquency

To prevent and control delinquency, we must first know something about the nature of delinquency and the dimensions of the problem. We need to know how serious delinquency is. How much of it is there? How many of our youth are involved? What sorts of illegal acts do they commit? What have the trends in delinquency been in the past, and what can we expect in the future? We also need knowledge about the people who become delinquent—information such as where most delinquents live and under what economic conditions.

But we are severely limited in what we can learn today. The only juvenile statistics regularly gathered over the years on a national scale are the FBI's Uniform Crime Reports, based on arrest statistics, and the juvenile court statistics of the Children's Bureau of the U.S. Department of Health, Education, and Welfare, based on referrals of juveniles from a variety of agencies to a sample of juvenile courts. These reports can tell us nothing about the vast number of unsolved offenses, or about the many cases in which delinquents are dealt with informally instead of being arrested or referred to court. Supplemenating this official picture of delinquency are self-report studies, which rely on asking selected individuals about their delinquent acts. While efforts are made to insure the validity of the results by such means as guaranteeing anonymity, and verifying results with official records and unofficial checks, such studies have been conducted only on a local and sporadic basis, and they vary greatly in quality.

Clearly, there is urgent need for more and better information. Nonetheless, enough is available to give some of the rough outlines of juvenile delinquency in the United States.

Severity of the Delinquency Problem

Volume. Enormous numbers of young people appear to be involved in delinquent acts. Indeed, self-report studies reveal that perhaps 80 percent of all young people have committed at least one act for which they could have been brought to juvenile court. Many of these offenses are relatively trivial—fighting, truancy, running away from home. Statutes often define juvenile delinquency so broadly as to make virtually all youngsters delinquent. Even though most of these offenders are never arrested or referred to juvenile court, alarming numbers of young people are. Rough estimates by the Children's Bureau, supported by independent studies, indicate that one in 20 of all persons arrested in 1965 (not counting traffic offenders) was a juvenile court statistics can give us only a rough picture—probably somewhat exaggerated since it is likely that juveniles are more easily apprehended than adults. In addition, it may be that juveniles act in groups more often than adults when committing crimes, thus producing numbers of juvenile arrests out of proportion with numbers of crimes committed. But even with these qualifications, the figures are striking. FBI figures reveal that of all persons arrested in 1965 (not counting traffic offenders) about 30 percent were under 21 years of age, and about 20 percent were under 18 years of age. Arrest rates are highest for persons aged 15 through 17, next highest for those aged 18 through 20, dropping off quite rapidly with increases in age, as table 1 on the following page indicates.

The picture looks even worse if attention is directed to certain relatively serious property crimes—burglary, larcen-
Table 1—Arrest Rates for Different Age Groups—1965

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Percent of Population</th>
<th>Arrest Rate</th>
<th>Percent of Arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-24</td>
<td>26.4%</td>
<td>65.4</td>
<td>100.00%</td>
</tr>
<tr>
<td>25 and over</td>
<td>38.6%</td>
<td>26.4</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

| Total            | 100.00%               | 51.8        | 100.00%            |

Table 2—Percent of Arrests Accounted for by Different Age Groups—1965

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Percent of Arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-24</td>
<td>44.8%</td>
</tr>
<tr>
<td>25 and over</td>
<td>32.4%</td>
</tr>
<tr>
<td>Total</td>
<td>77.2%</td>
</tr>
</tbody>
</table>


In recent years the number of delinquency arrests has increased sharply in the United States, as it has in several Western European countries studied by the Commission. Between 1960 and 1965, arrests of persons age 11 to 17 increased 28 percent, arrests of persons age 18 to 24 increased 79 percent, and arrests of persons 25 and over increased 24 percent. This is explained in large part by the disproportionate increase in the population under 18, and, in particular, the crime-prone part of that population—the 11- to 17-year-old age group.

Official data may give a somewhat misleading picture of crime trends. Over the years there has been a tendency toward more formal records and actions, particularly of juveniles. In addition, police efficiency may well have increased. But, considering other factors together, and in the light of experience, the Commission is of the opinion that juvenile delinquency has increased significantly in recent years.

The juvenile population has been rising, and at a faster rate than the adult population. And an increasing proportion of our society is living in the cities where delinquency rates have always been highest. These trends and the increase in the total volume of crime that they appear to forecast are testimony enough that programs for the prevention and control of delinquency deserve our full attention.

**Who the Delinquents Are**

Almost all youth commit acts for which they could be arrested and taken to court. But it is a much smaller group that ends up being defined officially as delinquent. Official definitions are predominantly male. In 1965 boys under 18 were arrested five times as often as girls. Four times as many boys as girls were referred to juvenile court.

Boys and girls commit quite different kinds of offenses. Children's Bureau statistics based on large-city court reports reveal that more than half of the boys referred to juvenile court in 1965 were referred for conduct that would not be criminal if committed by adults. In the five- to 24-year-old group, accounts for 28.6 percent of the arrests for willful homicide, 44.6 percent of the arrests for rape, 39.5 percent of the arrests for robbery, and 36.5 percent of the arrests for aggravated assault (table 2).

Delinquents tend to come from backgrounds of social and economic deprivation. Their families tend to have lower than average incomes and social status. But perhaps more important than the individual family's situation is the area in which a youth lives. One study has shown that a lower class youth has a much better chance of being classified as delinquent if he lives in an upper-class neighborhod. Numerous studies have revealed the relationship between certain deprived areas—particularly the slums of large cities—and delinquency.

It is not exceptional that juvenile delinquency is directly related to conditions based on poverty. If the Fulton County census tracts were divided into five groups on the basis of the economic and educational status of their residents, we would find that 35% of Fulton County's juvenile delinquents during 1964 were residents of the lowest group which consisted of the principal poverty area of the City of Atlanta. Only 24% of the residents of the City lived in three wards. Report of the Atlanta Commission on Crime Control, Prepared by Urban Excellence (1966), p. 26.

Thus Negroes, who live in disproportionate numbers in slum neighborhoods, account for a disproportionate number of arrests. Numerous studies indicate that what matters is where in the city one is growing up, not religion or nationality or race. The studies by Shaw and McKay, discussed under "Crime and the Inner City," in chapter 5, followed a number of different national groups—Germans, Irish, Poles, Italians—as they moved from the inner core of the city to better neighborhoods. They found that for all groups the delinquency rates were highest in the center and lowest on the outskirts of the city.

There is no reason to expect a different story for Negroes. Indeed, McKay found Negro delinquency rates decreasing from the center of the city outward, just as they did for earlier migrant groups. And when delinquency rates of whites and Negroes are compared in areas of similar economic status, the differences between them are markedly reduced. But for Negroes, movement out of the inner city and absorption into America's middle class have been much slower and more difficult than for any other racial group. Their attempts to move spatially, socially, economically have met with much stiffer resistance. Rigid barriers of residential segregation have prevented them from moving to better neighborhoods where their drudgery and capacity to do so have developed, leading to great population density and to stifling overcrowding of housing, schools, recreation areas. Restricted access to jobs and limited upward mobility in those jobs that are available are also sources of economic advance.

It is likely that the officelore exaggerates the role played by social and economic conditions, since slum living is more likely than suburban offender to be arrested and referred to juvenile court. In fact, recent evidence shows that 11% of those referred are from self-report studies reveal substantial and middle-class delinquency to be a more significant problem than was once assumed. But there is still no reason to doubt that delinquency, and especially the most serious delinquency, is committed disproportionately by young and, in part, lower-class youth.
FOCUSING PREVENTION

In the last analysis, the most promising and the most important method of dealing with crime is by preventing it—by ameliorating the conditions of life that drive people to commit crimes and that undermine the restraining roles and institutions credited by society against antisocial conduct. The Commission doubts that even a vastly improved criminal justice system can substantially reduce crime if society fails to make it possible for each of its citizens to feel a personal stake in it—in the good life that it can provide and in the law and order that are prerequisite to such a life. That sense of stake, of something that can be gained or lost, can come only through real opportunities for full participation in society’s life and growth. It is insuring opportunity that is the basic goal of prevention programs.

Our system of justice holds both juveniles and adults who violate the law responsible for their misconduct and imposes sanctions on them accordingly, even though the sanctions for juveniles who violate the law are distinctly different from those for adults. Society thereby obligates itself to equip juveniles with the means—the educational and social and cultural background, the personal and economic security—to understand and accept responsibility.

Clearly it is with young people that prevention efforts are most needed and hold the greatest promise. It is simply more critical that young people be kept from crime before they are the Nation’s future, and their conduct will affect society for a long time to come. They are not yet set in their ways; they are still developing, still subject to the influences of the surrounding institutions that structure—however deviously—their environment: Family, school, religion, and community program, job market. But that influence, to do the most good, must come early in the lives of all those persons involved in the formal criminal justice system.

Once a juvenile is apprehended by the police and referred to the Juvenile Court, the community has already failed to take advantage of the rehabilitative services, so matter how skillfully trained, have far less potential for success than if they had been applied before the youth’s own defense of the law.


One way of looking at delinquency is in the context of the “juvenile culture” that has developed in America since the end of the Second World War. In America in the 1960s, to perhaps a greater extent than in any other place or time in history, the society is a delinquent society of its own. It is not an easy society to understand, let alone, much less to try to live in. In some ways it is an inherently narcissistic society; its members, perhaps in unconscious imitation of their elders, are preoccupied with physical objects like clothes and cars, and indeed have been encouraged in this preoccupation by manufacturers and merchants who have discovered how profitable the adolescent market is. In some ways it is an intensely sexual society; its members are preoccupied with the sensations they can obtain from smoking or drinking or music or drugs. In some ways it is an intensely insecure society; its members are preoccupied with independence and honor and equality and courage.

On the whole it is a rebellious, oppositional society, dedicated in the proposition that the grownup world is a sham. At the same time it is a reordering society, being incomprehensible, unsure of themselves, and, in fact, relatively powerless as individuals, adolescents, a far greater extent than their elders continue to consider standards of dress and hair style and speech and act jointly, in groups—or group.

Adolescence everywhere, from every walk of life, is often dangerous to themselves and to others. It may be a short step from discouraging authority to taxing the law and one’s own hands, from self-abstinence to contempt for the rights of others, from group loyalty to gang warfare, from getting “kicks” to rampaging through the streets, from rooting material goals to delinquent, from feelings of rebellion to acts of destruction. Every suburban parent knows of parties that have turned into riots. Every taxpayer knows how many young unmarried girls become pregnant. Every insurance company executive knows how dangerously adolescent boys drive. Every high school principal is concerned about the use of marihuana or pop pills by his students. Every newspaper reader knows how often hands of young people of all kinds commit destructive and dangerous acts.

It is that it appears to be increasing, little is known as yet about delinquency among the well to do. In its usual form it is a difficult to eliminate by any program of action that has yet been devised. The weakening of the family would be a sufficient substitute for the sanctions of society in the prevention of delinquency. The prolongation of education with its side effect of prolonging childhood; the increasing impersonality of a technological, corporate, bureaucratic society; the radical changes in mental standards in regard to such matters as sex and drug use—all these have contributed to a society in which the normal given case is delinquency, society is failing some youth.

Theirs are the families failing. The schools are failing. The institutions generally responsible for forming the central people in their individual and mutual existence simply are not operating effectively in the inner city. Instead of turning out men and women who conform to the American norm at least overtly, at least enough to stay out of jail, the schools are producing the highest rates of crime, vice, and financial dependence. By failing these men and women and most, important, they people, society would itself in the inner city. There is the slowest rate of crime—billions of dollars every year spent on arresting and imprisoning delinquents in the United States. And whereas there are the lives forfeited, the personal injuries suffered, the weakening of society and the creation of a delinquent. Some attempts in recent years have been at least partly successful, and such attempts should certainly be used. But it may yet prove possible to predict delinquency specifically with a high degree of accuracy and to design programs that can prevent the predictions from coming true. But if we could now predict with accuracy who would be delinquent, our present knowledge and experience still would not carry us far in designing effective preventive programs for individuals. And inherent in the process of seeking to identify potential delinquents are certain serious risks—most notably that of the self-fulfilling prophecy.

Even if we could identify in advance and deal with those individuals most likely to become delinquents, that would be a sufficient substitute for the sanctions of society in the prevention of delinquency. But in the inner city, now occupied by a different social group, the delinquency rate is not an easy society to understand, let alone, much less to try to live in. It is rebellion for the young people who are attempting to get away from the responsibilities which the Nation has not found the means to cope.

Delinquency in the slums, which, as has been shown, is a disproportionately high percentage of all delinquency and includes a disproportionately high number of dangerous acts, is associated with three phenomena, of course. Both figures and observation clearly demonstrate, however, that it is also associated with undesirable social and economic conditions of life. Among the many compelling reasons to the proposition that the grownup world is a sham, one of the most compelling is that it will prevent crime.

The inner city has always been hard on whosever is living in it. The studies by Shaw and McKay have described above show dramatically that it is in the inner city that delinquency rates have traditionally been highest, decade after decade and regardless of whether population group changes. And delinquency rates, the other familiar statistical diagram of trouble—truman, high unemployment, mental disorder, insect mortality, tuberculosis, famines on relief—are also highest in the inner city. Life is grim and uncompromising in the center of the city, better on the outskirts. As the population group changes, the greater access to the city’s legitimate economic and social opportunities and the group moves outward, rents are higher, families own their own houses, the risk of death and dependence—delinquency—drops.

But in the inner city, now occupied by a different group, the rate of delinquency remains roughly the same, regardless of race, religion, or nationality. That strikingly persistent correlation, coupled with the fact, pointed out above, that the inner city is for its present Negro inhabitants more of a prison than a city, and that even a station, the urgency of interrelating efforts to improve in the inner city the institutions that elsewhere serve to prevent delinquency.

Attempts to concentrate prevention efforts on those individuals most seriously in need of them has led to increased interest in methods for predicting who will become a delinquent. Some attempts have been at least partly successful, and such attempts should certainly be used. But it may yet prove possible to predict delinquency specifically with a high degree of accuracy and to design programs that can prevent the predictions from coming true. But if we could now predict with accuracy who would be delinquent, our present knowledge and experience still would not carry us far in designing effective preventive programs for individuals. And inherent in the process of seeking to identify potential delinquents are certain serious risks—notably that of the self-fulfilling prophecy.

Perhaps we cannot be sure that it is the slum family that is failing to instill the values accepted by society, let alone, that the whole society is failing. They may in fact be more of the slum family’s institutions than of the middle- and upper-class counterparts. The family must in fact be a whole society that the larger society must reach out and rescue those lacking families. Job skills must be developed and employment opportunities located.

In sum, our society has for too long neglected the conditions of life in the inner-city slum. The past several
years have seen unprecedented recognition of the gravity of the crime problem and of resources to their amelioration. But if we fail to devote, in the future, more money and people and energy and concern to the problem, we may be willing to pay the price—a price already high and mounting.

Crime is only part of that price. But the importance of ameliorating social conditions in order to prevent crime is not to be minimized. Each day additional law-abiding citizens turn their backs on the city; fear for personal safety—fear of crime—is a major reason. As they leave, the city changes; the quality of city life deteriorates; the protection of their person and property—the circle continues around.

The Commission's experience cannot compare with the yet more binding dependency and isolation of the inner city.

The children of those disillusioned colored pioneers inherited the total lot of their parents—the disappointments, the anger. To add to their misery, they had little hope of deliverance. For where does one turn to where he's already in the promised land? Claudia Brown, Manchild in the Promised Land (1965), p. 8.

A sketch drawn from the limited information available shows that disproportionately the delinquent is a child of the slums, from a neighborhood that is low on the socioeconomic scale of the community. It is in ways for those who live there. He is 15 or 16 years old (younger than his counterpart of a few years ago), one of numerous children—perhaps representing several different fathers—who live with their mother in a home that the sociologist calls female-centered. It may be he lives in a home, it may never have had a resident father; it may have a nominal male head who is often drunk or in jail or in and out of the house (welfare regulations prohibiting payment where there is a "man in the house") may militate against his continuous presence. He may never have known a grownup man well enough to identify with or to imagine emulating him. From the adults and older children in charge of him he has had brutality, sternness, affection, perhaps indifference, in erratic and unpredictable succession. All his life he has had considerable independence, and by now his mother has little control over his comings and goings, little way of knowing what he is up to until a policeman brings him home or a summons from court comes in the mail.

He may well have dropped out of school. He is probably unemployed, and has little to offer an employer. The offense he and his friends commit are much more frequently thefts than crimes of personal violence, and they only commit them alone. Indeed, they rarely do anything alone, preferring to congregate and operate in a group, making such thefts "hard"—a special street career?
Rat bites are not infrequent and sometimes, especially for reassuring gathering place of his own family. The loss of more infants, fatal. Care of one's own and respect for others' bad electrical connections take their accidental toll. Better. In the winos-homeless, littered and dirty there dirty, smell bad. Cook stuff maybe. Chase bad. 'Playground may be blocks away across busy streets, a like the way they look. There ain't enough they tore it down. in a ally inadequate as well. severa! major parks, of the area turn to repeated acts of delinquency. The total acreage of place to bring his friends; it is not even very much the first started living around here. You see it all the time and moving in so small a space, the probability of collisions can only increase. Crowding has a harmful effect on study habits, attitudes toward sex, parents' ability to meet needs of individual children; clearly, crowding intensifies the fatigue and irritability that contribute to erratic or irrational discipline. Many of the people and activities that bring slum streets and buildings to life are unnecessary at best. Violence is commonplace.

Where I first started living avenues were 2 was really bad, but I haven't gotten used to them. There have 2 years. I live in this home). The buildings are massy tenements or sagging row houses. (I don't like the way those houses built. They cure I don't like the way they look. * * * They make the street look bad. [13-year-old].

On some streets, apparently able-bodied men sit passing away the time. On others, children scampers around playing grandmother's knees; they have been on the streets since early morning, will still be there at dusk. The nearest playground may be blocks away across busy streets, a short distance in time but a long distance in access around. There was a big recreation right across the street and they turn it down. * * * [They just closed it up—inside the building they put up a parking lot. * * * There aren't enough playgrounds, and if you go down to the railroad station, there is a big yard down there. * * * cops come and chase us off. * * * [14-year-old boy].

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On some streets, apparently able-bodied men sit passing away the time. On others, children scampers around playing grandmother's knees; they have been on the streets since early morning, will still be there at dusk. The nearest playground may be blocks away across busy streets, a short distance in time but a long distance in access around. There was a big recreation right across the street and they turn it down. * * * [They just closed it up—inside the building they put up a parking lot. * * * There aren't enough playgrounds, and if you go down to the railroad station, there is a big yard down there. * * * cops come and chase us off. * * * [14-year-old boy].

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the one who gets upset. My husband, he'll say something to Mel and then he'll just relax and forget about it. (Husband and wife laugh together.) There's little we can do you know. It's hard to talk to him cause he just go ahead and do what he wants anyway.

Such vacillations may be virtually inevitable where the man of the house is sometimes or frequently absent, introverted, or replaced by another; where coping with everyday life with too many children and too little money leaves little time or energy for discipline; or where children have arrived so early and unbidden that parents are too immature not to prefer their own pleasure to a direction for Change. The factors and relationships identified above—number of children, absence of father, restrictiveness of discipline, family status in the community, and others—are not susceptible of direct intervention by public programs. It is nevertheless inevitable that the family is a vital component in any consideration of delinquency and delinquents.

Given the need to make families functional better and the inapplicability of affecting them directly, the obligation of direct relationship between the prestige of the family in the family itself in modern life. There seems to be a direct relationship between the prestige of the family in the family’s place in the community that will determine the...
family's intricate and largely unpredictable interaction-
ships. Thus whatever helps each member realize his own
potential, whatever makes living and playing cleaner and
to outside world.

The Constitution recommends:

- Efforts, both private and public, should be intensified
to:
  - Reduce unemployment and devise methods of pro-
    viding minimum family income.
  - Reexamine and revise welfare regulations so they
    contribute to keeping the family together.
  - Improve housing and recreation facilities.
  - Ensure availability of family planning assistance.
  - Provide help in problems of domestic management
    and child care.
  - Make counseling and therapy easily obtainable.
  - Develop activities that involve the whole family
together.

Melos at jazz concert

YOUTH IN THE COMMUNITY

The typical delinquent operates in the company of his
own age mates. It has been estimated that between 60 and 90 percent of all
delinquent acts are committed with companions. That
act alone makes youth groups of central concern in con-
sideration of delinquency prevention.

It is clear that youth groups are playing a more and
more important part in the transition between childhood
and adulthood. For young people today that transition
is a long period of waiting, during which they are expected to be
seriously preparing themselves for participation at
some future date in a society that meanwhile provides
no role for them and withholds both the toleration ac-
corded children and the independence adults. Some
young people, however, lack the resources for becoming
prepared; they see the goal but have not the means to reach it. Others are resentful and impotent with the
failure of their stodgy elders to appreciate the contribu-
tions they feel ready to make. Many what’s-different from
suburbs also feel victimized by the moral absolutes of the adult society—unexplained injunctions about right
and wrong that seem to have little relevance in a complex
world controlled by people employing multiple and
 SHIFTING standards. Today youth accuse those ahead of them
of phoniness and of failure to define how to live both
honorsably and successfully in a world that is changing too
rapidly for anyone to comprehend.

The very rapidity of that change is making it even more
difficult for young people to envision the type of work
they might wish to commit themselves to, more difficult for them to find stable adult models with whom to iden-
tify. To fill the vacuum, they turn increasingly to their
own age mates. But the models they seek are usually the ones they help and behavior that youth subcultures furnish may lead them into conflict with their parents' values and efforts to
assert control. It has been suggested that, besides being
more dependent on each other, youth today are also more
independent of adults; parents and their young adoles-
cents increasingly seem to live in different and at times
antagonistic worlds. That antagonism sometimes ex-
plodes in antisocial acts.

Most of the youngsters who rebel at home and at school
seek security and recognition among their fellows on the
street. Together they form tightly knit groups in the
decisions of which they are able to participate and the
authority of which they accept as virtually absolute.
Their attitudes, dress, tastes, ambitions, behavior, pastime
are those of the group.

While the members are still young—before and during
their early teens—such groups engage with apparent
abandon and indifference in whatever seems like fun,
delinquent and nondelinquent. Only some of what they
do is seriously violent or destructive. Frequently, how-
ever, adults see even their minor misdeeds as malicious
and defiant and label the actors troublemakers. The at-
fishing of that label can be a momentous occurrence in a

youngster's life. Thereafter he may be watched; he may
be suspected; his every misstep may be seen as further
evidence of his delinquent nature. He may be excluded
more and more from legitimate activities and opportu-
nities. Soon he may be designated and dealt with as a
delinquent and will find it very difficult to move onto a
law-abiding path even if he can overcome his own be-

ligent reaction and negative self-image and seeks to
do so.

Being labeled a troublemaker is a danger of growing up
in subcultia as well as in the slums, but the suburbs are
more likely to provide parental intervention and psychi-
atrie, priests, family counselors to help the youth
abandon his undesirable identity. It is much harder for
the inner-city youth to find alternatives to a rebel role.
Thus it is in the slums that youth gangs are most likely to
drift from minor and haphazard into serious, repeated,
purposeful delinquency.

It is in the slums, too, that young people are most likely
to be exposed to the example of the successful career
criminal as a person of prestige in the community. To a
population denied access to traditional positions of status
and achievement, a successful criminal may be a highly
visible model of power and influence and a center of train-
ing and recruitment for criminal enterprises.

Johnny D. ** was about the hippest cat on Eighth Avenue **. He was a man ** 21 **.

Johnny D. had been in jail since he was 17 **.
Johnny did everything. He used to sell all the horse
(baron) in the neighborhood **. Everybody used to listen
when he said something. It made sense to listen—

he was doing some of everything, so he must have known
what he was talking about **. **. He even seemed to
know a lot of things. Johnny just about raised a lot of the
cats around here **. **. Claude Brown, Man-

Delinquent gangs are commonly blamed for much of
the street crime that presently alarms the Nation. In
fact, however, according to a detailed 5-year study, re-
cently completed, of the 700 members of 21 delinquent
gangs, gang violence against persons is too frequent, too
violent, and less controlled than is generally believed.
Only 17 percent of all the offenses excused by observers
involve personal violence, and about half of the vio-
 lent offenses were committed against rival gang members.
Much gang violence, in other words, appears to occur not
against strangers but in attempts to achieve or preserve
individual or gang status or territory.

Many cities have sent youth workers into the streets to
befriend gang boys and dissuade them from fighting.
Street workers have often succeeded in their immediate
objective of averting gang violence, but, with little more
permanent to offer than less tribe and hall guests, they
have rarely managed to convert boys from total gang in-
volved to more socially acceptable pursuits. Indeed,
there are indications that street work has in some cases
had negative effects by creating a vacuum too likely to be
filled by such destructive activities as using narcotics.

Even the hard core delinquent whose gang is his life con-
tinues to share the conventional American belief that
work and education are the right ways to get ahead in the
world.

Victims of gang violence
The Commission recommends:

**Effects, both private and public, should be intensified to:**

- **Involving young people in community activities.**
- **Train and employ youth as subprofessional aides.**
- **Establish Youth Service Bureaus to provide and coordinate programs for young people.**
- **Increase involvement of religious institutions, private social agencies, fraternal groups, and other community organizations in youth programs.**
- **Provide community residential centers.**

*Obligacy and the school*

The complex relationship between the school and the child varies greatly from one school system to another. The process of education is dramatically different in the slum than in the middle-class suburb. And the child and the problems he has to face vary so much. This support for the young people who are referred to it and those who come in on their own. Small residential centers have proved successful in a number of communities in steering away from incipent trouble by providing more supervision than they get at home, yet in an atmosphere that is not institutional or coercive.

Many organizations already exist that have as one of their aims—not the major one—the provision of programs for young people. Perhaps most universal are religious institutions, many of which offer a wide variety of services ranging from individual counseling to group activities, from traditional religious instruction and worship to outward looking community improvement efforts. Boys' Clubs, Scout and Girl Scout groups, fraternal organizations, Y's, settlement houses, and many private and semiprivate social agencies too have served the needs of young people for learning colors, using crayons and paper and paint. And since it is the principal educational instrument of the society, it is imperative that the school systems themselves are very different.

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The Commission recognizes that many in the field of education have identified the shortcomings of slum schools. The Commission recognizes that even in such schools students may have their problems. It is the mission of the Commission to help such schools move from the slums to the suburbs. Indeed, there are indications that Negro and lower-income students place a higher value on education than in the middle-class suburb. The child and the school systems themselves are very different. The slum school faces the greatest obstacle with the least resources, the least qualified personnel, the least adequate capacity for effective education. The school, unlike the family, is a public instrument for training young people. It is, therefore, more directly accessible to change through the development of new resources and policies. And since it is the principal public institution for the development of a basic commitment of the young people to the goals and values of our society, it is imperative that it be provided with the resources to compete with illegitimate attractions for young people's allegiance. Anything less would be a serious failure to discharge our Nation's responsibility to its younger generation.

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The Slum School: The manner in which the school system responds to the educational problems that the child brings with him is of extraordinary importance. It must be able to recognize these problems and to direct a battery of resources toward them.

Stimulated by the poverty program, recent and extensive studies have been made of the educational problems of children reared in slum communities. It has been clearly demonstrated that the educational system in the slums is far less well equipped than its nondescript counterpart to deal with the built-in learning problems of the children who come to it. Schools in the slums have the most outdated and dilapidated buildings, the fewest tests and libraries, the least experienced full-time teachers, the least qualified substitute teachers, the most overcrowded classrooms, and the least developed counseling and guidance services.

The inadequacies of facilities and teaching resources are aggravated by the slum school's increasing segregation, which results in an almost complete efforts to com­bat and prevent segregation, central cities are growing increasingly segregated. Because of overcrowding in lower income, and relatively white and affluent. Educational achievement is generally lower among nonwhite lower income students, and so social and economic segregation in the schools has the cir­cumstantial effect of exposing nonwhite lower income students to inferior examples of educational achievement. There is substantial evidence that the achieve­ment and aspirations of students are strongly related to the educational backgrounds and performances of other students in their school, and that nonwhite lower income students are housed in mixed or mid­dle class schools. Chief Justice Warren enunciated one depressing effect of racial stratification in Brown v. Board of Education of Topeka, the landmark desegrega­tion decision: To separate them from others of similar age and qualifi­cations to the extent that it generates a feeling of inferiority as to their status in the community may affect their hearts and minds in a way unlikely ever to be undone. Social and economic segregation compounded the social and educational obstacles of segregation in many middle schools, as the deficiencies of the slum school are further ag­gravated by a widespread belief that the intellectual capacities of the children are too limited to allow much education. As a result standards are lowered to meet the level the child is assumed to occupy. Frequently the chances to stimulate latent curiosity and excitement about learning is (irretrievably) lost, and the self-deprecating prophecy of apathy and failure comes true.

It is increasingly apparent that the seemingly group ing procedures often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way. Children with educationally deprived backgrounds often operate in this way.

Failure in School and Delinquency: The Downward Spiral of Failure. When the school system is not ade­quate with the early learning problems a child brings to school with a cycle of deterioration and failure may be set in motion. As the youngster is "passed over" from grade to grade to keep him with his age mates but before he has really mastered his tasks, failure becomes cumulative. While he may hesitate to fulfill his high school diploma, a subject dealt with in greater detail below. Too often, as a result of the virtual absence of relation­ship to the actual world, the school becomes irrelevant. The child, like the slum child arrives at school in the habit of being his master and is not about to surrender his autonomy to be carried on, if not always under placid conditions. The police, the slum child himself, the school, the society has no interest in him, his behavior may have a profound influence in either direction.
Like my Gross teacher, he understands all the students. He knew me like a joke with us for about the first fifteen minutes and then, you know, everybody gets settled down and then they want to do some work. He got a good sense of humor and he understands. [Gang member, 17 years old.]

Other teachers simply submit, ignoring as best they can the negative self-images that stem from the particular needs of the disadvantaged child. Some teachers, on the other hand, assume a right to control the child who arrives at school accustomed to autonomy and averse to assertions of authority. New programs that school desegregation introduces inner-city children to better schools outside the slums or accomplishes real improvement in slum schools, it would insurge at least the allocation of comparable resources to the education of nonwhite lower-class children, as well as giving them the educational advantage of contact with children at higher levels of preparation and performance. And while school integration imposed in advance of residential desegregation in tiney could subject as many as one-fourth of the students in inadequate slum schools at present slum children to good central schools, in fact the influx of the policy generally enunciated by middle-class parents would most likely result in rapid upgrading of poor schools to which their children had been next.

The Commission recommends:

In order that slum children may receive the best rather than the worst education in the Nation, efforts, both private and public, should be intensified to:

- Secure financial support for necessary personnel, buildings, and equipment.
- Improve the quality and quantity of teachers and facilities in the slum school.
- Combat racial and economic school segregation.

There are numerous ways in which schools must adapt themselves to the particular needs of the disadvantaged child. They must, for example, learn to cope with the child who arrives at school inadequately prepared for education. Instead of assuming that the child is stupid and lowering expectations for his achievement, schools must help the child make up for the preparation he has missed. That is the goal of the early childhood education programs, including both preschool and primary grades, already instituted in some schools: the preschool Head Start programs sponsored by the Office of Economic Opportunity have provided impetus for this effort on a nationwide scale. And better methods must be found for determining the innate ability of children and for encouraging each to achieve his full potential.

It is also important that schools learn to understand and control the child who arrives at school accustomed to autonomy and averse to assertions of authority. New methods of dealing with behavior problems are needed that avoid<labeling the child a troublemaker, excluding him from his group and from legitimate activities, and reinforcing misbehavior patterns.>

C urge seem useful for bringing new ideas and teaching methods into disadvantaged schools. There must be building programs to replace and improve deteriorated school buildings and to accommodate rapidly growing youth populations. Funds are needed for new equipment, for textbooks and libraries, and for teachers.

Present efforts to combat school segregation along racial and economic lines, and the housing segregation that underlies it, must be continued and expanded. To the extent that school desegregation introduces inner-city children to the better schools outside the slums or accomplishes real improvement in slum schools, it would insurge at least the allocation of comparable resources to the education of nonwhite lower-class children, as well as giving them the educational advantage of contact with children at higher levels of preparation and performance. And while school integration imposed in advance of residential desegregation in tiney could subject as many as one-fourth of the students in inadequate slum schools at present slum children to good central schools, in fact the influx of the policy generally enunciated by middle-class parents would most likely result in rapid upgrading of poor schools to which their children had been next.

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There are numerous ways in which schools must adapt themselves to the particular needs of the disadvantaged child. They must, for example, learn to cope with the child who arrives at school inadequately prepared for education. Instead of assuming that the child is stupid and lowering expectations for his achievement, schools must help the child make up for the preparation he has missed. That is the goal of the early childhood education programs, including both preschool and primary grades, already instituted in some schools: the preschool Head Start programs sponsored by the Office of Economic Opportunity have provided impetus for this effort on a nationwide scale. And better methods must be found for determining the innate ability of children and for encouraging each to achieve his full potential.

It is also important that schools learn to understand and control the child who arrives at school accustomed to autonomy and averse to assertions of authority. New methods of dealing with behavior problems are needed that avoid labeling the child a troublemaker, excluding him from his group and from legitimate activities, and reinforcing misbehavior patterns.
to conditions of life in the slums. Reading and subject matter must not be limited to people, places, and situations that have no meaning for the slum child. Schools should address the problems and issues in their real world: poverty, disease, drug addiction, unemployment, police harassment, and discrimination. One effort already made in this direction is development of primers that present slum children with and use vocabulary recognizable to them. Another is the designing, by Hunter College in New York, of new curricula for inner-city schools.

The Commission recommends:

In order that schools may better adapt to the particular educational problems of the slum child, efforts, both private and public, should be intensified to:

- Help slain children make up for inadequate preschool preparation.
- Deal better with behavior problems.
- Relate instructional material to conditions of life in the slums.

There are numerous other ways in which the school can and should adapt to the needs of the slain child. Where families cannot provide a place and time for study because of crowded housing, or where they do not because of lack of interest, schools can make their facilities available. Where family and community offer little opportunity for recreation, schools can offer their personnel, buildings, and equipment to fill the void. Where family and community health care is inadequate, schools can provide supplementary services.

Schools should assume a greater responsibility for preparing students for the future. They should help raise the aspirations and expectations of those students capable of higher education and should prepare them for college. In pursuit of the objective of the National Commission, schools should be encouraged to develop programs that are more fully responsive to the needs of the community it serves.

The Commission recommends:

In order that schools may better respond to community needs and parental expectations, efforts, both private and public, should be intensified to develop cooperation between schools and their communities.

- DELINQUENCY AND EMPLOYMENT

Growing up properly is difficult at best, but manageable at times of critical need. To become a fully functional adult male, one prerequisite is essential: a job. In our society a person's occupation determines more than anything else what life he will lead and how others will regard him. Of course other important factors exist as well, but one of the most significant influences on his future. For most young men, it is a secure job that is concerned with his identity is crucial. A job gives him a stake in the law-abiding world and a vestige to an expanding series of opportunities: To marry, to raise a family, to participate in civic affairs, to advance economically and socially and intellectually.

Getting a good job is not merely as easy as it used to be for those without preparation. To be a Negro, an 18-year-old, a school dropout in the slums of a large city is to have many times more chance of being unemployed than has a white 18-year-old high school graduate living a few blocks away. Poorly educated, untrained youth from 16 to 21 years of age are becoming the Nation's most stubborn unemployment problem, especially in the large cities. Our current economy simply does not use the skills and personal attributes they have to offer.

The search for a job may be even more discouraging when the young person has a delinquency record. There is evidence that many employers make improper use of records. A juvenile's adjudication record is required by law as one of the barriers to employment. Between 1965 and 1970, the number of nonwhite youth reaching 18 will increase by 20 percent over the 1965 level. During the same period, the white population in the same age group will actually decrease, and will not regain the 1963 figure of 3.3 million until 1975. During the 5-year period after that, the number of nonwhite 18-year-olds will generally increase by 20 percent while the number of white 18-year-olds will increase by only 10 percent.

And young people compose the category of workers with the highest unemployment rate. In 1965 the age unemployment rates for youth between 16 and 24 decreased somewhat from the peak reached in 1963. But the youth unemployment rate of youth aged 16 to 21 was over 12.5 percent, two and one-half times that for all workers. The 1.1 million young people unemployed represented, therefore, one-third of the jobless workers in the country, and for them the familiar syndrome—minority group member, school dropout, unemployed—holds stubbornly true. Of the 26 million young people who will enter the labor force during the 1960's, an estimated 25 percent of them will have no high school education. Only 45 percent will be high school graduates. Only 26 percent will have graduated from or even attended college.

Employment and Employability. Any young person meets a number of problems when he sets out to find a job. He must learn where and how to look, decide what he will look for, and finally, make himself acceptable. If he is not. In the labor market, he has a delinquency record, which limits his opportunities. The young person's problems are significantly more serious.

It is commonplace today to observe that educational preparation is increasingly required for getting and holding a steady job. One would expect, therefore, that those with a record of delinquent conduct. Undereducated youngsters are eligible only for unskilled jobs; it is hard for them to get a job. He must learn where and how to look, decide what he will look for, and finally, make himself acceptable. If he is not. In the labor market, he has a delinquency record, which limits his opportunities. The young person's problems are significantly more serious.

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The career decisions of these youths, and the reasons for them, are not really decisions at all. Some find their way back to school or into a job training program. Some drift among low paying jobs. Those who have good connections with organized criminal enterprises may feel few restraints against following a career that, although illegitimate, is relatively safe and lucrative; they have seen many others thrive on the proceeds of vice, and it will not be hard for them to persuade themselves that they too can demand for illicit goods and services justifies providing them. Others try theft; some become good enough at it to make it their regular livelihood; others lack aptitude or connections and become failures in the illegal as well as the legal world—habits of our jails and prisons. Finally, there are those who give up, retreat from conventional society, and search for a better world in the fantasy projects they can continue from drink and drugs.

The Transmission of Poverty From One Generation to the Next. Much of the research on educational preparation, or on programs that do not result in the availability of "killer," the effect of having an arrest record—all these decrease the youth's employment opportunities and increase his chances of becoming or continuing delinquent. Basic to the economics of delinquency is the transmission of poverty across the generations. Today, for the 16-year-old, unemployment is hard to find. What chance has a humble dwelling 6-year-old to break out of the cycle of poverty?

Individual initiative may be important in determining an individual's destiny, but it is also the economic and social forces shaping the way children are brought up, their economic incentives for fathers to remain in the home. The 6-year-old now enters school. Although his second grade, he may be lucky enough to avoid having to work or attend a slum school. If he is a 6-year-old to break out of the cycle of poverty? A better job training program should be prepared for youth still in school as well as for young permanent employees graduating from or leaving school.

Besides government and the schools, labor organizations and industry must become engaged in the effort to make youth employable. The youth training program sponsored by the National Association of Manufacturers provides an example of what can be done by industry, to the unusual benefit of industry and youth. Too frequently, even those qualified for existing jobs, lack easy access to job information. Typically, especially among inner-city young people who may feel alienated from regular methods of seeking employment, employment opportunity news travels chiefly by word of mouth; in areas where unemployment is already prevalent, job information is likely to be scarce. The Youth Opportunity Centers sponsored by the Department of Labor are one method of meeting this problem; others should be sought.

As discussed above, it is not only inadequate prepara tion, the old coin stands between young people and gainful employment, but also such special barriers as discrimination against nonwhites, exclusion on the basis of an arrest record. Many jobs require formal education and training, and some are available to the older youth who present the most serious difficulties is that of the human services—police and prisons. Finally, there are those who give up, retreat from conventional society, and search for a better world in the fantasy projects they can continue from drink and drugs.

A cycle continues...
THE JUVENILE JUSTICE SYSTEM

All three parts of the criminal justice system—police, courts, and corrections—have over the years developed special ways of dealing with children and young people. Many police departments have sought to develop specialists skilled at the difficult decisions that must be made about the many young people with whom the police have contact. Officers have organized and participated in ad hoc and other programs to help improve police relations with youth and enrich life in the community. Corrections systems have established separate institutions for juveniles and have emphasized probation offices for juveniles more than they have for adults. The juvenile court—even where it shares its judge with other tribunal or is not physically distinct—has a philosophy and procedures of its own and markedly unlike those of the adult criminal court.

Although its shortcomings are many and its results too often disappointing, the juvenile justice system in many cities is operated by people who are better educated and more highly skilled, can call on more—and better—facilities and services, and has more ancillary agencies to which to refer its clientele than its adult counterpart. Yet the number of cases referred to juvenile courts continues to grow faster than the juvenile population, the recidivism rate continues to increase, and while there are no figures on how many delinquents graduate in become grown criminally, it is clear that many do. This part of chapter 5 deals with ways in which the juvenile justice system can be made more effective and more fair.

THE POLICE: Initial Contact Point with the Juvenile Justice System

Whether or not a juvenile becomes involved in the juvenile justice system depends upon the outcome of an encounter with the police. Such encounters are frequent, especially in the crowded inner city.

Police officer (in cap) talks with a juvenile (in sports jacket) who is participating in a street crime.
tions, rely heavily on the social sciences for both diagnosis and prescription, and are committed to rehabilitation of the juvenile as the predominant goal of the entire system. Specific programs, such as those for delinquency prevention, are also highly sophisticated, with multiple centers, research facilities, and evaluative techniques. However, the court's primary function, which is to adjudicate delinquency cases, is still very much in the hands of judges, who often make decisions based on their own intuitions or personal beliefs.

One crucial presupposition of the juvenile court philosophy—a mature and sophisticated one—is that it is the court's responsibility to provide a setting that is conducive to rehabilitation. This includes a variety of services, such as counseling, education, and treatment programs. The court's philosophy is that by creating an environment that is supportive and encouraging, it is possible to help young people turn their lives around.

Despite these efforts, however, the success rate of juvenile court programs is often low. Some studies have shown that only a small percentage of young people referred to the court for treatment actually receive it. In addition, the court's focus on rehabilitation can sometimes lead to a lack of accountability for the young people who fail to comply with court orders. This can result in a cycle of repeated offenses and further marginalization for young people who are already struggling to find their place in society.

In conclusion, while the juvenile court system has made significant progress in recent years, there is still much work to be done in order to ensure that young people have access to the services they need and are able to achieve a successful outcome. The challenges facing the juvenile court system are complex, and require a multi-faceted approach that includes collaboration between different agencies, as well as a focus on prevention and early intervention.
or juvenile justice system, and the sheer volume of workload are among the most important considerations. Informal and discretionary pre-judicial dispositions already do a relatively good job of the rehabilitative aspect of the process to the far greater extent in the juvenile than in the criminal justice system. The primary role of the rehabilitation agencies in dealing with juveniles, the limited effectiveness of the formal processes of the juvenile justice system, the labeling inherent in adjudicating children delinquents, the inability of the formal system to reach the influences—family, school, labor market, recreational opportunities—that shape the life of a youngster, the limited disposition options available to the juvenile judge, the limitations of personnel and diagnostic and treatment facilities, the lack of community support—all of these factors give pre-judicial measures a unique and important role with respect to juveniles.

Informally, the informal and pre-judicial processes of adjustment compete in importance with the formal ones and account for a majority of juvenile dispositions. Those who are judged by the police officer (or juvenile officer) to ignore conduct or warn the child or refer him to other agencies include a broad cross-section of police, in which the child's release may be made conditional on his complying with designated limitations on his conduct; the planned diversion of alleged delinquents away from the court system within the school, clinic, or other community facilities, by such groups as mental health, social, and school guidance agencies; pre-judicial dispositions, at the intake stage of the court process, by probation officers or using a broad array of dispositions function and selecting among alternatives that include outright dismissal, referral to another community agency for service, informal supervision by the probation staff, diversion to the school, and property/parole actions. In many courts the intake process itself disperses the majority of cases.

Pre-judicial decision-making, therefore, is far more discretionary and perilous, in that vast continent of sub judic peace. It exists outside of and hence beyond the guidance and control of adequate policies and legal restraints. It is largely invisible—unknown in its detailed operations—and hence beyond the scrutiny, responsibility, and criticism. Discretion too often is exercised haphazardly and episodically, without the statutory obligation to account and without a foundation of full and adequate information about the offender and about the availability and likeliness of alternative dispositions. Opportunities occur for illegal and discriminatory restraints, for abuse of authority by the ill-intentioned, the prejudiced, the overzealous. Irrelevancy, uncertainty, noncompliance, dissimulation, sentimentality, understating, overburdening loads—may govern officials in their largely personal exercisers discretion. The consequence may not only be injustice to the juvenile but diversion out of the formal channels of those who would be the best interests of the community require to be dealt with through the formal adjudicatory and dispositional processes.

Yet on balance, it is clear that the Commission that informal pre-judicial handling is preferable to formal treatment in many cases and should be used more broadly. The possibilities of rehabilitation agencies for referral far greater extent in the juvenile than in the criminal justice system. The primary role of the rehabilitation agencies in dealing with juveniles, the limited effectiveness of the formal processes of the juvenile justice system, the labeling inherent in adjudicating children delinquents, the inability of the formal system to reach the influences—family, school, labor market, recreational opportunities—that shape the life of a youngster, the limited disposition options available to the juvenile judge, the limitations of personnel and diagnostic and treatment facilities, the lack of community support—all of these factors give pre-judicial measures a unique and important role with respect to juveniles.

(a) Pre-Judicial Handling by the Police. The police should promptly determine which cases are suitable for pre-judicial disposition. Where there are juvenile specialists, they should be present at the stationhouse for as many hours of the day as possible and available on call when asked. They are esentially in a position to judge conduct or warn the child or refer him to other agencies. In any event, the police should have written standards for release, for referral, for property/parole, and for time of control. It substitutes an authoritative, written policy for ad hoc, informal 

(b) Community Agencies. There should be expanded use of community agencies for dealing with delinquents unstigmatized and close to where they live. Use of community agencies for dealing with delinquents can be enhanced in two ways. First, residents of police districts could be referred by the police directly to a community agency when they believe the resident brings greater appreciation of the complexity of delinquents' problems, thereby encouraging the sense of public responsibility that financial support of programs requires.

Referrals by police, school officials, and others to local community agencies should be on a voluntary basis. To protect against abuse, the agency's opinion of court referral should terminate when the juvenile or his family and the community agency agree upon an appropriate disposition, which could be a decision on whether the agency has sufficient information to undertake a case. In addition to outright referral to nonjudicial agencies, the police should undertake to redirect juveniles by such means as referral to a social agency, a guidance service, or a neighborhood program. In cases where information is insufficient for a direct referral, the police should be authorized to make the basis for intervenc training that would consider, besides supervision by the police, the possibility of community resources pertinent to understanding of juvenile behavior and making more effective use of nonjudicial community resources.

In cases where information on the child is limited, it should be sought through home visits as well as from official records, and the police should be aided, or replaced, by paid case aides drawn from the neighborhood or in cooperation with the community and their ability to communicate easily with juveniles and their families.

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The Commission recommends:

The movement for narrowing the juvenile court's jurisdiction should be continued.

Specifically, the Commission recommends as follows:

1. Any act that is considered a crime when committed by an adult should continue to be, when charged against a juvenile, the business of the juvenile court.

The consent-violation-only-for-children category of the court's jurisdiction should be substantially circumscribed so that it comes to include such acts as making, swearing, and disobedience to parents and comprehends only acts that entail a real risk of long-range harm to the child, such as experimenting with drugs, especially becoming pregnant out of wedlock, and being habitually truant from school. Society, consideration, at the basis, should be given to complete elimination of the court's power over children for noncriminal conduct.

The consent-violation-only-for-children category of the court's jurisdiction should be continued since it involves conflict between the parents' right to custody and the child's physical and mental well-being.

Dependency jurisdiction should be abolished since such cases involve liability rather than willful failure to provide properly for children and can adequately and more appropriately be dealt with by social, nonjudicial agencies.

The neglect jurisdiction of the juvenile court should be continued since it involves conflict between the parents' right to custody and the child's physical and mental well-being.

The neglect jurisdiction of the juvenile court should be abolished since it involves conflict between the parents' right to custody and the child's physical and mental well-being.

Juvenile courts should make full use feasible use of available conferences to dispose of cases where willful jurisdiction is unnecessary.

Experience of over half a century with juvenile courts has taught us that these aspirations were greatly over-optimistic and children too often become an anchorage service to facilitating gratuitous coercive intrusions into the lives of children and families. Recent legislative developments in several States, including California, Illinois, and New York, have significantly narrowed the court's jurisdictional bases.

The Commission recommends:

Juvenile courts should employ consent decrees wherever possible to avoid adjudication while still jailing juvenile cases and treating offenders.

(b) Legislative Standards for Juvenile Court Intervention.

A hallmark of the juvenile court has traditionally been the inclusiveness in its jurisdiction of a very diverse group, sometimes characterized as children in trouble—whether the trouble consists of youthful conduct, truancy or other conduct wrong only for children, or a parent's inadequacy or absence. The basic philosophy of the juvenile court was considered antithetical to narrow, restrictively specific jurisdictional requisites, and so they were disregarded and the court intended to bring within the court's jurisdiction virtually any child who does wrong, and then and only then.

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(a) Preliminary Jurisdiction for the Child.

The original humanitarian function of the juvenile court was believed to require a significant change in the manner in which courts determined which children to deal with and how to deal with them. The formalities of criminal procedure were designed to protect adults who were not the sole preoccupation of the juvenile court.

The rationale for this comprehensive array of jurisdictional pegs generally emphasized the growth of social as opposed to legalistic judgment and the new emphasis on the interdisciplinary approach with the ascending social and behavioral sciences.

Experience of over half a century with juvenile courts has taught us that these aspirations were greatly over-optimistic and children too often become an anchorage service to facilitating gratuitous coercive intrusions into the lives of children and families. Recent legislative developments in several States, including California, Illinois, and New York, have significantly narrowed the court's jurisdictional bases.

In recent years, however, there has been a mounting reaction against this consensus toward formalization and increased jurisdictional protection for juveniles and young offenders. Research and legislative efforts in the States of California, Illinois, and New York, has significantly narrowed the court's jurisdictional bases.
import by their possibility a healthy atmosphere of accountability.

Fears have been expressed that lawyers would make juvenile court proceedings adversarial. New York is partly true, but it is partly desirable. Informality is often the keystone of the whole structure of guarantees that a present evidence and testimony of one's own, to be able to invoke those rights effectively. The most informal proceedings are called for. They deal with many cases involving conduct that can lead to incarceration or close supervision for long periods, and therefore juveniles often need the same safeguards that are granted to adults. And in all cases children need advocates to speak for them and guard their interests, particularly when disposition decisions are made. It is the disposition stage at which the following problems arise: (1) the roles of the court's coercive power will be applied without adequate knowledge of the circumstances.

Fears also have been expressed that the formality lawyers would bring into juvenile court would impair the therapeutic aims of the court. But informality has no necessary consequence. A great many instances have been used to show that it is possible to conduct hearings in a way that is not only possible, but also desirable. It is quite possible that in many instances formal court representation may make the children's interests, particularly when disposition decisions are made. It is the disposition stage at which the following problems arise: (1) the roles of the court's coercive power will be applied without adequate knowledge of the circumstances.

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The Commission recommends:

Council should be appointed to a status of course whenever coercive action is a possibility, with no inherent admission or involuntary commitment. The height of the juvenile court's procedural infirmity is its failure to differentiate clearly between the adjudication hearing, whose purpose is to determine the truth of the allegations in the petition, and the dispositional proceeding, at which the juvenile's background is considered in connection with deciding what to do with him. In many juvenile courts the two quotions are dealt with in the same proceeding or are separated only in the minority of cases in which the petitioner's allegations are at issue. Even where adjudication and disposition are dealt with separately, the social reports, containing material about background and character, and the hearing on the facts of the case difficult, are often given to the judge before adjudication. Practice on disclosure of social reports to the juvenile, his parents and lawyer, if he has one. And in all cases children need advocates to speak for them and guard their interests, particularly when disposition decisions are made. It is the disposition stage at which the following problems arise: (1) the roles of the court's coercive power will be applied without adequate knowledge of the circumstances.

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information will not be used against the juvenile's interest. Social reports—which often contain the most personal information and may incorporate the investigator’s subjective interpretations—should be available only on a strictly limited basis to those agencies that need and will use the information for the same purpose for which it was originally gathered. Thus, social reports would be available only to agencies such as criminal court probation departments, mental health clinics, social agencies dealing with the delinquent.

The above recommendations on procedure must be seen as part of a whole pattern of recommendations concerning the juvenile court, particularly those with respect to pre-judicial handling and standards for legislative intervention. The major impact of these proposals would be to deemphasize adjudication as the primary method for dealing with difficult children. Most of those who did filter through to adjudication would be youths who had already proved resistant to helping services or whose conduct was so repetitive or so clearly dangerous to the community that no other alternative seemed feasible. A schematic representation of the proposed system appears on page 69.

The Commission strongly believes that all of these proposals will improve the effectiveness and the fairness of the juvenile justice system. But the fairest and most effective method for determining what treatment is needed cannot guarantee the availability of that treatment. In the last analysis, therefore, it is developing and establishing treatment methods and programs that must particularly engage the immediate and continuing efforts of communities concerned about juvenile delinquency and youth crime.

CONCLUSION

Society's efforts to control and combat delinquency may be seen as operating at three levels:

The first and most basic—indeed, so basic that delinquency prevention is only one of the reasons for it—involves provision of a real opportunity for everyone to participate in the legitimate activities that in our society lead to or constitute a good life: education, recreation, employment, family life. It is to insure such opportunity that schools in the slums must be made as good as schools elsewhere; that discrimination and arbitrary or unnecessary restrictions must be eliminated from employment practices; that job training must be made available to everyone; that physical surroundings must be reclaimed from deterioration and barrenness; that the rights of a citizen must be exercisable without regard to creed or race.

The pursuit of these goals is not inconsistent with the need to strengthen the system of juvenile justice. Some young offenders are dangerous repeaters, responsible for holdups, muggings, aggravated assaults—the crimes that frighten people off the streets. Others, while less threatening, have already shown themselves resistant to non-coercive rehabilitative efforts. Dealing with these youths so as to protect society requires—at least at this point in our understanding of human behavior—custody, adjudication of fact, imposition of sanction. Those measures depend upon an effective, efficient system of juvenile justice. Swift apprehension, thorough investigation, prompt disposition—carried out by persons carefully selected and trained for their functions—should maximize the system's deterrent impact and the respect accorded the law it upholds. Imprison as the juvenile justice system does deal with delinquency, its dealings should be characterized by these attributes.

Further, the system should operate with all the procedural formality necessary to safeguard adequately the rights that any person has when he is subject to the application of coercive power. Juveniles should be represented by counsel; they should be able to confront those complaining of their conduct; their fate should not be determined by hearsay or gossip. They should not be unnecessarily detained.

Between these two aspects of delinquency control—the first relevant to all young people, the second reserved for those who appear to need the coercive authority of the court—there is a third: response to the special needs of youths with special problems. They may already have delinquency records. They may be delinquent but not seriously so. They may be law-abiding but alienated and uncooperative in making use of education or employment or other opportunities. They may be behavior or academic problems in school, or misfits among their peers, or disruptive in recreation groups. Whatever the nature or degree of the difficulty, today they are all too likely to be excluded by most agencies and institutions, which find these youngsters, whom ostensibly they exist to help, in fact more than their limited resources can manage. They may restrict the participation of such youths in extra-curricular school activities, keep them segregating from their fellows in special classes, eliminate them from recreation groups, rate them ineligible for certain sorts of therapy.

For such youths, it is imperative to furnish help that is personalized and adequate enough to deal with their individual needs but does not separate them from their peers and label them for life. Providing sufficiently specialized services while yet avoiding destructive labeling and stigma poses one of the central dilemmas in the delinquency prevention area. In this chapter the Commission has attempted to suggest some methods of meeting it—by minimizing the separation in special classes of children who need additional help in school and by returning them to regular routine as soon as possible; by involving whole groups of young people, rather than just the trouble-makers, in community activities; by requiring that the Youth Services Bureau accept and deal with all youth and encouraging it, by means of specially earmarked funds, to develop intensive programs for delinquents. Whatever the specific methods chosen, the problem must be attacked, for it is with these young people that most youth-serving agencies today are having the least success.
Chapter 4

The Police

The Police—some 420,000 people working for approximately 45,000 separate agencies that spend more than $21/2 billion a year—are the part of the criminal justice system that is in direct daily contact both with crime and with the public. The entire system—courts and corrections as well as the police—is charged with enforcing the law and maintaining order. What is distinctive about the responsibility of the police is that they are charged with performing their functions where all eyes are upon them and where the going is roughest, on the street. Since this is a time of increasing crime, increasing social unrest and increasing public sensitivity to both, it is a time when police work is peculiarly important, complicated, conspicuous, and delicate.

"Police work" is a phrase that conjures up in some minds a dramatic contest between a policeman and a criminal in which the party with the stronger arm or the craftier wit prevails. To be sure, when a particularly desperate or guileful criminal must be hunted down and brought to justice, there are heroic moments in police work.

The situations that most policemen deal with most of the time are of quite another order, however. Chapters 2 and 3 of this report have shown that much of American crime, delinquency, and disorder is associated with a complex of social conditions: Poverty, racial antagonism, family breakdown, or the restlessness of young people. The situations that most policemen deal with most of the time are clear public nuisances that the community wants stopped: Radios blaring or dogs barking at 3 o'clock in the morning, more or less convivial groups obstructing sidewalks, or youths throwing snowballs at passing motorists.

Many situations involve people who need help whether they want it or not: Helpless drunkards in freezing weather, runaway boys who refuse to go home, tourists in search of exciting night life in a dangerous neighborhood. Many of them involve conduct that, while unlawful, cannot be prevented or deterred to any great degree by means now at the disposal of the criminal justice system. Using narcotics, prostitution, gambling, alcoholism. Many situations, whether or not they involve unlawful conduct, may be threatening: A sidewalk vendor exercising the right of free speech in the midst of a hostile crowd, a midnight street corner gathering of youths whose intentions are questionable, an offer by a belligerent drunk to lick any man in the house.

All of these situations could involve the violation of some ordinance or statute. All of them could lead to a serious breach of public order, or for that matter to a serious crime. Much of police work is seeing to it they do not lead to this extreme. This means becoming involved in the most intimate, personal way with the problems of citizens of all kinds.

It is hard to overstate the intimacy of the contact between the police and the community. Policemen deal with people when they are both most threatening and most vulnerable, when they are angry, when they are frightened, when they are desperate, when they are drunk, when they are violent, or when they are ashamed. Every police action can affect in some way someone's dignity, or self-respect, or sense of privacy, or constitutional rights. As a matter of routine policemen become privy to, and make judgments about, secrets that most citizens guard jealously from their closest friends: Relationships between husbands and wives, the misbehavior of children, personal eccentricities, pecuniary and legal affairs.

A great majority of the situations in which policemen intervene are not, or are not interpreted by the police to be, criminal situations in the sense that they call for arrest with its possible consequences of prosecution, trial, and punishment. This is not to say that the police intervene in these situations mistakenly. Many of them are clear public nuisances that the community wants stopped: Radios blaring or dogs barking at 3 o'clock in the morning, more or less convivial groups obstructing sidewalks, or youths throwing snowballs at passing motorists.

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physically restrain or subdue unruly citizens.

A common kind of situation that illustrates the complexity, delicacy—and frustration—of much police work is the marital dispute, which police experts estimate consumes as much time as any other single kind of situation. These family altercations often occur late at night, when the only agency available to people in trouble is the police. Because they occur late at night, they can disturb the peace of a whole neighborhood. And, of course, they can lead to crime; in fact, they are probably the single greatest cause of homicide. Yet the capacity of the police to deal effectively with such a highly personal matter as conjugal disharmony is, to say the least, limited. Arresting one party or both is a highly personal matter as conjugal disharmony occupies the front line. It is he who directly confronts criminal situations, and it is he that the public looks for personal safety. The freedom of Americans to walk their streets and be secure in their homes—in fact, to do what they want when they want to—is very much a matter of their policemen.

But the fact that the police deal daily with crime does not mean that they have unlimited power to prevent it, or reduce it, or deter it. The police did not create and cannot solve the social conditions that stimulate crime. They did not start and cannot stop the compulsive social changes that are taking place in America. They do not enact the laws that they are required to enforce, nor do they dispose of the criminals they arrest. The police are only one part of the criminal justice system; the criminal justice system is only one part of the government; and the government is only one part of society. Insofar as crime is a social phenomenon, crime prevention is the responsibility of every part of society. The criminal police are limited to case by case operations, one criminal or one crime at a time.

The Law Enforcement Function of the Police

In society's day-to-day efforts to protect its citizens from the suffering, fear, and property loss produced by crime and the threat of crime, the policeman occupies the front line. It is he who directly confronts criminal situations, and it is he that the public looks for personal safety. The freedom of Americans to walk their streets and be secure in their homes—in fact, to do what they want when they want to—is very much a matter of their policemen.

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But in order to work effectively, the police should—and all too often do not—recognize crime as a broader phenomenon. Since criminals do not obey the law everywhere and all the time, law enforcement in America is infinite in scope and never ceases. Crime is ubiquitous; criminals are omnipresent. In any part of the country at any moment, somewhere a crime is being committed. And yet, when that has been said, the fact remains that the mission of the police is not to remove the causes of crime, but to deter crime, and to deal with specific criminals wherever they are, and with specific crimes whenever, wherever and however they occur. Moreover, they perform this mission under a variety of restrictions, some of them within their power to alter, some of them not.

The Legal Powers of the Police

The struggle to maintain a proper balance between effective law enforcement and the rights and freedoms of individuals pervades the entire criminal justice system. It is particularly crucial and apparent in police work because, as has been noted, every police action can impinge directly, and perhaps hastily, on a citizen's freedom of action. To maintain public order, policemen, as a matter of routine, issue such orders as "cut down the noise" and "stand back." Such exercise of police power often carries no fundamental threat to individual freedom, and is accepted as reasonable by the public and the courts alike. Policemen, as a part of their crime prevention and solution duties, step across the line into their business and, if necessary, detain them for brief questioning. Often the police consider this power to be essential, and they assume that they have the legal right to exercise it.

But standard police procedures that are more intrusive have, during the last 30 years, been increasingly circumscribed by court rulings. Personal and property searches and the seizure of the evidence they yield, the use of information gathered in warrants, and interview techniques of detention and questioning of suspects have been more and more rigorously measured by the courts against the constitutional standards of due process, right to counsel, probable cause, privilege against self-incrimination, procedural due process, and the rights of free speech and peaceable assembly. Issues that are now under court review, and probably will be for many years to come, are the temporary detention of suspects for questioning on the street, the entry of undercover policemen in suspect premises and electronic surveillance—all of which are practices police officials consider essential as either general or specific police enforcement techniques.

It is evident that every restriction that is placed on police procedures by the courts, or anyone else—matters of deterrence or solving crimes more difficult. However, it is also evident that police procedures must be controlled somehow. In 1951, the Wickersham Commission reported that the extraction of confessions through physical brutality was a widespread, almost universal, police practice. During the next several years the Supreme Court issued a number of rulings that excluded such confessions as admissible evidence in court. There can be no doubt that these rulings had much to do with the fact that today the third degree is almost nonexistent. No one can say just how much the third degree helped law enforcement in deterring or solving crimes, but even if it helped considerably few Americans regret its virtual abandonment by the police.

America's form of government, its laws and its Constitution, all express the desire to maintain the maximum degree of individual liberty consistent with maintenance of social order. The process of striking this balance is complex and delicate. An example is the "probable cause" standard that governs arrest. Probable cause does not insure that no innocent man ever will be arrested, but it does restrict police actions that are arbitrary or discriminatory or insensitive. At the same time, it is far less restrictive than the standard that governs confessions in court and is "reasonable doubt." If the police had to abide by this standard before making an arrest, law enforcement would be an all but impossible job.

In any case, although the courts can review police actions, and do review them more than they once did, most police actions are not so reviewed. Those that do not lead to arrest and prosecution almost never are
reviewed for the simple reason that, short of a civil suit against the police by a citizen, there is no court machinery designed to meet those needs, being effectively presented to the court. If judges are to balance accurately law enforcement, judges argue the merits of those cases, the need for empirical research what the needs of law enforcement are, and they can enumerate policies and prescribe practices that meet those needs.

If the present trend continues, it is quite likely that some current investigative practices and procedure thought by police to be proper and effective will be held to be unconstitutional or subjected to restrictive rules. Whether this happens will depend in part upon whether the police, first, can develop policies that differentiate the proper from the improper use of particular investigative practices, and whether, second, they can issue through proper supervision that individual officers are held to those policies. In an equally large manner, State legislators are responsible for establishing police policy. As the New York police commissioner observed: "The fundamental decision acting through its elected representatives must decide and state precisely what it wants the police to do, not simply admonishing them for disobeying its distinct or nonexistent command."

The Commission, therefore, cannot and will not in any way comment upon the two investigative practices that are particularly clouded in controversy and that law enforcement officials believe are crucial. One of them is wiretapping and electronic eavesdropping. The state of the law in this field is so thoroughly confused that no policeman, except in States where wiretapping is legal, can be certain about what he is allowed to do. This situation, and the Commission's proposals for clarifying it, are discussed at some length in Chapter 7.

The other issue involves the basic police practice of "stop and frisk." Various court decisions have been handed down on the street and, for the policeman's self-protection, "frisking" them, the suspect is "reasonable." The police are observers of high-crime neighborhoods of some large cities report that 10 percent of those frisked were found to be carrying guns, and another 10 percent were found to be carrying knives. The police were forbidden to stop persons at the scene of a crime, or in situations that strongly suggest criminality, investigative leads could be lost or persons disappeared into the massive impersonality of an urban environment. Yet police practice must distinguish carefully between legitimate investigative interdictions and indiscriminate detention and street searches of persons and vehicles.

The Commission recommends:

State legislators should enact statutory provisions with respect to the authority of law enforcement officers to stop persons for brief questioning, including specific limitations of the circumstances and limitations under which stops are permissible.

Such authority would cover situations in which, because of the limited knowledge of a policeman just arriving at the scene, there is sufficient basis for arrest. Specific limitations on the circumstances of a stop, the length of the questioning, and the grounds for a frisk would prevent the kind of mass interdiction that the Commission study also indicated, occurs today in a substantial number of street incidents in some cities. As discussed in a later section, such statutes should be implemented by the creation by police administrators of specific guidelines for police action on the street.

The operational problems of law enforcement are tremendously serious when one considers what the costs of being under police scrutiny that often, in any case few could afford to provide it.
An adequate number of policemen must be available and must be deployed in the most efficient, effective manner possible. On the theory that the widest police coverage is the most deterrent, police have only occasionally stopped to ask the ways of obtaining this coverage in the most economical fashion and at the times and places where it is most needed. However, resources and talent for proper research have not been devoted to any great extent to discovering and analyzing the relationship between police patrol and deterrence. There have been few scientifically controlled experiments concerning deterrent effects of various patrol techniques. One line for such experimenting on the effects of deploying varying numbers of policemen, suggested by the Science and Technology Task Force, is described in chapter 11. There are a multitude of questions about deterrence that the police, in the present state of knowledge, simply cannot answer. One set of questions concerns the extent to which crimes of various kinds can be deterred. Common sense would seem to suggest that crimes like homicide, which are typically committed in moments of high emotion, are less likely to be deterred by fear of arrest and punishment than crimes like burglary, which typically arise from premeditation and calculation. But little or no research into this subject has been done. Another set of questions concerns the extent to which various kinds of people can be deterred from crime. Once again, on the basis of past experience, it can be maintained that youths are more likely to commit crimes than older people because they tend to be more hooliganish, or that people with criminal ancestors are more likely than those who have none because the social stigma of being a convict has already been imposed on them. Once again, there are no data on which to base such findings. A third set of questions concerns where and when what kinds of crimes are most likely to occur. Clearly such knowledge is needed if the police are to look for and find those right places at the right times. A number of big-city police departments do have fairly ambitious programs of crime analysis, but they are too recent for meaningful evaluation. The departments must have the aid of representatives of academic disciplines—such as operations analysts, criminologists and other social scientists—before crime trend predictions can be made. Meanwhile, a number of recent studies have shown that different patrol techniques result in arrests and lead to the fear of arrest. There has been a good deal of discussion in police circles about foot patrol versus motor patrol, one-man patrol versus two-man patrol, fixed patrol versus fluid patrol, whether or not to use detectives on patrol, and other such technical matters. Lack of knowledge about deterrence has meant that many of these operational changes have been made on the basis of hearsay or logic, rather than on facts. Perhaps the best proof there is to be discovered about police work is that the ratio of policemen per thousand inhabitants in cities of over 500,000 is 1,930 crimes per day to 1,074. The increase range from 1,074 to 4,064, while the incidence of reported crimes in those cities shows so such gross differences. One of the best signs of a suspect's name in 345 different cities is its geographic location, and its population size is far from determining police needs. However, another part is that there is no consensus among chief administrators about many aspects of the how, what, and when of police patrol.

Investigation

When patrol fails to prevent a crime or apprehend the criminal while he is committing it, the police must rely upon investigation. Every sizable department has a caseload of investigators—specialists—whose job it is to solve crimes by questioning victims, suspects, and witnesses, by looking into the experience of the crime, and by tracing stolen property or vehicles associated with the crime. In a large department the caseload carried by detectives are too heavy to allow them to follow up thoroughly more than a small percentage of the cases assigned to them. In other words, a great many cases are unsealed by default—or, at least, time will seldom permit a determination of whether or not they are solvable. The effects of this condition go far beyond lack of redress for many victims of crime.

A Commission survey of the reasons gives for not reporting crimes to the police shows that the number one reason in the conviction that the police cannot do anything. If this impression of the ineffectiveness of the police is widely held by the public, there is every reason to believe that it is caused by criminals and would-be criminals. Under such circumstances, "determined" is, to say the least, not operating as well as it might.

In the present state of police knowledge and organization many crimes are, in fact, not solvable. In the great majority of cases, personal identification by a witness or victim is the only clue to the identity of the criminal. The best possible clue is a report of a suspect was named, only 181 cases were cleared. Since crimes against the person are more likely to be named—suspect crimes than crimes against property, it is natural that a much higher proportion of these are solved. In 1965, 78 percent of reported serious crimes against property were solved.

An increase in the number of investigative personnel would permit a wider search for possible witnesses to a crime and thus increase the number of cases in which suspects are named. However, insufficient manpower is not the only impediment to effective investigation. Scientific crime detection, popular fiction to the contrary as one of its aims. Of the 1,375 crimes for which no suspect was named, only 181 cases were cleared. Since crimes against the person are more likely to be named—suspect crimes than crimes against property, it is natural that a much higher proportion of these are solved. In 1965, 78 percent of reported serious crimes against property were solved.

Successful crime solution also depends on good patrol work. The Los Angeles study, admittedly conducted on a very small scale, bore out. Nineteenth of the arrests were made by patrolmen rather than by detectives, although a quarter of the patrolman's arrests were on the basis of clues provided by detectives who conducted follow-up investigations. There appears to be a correlation between crime solution and the time it takes for patrol officers to respond to a call. The average response time in cases in which arrests were made was 6.1 minutes; in cases in which arrests were not made it was 6.3 minutes. The Los Angeles study further shows that almost 8 percent of all arrests were made within one-half hour of the commission of the crime, 19 percent within a full hour. The police, more accurately than the detective, are "cold." The new division of police functions which is proposed in a later section of this chapter has this one of its aims.

The Community Service Function of the Police

In the course of inquiring into police activities, the Commission encountered many differences of opinion among police administrators as to whether the police responsibility in the community are more difficult by the many duties other than enforcing the law that policemen ordinarily perform. Police, in large numbers, direct and control traffic. Policemen watch the polls on election day, escort important visitors in and out of town, protect animal shelters. Policemen assist stranded motorists, give directions to travelers, rescue lost children. Policemen, being ever present and mobile, are logical candidates. Since much of a uniformed patrolman's time is spent on anything but police work, it is natural that the public will have a much wider range of services. They are services somebody must perform, and policemen being trained in the police are logical candidates. Since much of a uniformed patrolman's time is spent on anything but police work, it is natural that the public will have a much wider range of services. They are services somebody must perform, and policemen being trained in the police are logical candidates.
he might have deterred may be committed; that a patrol
man busy on a service call is out of communication with superiors who may want him for an emergency call; that the only way policemen can become the crime specialists they should be is by concentrating exclusively during every working hour on crime; that the routine per-
formance of trivial duties discourages able men from en-
suring police work and drives other able men out of it.

The opposing arguments are that traffic officers often do deter crimes or solve them by virtue of their presence and availability; that answering service calls stimulates public esteem for and cooperation with the police; helps familiarize policemen with the community and furnish investigative leads to alert and intelligent officers; that opportunities to be friendly and useful are psychologically valuable to men who spend much of their time dealing with the same sort of life.

The Commission had difficulty in analyzing these arguments explicitly. Police department records rarely reveal what proportion of working time policemen spend on what activities—preventive patrol, answering service calls, investigating crimes, appearing in court, writing tickets, directing traffic and so forth. In the absence of conclusive proof to the contrary, the Commission be-
lieves that the performance of many of the nonenforce-
ment duties by the police helps them to control crime, and that radically changing the traditional police role would create more problems than it would solve—including the problem of finding other people to perform the indispensable services the police would be excused from performing.

However, the community should take a hard look at such police assignments as running the dog pound, tax collection, licensing, jail duty or chauffeur duty, which are related neither to law enforcement nor to performing essential community services on the streets. Meanwhile, police administrators and other municipal officials should try to answer such questions as whether the extent of the contribution to law enforcement made by traffic policemen, the kind of calling that demonstrably deter crime, the nature of the services the community demands of its policemen—short how policemen should be spending their time. These questions cannot be answered definitively today.

The community's study of the role of the police should cover additional ground. It should examine whether it is desirable, or possible, for the police to devote more time than they now generally do to performing community services against social injustices. Some of those injustices which are criminal, such as loan sharks and consumer frauds, are already police business, although they are more com-
monly of a sort dealt with by headquarters squads or in-
vestigators working for a district attorney than by uni-
formed policemen.

Others are not police business, but perhaps should be. Policemen are uniquely situated to observe what is happening in their community. They are in contact with the conditions associated with crime. They

see in minute detail situations that need to be and can be corrected. If a park is being badly maintained, if a school playground is locked when it is most needed, if garbage goes uncollected, if a handbill fails to repair or heat his building, perhaps the police could make it their business to inform the municipal authorities of these derelictions. In such a way, police would help to represent the community in securing services to which it is entitled.

In large measure the answer to these questions depends on whether such new activities could be performed with-out excessive increases in police personnel. In this chap-
ter a recommendation is made for the creation of a new kind of officer, a "community service officer," who might be in a position to assume many of these tasks. The Commission is inclined to think that broadening the role of the police in this fashion would not distract the police from law enforcement. On the contrary it would con-
tribute to law enforcement by making the police more re-
liable and more valued members of the community. Any

course of action that might enhance the community's respect for and some of identity with the police deserves thorough consideration.

In this connection, it appears desirable to consider also how police departments, as well as individual policemen, can broaden their roles. One suggestion that the Commis-
sion believes merits attention is the creation of municipal planning boards on which police-community-planning experts would sit, along with representatives of other city departments. The work of such city departments as those dealing with housing, parks, welfare, and health are all related to crime; and police departments have law enforcement functions. Also, community planning is needed since it has a direct bearing on crime, and there-

are many interrelationships between these two fields. The police often have knowledge on such subjects as where and how to build parks, schools, hous-
ing, and commercial developments, and as to the effects on the community of urban renewal and the relo-
mation of populations—neighborhood conditions to which municipal attention should be directed.

The Commission recommends:
The police should formally participate in community planning in all cities.

CARRYING OUT WITH PROPER EFFICIENCY AND DISCRETION THE COMPLEX LAW ENFORCEMENT AND COMMUNITY-SERVICE TASKS THE POLICE ARE EXPECTED TO PERFORM IS A FORBIDDING ASSIGNMENT UNDER THE BEST OF CIRCUMSTANCES: WHEN THE PUBLIC SYMPATHIZES AND COOPERATES WITH THE POLICE.

These circumstances do exist to a considerable extent in most rural, small-town, and suburban communities, and in many big-city neighborhoods. The chief limitations on police effectiveness are the lack of a clear statement of the amount of time needed to educate the public, and the funds, equipment, and facilities available to them. In city slums and ghettos, the neighborhood problems that need and want effective policing the most, the situation is quite different. There is much distrust of the police, especially among boys and young men, among the people the police must often deal with. It is common in these neighborhoods for citizens to fail to report crimes or refuse to cooperate in investigations. Often policemen are sneered at or in-

sulted on the street. Sometimes they are viciously as-

saulted. Indeed, everyday police encounters in such neighborhoods can set off riots, as many police depart-
ments have learned.

This is the problem that is usually—and politely—referred to as "police-community relations." It is over-
whelmingly a problem of the relations between the police and the minority-group community, between the police and Negroes, Puerto Ricans, and Mexican-Americans.

It is as serious a problem the police have today.

Of course, to say that there is much distrust of the police among members of minority groups is not to say that all

members of minority groups distrust the police, or to imply that only members of minority groups distrust the police. A survey of police attitudes toward the police conducted, at the Commission's request, by the National Opinion Research Center shows, naturally enough, a continuum of opinion; however, the differences in atti-

dute by race are striking. Twenty-three percent of all white people thought that the police were doing an "excellent" job of enforcing the law, while only 15 percent of nonwhites held that view. At the opposite end of the scale, 7 percent of whites thought the police were doing a "poor" job, as contrasted with 16 percent of nonwhites. Clearly the same kind of response was obtained to a question about how well the police protect citizens.

With the questions, "How good a job do the police do on being respectful to people like you?" and "Do you think the police around your neighborhood are almost all honest, mostly honest, a few who are cor-

rupt, or are they almost all corrupt?" the difference in response by race was more than striking. It was startling. Fifty-three percent of whites, while 50 percent of nonwhites thought the police were "almost all honest." One pre-

cent of whites and 10 percent of nonwhites thought the police were "almost all corrupt."

It may be paradoxical that the same people who are most mistreated by crime are most hostile to the police, but it is not remarkable. In view of the history of race relations in America and of the ghetto conditions in which most minority-group members live, doubt about American ideals and resentment against authority are to be expected among Negroes, Puerto Ricans, and Mexican- Americans. No doubt the police are condemned by the community as running the dog pound, tax collection, licensing, jail duty or chauffeur duty, which are related neither to law enforcement nor to performing essential community services on the streets. Meanwhile, police administrators and other municipal officials should try to answer such questions as whether the extent of the contribution to law enforcement made by traffic policemen, the kind of calling that demonstrably deter crime, the nature of the services the community demands of its policemen—short how policemen should be spending their time.

These questions cannot be answered definitively today.

The community's study of the role of the police should cover additional ground. It should examine whether it is desirable, or possible, for the police to devote more time than they now generally do to performing community services against social injustices. Some of those injustices which are criminal, such as loan sharks and consumer frauds, are already police business, although they are more common in a number of large cities, and the Commis-

sion has studied the findings of those who have made observations in many other cities. Three observations indicate that any generalization about how "policemen have

National Opinion Research Center Poll: Affirmative Answers

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treat "minority-group members," or vice versa, is almost sure to be misleading. For example, one Commission study conducted in a city showed that most policemen treat minority-group citizens in a nondiscriminatory manner, and received at least as much cooperation and courtesy from Negroes as from whites.

However, Commission studies also showed, and in this finding is amply corroborated, that too many policemen do misunderstand and are indifferent to minority-group aspirations, attitudes, and customs, and that incidents involving physical or verbal mistreatment of minority-group citizens do occur and do contribute to the resentment against police that some minority-group members feel.

COMMUNITY RELATIONS PROGRAMS

Citizen hostility toward the police is every bit as disruptive of peace and order, of course, as police indifference to or mistreatment of citizens. It is as obvious as almost to be a truism that ghetto residents will not obey the police protection they badly want and need until the police feel that their presence is welcome and that their problems are understood. However, in the effort to achieve this state of affairs, the duty of taking the initiative clearly devolves on the police, both because they are organized and disciplined and because they are public servants sworn to protect every part of the community. It is an urgent duty. Social tensions are growing and crime rates are mounting. Police agencies cannot preserve the public peace and control crime unless the public participates more fully than it now does in police enforcement. Real community feeling dures more than create tensions and express actions against the police that in turn may embitter policemen and trigger irrational responses from them. It stimulates crime.

The Commission believes that a police-community relations program is one of the most important functions of any police department in a community with a substantial minority population. It believes further that such programs must be organized and administered in accordance with certain principles:

1. A community-relations program is not a public-relations program to "sell the police image" to the people. It is not a set of expedients whose purpose is to quell for a time an angry neighborhood by, for example, suddenly promoting a few Negro officers in the wake of a racial disturbance. It is a long-range, full-scale effort to acquaint the police and the community with each other's problems and to stimulate action aimed at solving those problems.

2. Community relations are not the exclusive business of specialized units, but the business of an entire department from the chief down. Community relations are not exclusively a matter of special programs, but a matter that touches on all aspects of police work. They must play a part in the selection, training, deployment, and promotion of personnel; in the execution of field procedures; in staff policymaking and planning; in the enforcement of departmental discipline; and in the handling of citizens' complaints.

3. The need of good community relations and of effective law enforcement will not necessarily be identical. For example, apprehensions of persons who verbally abuse minority-group citizens could temporarily depress departmental morale. Moreover, professionalization of the police has meant, to a considerable extent, improving efficiency by such methods as decreasing the number of officers on foot patrol, reducing the number of precinct stations and insisting that patrolled officers spend more time on law enforcement duties and less on maintaining relations with citizens off the street. A result of this has been a lessening of the informal contacts between policemen and citizens. Conflicts of this sort are not easy to resolve, but the attempt must be made. While immediate law enforcement considerations may take precedence, it should be remembered that sound community relations are, in the long run, essential to effective law enforcement.

4. Improving community relations involves not only instituting programs and changing procedures and practices, but re-examining fundamental attitudes. The police will have to learn to listen patiently and understandingly to people who are openly critical of them or hostile to them, since those people are precisely the ones with whose relations need to be improved. Quite evidently, it is not easy for a man who was brought up to obey the law and to respect law enforcement officers to maintain his peace and equality when he is denounced, sneered at, or threatened. However, it is possible for the police to do just that: to begin to listen to the voices of those who would meet regularly with law enforcement officials and report their findings to the department s performance in the light of its findings. It should plan and supervise the work of the precinct units, and formulate the community-relations responsibilities and duties of all the department's officers and officials. In short, community-relations work should have the same high status, the same strong support from the chief and the same access to needed resources of manpower, equipment, and money as any other essential police function.

According high departmental status to the community-relations operation, as has been done in San Francisco and a number of other departments, has been an important ingredient in the success of programs in those cities. In the precincts, the units, headed by a lieutenant or, at least, a sergeant, should maintain contacts with neighborhood groups of all kinds, advise the commander about community-relations problems and policies, help individual officers solve problems, conduct youth training in community-relations subjects, and provide the headquarters unit with information about neighborhood conditions. An especially important function of the precinct unit should be to stimulate the organization of neighborhood advisory committees that would meet regularly with precinct officials to discuss problems of conflict between the police and the community. If such subjects as the use of stop-and-frisk or police policies toward juveniles were opened and fully discussed by representatives of the police and the community, much misunderstanding and mutual antipathy could be avoided. It should be possible for the police to consult with community representatives about the most advantageous ways of achieving certain law enforcement objectives. The St. Louis Police Department has been a pioneer in organizing such advisory committees, and a number of other departments have followed its example.

The Commission recommends:

In each police precinct in a minority-group neighborhood there should be a citizens' advisory committee that meets regularly with police officials to work out solutions to problems of conflict between the police and the community. It is crucial that the committees be broadly representative of the community as a whole, including those elements who are critical or aggrieved.

PERSONNEL CONSIDERATIONS

Two general conditions with respect to police personnel must be met before any department can hope to do effective community-relations work. One is that there be a sufficient number of minority-group officers at all levels of activity and authority. The other is that all officers be thoroughly aware of, and trained in, community-relations problems. They should hold to high standards of fairness and coolness in their behavior toward citizens. Many of the recommendations that will be made in this chapter's sections on "Police Personnel" and "Police Organization, Management, and Field Operations" are specifically designed to achieve these objectives. However, some discussion of the problems is warranted here.

A department can show convincingly that it does not practice racial bias by recruiting minority-group officers, by assigning them fairly to duties of all sorts in all kinds of neighborhoods, and by pursuing personnel policies that are scrupulously fair to such officers. If there is not a substantial percentage of Negro officers among the policemen in a Negro neighborhood, many residents will reach the conclusion that the neighborhood is being policed, not for the purpose of maintaining law and order, but to illustrate the principles of a certain novel society.
of a department's Negro officers are assigned to and order, but for the purpose of maintaining the ghetto's patrol Negro neighborhoods, and are rarely seen in white investigation or staff work, or teamed in two-man patrols with white officers. And such policies as not entrusting Negro officers with command on the "practical" ground that white officers will not take orders from Negroes will not go unnoticed in the community. These policies are also likely to prove, in the long run, extremely impractical. Inducing qualified young men from minority groups to enter police work is not easy in view of the distrust for the police felt by numbers of minority groups, and especially by young men. However, it is essential, and some suggestions about how it can be done, generally by young men. However, it is essential, and some suggestions about how it can be done, are made later in this report. In addition to what the police themselves can do, it is vitally important that leaders in the Negro community support and encourage young Negroes to consider police careers.

Somewhat easier to achieve is the adjustment of screening and training programs to make sure that community relations considerations are emphasized in them. Background investigations and oral interviews with police candidates, and careful scrutiny of recruits during their probationary period, can do much to insure that prejudiced or unsuitable officers are not added to or retained in the force. Community-relations subjects, such as the psychology of prejudice, the background of the civil rights movement and history of the Negro in the United States should be emphasized in both recruit and in-service training programs. In addition, the community-relations implications of law enforcement activities like field interrogations are "racially" prejudiced. They have found that there is no premeditated racial animus in the kind of behavior just described; the most discernible tendency is for officers, regardless of race, to treat "blue collar" citizens, regardless of race, in such a fashion. All such behavior officers strike handcuffed suspects, for example. They have reported that the enforcement of minor ordinances such as, for example, those against drinking in public, is sometimes discriminatory. They have found that in certain instances high-


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ministered. The administrative guide supplements the general legislative policy.

Another reason that law enforcement policies are seldom stated is that many of them would turn out to be, if clearly set forth, highly controversial. For example, if the police announced publicly that nondisorderly drunks would be arrested only if they had no home to go to, they might be accused of discriminatory treatment.

Probably the most persuasive reason that the police do not articulate policy formally is that they usually do not realize that they make policy informally every day. The police are not accustomed to thinking of themselves as employees of an agency that much more often enforces the law administratively than by invoking the formal criminal process through arrest. Yet a decision by a policeman to order a sidewalk gathering to "break it up," or to take a delinquent youth home rather than arrest him, or to "cool off" a drunk in a precinct bar rather than formally charge him, is an administrative decision. Not only should policemen be guided by departmental policy in the making of such delicate decisions, but the people who will be affected by these decisions—the public—have a right to be apprised in advance, rather than ex post facto, what police policy is.

The Commission recommends:

Police departments should develop and communicate policies that give police personnel specific guidance for the common situations requiring exercise of police discretion. Policies should cover a number of matters, such as the issuance of orders to citizens regarding their movements or activities, the handling of minor disputes, the safeguarding of the rights of free speech and free assembly, the selection and use of investigative methods, and the decision whether or not to arrest in specific situations involving specific crimes.

The issuance of orders to individuals regarding their movements, activities, and whereabouts relates particularly to the common police practice of ordering many street gatherings to "break it up" and "move on." Considerations that might govern the issuance of such orders are the time of day, the amount of disturbance the gathering is causing, whether or not the members are intoxicated, whether or not they are unduly obstructing traffic, and whether or not they are known to the police as offenders or troublemakers.

Also involved are cultural considerations that are more complex. Some people ordinarily conduct their social lives on the street, particularly if they live in neighborhoods where the housing is dilapidated and overcrowded and where there are few parks or other recreational facilities. Breaking up such groups, rather than contributing to public order, is likely to have the reverse effect. Moreover, formulating and executing policy in this field could make the police more conscientious of neighborhood problems and could, therefore, make the police more effective servants of the community.

Handling minor disputes is an activity that is regarded as of small importance by most police administrators. Yet it occupies a great deal of the time of many policemen. To the disputants themselves, who are more often than notlaw-abiding citizens, the manner in which the police intervene in their affairs is a matter of great importance. Disputes, particularly domestic disputes, as discussed earlier, are a subject about which it would be difficult to formulate policy without first engaging in considerable research. The police should seek to accumulate information about families that cause repeated disturbances, to discover whether certain kinds of disturbances are more likely than others to lead to serious assaults or to homicides, to compile statistics on the typical effects of having one of the parties swear out a complaint against the other, to become familiar with the social-service agencies, if any, to which troubled families can be referred. For the police to mediate, arbitrate or suppress each dispute that they encounter as if it were unique—or as if all disputes were alike—contributes little, in the long run, either to law enforcement or to the community service.

Chapter 3 has discussed at some length the intimate street relationship between police and juveniles. Because juveniles frequent the streets so much, because they are usually in groups, because they are sensitive to real or imagined slights, and because the line between natural and relatively harmless conduct and threatening or injurious behavior is often hard to draw, the police must exercise great discretion in dealing with them. Clear police policies about ways of handling various juvenile situations would be of great help to police officers on the street. There is a trend toward articulating policy about this part of police work. For example, the Chicago Police Department has issued a particularly lucid set of regulations for juvenile police, which are known as New juvenile policies.

Promulgation of policy
To community through:
Police policy statements
Neighborhood Advisory Committee meetings
To personnel through:
Training manual and orders
Referred to by staff with:
Chief Political Executive
Neighborhood Advisory Committees
Prosecution, Court, Corrections, and Juvenile authorities

Formulation of policy by Head of Police Department

Formulation and Execution of Police Policy

> Identification of need for policy as determined by:
> Court decisions
> New legislation
> Citizen complaints
> Analysis of crime and social problems
> Analysis of existing field practices

> Decision to review policy

> Referral to Head of Police Department to Planning and Research Unit for study in cooperation with divisions and staff specialists.

Referred to by:
Consultation with:
Chief Political Executive
Neighborhood Advisory Committees
Prosecution, Court, Corrections, and Juvenile authorities

Formulation of policy by Head of Police Department

Evaluation of policy based upon:
Court decisions
New legislation
Citizen complaints
Analysis of crime and social problems
Analysis of existing field practices

Controlled through supervision and inspection

Promulgation of policy
To community through:
Public policy statements
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surprise demonstrations take place the policemen on the scene have to decide whether to protect the demonstrators or to put an end to the demonstration in order to keep order. In such situations they especially need the guidance of clear policies about which ways of demonstrating are permissible and which are unlawful.

The selection of investigative methods is probably the most important field in which police policy is needed. This chapter has already discussed the restrictions that have been imposed on both the social and the technical aspects of law enforcement. It would force the police to consider the nature of disturbances and the best ways of achieving it. It would suggest experiments with various techniques of patrol and investigation, and indicate the kinds of equipment and management systems that might make the police work more efficient, including, perhaps, a computerized data bank of police information that would permit instant response to inquiries by line officers and their supervisors. Policymaking would result in a codification of police expertise that could be used in training programs and that would be available to all policemen everywhere. It would involve the professionalization of social betterment to which the community as a whole is dedicated. It would be a short cut to the affirmative police work in the most meaningful sense of the word.

Finally, the police should openly acknowledge that, quite properly, they do not arrest all, or even most, offenders they know of. Among the factors accounting for this exercise of discretion are the volume of offenses and the limited resources of the police. The ambiguity of and the public desire for nonstatutory means of many statutes and ordinances, the reluctance of many victims to complain and, most important, an entirely proper conviction by policemen that the invocation of criminal sanctions is often fruitless, as has been found.

But while the Commission believes strongly that it is not only proper, but necessary, for policemen to exercise discretion about arrests, it also believes that it is both inappropriate and unnecessary for the entire burden of evidence to be placed on individual policemen in tumultuous situations. It is incumbent upon police administration to take leadership as possible when arrest is a proper action and when it is not.

THE POTENTIAL BENEFITS OF POLICE POLICEMAKING

Some of the advantages the police would gain by taking the responsibility for formulating guidelines are readily apparent and have been indicated above. It would bring to the immediate street problems the expertise of the entire personnel of the police. But while this would promote better law enforcement, it would also serve to make individual policemen more accountable for their actions. This is clearly desirable as a way of bringing about greater understanding of community problems and the needs of the police.

The Commission recommends:

1. Each municipality, and other jurisdiction responsible for law enforcement, should carefully assess the manpower needs of its police agency on the basis of efficient use of all its personnel and should provide the resources required to meet the need for increased personnel if such a need is found.

The police personnel need that the Commission has found to be almost universal is improved quality. Generally, law enforcement personnel have met their difficult responsibilities with a high degree of integrity and devotion to duty. However, Commission surveys reflect the remarkable variation in the quality of police personnel throughout the United States. The recommendations that have been made earlier in this chapter about the need to improve the standards of police work; the need for better recruitment and testing programs; and the need for better law enforcement and service to the community, than by the police taking the responsibility for formulating policy and discussing it with the community.

POLICE PERSONNEL

There is impressive evidence that in many cities there are too few policemen. The current police-population ratio of 1.7 policemen per thousand citizens obscures the many differences from city to city and region to region. Even the best estimates and studies of po­

There appears to be no correlation between the different concentrations of police and the amount of crime committed, or the percentage of known crimes solved, in the various cities.

At the same time it is apparent that, nationwide, the number of police has not kept pace with the relocation of the population and the attendant increases in crime and police responsibility. Later in this chapter the Com­mission will deal with problems of increasing the size of the police, adding community service officers and staff specialists. These additional personnel, and when those new resources are added to the existing vacant positions in departments throughout the country, it is apparent that more police are needed and that municipalities must face up to the urgency of that need and pro­

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The Commission recommends:

Basic police functions, especially in large and medium sized urban departments, should be divided among three kinds of officers, here termed the "community service officer," the "police officer," and the "police agent."

The Three Levels of Entry

To enter a police department as a police agent would require considerable educational attainment—at least 2 years of college work and preferably a baccalaureate degree in the liberal arts or social sciences. The job of their capacity for imaginative and responsible police work.

In every department today there are many patrolmen might be in uniform patrolling a high-crime or restless narcotics, and advise the and responsible member of a police team, and would guide respond to selected called-for services, perform routine duties that a police department should strengthen its to recruit minority-police officers and agents who do not need to go through the CSO phase. A department that admits minority-group personnel only at the CSO level will merit the charge that it is practicing a subtle kind of discrimination.

ATTAINING RECRUITMENT

As this report is being written, approximately two-thirds of the police departments in medium-sized and big cities are below their authorized personnel strength. On a national average, cities are 10 percent below police candidates, but to a shortage of successful ones. Between 1956 and 1961 success rates on entry examination decreased from 30 to 22 percent on a national average. The Los Angeles Department, which has set high standards and maintains them rigorously, accepted less than 3 percent of applicants in 1965. At the same time as applicants' success rates are declining, retirement rates are threatening to rise. This is chiefly because the number of police officers in retirement of period of service that a police department recruits. The number of police officers before they become eligible for pension. To cite Los Angeles again, in 1965 no less than 41 percent of the force will be eligible for retirement. Therefore, a 4 percent rate at which police have left the service for all reasons (retirement, illness, change of residence) over the last 5 years, much less than the retirement rate of 3 percent of the Los Angeles Department. This shows that bringing all departments up to 1967 authorized strength will take 50,000 new police officers.

Two kinds of places that the police for the most part have ignored are the Nation's college campuses and its innercity neighborhoods. However, recruitment in these places will not be successful unless police departments recruit much more actively than they do now, with special attention to college campuses and innercity neighborhoods.

RECRUITMENT STANDARDS

The standards police departments typically require police candidates to meet fall under several headings. Every department has detailed and rigidly enforced physical standards. Many departments insist on prior residence in the community for a given length of time. Every department demands "good moral character," but many departments do no investigating beyond a personal interview and a check on whether or not the candidate has an arrest record. Some departments give psychological tests and many do not. Only about one-quarter of large departments attempt to screen candidates for emotional fitness. More than 70 percent of departments require a high school diploma, but nearly two dozen of the Nation's 40,000 police agencies report none.

From the point of view of securing recruits of the proper quality, some of these standards are too rigid, some are too lax. The Commission believes strongly that it should be the long-range goal of all departments to raise their educational standards.
Beyond question it will take many years for a reform sweeping to be fully implemented. It never will be implemented if a strong movement toward it does not begin at once. It should be possible, for example, for every department to insist immediately that all recruits, except community service officers, have both a high school diploma and a demonstrated ability, measured by appropriate tests, to do college work. Those departments that put into effect the division of police functions that the Commission has proposed should immediately require agent candidates to have completed 2 years of college. As the supply of qualified police candidates increases, the standards can be raised step by step until the goal of a baccalaureate degree for all policemen is reached. No doubt many police administrators will, at first glance, consider this recommendation of the Commission so radical that it would be impossible to carry it out. Let them consider the fact that the median education level for all policemen in the United States is 4 years, which indicates that many policemen already have done some college work. It is this trend that the Commission believes should be sharply accelerated.

Clearly, if college degrees for police officers are a long-range objective, they should be a short-range objective for police supervisors and administrators, and an immediate objective for chiefs.

The Commission recommends:

Police departments should take immediate steps to establish a minimum requirement of a baccalaureate degree for all supervisory and executive positions.

The long-range objective for high-ranking officers should be advanced degrees in the law, sociology, criminology, police or public administration, business management, or some other appropriate specialty.

A long-range objective with his education is a police candidate’s aptitude for the job: His intelligence, his moral character, his emotional stability, his social attitudes, the consequences of putting on the street officers who, however highly educated, are prejudiced, or slow without proper training. It is not obvious to require detailed discussion. Thorough personal screening of police candidates is a clear necessity. The amount of thoroughness with which local department screen candidates varies enormously. Some departments screen quite skimpily; others, including those in many of the biggest cities, make in-depth background investigations, administer intelligence tests and interview candidates extensively. However, it is fair to say that even the most thorough departments do not evaluate reliably the personal traits and characteristics that concern the performance of police work, nor do they ask questions that prevent department from sending for recruits; they prevent many young men from entering the rural communities from embarking on police careers; they prevent, to give a particularly vivid example of their questionable logic, young men who have put in a period of service in the military police from continuing in police work in civilian life.

The Commission recommends:

Police departments and civil service commissions should recognize and, if necessary, modify present recruitment standards on age, height, weight, visual acuity, and prior residence. The appealing authority should place primary emphasis on the education, background, character and personality of a candidate for police service.

POLICE SALARIES

The new division of functions also dictates a reexamination of police salary scales, which in most communities are now too low to attract and keep the best qualified policemen. In small cities the median annual salary for a patrolman is $4,800; in large cities it is $8,900. Typically, the maximum salary for nearly all positions is less than $1,000 over the starting salary. On the other hand, a special agent of the Federal Bureau of Investigation begins at $8,451 a year and, if he serves long enough and well enough, can reach $16,000. No doubt a salary scale that high is out of the question at the present time in most communities, especially small ones. However, every city should regard it as a standard against which to measure salaries for policemen.

Most police departments have no unemployment or 5 feet 8 or 9 inches and at least 180 pounds. These limits, if not arbitrary, are probably the result of the recognition of the general fact that the typical physical requirements for police service are

The Commission recommends:

Police salaries must be raised, particularly by increasing maximum salary scales, to permit attractive competitive with other professions and occupations that seek the same graduates.

In many cities, police salaries are tied to the salaries of other municipal employees, most often those of firemen. In large cities it is, particularly in small cities, that the typical physical requirements for police service are

The Commission recommends:

Salary proposals for each department within local governments must be based on the salaries of other departments and should not be joined with the demands of other departments within a city.

POLICE PROMOTION

Ability recruits may be the most pressing police personnel need, but it is not the only one. Better personnel are needed throughout departments. Traditional procedures often inhibit the rapid promotion of able officers into higher ranks. A great many departments, it is already been mentioned, policemen must serve a considerable time at least 4 or 5, before becoming eligible for promotions. The result is that police careers are made, more often than not, from a "civil service list" that is compiled on the basis not only of scores on technical written examinations. A list arrived at in such a fashion takes no account of the evaluation of individual officers by their superiors, of the special qualifications of certain officers for certain jobs, of the performance records of officers and the awards and commendations (or rebukes) that they have received.

The Commission recommends:

Promotion eligibility requirements should stress ability above seniority. Promotion "lists" should be compiled on the basis not only of scores on technical examinations but on prior performance, character, educational achievement and leadership potential.

Most police departments today do not permit "lateral entry" into important executive positions by officers from other departments, or by civilians. This is partly because of civil service regulations that have rigid promotion and seniority provisions, partly because police promotion rights are not movable from department to department, partly because of a traditional police resistance to "outsiders." One consequence is that America’s police personnel are virtually frozen in the departments in which they started. An officer whose special skills are in supervising in his own department cannot move to a department where those skills are in demand. An officer who seeks to improve his situation by moving from a small department where opportunities for advancement are few to a large department where such opportunities are apparent can, if he cannot do it, nor can a city officer who would like to work in a small community.

A department that cannot fill important jobs adequately from its own force of officers should be permitted to hire outsiders. Even more damaging to the effectiveness of police work is the failure to use civilian manpower where it is
needed. Eleven percent of America's police personnel is civilian, but the great majority of civilians work as main­tenance to enforce parking regulations. It is to police staff work that civilians can make the greatest contribution. Communications, record­ings, information retrieval, research, planning, and lab­oratory analysis are vital parts of police work that, as often as not, could be performed better by civilians with specialized training than by sworn law enforcement offi­cers. And at higher administrative levels, there is a great need for the development of police careerists with professional qualifications in the law, in psychology, in sociology, in systems analysis, and in business management.

The Commission recommends:

Personnel to perform all specialized police functions not involving a need for general enforcement powers should be selected for their talents and abilities with regard to prior police service. Professional policemen should have the same opportunities as other personnel to in­volving a need for general enforcement powers should have the same opportunities as other personnel to in­clude lateral entry. Civil service regulations, retirement plans and hiring policies place on lateral entry should be removed.

To encourage lateral movement of police personnel, a nationwide retirement system is recommended that per­mit the transferring of retirement credits.

RECRUIT TRAINING AND EVALUATION

Spurred by the Federal Bureau of Investigation, which dramatized the need, set standards, devised techniques and provided personnel for police training, the police have made great strides in the past 30 years in widespread in­stitution of formal recruit training programs. In 70 per­cent of the cities over 200,000 population, new recruits receive at least 8 weeks' training. However, many courses are unsatisfactory and incomplete. Instruction is often limited to "how to do" and there is far too little discussion of fundamental principles. The management of recruit training programs on street and police personnel, a great need is for the clarification of fundamental principles. The legal limitations on street policing and the proper use of discretion are seldom complicated. In New York's 28,000-man department, large departments that offer over 100 weeks of training, less than 2 days are devoted to legal training.

Civilian instructors are seldom employed to teach non­technical or specialized subjects—the criminal law, eco­nomics, the history of the civil rights movement. Only a small percentage of department combine classroom work with field experience that would acquaint recruit with everyday street problems. New educational techniques are seldom used in police academies.

The Commission recommends:

All training programs should provide instruction on sub­jects that prepare recruits to exercise discretion properly, and to understand the community, the role of the police, and what the criminal justice system can and cannot do. Professional instruction should be used to teach specialized courses—law and psychology, for example. Professional series should be defined and techniques of law enforcement and criminal justice are rarely stressed. Recruits receive too little background in the nature of the police in two large departments that offer 10 weeks of training, less than 2 days are devoted to legal training.

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Training needs continue throughout a policeman's career. Laws and procedure change. Policies are re­defined. Techniques are improved. These developments must be brought to policemen at all levels of responsibil­ity. Most existing programs rely on bulletins or short seminars of instruction at rollcall. Such techniques are effective only as supplements to annual periods of inten­sive training during which officers are relieved from their ordi­nary duties for several days of study. Very few depart­ments have such programs. Very few, furthermore, see them as part of the continuous education of their employ­ees outside the department by making educational achieve­ments a job requirement. A majority of regional police departments provide training in legal, administative, and personnel techniques and acquire the resources that employees seek themselves. Since proper organization and man­agement is a prerequisite for implementation of most of the other recommendations in this chapter, the Commission believes that adoption in principle of the recognized principles of good organization and manage­ment is a matter of great urgency. In addition, reliance on­ and experimentation with this aspect of police work are not only, under the circumstances, clearly called for, but likely to produce important results.

The Commission recommends:

Each state, through its commission on police standards (discussed later in the chapter), should provide financial and technical assistance to departments to conduct sur­veys and make recommendations for improvement and modernization of their organization, management, and operations.

For police organization, as for large-scale organization of any kind, the heart of the matter is central control. This simple basic principle has extremely complex and practical implications. Organizationally, it implies that a chief administrator has available to him the advice of staff experts in a variety of subjects, that a sufficient number of middle managers are provided for to insure that authority can be delegated without bureaucratic complications, and that the lines of communication between the chief administrator and the street are kept unobstructed. Admin­istratively it implies policymaking and planning, and the kind of supervision that guarantees that policies and plans are understood and carried out by every mem­ber of the department. Operationally it implies that such activities as community development and deployment of forces are carried out on a consistent—by-definition basis. The same holds true for police departments. In a department of less than 30, 50, 100, the problems of staff work, chains of command, deployment of forces, and so forth, are seldom complicated. In New York's 28,000-man department the problems are no more difficult than the organization and management problems of a big corporation. The Commission discussed organiza­tion and management with 433 police agencies and over 250 representatives of police forces and profes­sional organizations; these discussions were supplemented by a review of police literature, textbooks, and consultant reports, covering the organization and management of 75 police departments. An outside study performed for the Commission involved even more extensive contacts.

Each study and every expert agreed with some notable exceptions, city police forces are not well orga­nized and managed. The same two failures were cited universally as the crucial ones: The failure to develop career administrators, and to use the tech­niques and acquire the resources that experts on the subject prescribe.

No one with whom the Commission consulted made a dramatic new proposal or recommendation, but the fact that most departments have not adopted recognized principles of organization and management is, in and of itself, significant. Since proper organization and man­agement is a prerequisite for implementation of most of the other recommendations in this chapter, the Commission believes that adoption in principle of the recognized principles of good organization and manage­ment is a matter of great urgency. In addition, reliance on­ and experimentation with this aspect of police work are not only, under the circumstances, clearly called for, but likely to produce important results.
control. Specialist staff units for such matters as planning, research, legal advice, and police personnel should be established. These units should be staffed by specialists trained in a variety of disciplines and the planning techniques that should be utilized to develop and improve the policies, operations, and administration of each police function.

There is one final, crucial point about staff to be made. The police department faced with the chapter described earlier is clearly impossible without expert police staff work. Making policy depends on research and analysis and on legal knowledge. Carrying out policy depends on planning, training and efficient supervision.

The Commission recommends:

Every department in a big or medium-sized city should organize key ranking staff and line personnel into an administrative board similar in function to a corporation's board of directors, whose duty would be to hire the chief and his staff units in developing, enunciating and enforcing departmental policies and guidelines for the day-to-day activities of line personnel.

controlling police misconduct

There is no profession whose members are more frequently tempted to misuse, or provided with more opportunities to succumb to temptation, than law enforcement. The opportunities arise, on the whole, from the simple fact that policemen generally work alone or in pairs, out of sight of their colleagues and superiors. The temptations are varied and compelling. A chief is one that many people want to do things the law forbids, or do not want to do things the laws demands, and are willing to pay money to, or do favors for, policemen for not enforcing laws. Another is that policemen are subjected to kinds of verbal abuse, or even to physical indignities, that provoke a desire to respond in kind. A complicating factor is that because policemen are not only public servants, but sworn upholders of the law, they are expected to conduct themselves with more honor and more restraint than other citizens. Businessmen commonly accept Christmas presents, or theater tickets, or expensive lunches, from the competitive strangers they do not know but must meet and do business with. An ordinary citizen who walks down the street is not held accountable if he replies insultingly to insults addressed to him; a policeman cannot.

There is, of course, no possible way of calculating, or explaining, how much police misconduct there is in America. Policemen are no more likely than citizens of any other kind to misbehave in front of audiences. The Commission firmly believes that corruption at all levels and the widespread use of physical coercion that prevailed in many police departments during the era of Prohibition is largely a thing of the past. It is quite sure that almost all departments are headed by honest and honourable officials, and that the large majority of working policemen at all levels of authority conduct themselves honestly and honourably.

However, the Commission does have evidence from its own studies and from police officials themselves, that in some instances, especially where policemen are called upon to high-crime areas do treat citizens with disrespect and sometimes, abuse them physically. It further has knowledge of cases in these same areas of police officers known to be corrupted by bribes from motorists and truck operators, stealing from burglars or thieves, or even from drug dealers and from back from tow-truck operators. And it is a matter of public record that in some cities, at this or that time, certain policemen and police officials—and other public officials as well—have bought themselves as salaries, brokers, prostitutes, and narcotics pushers, having operated burglary rings, have favored politicians or other people with "pull," and have acted in concert with others of organized crime.

One important issue, the issue is not how many dishonest or brutal are there, but whether there are any at all. A small number of such officers can destroy confidence in the police, confidence that takes many years to rebuild even when the misbehavior has been promptly reined. Moreover, even a small amount of misconduct can undermine the morale and discipline of a department. Cliquing can grow up that thrive on secrecy and resist reform. Well-behaved officers become corrupted by the mores of their environment, especially by the unspoken rule that often prevails in such situations: an officer must not "inform" on his colleagues. And of course, law enforcement. A police department with a reputation for unfairness cannot promote justice. A police department with a reputation for dishonesty cannot combat crime effectively.

The blame for corruption is often shared by the community as a whole. Poor pay can tempt an officer to accept small favors that eventually bind him to corrupt practices. Widely prevalent racial prejudice, publicly expressed, can make it difficult for an officer to control his own conduct. In some communities there is political interference with such things as shift assignment and promotions. A lack of policy about the anti-corruption laws, and peer supervision gives the officer too much room for ill-conceived and extraneous exercise of discretion. He does not have sufficient occasions to bad things to the police, confidence that takes many years to rebuild even when the misbehavior has been promptly reined. Moreover, even a small amount of misconduct can undermine the morale and discipline of a department. Cliquing can grow up that thrive on secrecy and resist reform. Well-behaved officers become corrupted by the mores of their environment, especially by the unspoken rule that often prevails in such situations: an officer must not "inform" on his colleagues. And of course, law enforcement. A police department with a reputation for unfairness cannot promote justice. A police department with a reputation for dishonesty cannot combat crime effectively.

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Police policies would set standards for both performance and supervision. Better screening and training of police recruits would help insure that only men of high character are made. From the point of view of police-community relations, this essential duty to the ones they already have, they should be essentially a deterrent or preventive operation. This means identifying the problems that cause police misconduct is most likely to occur; devising procedures to add to the department's records division about such matters as whether a particular man or car is wanted, whether a piece of property is listed as stolen, whether a模范 operator is typical of a person he suspects of having committed a crime. All these activities depend not only on communications but also on the ability of the department to retrieve information from its records rapidly.

Communications and information retrieval are enormously complicated technological problems, which are discussed in considerable detail in chapter 11 of this report. It is obvious that this kind of detailed information requires the setting up of a model central communications system tested and installed which will control more than 1,400 vehicles covering 224 square miles and serving more than 3,500,000 people; it utilizes 57 radio frequencies and requires more than 500 people to operate; it costs $2 million. In the opinion of the Chicago police it was an investment that was well worth making.

A second urgent communications need is cigarette-pack-sized, transmitting-and-receiving equipment that foot patrolmen and investigators can carry easily, and that motorized patrolmen can make use of when they leave their cars. For radio communications of these kinds to be effective, more radio frequencies will be made available to the police in most cities.

This point is discussed in chapter 11 of this report.

Patrol Allocation and Techniques

Early in the week of the Commission, its Chairman, then Attorney General of the United States, asked 2,100 law enforcement agencies and 125 colleges offering police courses to report any methods they used for preventing or solving crimes that had come to their attention.

Many of the 64 replies from police agencies and the 33 replies from colleges described field procedures that were being tried for the first time by some agency or in some area. None of them described field procedures that could be said to be completely original.

Preventive patrol—the continued scrutiny of the community by visible and mobile policemen—is universally thought of as the best method of controlling crime that is available to the smallest, poorly paid, and fragmentary foot patrol force is a system of crime that control by foot patrol, on both law enforcement and community relations grounds, despite its effectiveness, in view of the limited area that foot patrolmen cover, the expenses involved do not seem to justify foot patrol. The extreme mobility and responsiveness provided by motor patrol compels its use, despite losses in neighborhood contact. Resumption of such type work must occur through the proposed community services officers in the police force.

In motor patrol assignment, controversy as to whether cars should have one or two men is gradually being resolved in favor of two-man cars. From 1946 to 1964, the percentage of large cities utilizing only two-man cars dropped from 40 to 20 percent. The percentage of all cities using one-man cars rose from 60 to 80 percent. Almost one-half of the smaller cities employ the one-man cars in most of their vehicles, while the one-man cars consume about 90 percent of police budgets, one-man cars cut per capita expenses, and crime rates have not decreased.

The Commission recommends:

Every department, regardless of size, should have a comprehensive program for maintaining police integrity and every medium- and large-sized department should have a well-managed internal investigation unit responsible to the chief administrator. The unit should have both an investigative and preventive role in controlling dishonest, unethical, and offensive actions by police officers.

Communications and Information Retrieval

Because the members of a police force are so widely dispersed when they are at work the efficiency of police communications is crucial. Rapid response to emergency calls, which this chapter has shown to be an important factor in crime solution, depends on good communications. So does effective investigation of crimes committed on the streets.

The development and enunciation of detailed police policies would set standards for both performance and supervision. Better screening and training of police recruits would help insure that only men of high character are made. Only 1 canine unit existed in 1959, now about 200 cities have an aggregate of 500 dog-unit cars. These are particularly effective for antiburglary patrol in industrial and commercial areas and for foot searches.

Police policies, it is held, in research, in the form of simulated experiments that are scientifically observed and evaluated, must be conducted by departments in conjunction with universities, research centers, and other private organizations. Meanwhile it is useful to mention some of the promising developments in field operations that were reported to the Commission.

Scientific efforts to maximize the crime-control use of existing personnel have commenced in several cities.

Crime trends are observed from month to month, by time of day and by location within the community, and bear boundaries altered accordingly. Through the use of computers and crime analysis units, a few large departmental units are able to test sensitive variables and changed patrol allocation as often as hour by hour.

In some of these departments, concentrations of street crime have been met by "foot patrol"—police forces working out of headquarters—which are deployed in different areas of the city at different times.

Another tactic being used is the creation of a fourth shift which serves during most of the regular evening and the beginning of the early morning shifts. These programs get more men on the street at the time all serious, urban crimes have taken place.

The lack of knowledge about the effectiveness of different types of patrol procedures is still a problem, discussed in chapter 11 of this report. The effectiveness of patrols is measured by the absence of convictions in different areas of the city.

The Commission recommends:

Photographic installations in banks, stores, homes, and check-cashing areas have also been provided to give evidence to the police. The proposed community service officers in the police force must be trained to maintain these systems.

Special techniques involving helicopter patrol, anti-criminal covert, and community alarm, broadcast networks and closed circuit television are also being explored.

Task Policing

In almost all large police departments there is a considerable amount of organizational fragmentation. Traditionally, the smallest, poorly paid, and fragmentary police force has separate lines of command and tend to be supervised by one another; often they keep separate records of arrest; frequently they cannot be divided into distinct sections. In addition, interdepartmental cooperation is not divided at both headquarters and precinct levels into squads; "foot, robbery, burglary, fraud, and so forth—that which themselves keep separate records, are separate in-
formants and remain more or less isolated from each other in other ways. At both staff and the field levels, this overspecialization of functions, or overspecialization, can have undesirable results. When intelligence is not centralized and co-
ordinated, staff planning for the purpose of either appre-
husbanding specific criminals, or solving crime problems such as, for example, an outbreak of burglaries in some neigh-
bhood, is almost impossible. When lines of command are kept rigidly separate, it is difficult to bring the full resources of a department to bear on crime solution.

The agent-officer-community service officer recom-
mandation made earlier in this chapter has not only the im-
provement of the quality of police personnel as an ob-
jective, but also a change in the way the police work in the field. The concept, which might be called "team polic-
 ing," is that all police work, both patrol and criminal in-
vestigation, in a given number of city blocks should be un-
der unified command. A "field supervisor" would have overall responsibility for a team of agents, officers, and community service officers. The team would meet at the begin-
ing of a tour of duty and receive a briefing on the current situation in the neighborhood—what crimes were unsolved, what suspects were wanted for question-
ing, what trends of crimes good to look out for, what situa-
tions were potentially troublesome, and so forth. On this basis the members would be assigned to specific areas or duties. If conditions warranted it, agents might be as-
tigned to patrol and wear uniforms or plainclothes offi-
cers might be assigned to investigation. Community service officers might be delegated to help either. In spe-
cific investigations or emergencies, agents would be given authority over the actions of CISOs and officers. If this conditions in the area changed during the tour, or if a major crisis developed, the chief of police, in his capacity as dis-
sad competent, might assign a police unit to take over the assignment which could be promptly changed by the field supervisor.

Obviously, this proposal does not envision the abandon-
ment of special duties or special groups. An agent ser-
vice in narcotics, juveniles, or narcotics, or a police service
specialist, for example, would almost always cover a territory policed by several teams, and would be moved into other works only in emergencies. There would still be a need for squads of officers with special knowledge of certain kinds of crime.

The Commission recommends:

Police departments should commence experimentation with a team policing concept that envisages those with special investigative duties combining under unified command with flexible assignments to deal with the crime problems in a defined sector.

The Commission believes that team policing would result in both increased crime solution, and the most
advantageous use of the time and talents of all policemen. It wishes to stress, furthermore, that experiments with
team policing are not dependent on the agent-officer-CISO division of functions. They could easily be conducted with existing personnel.

CRIME SCENE SEARCH AND LABORATORY WORK

The Commission has found that the police are not making the most of their opportunities to obtain and analyze physical evidence. They are handicapped by technical lack. There is a very great lack in police departments of all sorts of skilled evidence technicians, who can be called upon to search crime scenes not merely for fingerprints, but for potentially telltale evidence like footprints, hairs, fibers, or traces of blood or mud. In one 2,000-man force, for example, there are only 2 tech-
nicians on each shift. More often than not, perhaps, such
evidence would not lead directly to the identification of criminals, but would work toward narrowing the range of suspects. Given help much more readily available, it is in the interest of all police departments to make the most of this scarce resource. In any case, the Commission strongly believes that it is possible for local police to make the most of evidence technicians now available, if they wish to do so.

The undeveloped state of training in this field also accounts for the fact that many patrolmen and detectives have no more than a rudimentary idea of how to search the scene of a crime. The absence of adequate labora-
tories to analyze physical evidence is most acutely felt by smaller departments, most city police departments have, or have access to, good laboratories. The establish-
ment of State or regional training programs and crime laboratories is discussed later in this chapter.

In any case, the Commission strongly believes that it is possible for local police to develop the capacity to make a thorough search of the scene of every serious crime and to analyze evidence so discovered.


doctor control

One of the most hazardous and frustrating tasks in policing today is the control of riots. Members of the Com-
mision staff studied the police handling of riots in some detail; they consulted with local police and State National Guard officials, and convened a 3-day confer-
cence that discussed this problem. They turned over the knowledge they obtained and the conclusions they reached to the Federal Bureau of Investigation, which, pursuant to presidential order, is responsible for the training of local police in this field.

The Commission found that most large city depart-
stments have developed plans and expertise in this aspect of police work; but that smaller departments have much to learn. Certain principles are especially important:

Disturbances should not be confused with riots.
Police must not react to disturbances in the course of demon-
strations too quickly or with too much force. Further-

more, they would be greatly helped in their task of pre-
serving order and protecting constitutional rights if the leaders of protesting or demonstrating groups disclosed, in advance with the police, the appropriate times for demonstrations and methods of demonstrating. On the other hand, strong law enforcement responses in a true riot situation must occur rapidly, on the basis of advance planmng and operational coordination.

Advance planning is a necessity and must be conducted jointly between the police and local, State, and Federal governments. Too few departments have held the drills and rehearsals that disclose in advance deficiencies in planning, communications, coordination and chain of command. Procedures for calling in the National Guard and allocating command responsibility must be worked out prior to serious situations.

The tactics chosen at the beginning of a disorder may well be the crucial factor in controlling a riot. The kinds and extent of police force employed, and equipment involved, must be thought out well in advance, taught to personnel through training and constantly retrained. Procedures for the acquisition and channelling of intelligence must be established so that information is centralized and dis-

tributed to those who need it.

Like any kind of crime, riots are best controlled by pre-
vention. This of course involves maintaining proper police control, but the most important element in pre-
vention is a city government's awareness of and response to the frustrations of the community.

FIREARMS USE POLICY

In most cities police officers receive too little guide-
ance as to when firearms may be drawn and used. Re-
cruit and in-service training should keep officers con-
stantly alert to the legal and moral aspects of the use of

other reasonable means of apprehension have failed to prevent the escape of a felony suspect whom the officer believes presents a serious danger to others.

COORDINATION AND POOLING OF POLICE SERVICE

The machinery of law enforcement in this country is
fragmented, complicated and frequently overlapping. America is essentially a nation of small police forces, each operating independently within the limits of its jurisdic-
tion. The boundaries that define and limit police opera-
tions do not hinder the movement of criminals, of course.
They can and do take advantage of ancient political and
geographic boundaries, which often give them sanctuary from effective police activity.

Nevertheless, coordination of activity among police agen-
cies, wherever they work, and wherever national or State
overlapping, tends to be sporadic and informal, to the

disadvantage and the most serious obstacles to law enforce-
ment is most apparent in the rapidly developing urban areas of the country, where the vast majority of the population is concentrated in a few large cities. In 1960, almost 117 million people, about 70 per-
cent of our population, resided in America's 18,000 cities. Of these, about 113 million persons, 63 percent of our popula-

control of riots. Members of the Commis-

APPROPRIATE TIMES FOR DEMONSTRATIONS AND METHODS OF DEMONSTRATING.

COORDINATION AND OPERATIONS IN EMERGENCIES

The Commission recommends:

A comprehensive regulation should be formulated by every chief administrator to reflect the basic policy that firearms may be used only when the officer believes his life or the life of another is in imminent danger, or when
STAFF SERVICES

Staff services of law enforcement agencies are those nonline functions and activities that help develop departmental personnel, assist the departments to perform their basic police responsibilities effectively, and provide meaningful, internal controls. Included in staff services are recruitment, selection and training of personnel, planning, organized crime intelligence, purchasing, public information, internal investigation, and staff inspection. All but the last two functions can be performed more efficiently and with improved quality through joint action.

Personnel and Planning. Many police agencies lack the necessary resources for recruiting and selecting qualified personnel and for providing the training needed at all levels of service. The Commission believes that police activities related to personnel should be organized on the basis of areas large enough to support good programs. Police agencies will benefit from joint recruitment, selection, and training programs. The State should participate in programs through setting standards, assisting departments in coordinating recruitment programs, and making training facilities available.

Although the fulfillment of police responsibilities depends upon the effective use of manpower, relatively few departments possess the resources and capabilities for providing the sound, continuous planning essential for assigning personnel and evaluating police effectiveness. A statewide body for police administration service, such as exists in New York State, or as is proposed in the discussion of standards councils below, could serve as a clearinghouse of information relative to administrative and operational problems, needs and suggested solutions. States should provide media operations files and related services, which have been found useful in Michigan and California, thereby providing police agencies with access to areawide crime and module operation analyses.

Organized Crime Intelligence, Purchasing and Public Information. Organized crime intelligence should be shared among local, State, and Federal agencies to the extent possible. This is discussed more fully in chapter 7.

Police purchasing should be a function of a centralized purchasing department of a whole jurisdiction. Volume buying would lead to lower prices, and purchasing expertise would produce better equipment and better testing and inspection, as has been demonstrated in Los Angeles County, Chicago, and in Dade County, Fla.

While mainly a staff aid to the individual police administrator, public information services could be usefully coordinated in many metropolitan areas. A joint program between a central city and its suburbs, for example, could develop public information programs that involve the commuting public.

AUXILIARY SERVICES

The auxiliary services provide technical, special, or supportive services to a law enforcement agency. These include records, communications, detention, laboratory services, equipment, and buildings. In general they are the police functions best suited to pooling or coordination throughout an area. Moreover, along with training, they are the services most often performed jointly, since the cooperation relates essentially to technical matters. Another argument for joint performance of such services is that they are costly and require resources beyond the ability of most jurisdictions.

Records and Communications. Criminal records and communications systems together provide the mechanisms by which the police should be able, swiftly and efficiently, to learn about crimes, to store and retrieve pertinent information, and to deploy personnel effectively. The establishment of an areawide records center is fundamental to successful police operations, particularly in metropolitan areas comprising several jurisdictions, each with its own force. The integration at an areawide records center of basic information collected by many law enforcement agencies would enable inquiring police departments to check only one source rather than several. This would eliminate duplication of effort and physical facilities, reduce the possibility of error, and reduce significantly the time needed to conduct an inquiry or search. In addition, detailed crime analysis and planning studies now needed to assist departments in deploying their forces more effectively would become feasible on an areawide basis.

An areawide communications center can improve the speed with which citizen requests for service are answered. Duplication of expensive communications facilities can be greatly reduced and existing facilities utilized more effectively. By integrating and centralizing communications facilities where this is practical, many problems arising out of the limited number of radio frequencies available for police operations would be mitigated if not eliminated. In this connection, the States should serve as a coordinating agency and assist law enforcement agencies in realizing the benefits that would result from pooling and consolidating records and communications systems.

The Commission recommends:

States should assume responsibility for assure that areawide records and communications needs are provided.

Retention. Chapter 6 of this report discusses in some detail the problem of local jails, which in many communities are administered by police agencies. Because a jail is generally situated in the midst of a community, it could be the scene of significant programs designed to reintegrate offenders into the community. However, not all jails are trained in law enforcement rather than in rehabilitation, and such programs rarely are in effect.

Turning over jails to qualified correctional agencies appears to be the proper solution for this problem.

Laboratory Services. Only large departments have adequate laboratory facilities. The shortage of tech-
The Commission recommends:

- In every metropolitan area the central city or the State should provide laboratory facilities for the routine needs of its police departments and local agencies of the State. The laboratories and the FBI laboratory should continue to provide the necessary research to make available to all laboratories more sophisticated means of analysis.

Field Operations

Field operations include, among other things: Criminal investigations, work with juveniles, vice control, and the use of special task forces. In Suffolk County, N.Y., and Dade County, Fla., county investigators can be called into incorporated municipalities to assist in solution of crimes. The Kansas City metropolitan squad, organized to handle major cases, involves cooperation between 29 different agencies at the county, city, and State level. The Metropolitan operation in Atlanta, Ga., created a fugitive-apprehension squad that serves 38 different departments in 6 counties. A major-case squad is also operating in the Greater St. Louis area.

The Commission recommends:

- Specialized personnel from State or metropolitan departments should train smaller departments in each metropolitan area on major investigations and in specialized law enforcement functions.

Trained investigators from large departments could be provided to small departments for followup investigations, and officers in the small departments could be trained by them. On handling preliminary investigations, Regional squads, manned by qualified officers from each or any of a region's jurisdictions, should be established to solve minor crimes, investigate series of crimes committed by the same suspect in different communities within a region, apprehend fugitives, and create blockade plans.

In juvenile work, specialists from large departments should train officers in small departments in handling juveniles and should provide operational aid in matters beyond the capacity of the smaller jurisdiction. Arsenic analysis, for example, should be handled by the larger jurisdiction and should provide information on efficient methods and develop optimum field procedures.

In vice operations, small departments may not be able to handle some of the larger problems and develop optimum field procedures.

The Commission recommends:

- Each metropolitan area and each county should take action directed toward the pooling, or consolidation, of police services through the particular technique that will provide the most satisfactory law enforcement service and protection at lowest possible cost.

Obstacles to Coordination and Pooling

To obtain either pooling or coordination of law enforcement services, most States must first amend their constitutions and statutes. Without special legislation permitting cooperation, 28 States must comply with home rule provisions that block the exercise of power beyond the limits of a particular jurisdiction. Sheriffs, for example, are usually considered officers whose common-law powers cannot be removed or restricted without amending State constitutions. Most law enforcement officers are restricted by provisions that prohibit dual office-holding and bar officers in one jurisdiction from serving in another without the consent of both jurisdictions. Even government normally have only the powers specifically awarded to them by the State or local government.

More than one-half of the States do have legislation permitting intergovernmental agreements, but there are limitations in each State's pooling laws and they do not cover law enforcement pooling. The model act of the Council of State Governments provides for joint or cooperative activities, as to any existing power of local government, but this act has been adopted in only six States. What makes the statutory and constitutional obstacles in coordination and consolidation so difficult to overcome is the reluctance of State legislatures. Even by government normally have only the powers specifically awarded to them by the State or local government.

Leaside such sweeping reforms, there are ways in which law enforcement activities can be pooled without necessarily affecting other governmental powers. The Metropolitan operation in Atlanta, Ga., created a fugitive-apprehension squad that serves 38 different departments in 6 counties. A major-case squad is also operating in the Greater St. Louis area.

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Chapter 5

The Courts

The criminal court is the central, crucial institution in the criminal justice system. It is the part of the system that is the most venerable, the most formally organized, and the most elaborately circumscribed by law and tradition. It is the institution around which the rest of the system has developed and to which the rest of the system is in large measure responsible. It regulates the flow of the criminal process under governance of the law. The activities of the police are limited or shaped by the rules and procedures of the court. The work of the criminal correctional system is determined by the court's sentence. Society asks much of the criminal court. The court is expected to meet society's demand that serious offenders be convicted and punished, and at the same time it is expected to insure that the innocent and the unfortunate are not oppressed. It is expected to control the application of force against the individual by the State, and it is expected to find which of two conflicting versions of events is the truth. And so the court is not merely an operating agency, but one that has a vital educational and symbolic significance. It is expected to articulate the community's most deeply held, most cherished, most formalized views about the relationship of the individual and society. The formality of the trial and the honor accorded the robed judge bespeak the symbolic importance of the court and its work.

Here, at the beginning of the Commission's examination of the court and its work, it is important to discuss some fundamental aspects of the criminal process that determine what the court can and cannot do and, in many important respects, what the entire system of criminal justice can and cannot do.

The Constitutional Foundations of the Process

The criminal process is determined by the U.S. and State constitutions, by statutes, by practice, and by court decisions—all of which are built upon the model of the English common law. These basic sources of law give structure to the process and limit its methods.

Some constitutional limitations on the criminal court are based on principles common to most civilized criminal systems. One is that criminal penalties may be imposed only in response to a specific act that violates a preexisting law. The criminal court cannot act against persons out of apprehension that they may commit crimes, but only against persons who have already done so. In other words, the court is primarily an institution for dealing with specific criminal acts that already have taken place; only insofar as its handling of criminals can be cautious or rehabilitative can it deal with future criminality.

Furthermore, the basic procedures of the criminal court must conform to concepts of "due process" that have grown from English common law. A defendant must be formally notified of the charge against him and must have an opportunity to confront witnesses, to present evidence in his own defense, and to have this proof weighed by an impartial jury under the supervision of an impartial judge. In addition, due process has come to incorporate the right of a defendant to be represented by an attorney. Unquestionably adherence to due process complicates, and in many instances handicaps, the work of the courts. They could be more efficient—if the constitutional requirements of due process were not so demanding. But the law rightly values due process over efficient process. And by permitting the accused to challenge the fairness and legality at every stage of his prosecution, the system provides the occasion for the law to develop in accordance with changes in society and society's ideals.

The system also imposes limitations on how the prosecution may prove its case against one accused of crime. It must establish guilt beyond a reasonable doubt without compelling the accused to produce evidence or give testimony. The defendant can refuse to explain his actions and can refuse to respond to the testimony against him; he cannot be penalized for doing so. No statement or confession he makes after his arrest can be used against him, unless it has been made voluntarily, with knowledge that he could have remained silent if he had chosen to do so, and in circumstances that made it possible for him to exercise that choice freely. He cannot be required by court order or subpoena to produce private papers or other personal property that might incriminate him.

In the Federal system, as well as in many States, the existing rule, now the subject of reconsideration by the Supreme Court, is that search warrants may be used...
It is not only vital that a criminal code define and grade offenses in a rational manner, but also that it be enforced. Many criminal courts come to the conclusion that the criminal code is not even read by the lawyers or the judges, and thus is not a guide to the expectations of the public. The enforcement of the criminal code is vital to the effectiveness of the criminal justice system. Enforcement refers to the enforcement of the criminal code by the courts, the police, and the public. The courts have the responsibility to enforce the criminal code by sentencing offenders according to the provisions of the code. The police have the responsibility to enforce the criminal code by preventing and detecting crime. The public has the responsibility to enforce the criminal code by reporting crime. Enforcement of the criminal code is vital to the effectiveness of the criminal justice system. Enforcement of the criminal code is vital to the effectiveness of the criminal justice system. Enforcement of the criminal code is vital to the effectiveness of the criminal justice system. Enforcement of the criminal code is vital to the effectiveness of the criminal justice system. Enforcement of the criminal code is vital to the effectiveness of the criminal justice system. Enforcement of the criminal code is vital to the effectiveness of the criminal justice system.

**SUGGESTED CRIMINAL LAW**

The substantive criminal law—the statutes and ordinances of the state—of the criminal justice system is called law, which is the body of rules and principles that govern the conduct of individuals. The substantive criminal law defines the acts that are criminal, the offenses that are criminal, and the penalties that are imposed for criminal behavior. The substantive criminal law is the foundation of the criminal justice system. The substantive criminal law is the foundation of the criminal justice system. The substantive criminal law is the foundation of the criminal justice system. The substantive criminal law is the foundation of the criminal justice system. The substantive criminal law is the foundation of the criminal justice system. The substantive criminal law is the foundation of the criminal justice system.

**CRIMINAL PROCEDURES**

Even within their limitations the courts do not work perfectly, and never have. Hamlet considered "the law's delay" to be as deplorable a feature of the human scene as "the pang of misguid'd love," and the words of Charles Dickens are crystalized with descriptions of the law's abuses, from the bumbling bullies in "Oliver Twist" to the unworthy English Chaucer in "Black House." For as long as judges have had the power to determine sentences, there have been individual judges who have misused that power by sentencing too leniently or too severely. For as long as monetary bail has been used to insure that defendants appear for trial, it has discriminated against poor defendants. For as long as defense counsel have had the right to question and test the criminal process, some defense counsel have resorted to obstruction and clutter. Courts can be only as effective and just as the judges and prosecutors, counsel and jurors who man them. Prosecutors represent the courts and police, and thus their presence in the criminal process is vital to the effectiveness of the criminal justice system. Prosecutors are the primary enforcers of the criminal code, and thus their presence in the criminal process is vital to the effectiveness of the criminal justice system. Prosecutors are the primary enforcers of the criminal code, and thus their presence in the criminal process is vital to the effectiveness of the criminal justice system. Prosecutors are the primary enforcers of the criminal code, and thus their presence in the criminal process is vital to the effectiveness of the criminal justice system. Prosecutors are the primary enforcers of the criminal code, and thus their presence in the criminal process is vital to the effectiveness of the criminal justice system.

Degrees of criminality can be divided into three general categories: (1) crimes against property, (2) crimes against the person, and (3) crimes against society. Crimes against property include larceny, theft, burglary, and robbery. Crimes against the person include murder, manslaughter, and assault. Crimes against society include crimes against morals, such as obscenity and political corruption. The first group of crimes includes all those offenses that are specifically enumerated in the criminal code, such as murder, manslaughter, and theft. The second group of crimes includes all those offenses that are not specifically enumerated in the criminal code, such as fraud, perjury, and theft. The third group of crimes includes all those offenses that are not specifically enumerated in the criminal code, such as fraud, perjury, and theft.

**CRIMINAL JUSTICE**

The criminal justice system is the body of rules and principles that govern the conduct of individuals. The criminal justice system is the body of rules and principles that govern the conduct of individuals. The criminal justice system is the body of rules and principles that govern the conduct of individuals. The criminal justice system is the body of rules and principles that govern the conduct of individuals. The criminal justice system is the body of rules and principles that govern the conduct of individuals.
Negotiate charges with defense counsel in order to secure guilty pleas and thus avoid costly, time-consuming trials; in many courts 90 percent of all convictions result from negotiated or plea-bargained guilty pleas, rather than from trial. Much negotiation occurs without any judicial consideration. The judge is not responsible for an offender or his offense. These circumstances create important problems that the courts generally have not recognized or dealt with effectively.

THE LOWER COURTS

In many big cities the situation that produces both undue delay and sumpmous harm is vividly exemplified in the lower courts—the courts that dispose of cases that are typically called "misdemeanors" or "petty offenses," and that are the stages of felony cases. The portent of these courts in the prevention or deterrence of crime is limited. Sometimes these courts are the courts that process the overwhelming majority of offenders. Although the offenses that are the burdens of these lower courts may be "petty" in respect to the amount of damage they do and the fear they inspire, their implication can be great. Hardened habitual criminals do not suddenly and in some lower courts. It has seen minor offenders from developing into dangerous criminals. It is a responsibility that the system is in some ways badly equipped to fulfill.

The criminal justice system has a heavy responsibility, particularly because so many men are so narrowly anonymous and where the density of population and the aggravation of social problems produce so much crime. The dangers of the system are multiplied between those offenders who are dangerous or potentially dangerous and those who are not, the responsibility to prevent minor offenders from developing into dangerous criminals. It is a responsibility that the system is in some ways badly equipped to fulfill.

The Commission has been shocked by what it has seen in some lower courts. It has seen cramped and noisy courtrooms, undignified and perfunctory procedures, and hasty judgments. It has seen dedicated people who are frustrated by huge caseloads, by the lack of opportunity to examine cases carefully, and by the impossibility of giving fair consideration to the problems of offenders. It has seen assembly line justice.

A central problem of many lower courts is the gross disparity between the number of cases and the personnel and facilities available to deal with them. For example, in some lower courts last year increased the number of judges. The District of Columbia Court of General Sessions had four judges to handle the preliminary stages of more than 4,000 felony cases, 7,000 serious misdemeanor cases, and 38,000 petty offenses and an equal number of traffic offenses. The conclusion is inescapable that volume of cases that large is almost the total preoccupation in such a court with the movement of cases. The calendar is long, speed often is substituted for care, and casually arranged out-of-court compromise too often is substituted for adjudication. Inadequate attention is given to the individual defendant, whether in protecting his rights at trial, defending himself against the charges, or he presents, or determining how to deal with him after conviction, i.e., predetermination and failure. As Dean Edward Burnett recently observed: "Wherever the visitor looks at the system, he finds great number of defendants being processed by harassed and overworked officials. Police have more cases than they can investigate. Prosecutors walk into courtrooms to try simple cases as they take their initial looks at the files. Defense lawyers appear having had no more than a few moments for hasty consultations with their clients. Judges face long calendars and often the case is disposed of at the calendar today and the next day will be, if anything, longer, and so there is no choice but to dispose of the case."

It is becoming clear that for most defendants in the criminal process, there is some large cities hundred of persons, arrested for being drunk or disorderly, for vagrancy or petty gambling, for minor assault or prostitution, are brought before the petty offenses part of the lower courts. In some cities these defendants are stood in line and paraded before the judge. In others, 40 or 50 or more people are brought before the benches as a group. Almost all plead guilty, and sentence is imposed in such terms as "30 days or $30." A large part of the jail population in many cities is made up of persons jailed in default of the payment of fines. The offender subjected to this process emerges from it punished but unchanged. He returns to the streets, and it is likely that soon the cycle will be repeated in all its fulness.

There are very few cases in which the defendant demands a trial. Considered in a local context, the judge is almost inevitably delinquent by the unlawfully overloaded 25 judges to try cases. One result of this can be that witnesses and the public are subjected to the process of committing crimes as payment for the privilege of testifying. As an immediate step to meet the needs of the lower courts, the judicial manpower of these courts should be increased and their physical facilities should be improved so that there will be able to cope with the volume of cases coming before them in a dignified and deliberate manner.

The Commission recommends: Felony and misdemeanor courts and their ancillary agencies—prosecutors, defense attorneys, and probation and parole—be unified.

Prosecutors, probation officers, and defense counsel should be provided in courts where these offices are not, or their numbers are insufficient.

The rural counterpart of the lower criminal court is the justice of the peace, who continues to exercise at least some jurisdiction in 35 States. In a majority of these States his compensation is fixed by a tax assessed against the parties. In at least States justices of the peace receive a fee only if they convict a defendant and collect from him, a practice held unconstitutional 40 years ago by the Supreme Court. The dangers of the methods are illustrated by reports that police officers kickbacks from justices of the peace for bringing cases to trial. A justice of the peace is a regular rule for the defendant is likely to find that it is too late to settle, and as many justices of the peace are also likely to find that he does not receive cases or fees. As an immediate step to meet the needs of the lower courts, the judicial manpower of these courts should be increased and their physical facilities should be improved so that there will be able to cope with the volume of cases coming before them in a dignified and deliberate manner.

In recent years a number of States have moved to reform the justice of the peace courts. Illinois has abolished and replaced in with circuit courts aid by 207 salaried magistrates. In 1961 Connecticut abolished the office in favor of professional judges. Delaware, Florida, and North Carolina have begun against the fee system. New York, Mississippi, and Iowa have sought to attack the problem by requiring justices of the peace to maintain records of their activities. Justices of the peace are sometimes appointed and sometimes elected. For clerks and janitors are commonly inadequate.

Studies conducted by the Commission have pointed out the scandal of the lower criminal courts in some States, and the Commission concluded that the justice of the peace problem would be the ability of the courts to handle these cases. The Commission agrees. While the grading of officers as dishonest, misleading, and petty offenses is an inappropriate way of selecting the justices of the peace, the court is directed by history and constitutional provisions, and is necessary for social welfare, purposes, as guard judiciary, and jury trial, the Commission doubts that separation of duties in these systems is needed to reach these distinctions. A system that treats defendants who are charged with minor offenses with less dignity and considerate to them who are charged with serious crimes is hard to justify. The unification of these courts and services may provide a sound way to bring about long overdue improvements in the standards of the lower courts. Existence differences in punishment, right to counsel, right to trial, and the like should be reduced lower courts. All criminal cases should be tried by judges of equal status under generally comparable conditions.

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Beyond this, evaluating a defendant's reliability in terms of dollars is impossible. In theory, it might be possible to define clear-cut standards in terms of the penalty he faces and therefore on the seriousness of the charge against him, bail rates are often pre-ordained by statehouse or judicial policies. So many defendants for such and such a crime. The effect of standard rates and their disparity from place to place is to leave out of consideration not only the important question of a defendant's financial means but also the equally important ones of his background, character, and ties to the community.

Although bail is recognized in the law solely as a method of insuring the defendant's appearance at trial, it often serves to protect the community against crimes that may be committed if bail is not set. In addition to its high economic cost, this procedure is ineffective in many instances. Professor Long states that few systems of organized criminal syndicates have little difficulty in posting bail, although, since crime is their way of life, they are clearly dangerous.

If a satisfactory solution could be found to the problem of the relatively small percentage of defendants who present no significant risk of flight or criminal conduct before trial, the Commission would be prepared to propose that money bail be totally discarded. Finding that solution is not easy. Empowering magistrates to jail defendants they believe to be dangerous might well create more of a problem than the imposition of money bail, in the light of the difficulty of predicting dangerousness. A system also might raise issues under State and Federal constitutional guarantees right to be heard issues that have not been determined by the Supreme Court.

A partial solution for the problem might be to provide an accelerated trial procedure for economically disadvantaged defendants. In Philadelphia, for example, a special calendar for defendants who criteria of relevance has recently been set up; such defendants are to come to trial in 30 days or less after indictment. It is still early to know whether and how much this belatedly the likelihood that released defendants will commit dangerous acts, but other studies have shown that facts are closely related to the length of time that clamps before trial. The use of money bail and restricted and restricted control potentially dangerous persons may provide an adequate and more clearly permissible approach and should be encouraged.
criminal court's probation department now question de­
defendants as they await their appearance before the judge, and fill out the form. Often they check by telephone facts they are given with the defendant's family or neigh­
bor, and fill out the form. The entire procedure can take at least 30 minutes, and by the time the defendant makes his court appearance, the judge knows enough about him to make an informed decision about whether bail is appro­priate or whether the defendant can be released on his own recognizance, that of a member of his family, or his lawyer's. Since the Vera Institute established this ap­proach, more than a hundred other jurisdictions have adopted the same or similar techniques.

The Commission recommends:

Bail projects should be undertaken at the State, county, and local levels to furnish judicial officers with sufficient information to permit the pretrial release without finan­cial restrictions of all but that small portion of defendants who present a high risk of flight or dangerous acts prior to trial.

The Federal Bail Reform Act of 1966 may serve as a helpful guide for States considering comprehensive legis­lation. The act states a presumption in favor of the re­lease of defendants upon their promise to return, or an unsecured bond. Judges are authorized to place non­security persons in jail if they can find out in a minute or less whether the defendant does not eliminate arrest. Rather, the police, or more often prosecutors, have ex­perienced the discretion that is traditionally theirs to decide to prosecute offenders whose conduct appears to deserve from the prosecution of minor offenses, such as drinking, clear medical, mental, or social problems that can be better treated outside the criminal process than within it. First offenders are often dealt with in this way. So are persons whose offenses arise from drinking or mental problems, if the offenses are minor. So are many cases of assault or theft within families or among friends, when peace and mutual respect can be quickly restored. Such cases should not be dismissed, or all automobile theft cases should be referred to another agency. Prosecutors deal with the limited statistics available indicate that approxi­mately one-half of those arrested are dismissed by the police, or later charged with a minor offense, when the defendant can properly identify himself. A prosecutor who bases his estimate of the kinds of offenses that should be most vigorously prose­cuted in view of the community's law enforcement needs. The limited statistics available indicate that approxi­mately one-half of those arrested are dismissed by the police, or later charged with a minor offense, when the defendant can properly identify himself. A prosecutor who bases his estimate of the kinds of offenses that should be most vigorously prose­cuted in view of the community's law enforcement needs. However, others who are released probably did com­mit the offenses for which they were arrested. In some instances offenders who could and should be convicted are, for example, a potential suspect, or a potential defen­der for purposes of bail. If the defendant is found to be a good risk, the prosecutor is authorized to release him with a citation or summons directing him to appear in court at a later date. In addition to the advantages of bail reform, this procedure saves substantial police time and has shown economies in the operation of lockup and de­tection facilities.

Department with the assistance of the Vera Institute of Justice has operated a state-supported program for relatively minor criminal cases (simple assault, petty the­ft, disorderly conduct, etc.) which is to be expanded to major misdemeanors and some felonies.

This project, which has been employed in other cities, does not eliminate arrest. Rather, the arrested person is brought to the police station where, after identification, booking, marking, questioning, and fingerprinting, his com­munity ties are investigated, much as they might be for purposes of bail. If the defendant is found to be a good risk, the prosecutor is authorized to release him with a citation or summons directing him to appear in court at a later date. In addition to the advantages of bail reform, this procedure saves substantial police time and has shown economies in the operation of lockup and de­tection facilities.

Beyond state-supported release there has been an effort to displace arrest in appropriate cases by greater use of summons or citations by police in the street. This pro­cedure, now frequently used for traffic or administrative violations, has been expanded to certain minor offenses that do not call for booking and in-custody investiga­tion. An experimental project in Contra Costa County, Cali­fornia, suggests the potential of this procedure. Using a computer-based police identification network, an officer can find out in a minute or less whether the defendant is wanted for another crime, and he can decide on that basis whether to issue summons rather than arrest for minor of­fenses. This procedure has permitted the broader use of the concept of arrest as a means of preclearing theft, breach of the peace, and similar offenses, while other offenses can be referred to another agency. Prosecutors deal with the limited statistics available indicate that approxi­mately one-half of those arrested are dismissed by the police, or later charged with a minor offense, when the defendant can properly identify himself. A prosecutor who bases his estimate of the kinds of offenses that should be most vigorously prose­cuted in view of the community's law enforcement needs. However, others who are released probably did com­mit the offenses for which they were arrested. In some instances offenders who could and should be convicted are, for example, a potential suspect, or a potential defen­der for purposes of bail. If the defendant is found to be a good risk, the prosecutor is authorized to release him with a citation or summons directing him to appear in court at a later date. In addition to the advantages of bail reform, this procedure saves substantial police time and has shown economies in the operation of lockup and de­tection facilities.

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forensic psychiatry. While recognizing the importance of the long-standing controversies over the definitions of criminal responsibility, insanity, and competence to stand trial, the Commission believes that, if an individual is to be given special therapeutic treatment, he should be diverted as soon as possible from the criminal process. To that end, screening procedures capable of identifying mentally disordered or delinquent potential offenders are essential if the penal system is to be improved by training law enforcement and court officers to be more sensitive to signs of mental abnormality and by making formalized diagnostic and referral services more readily available to the police and the courts.

The Commission recommends:

Prosecutors should endeavor to make discriminating and reasonable decisions, assuring that offenders who merit criminal sanctions are not released and that other offenders are either released or diverted to noncriminal methods of treatment and control by:

- Establishment of explicit policies for the disposal or informal disposition of the cases of certain marginal offenders.

Early identification and diversion to other community resources of those offenders in need of treatment, for whom full criminal disposition does not appear to be required.

In some communities a beginning has been made in providing alternatives other than charge or outright discharge. Some police or prosecutors conduct hearings at which the attempt is made to settle disputes, to arrange restitution or damages, to calm family quarrels, and to obtain promises to keep the peace in the future. In some places the judge participates in this process, and the commitment of the mentally ill, for example, for institutionalization or informal probation without conviction. The laws of at least five States and the provisions of the Model Sentencing Act also provide for such dispositions, and they appear to be used in other places without specific legislation.

Alternative ways of disposing of criminal cases that involve close supervision or institutional commitment without conviction, call for protections from their abuse, protections that should be roughly comparable to those of the criminal law. Experience shows that civil procedures for the commitment of mental illness, for ecclesiastical mental patients, and for similar groups demonstrates that there are dangers of such programs developing in ways potentially more oppressive than those foreclosed by the criminal statutes. The protection of the civil law, in the alternative noncriminal disposition involves institutionalization or prolonged or intrusive supervision of the offender in the community, the disposition should be further reviewed by the court.

The effect of these recommendations might well be to alter the responsibilities of the prosecutor and defense counsel and require more effort on their part early in the case. But these procedures also would result in the early elimination of many cases from the process and thus relieve the system from some of its cascaded burden, without sacrificing the proper administration of justice. The traditional investment of maneuver and terror would not appear as great as it is in the existing procedure, and work with equal effectiveness.

Of course, implementation of this recommendation is heavily dependent on the availability to the prosecutor, defense counsel, and the courts of adequate resources, and facilities and programs in the community for the diagnosis and management of offenders who are diverted. Community programs are discussed in chapters 5 and 6 of this report.

The negotiated plea of guilty

Most defendants who are convicted— as many as 95 percent in some jurisdictions—are not tried. They plead guilty, often as a result of negotiations about the charge or the sentence. It is almost impossible to generalize about the details of the plea negotiations or about the ways in which they are negotiated, so much practice varies from jurisdiction to jurisdiction. A plea negotiation can be, and often is in a minor case, a hurried conversation in a courthouse hallway. In grave cases it can take place over a period of months, in the course of weeks in which facts are thoroughly discussed and alternatives carefully compared. In the negotiations are between a prosecutor and defense counsel, but sometimes a magistrate or a police officer or the defendant himself is involved. In some courts there are plea negotiations at all. There almost never are negotiations in the cases of petty offenders. And, of course, plea negotiations at all. But these procedures also would result in the early elimination of many cases from the process and thus relieve the system from some of its cascaded burden, without sacrificing the proper administration of justice. The additional investment of maneuver and terror would not appear as great as it is in the existing procedure, and work with equal effectiveness.

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Of course, implementation of this recommendation is heavily dependent on the availability to the prosecutor, defense counsel, and the courts of adequate resources, and facilities and programs in the community for the diagnosis and management of offenders who are diverted. Community programs are discussed in chapters 5 and 6 of this report.

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that negotiations have occurred is commonly denied on the record, and so is the explicit or tacit expectation that the defendant will impugn the agreed punishment. The Commission believes that this is undesirable and that the agreement should be openly acknowledged and fully presented to the judge for review before the plea is entered. A desirable change might be that before the plea is finally entered, the judge would indicate whether the disposition is acceptable to him and will be followed. Should the judge feel the need for more information or study, the plea may be entered conditionally, and if a more severe sentence is to be imposed, the defendant should have an opportunity to withdraw his plea.

Inevitably the judge plays a part in the negotiated guilty plea. His role is a delicate one, for it is important that he carefully examine the agreed disposition, and it is equally important that he not undermine his judicial role by becoming excessively involved in the negotiations themselves. The judge's function is to insure the appropriate consideration of the cooperation of the parties and to guard against any tendency of the prosecutor to overcharge or be excessively lenient.

The judge should satisfy himself and assure that the record indicates that there is a factual basis for the plea, that the defendant understands the charge and the consequences of his plea, and where there has been an agreement on sentence that the agreed disposition appears within the reasonable range of sentencing appropriate to the circumstances of the case; the defendant's cooperation; and the requirements of law enforcement. The court should be apprised of all information concerning the offense, including any investigative reports, grand jury minutes, and all information concerning any plea or cooperation agreements between the parties, and to state explicitly all its terms. If the agreed sentence appears within the reasonable range of sentencing appropriate to the circumstances of the case; the defendant's cooperation; and the requirements of law enforcement. The court should be apprised of all information concerning the offense, including any investigative reports, grand jury minutes, and all information concerning any plea or cooperation agreements between the parties and to state explicitly all its terms. If the agreed sentence appears within the reasonable range of sentencing appropriate to the circumstances of the case; the defendant's cooperation; and the requirements of law enforcement. The court should be apprised of all information concerning the offense, including any investigative reports, grand jury minutes, and all information concerning any plea or cooperation agreements between the parties, and to state explicitly all its terms. If the agreed sentence appears within the reasonable range of sentencing appropriate to the circumstances of the case; the defendant's cooperation; and the requirements of law enforcement. The court should be apprised of all information concerning the offense, including any investigative reports, grand jury minutes, and all information concerning any plea or cooperation agreements between the parties, and to state explicitly all its terms.

A plea negotiation is fundamentally a negotiation about the correctional disposition of a case and is, therefore, a part of the criminal proceeding to be conducted by the parties and to guard against any tendency of the prosecutor to overcharge or be excessively lenient. If the offense is a serious one, a plea bargain should be founded on the kind of information, fully shared between the parties, that probation departments develop for presentence reports. In the District of Columbia the defense office has an experimental project, in many respects resembling a probation service, for evaluating defendants and developing correctional plans for them. Such a service might well be one means of repairing the full information that is needed in order to dispose of serious offenders effectively, as well as a means of developing the less complete information that would be adequate for arriving at dispositional decisions about minor offenses.

At the same time subtle and difficult questions are presented in some cases by an approach calling for full sharing of information. The judge may well possess information adverse to his client, and the prosecutor may have erroneous information which defense counsel knows works to an unjustifiably favorable picture of his client. For example, an apparent conflict exists between the need for a frank exchange of information with the prosecutor and the concurrent duty of the defense counsel to protect the interests of his own client. While the consent of the client must satisfy some aspects of this problem, it is clear that the expansion of discovery and the sharing of information early in the case will create new problems for both prosecution and defense counsel. Experience may provide guides for some of the problems presented, other norms may be provided by such efforts as those of the American Bar Association redefinition of the canons of professional ethics or the consideration of the role of counsel by the ABA Special Project on Minimum Standards for the Administration of Criminal Justice.

The Commission recommends:

Prosecutors and defense counsel should in appropriate respects resemble a probation service, for evaluating defendants and developing correctional plans. Defense counsel may well possess information adverse to his client, and the prosecutor may have erroneous information that defense counsel knows works to an unjustifiably favorable picture of his client. For example, an apparent conflict exists between the need for a frank exchange of information with the prosecutor and the concurrent duty of the defense counsel to protect the interests of his own client. While the consent of the client must satisfy some aspects of this problem, it is clear that the expansion of discovery and the sharing of information early in the case will create new problems for both prosecution and defense counsel. Experience may provide guides for some of the problems presented, other norms may be provided by such efforts as those of the American Bar Association redefinition of the canons of professional ethics or the consideration of the role of counsel by the ABA Special Project on Minimum Standards for the Administration of Criminal Justice.
the dignity of a judicial proceeding or threaten to prejudice the fairness of a trial, while permitting legitimate, nondisruptive newsgathering.

The Commission recommends:

Police, prosecutors, bar associations, and courts should issue regulations and standards as to the kinds of information that properly may be released to the news media before or during trial, while safeguarding legitimate reporting on matters of public interest.

JUDICIALLY SUPERVISED DISCOVERY

The relatively informal exchanges of information between the prosecution and the defense proposed earlier in this chapter are intended primarily for the case that will be disposed of before trial, although their usefulness for the fully litigated case is apparent. In addition to such exchanges, there is a large proportion of frivolous petitions, including those that fall far short of the constitutional claims described succinctly by Mr. Justice Brennan in his conclusion about cases in which a person convicted at trial can continue to challenge his conviction in a series of appeals and collateral attacks in the nature of habeas corpus in the State and Federal courts. The procedure is the only way he can obtain judicial consideration of substantial constitutional infirmities in the process by which he was convicted. The availability of such a remedy is embodied in the Constitution and is basic to our system of law.

The vast increase in the number of petitions, including a large proportion of frivolous petitions; public exaggerations about cases in which punishment is postponed; sometimes for many years, because of successive hearings; the resulting sense of friction between the State and Federal courts—all have reinforced the need for reexamination of the use and administration of the writ. A result has been more frequently denied for want of an adequate record. The procedures for dealing with postconviction matters are unsatisfactory postconviction procedures by statute or judicial rule. Much of the remainder rely on a faulty and antiquated system of ill-defined common law remedies that fail far short of what the court rules embodied in the Constitution and is basic to our system of law.

The procedure should be swift and simple and easily invoked. It should be sufficiently comprehensive to embrace all federal constitutional claims. * * * It should provide for full fact hearings to resolve disputed factual issues, and for complications of a record by review of the sufficiency of those hearings. * * * It should provide for decisions supported by opinions, or findings and conclusions of law, which eliminate amounts of decision and the resolution of disputed facts. Council of the American Bar Association Project on Minimum Standards for Criminal Justice.

The issues raised are complex and highly technical in several respects. In large part the inaccuracy in the number of petitions for habeas corpus is a reflection of the expanding interpretation the courts have given to constitutional standards applied to the criminal process. As standards change, the number of cases in which these issues can be raised by habeas corpus grows apace. In addition, the court rules governing such petitions have been illusory to permit greater response to the writ.

Finally, the cumulative cost of a case, is undesirable, but so is providing a man in prison or under sentence of death every opportunity to assert his claim that he is wrongly held. This is complicated by the nature of the Federal system, which in certain circumstances makes it possible for a single Federal district judge to sit in review of State court actions and decisions that have been considered and approved by the full supreme court of a State.

A partial answer to the great number of habeas corpus proceedings is the improvement of trials. This means not only insisting that constitutional rights are protected but that the protection is fully considered and that judges should take pains to insure that constitutional issues present in the case are confronted and decided.

A more important partial solution lies in the improvement of State procedures for dealing with postconviction claims. Much of the criticism of current practice is based on the sense that Federal courts are becoming involved in an excessive degree in State criminal proceedings. But frequently when the Federal district court holds a hearing on such a petition, it is because there is no available procedure through which the prisoner can obtain relief in the State courts. Far fewer than half of the States now have satisfactory procedures by statute or judicial rule. Much of the remainder rely on a faulty and antiquated system of ill-defined common law remedies that fall far short of what the court rules embodied in the Constitution and is basic to our system of law.

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Another pressing need is the more frequent provision of legal counsel to help a prisoner seek habeas corpus. Legal assistance and advice for all prisoners seeks
APPEALS BY THE PROSECUTION

In every jurisdiction in this country the right of the prosecution to appeal from an adverse ruling by a court is more limited than the comparable right of the defendant. The argument against retrying a man who has convicted a court of the merits of his case has led to double jeopardy clauses in the Federal Constitution and the constitutions of 45 States. The same argument inhibits appeals that, if successful, would result in just such a retrial. But in many States and the Federal system these considerations do not forbid all appeals by the prosecution, particularly those from pretrial rulings that are made before jeopardy attaches in the constitutional sense. Developments in the law, particularly the growth of search and seizure law and evidentiary rules governing confessions, call for a reexamination of the role of the pretrial decisions of the prosecution's right to appeal.

An appeal from the denial of a motion for the suppression of evidence is of particular importance. The accused's right to a speedy trial is protected by requirements of diligent prosecution of such appeals.

The Commission recommends:

States that do not have procedures that provide adequate postconviction remedies should enact legislation or establish rules that do. A simple, single remedy for all appeals should be given by each State and be based on a proportional right. These procedures should provide for the assistance of counsel. The accused should be informed of their merits rather than upon procedural technicalities.

PERJURY

The criminal law must offer more effective deterrents against false statements. The integrity of the trial depends on the power to compel truthful testimony and to punish falsehood. Immunity can be an effective prosecutorial weapon if properly used. Immunity provisions are particularly serious danger, in the light of court decisions with which the prosecution is not permitted an appeal, law enforcement officers are justified in obtaining immunity to be elicited only on an appeal sought by the defendant.

When the prosecution is not permitted an appeal, law enforcement officers are justified in obtaining immunity to be elicited only on an appeal sought by the defendant. They can follow the lower court decision and abandon the practice, in which case an authoritative decision by an appellate court revars can be obtained; or they can continue the practice, hoping that in a future case a trial court will sustain it and that a defendant by appealing will give the higher court an opportunity to resolve the point. The first choice is understandable because it results in the abandonment of what may be legitimate police practice merely because there is no way of testing it in the appellate courts. The second choice is equally undesirable for it puts the police in the position of deciding which court rulings they will pay and which they will not.

A more general right of the prosecution to appeal from adverse pretrial rulings is desirable. Controls may be needed to assure that appeals are taken only from rulings of significant importance and that the accused's right to a speedy trial is protected by requirements of diligent prosecution of such appeals.

The Commission recommends:

Congress and the States should enact statutes giving the prosecution the right to appeal from the grant of all pretrial motions to suppress evidence or confession.

INNOCUITY

A general jury subpoena can compel the attendance of a witness and the production of books and records, but the grand jury has no power to compel a witness to testify or to inspect private books and records. Immunity provisions are particularly important if grants of immunity are to be intelligently administered. The law of search and seizure was the first of a series of civil liberties that are and are not particularly relevant to sentencing. The judges do not have much predictive data to guide them. Very little is yet known about how different kinds of individuals are likely to react to corrections. Sentencing is concerned with the deterrent effects of the criminal process. In some courts judges are instructed to concern themselves with how our ancestors perjured themselves with impunity.

The requirements for proof in perjury cases are complicated by special common law rules of evidence, particularly the two-witness rule and its corollary, the direct evidence rule. In essence the former requires that the testimony of the two witnesses be substantially corroborated and the latter that circumstantial evidence, no matter how persuasive, will not alone support a conviction for perjury. There are, in addition to the direct evidence rule, special provisions that operate in cases under oath not to be the subject matter of a perjury prosecution without additional proof of the falsity of one of the statements. Disatisfaction has led to changes by statute in some jurisdictions; however, the common law rule prevails in Federal proceedings and in a number of States. These restrictive evidentiary rules are not a conclusive barrier to effective perjury convictions.

There is no apparent reason for the distinction between perjury and other crimes. Sound prosecutorial discretion, proof beyond a reasonable doubt to a judge and jury, and the fact that defendants apply in every criminal case provide adequate protection against the unwarranted charge and conviction of perjury.

The Commission recommends:

Congress and the States should abolish the rigid two-witness and direct evidence rules in perjury prosecutions although maintaining the requirement of proving an intentional false statement.

SENTENCING POLICIES AND PROCEDURES

There is no decision in the criminal process that is as complicated and difficult as the one made by the sentencing judge. A sentence prescribes punishment, but it should also provide for the release of the offender, to insure that he does not endanger the community, and to deter others from similar crimes in the future. Often these objectives are mutually inconsistent, and the sentencing judge must choose one at the expense of the other. A man who has committed murder in a moment of extreme emotion may require no correctional program and may present no significant threat to the general safety, but few judges would be likely to respond to an offense so heinous by suspending the offender's sentence or granting him probation.

The difficulty of making such important choices is compounded by the fact that a sentence is in large part a prediction. It tries to predict how an offender will behave under certain circumstances and how other potential offenders will behave. But judges do not have much predictive data to guide them. Very little is yet known about how different kinds of individuals are likely to react to corrections. Sentencing is concerned with the deterrent effects of the criminal process. In some courts judges are instructed to concern themselves with how our ancestors perjured themselves with impunity. There are, in addition to the direct evidence rule, special provisions that operate in cases under oath not to be the subject matter of a perjury prosecution without additional proof of the falsity of one of the statements. Disatisfaction has led to changes by statute in some jurisdictions; however, the common law rule prevails in Federal proceedings and in a number of States. These restrictive evidentiary rules are not a conclusive barrier to effective perjury convictions.

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The Oregon Penal Code contains 466 penalties that can be imposed for one or more of 1,413 offenses. A recent study of the Colorado Supreme Court revealed that a person convicted of first-degree murder must serve 15 or more years; stealing a dog is punishable by up to 25 years, but in cases involving armed robbery, the judge has discretion to impose a sentence of up to 25 years. In the case of burglary at night, judges have the discretion to impose a sentence of up to 3 years, or a maximum of 5 years in the case of more serious offenses. Reports indicate that a prisoner has committed suicide, and many offenders would be served if stricter parole terms were permissible. A less obvious effect is that punishments prescribed by some courts are likely to impose greater hardships on the innocent. Federal judges have discretion to order a sentence of one to five years. Federal law, armed robbery, is punishable by fine, imprisonment, or a prison term up to 25 years, but in cases involving armed robbery, the judge has discretion to impose a sentence of up to 25 years. The American Law Institute in its Model Penal Code takes an imaginative and constructive approach to simplifying sentencing processes. It reduces all crimes to three classes of felony and two grades of misdemeanor. Each grade carries a penalty for being sentenced to a jail term of 15 years or less. The maximum sentence is the sentence that the judge believes is appropriate for the offense. This is an undertaking of great importance, and continued experimentation is likely to produce valuable results.

The Commission recommends:

States should reexamine the sentencing provisions of their penal code with a view to simplifying the grading system and providing minimum mandatory sentences for the more serious offenses. A clear definition of the circumstances under which, for example, it is appropriate to impose a capital punishment or an extended prison term or to grant parole would help guide sentencing judges. About half the states are now undertaking projects to revise their penal laws and sentencing codes. Upon recommendation of President Johnson in his 1965 crime message, Congress has authorized the establishment of a special commission to study the provisions of the United States Code defining and fixing the punishment for Federal crimes.

The most salient characteristic of capital punishment is that it is infrequently applied. During 1960 only 10 persons were sentenced to death in the United States, and 36 counties have a death sentence on the books. This trend toward abolition of the death sentence has been national in character. The most recent Gallup poll, conducted in 1966, revealed that less than half of those interviewed favored retaining the death penalty in the last 5 years. The trend toward abolition is supported by the United Nations. Capital punishment was abolished in Delaware in 1958 but restored in 1961. In 1966 a constitutional amendment abolishing capital punishment was adopted by the voters in Colorado. In 1965 the Canadian Parliament rejected a move to abolish the death penalty.

The Commission recommends:

Whatever views one may have on the efficacy of the death penalty as a deterrent, it clearly has an undesirable effect on the administration of criminal justice. Capital cases take longer to litigate, and the trial of a jury often requires several days, and each objection to a point of law requires, from the possibility of the irreversible consequences of error. In addition, the inherent sensationalism of a trial for life distorts the factfinding process and increases the danger that public sentiment will be aroused for the defendant, regardless of his guilt of the crime charged. This distortion is not restricted to the trial level.

The most obvious effect of these anomalies and inconsistencies is that sometimes judges are compelled to choose between equally unwise alternatives. In the exercise of sentencing, sometimes choose between equally unwise alternatives. In the exercise of sentencing, some courts are likely to impose greater hardships on the innocent. Federal judges have discretion to order a sentence of one to five years. Federal law, armed robbery, is punishable by fine, imprisonment, or a prison term up to 25 years, but in cases involving armed robbery, the judge has discretion to impose a sentence of up to 25 years. The American Law Institute in its Model Penal Code takes an imaginative and constructive approach to simplifying sentencing processes. It reduces all crimes to three classes of felony and two grades of misdemeanor. Each grade carries a penalty for being sentenced to a jail term of 15 years or less. The maximum sentence is the sentence that the judge believes is appropriate for the offense. This is an undertaking of great importance, and continued experimentation is likely to produce valuable results.

The Commission recommends:

The question whether capital punishment is an appropriate sanction is a policy decision to be made by each State. Where it is retained, the types of offenses for which it is available should be strictly limited, and the law should be enforced in a nondiscriminatory manner, with procedures for review of death sentences that are fair and expedient. When a State retains capital punishment, the trial should be by a jury, and if the death penalty is being imposed but not carried into effect, the penalty should be abandoned.
SENTENCING PROCEDURES

Although the criminal trial on the issue of guilt is a strictly formal procedure, the determination of what is to be done with a convicted offender is often a rather informal one. A judge, when he sentences, need facts about the offender and his offense. Both will be absent in many cases when conviction has resulted from a plea of guilty and the court lacks, or has inadequate facilities for preparing, presentence reports. The judge then must rely on the necessarily incomplete and biased oral statements of the prosecutor, defense counsel, and defendant. Such statements may be supplemented by a "rap sheet," a 1-page record of the offender's prior criminal involvements.

In most felony courts presentence reports are prepared, but they are of uneven quality and usefulness. One almost universal problem is that the probation officers who prepare them have more work than they can effectively do, which means that they do not have adequate time and facilities to supervise, besides preparing reports. Another problem is that the pay, recruitment, and training do not equal the demands in the presentence report or other material coming to the attention of the judge.

One problem is that the pay, recruitment, and training standards for probation officers are often low, and the officers are not equipped to evaluate the information they receive in the course of their investigations.

Probation Officer interview (note) for presentence report.

Most misdemeanor courts do not require presentence reports. In the case of the majority of misdemeanants full field investigations by trained probation officers may not be carried out. However, some relevant information should be provided to the sentencing judge, perhaps no more than is obtained by the use of the kind of short form that was described in this chapter's discussion of bail.

Many misdemeanor courts have no presentence services at all. In such courts a sentence of probation is in effect an unconditional release, except that the offender can be later jailed for his offense if a violation of his probation comes to the attention of the court. At the result of his being arrested on another charge.

The Commission recommends:

All courts, felony and misdemeanor, should have probation services. Standards for the recruitment and training of probation officers should be set by the State, and the funds necessary to implement this recommendation should be provided by the States to those local courts that cannot finance probation services for themselves. All courts should require presentence reports for all offenders, whether those reports result from full field investigations by probation officers or, in the case of minor offenders, from the use of short forms.

Offenders may be endangered. However, the experience and the data indicate that this is a poor practice. The sentencing council consists of several judges of the military courts. In addition, the appellate courts have construed their laws to grant such authority. However, in at least 31 States and the Federal system sentencing power is vested solely with the trial judge.

Appellate review of sentences affords the occasion for a systematic and continuous examination of sentencing policy by an appellate court. Authority for appellate review of legally imposed sentences has been expressly granted by the legislatures of 12 States and by Congress for the military courts. In addition, the appellate courts of a few States have construed their laws to grant such authority. However, in at least 31 States and the Federal system sentencing power is vested solely with the trial judge.

Appellate review would encourage the development of uniform and considered sentencing policies within a jurisdiction. It leads both the trial court and the appellate court to give sustained and explicit consideration to the

The Commission recommends:

Jury sentencing in noncapital cases should be abolished.

SENTENCING DISPARITY

That different judges sentence differently is, and always has been, a major and justified complaint against the courts. Mr. Justice Jackson, when he was Attorney General of the United States, stated:

It is obviously regrettable to one's sense of justice that the judgment meted out to an offender should depend in large part on a purely fortuitous circumstance; namely, the personality of the particular judge before whom the case happens to come for disposition.

Several of the recommendations in this section of the chapter would tend to alleviate some of the problems of statutory criteria for sentencing, together with programs to educate judges and with other relevant disciplinary standards for judges and other judges and with correctional authorities to discuss sentencing standards and learn about available correctional programs and facilities.

In 10 States sentences are fixed by juries rather than by judges. Data indicate that this is a poor practice. Judicial sentences are fixed by juries rather than by judges. Data indicate that this is a poor practice. Judicial and do not and cannot have the expertise to assess the information they receive. The Commission recommends:

Every State should organize and finance regular judicial institutes or conferences at which judges meet with other judges and with correctional authorities to discuss sentencing standards and learn about available correctional programs and facilities.

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The quality of the judiciary in large measure determines the quality of justice. It is the judge who tries disputed cases and who supervises and reviews negotiated dispositions. Through sentencing the judge determines the treatment given to an offender. Through the exercise of his administrative power over his court he determines its efficiency, fairness, and effectiveness. No procedural or administrative reforms will help the courts, and no reorganization plan will avail unless judges have the highest qualifications, are fully trained and competent, and have high standards of performance.

Selection of Judges. Methods for the selection of judges vary from jurisdiction to jurisdiction, and some States use different methods of selection for upper court judges than for lower court judges. In 11 States judges are appointed either by the Governor or the legislature; in some of these States they are first appointed and then must run for election on their records; in 15 States they are elected without party labels, and in 19 States they are elected from a nonpartisan basis. In a number of States there is a professional or nonpartisan screening process that develops an identified group of professionally qualified persons from whom all nominations or appointments are made, or that reviews proposed nominations or appointments for professional competence. Sometimes this group is required by State constitution or statute; sometimes it is advisory. Sometimes it is employed only for all judges, sometimes only for certain kinds of judges. It is employed least often in the States that have judicial career tenure, or fixed retirement age, or for a term of from 10 to 14 years. Under both of these approaches giving long tenure, generally a period of judicial stability, has been maintained.

It is important that there be liberal provisions for the dignified retirement of judges at a fixed age to ensure the continuing capacity of the judiciary. Many States and the Federal Government have authorized the continued service of vigorous retired judges, enabling the full use of their experience while making room for the appointment of younger judges.

The Commission recommends:

Judicial tenure in major trial courts should be for a term of 10 years or more, with appropriate provisions to facilitate retirement of judges at a predesignated age.

Judicial Education. Courts, particularly the courts that try felony, are typically both civil and criminal, and the judges in them preside over both civil and criminal cases. Naturally many judges are civil, not criminal, lawyers in office.

A recent survey showed that only about one-half of newly selected judges have any prior courtroom experience and that few of them have any background in criminal cases. Such judges need guidance in the conduct of trials; yet they seldom have opportunities to watch experienced judges at work and to learn from their performance. Such judges also need guidance in the substantive criminal law, in corrections and sentencing, and in administration and management.

In some States judicial conferences, seminars, and institutes have been used successfully to train sitting judges. National organizations, such as those sponsored by the National College of State Trial Judges, the American Bar Association, and the Institute for Judicial Administration, and the Institute for Judicial Administration, and the Institute for Judicial Administration, have provided for the training of judges, investment of much effort in curriculum development, and experimentation with procedures making participation in continuing programs mandatory.

Seminars of National College of State Trial Judges

Judicial careers tend to be long. Available data indicate that they average over 25 years. For a career of such length a period of judicial stability has been maintained.

Control and Supervision. Long tenure for judges makes the maintenance of high standards of judicial performance crucial. It requires that there be administrative methods of dealing with an ability and sometimes with judicial incompetence or misbehavior. In most States the only available method of recalling, or retaining, judges who are both compeent and far too severe to be involved in any case is the disciplinary process. In many cases the problem is occurring physically or mentally incapacitated judges from their duties without publicly humiliating them. Recently California and Texas, in an effort to solve this problem, have set up an independent judicial department commissions charged with examining judicial conduct and recommending action. These commissions rely heavily upon informal conferences and discussions calculated to appeal to an individual judge's sense of status and his self-motivation. In California over a 4-year period this commission has removed 26 judges and has been instrumental in the retirement or resignation of a number many more, yet only one recommendation for removal was contested in the State supreme court. The Subcommittee on Improvement in Judicial Machinery of the Senate Judiciary Committee has held hearings on proposals to create similar machinery in the Federal system, as well as attempts to improve procedures for the compulsory retirement of physically or mentally incapacitated judges. New York's Court on the Judiciary has been established to hear complaints of judicial misconduct.

The Commission recommends:

States should establish commissions on judicial conduct taking the approach used in California and Texas. States should review their statutes governing the retirement of physically or mentally incapacitated judges to insure that the judicial commission was established with dignity of judges unable to bear the burdens of office.

Prosecutors

The prosecutor's discretion to decide what charge to bring against, and what disposition to recommend for, an offender is indicative of his crucial position in the law enforcement system. The prosecutor is particularly able to influence police practice which affects the development of legal rules by his arguments in court. He can help bring about needed reform by pressing for changes in bail practice, for example, or in procedures for the appointment of counsel. Except for the judge he is the most influential court official.
I load does not just:fy a full-time criminal prosecutor, the quality of the office so that highly talented lawyers and are expected to, engage in private law practice. This participation of defense counsel in criminal cases grows, at the same time, the need to improve the quality of the prosecution views that are popular, rather than carefully thought out.

Yet many prosecutors in this country are part-time officers. They generally are elected or selected on a basis. The Federal Government, the State of Arizona, the National District Attorneys Association, and the state bar in California and Alaska.

In 1954 the American Bar Association and the National Conference of Commissioners on Uniform State Laws proposed a Model State District Attorney Act designed to give strength and the State attorney general, to encourage cooperation among law enforcement officials and to provide general supervision over prosecution within the State. The prevailing is that while most State attorneys general do not require them to coordinate local law enforcement activity, in most States this authority is not exercised, and even in those States where some coordination is attempted much more should be done.

On behalf of a more coherent law enforcement organization is beset by difficulties, but the need to move in this direction is compelling. County prosecutorial lines that made little sense in the 1950's often makes no sense today. The growth of our enormous urban complex is transmitting even county lines, the rapid mobility of the population, and the increased incidence of organized criminal activity make the need for coordination and concerted efforts greater today than it was 30 years ago.

The Commission recommends:

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The Commission recommends:

Localities should revise salary structures so that district attorneys and assistants devote full time to their office without outside practice. The effort should be to raise the quality of the office so that highly talented lawyers will seek it. In smaller jurisdictions, where the office does not justify a full-time professional prosecutor, consideration should be given to use of assistants representing larger districts, in place of county or town attorneys. Assistants should be hired on a per diem basis.

There are real advantages in the politically oriented selection and noncareer tenure of prosecutors. They ensure that the office will be responsive to the community rather than be a law enforcement agency.

In some places, including some of our largest cities, unusually short district attorneys have augmented this pattern and have developed highly professional career offices, manned by attorneys of long experience and broad outlook, in which careful attention is given to the development of sound prosecutorial policies. These offices have the ability to hire and retain very talented, professional prosecutors if those who control the process of selection strive for these qualities.

The training of a prosecutor is generally limited to his legal education and whatever courtroom experience he has had. While this may meet the need for the courtroom and trial aspects of the job, it does not necessarily prepare the man for his administrative and law enforcement functions. Many young assistant district attorneys in the course of their experience in court or to the ins and outs of their office will suggest areas in which statewide standards, programs and policies are needed.

Defensive Counsel

A man standing alone cannot defend himself adequately against a criminal charge. As observed many years ago by Mr. Justice Harlan: "The right to be heard would be in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the necessities of small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guidance and counsel at every stage of proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence." (Powell v. Alabama, 287 U.S. 45, 69 (1932)).

This long-recognized principle is being increasingly incorporated into state and federal laws. Color is redressed in the mark decisions of the U.S. Supreme Court, particularly Gideon v. Wainwright, all felony defendants now must be afforded counsel at trial and on appeal. Most communities have begun to provide this assistance. Under the recent decision of Powell v. Arizona, counsel must be made available to arrested persons held in custody if the results of police questioning are to be admissible in court.

Since the late 1960's, in the course of the cultural and social upheaval that hit the nation, a number of prominent persons have called for a "new" justice system. This movement has been called the "criminal justice" or "social justice" movement. The movement has been spearheaded by a number of legal scholars and social workers who have argued that the criminal justice system is inherently flawed and that it is time for a "new" justice system. The movement has been characterized by a number of demands, including the abolition of capital punishment, the criminalization of poverty, the abolition of the police, and the abolition of the courts.

The movement has been met with a number of criticisms. Some have argued that the movement is simply a reaction to the failings of the criminal justice system, and that it is time to move beyond the movement. Others have argued that the movement is a form of political correctness, and that it is time to move beyond the movement. Still others have argued that the movement is a form of radicalism, and that it is time to move beyond the movement.

In conclusion, it is clear that the criminal justice system is in need of reform. The movement for a "new" justice system is a positive step in that direction. It is time to move beyond the movement, and to work to implement the reforms that are necessary to make the criminal justice system fair and just.
sentence, for the appellate process and the collateral proceedings that may follow it are uniquely the province of the law-trained man, able to deal with technical legal issues with a specialist's skill.

As the court that has been adjudging men guilty and fixing sentences, the judge is expected to require that the court deal deliberatively with its task. He must demand compliance with the rules of evidence and make sure that these rules are followed, not only in all cases in which the accused persons may be deprived of their liberty. The revocation of parole, for example, is a form of punishment. Many of these functions could be handled by a defender, or appellate counsel. The assignment of counsel can be effective if it is done early in the process, as in the past, when assigned counsel was provided in parole and revocation proceedings in the juvenile court.

Legal assistance should be provided in parole and probation revocation proceedings if there is a possibility of coercive disposition or if there is a serious doubt about the respondent's guilt. The costs of providing these services are already high and will become much higher. In all but a few States where there is some provision exist for compensating assigned counsel for his services, the system is dependent on the donated services of lawyers. Lawyers have traditionally performed these services as an obligation of their profession. The Commission believes that they should be required to continue to do so, but it does not believe that donated services alone can provide a sound basis for a counsel system. Present State and local government appropriations for counsel are now less than $200 million annually, more than half of which is provided by three States. A moderate estimate of what counsel services may cost nationwide might well run in excess of $100 million a year.

An Expanded Role for Counsel. It seems likely that as counsel becomes more involved in criminal cases on a regular basis, he will be called upon to do more things. It has been noted that the criminal charge frequently is a serious commitment to the exercise of the legal process and the jury. The defendant is a person who happens to be in trouble with the law. His defense cannot be handled by a layman. Even if he cannot afford to hire a lawyer, he is entitled to one. The Constitution guarantees the right to counsel, but in most places heavy reliance is still placed on the donated services of lawyers. Lawyers have traditionally performed these services as an obligation of their profession. The Commission believes that they should be required to continue to do so, but it does not believe that donated services alone can provide a sound basis for a counsel system. Present State and local government appropriations for counsel are now less than $200 million annually, more than half of which is provided by three States. A moderate estimate of what counsel services may cost nationwide might well run in excess of $100 million a year.

Public Defender interviews client.
the best possible construction on those acts. It is not the sort of

Indeed some criminal lawyers are in fact house counsel

As a summer internship program in Wisconsin provides a

The legal problems they encounter are evaluated during a

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They are aimed at producing a group of special­

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COURT SCHEDULING, MANAGEMENT AND ORGANIZATION

From the beginning of the criminal process to its end, from police work to corrective work, there is a tension between efficiency—protecting the community from crime—and fairness—protecting the rights of individuals. If these opposing pulls are not kept in balance, the process tends to become either excessively arbitrary, perfunctory, and hasty or excessively deliberate, cumbersome, and dilatory. Every year both pressures are becoming stronger, and the effect of this on the courts is especially conspicuous. The volume of criminal cases is growing, and dilatory. Every year both pressures are becoming stronger, and the effect of this on the courts is especially conspicuous. The volume of criminal cases is growing, and so the deliberation with which cases must be considered is becoming greater.

Decisions requiring intervention of defense counsel at early stages of the process are becoming more rigorous, and so the deliberation with which cases must be considered is becoming greater.

The Commission is well aware that the preponderant, though not the entire, stress of the recommendations it has made for greater participation by counsel, for more careful procedures, and for fuller information relating to precharge decisions and plea negotiations is in a direction that will slow the process down. A chief purpose of this section is to discuss ways in which the countervailing pull of rising volume.

Many of the concerns about delay that are brought to bear on him by defense counsel—his calendar. He can resist the pressure to delay that is brought to bear on him by defense counsel for tactical reasons, or by a prosecutor who has been slow to assemble his case. With no more than a sketchy set of records he can manage his calendar fairly and efficiently. In a badly congested court a judge, however, elaborates and faithfully keeps his records and is less likely to assemble his case than is the prosecutor's. Important cases are less likely to be assembled by the prosecutor's action.

A rigid advance schedule for the processing of a case is essential. It is shown in graphic form below and is not intended, of course, to eliminate any traditional procedures from the process. It is not intended to suggest that every case is the same as every other case or to remove from judges, prosecutors, or defense counsel any of the discretion it is necessary for them to have. The Commission believes it is a fair and reasonable set of guidelines against which courts can measure their present performance. It proposes maximum intervals between specific steps in the process, for example, that the preliminary hearing follow the initial appearance by not more than 3 days for released defendants and 7 days for released defendants. It proposes that the period from arrest to trial of felony cases be no more than 4 months and that the period from trial to

At any stage in the process the calendar takes more time because another trial has been unexpectedly prolonged and there is no judge or courtroom.

Model Timetable

A rigid advance schedule for the processing of a case is patently unrealistic. There are too many variables. Sometimes motions to suppress require that the legality of an arrest be examined at length; an elaborate search for evidence is justified; lawyers have conflicting engagements; witnesses fail to appear; a trial must be put off because another trial has been unexpectedly prolonged and there is no judge or courtroom.

Making allowance for unlimited flexibility, however, it is possible to establish standards that emphasize the court's ability to deal efficiently with its business, that distinguish between needless and necessary delay, and that provide a reference for court management.

In the report of the Commission's administration of justice task force, a model timetable is set forth in detail. It is shown in graphic form below and is not intended, of course, to eliminate any traditional procedures from the process. It is not intended to suggest that every case is the same as every other case or to remove from judges, prosecutors, or defense counsel any of the discretion it is necessary for them to have. The Commission believes it is a fair and reasonable set of guidelines against which courts can measure their present performance. It proposes maximum intervals between specific steps in the process, for example, that the preliminary hearing follow the initial appearance by not more than 3 days for released defendants and 7 days for released defendants. It proposes that the period from arrest to trial of felony cases be no more than 4 months and that the period from trial to

Preparation for Trial

Arraignment to Sentencing

Appellate

Review

Sentence to Appellate Review. This standard is based on the time periods of the proposed Uniform Rules of Federal Appellate Procedure. Many jurisdictions would have to change existing practices concerning printing and preparation of records to meet this standard.

defendant. He can remember what motions he has heard and how he ruled on them, how many continuous he has granted and for what reasons, which defendants are in jail and which are not. He can resist the pressure to delay that is brought to bear on him by defense counsel for tactical reasons, or by a prosecutor who has been slow to assemble his case. With no more than a sketchy set of records he can manage his calendar fairly and efficiently. In a badly congested court a judge, however, elaborates and faithfully keeps his records and is less likely to assemble his case than is the prosecutor's. Important cases are less likely to be assembled by the prosecutor's action.

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appendix decision be within 5 months—that, in short, the entire process take no more than 9 months. In chapter 11 of this report an experimental computer simulation of the workload of an existing court is described. This study demonstrates the feasibility of the time standards described in the model timetable and shows the usefulness of this approach as part of an analysis of court operations.

Courts administrators should collect regularly reported information on the time the courts are taking to dispose of cases and should measure this experience against the standards. Delay may be met by a variety of measures including assignment of additional judges; calling extra or longer sessions of courts; special priorities for criminal cases; the public reporting of courts experiencing special problems; the use of court clerks to assist in the scheduling of cases; the scheduling of the elimination of backlog; and, where rule-making power is totally lacking, by legislation.

The Commission recommends:

Courts and court systems should establish standards for the completion of the various stages of criminal cases. These standards should be designed to be within the capabilities of deliberate court consideration of cases, yet also should ensure that the disposition of cases shall be expeditious. Where existing court facilities are placed great new pressures upon these courts, however, increasing urbanization has increased the need for more efficient court operations. Modern technical management and business machine systems have revolutionized many business and government operations, places very much like those of a former age. The use of multiple long-hand entries, cumbersome dockets, and records retrieval capacity persists in many courts because many law-abiding citizens experience with the courts forms the basis for their impression of the fairness, sensitivity, and efficiency of the system. The successful prosecution of criminals depends upon citizens reporting crimes to the police and being willing to appear as witnesses at trial. Whether the jury system works depends on the willingness of citizens to serve. Yet in many places negative attitudes toward the administration of the courts are reinforced by citizens' experiences as witnesses or jurors.

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TECHNICAL MANAGEMENT

A requisite for the implementation of a timetable is that courts know at all times what the cases before them are like. The days when court empty-handed officers were able to bring in the day's business and adjourn, or, where rule-making powers are totally lacking, by legislation.

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In some of the largest cities the volume of criminal cases is so great that courts have adopted an orderly flow of clerical business. While there does not appear to be a pressing need for the use of such elaborate equipment in medium sized cities, many of their courts do not appear to be keeping pace with the needs of the business procedures.

The Commission recommends:

States should provide for clear administrative responsibility for court operations at a point at which the use of computers and automatic business machines is being instituted to maintain an orderly flow of clerical business. While there does not appear to be a pressing need for the use of such elaborate equipment in medium sized cities, many of their courts do not appear to be keeping pace with the needs of the business procedures.

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The Commission recommends:

For this to be effective the judiciary must be given rulemaking power over the methods used to handle its business. It is important that men continuously and intensively involved with court procedures be responsible for court rules. Legislatures cannot deal with the technical problems of court management and procedure effectively.

In most States the rulemaking power is lodged in the Supreme Court, a judicial conference, or some other body of judges.

The Commission recommends:

States should examine their court structure and organization and create a single, unified system of courts subject to central administrative management within the judiciary. The States should have completed organizational changes that have yet reformed their court systems to draw upon the experience of those States and organizations that have made advances in this area. Central administration within the judiciary should have the power to make rules and shift manpower to meet changing requirements.

While in some States successful court reform has created courts able to meet new demands, in many States the entire court structure continues to reflect an earlier age. There is a multiplicity of trial courts without coherent and centralized administrative management. Jurisdictional lines are unnecessarily complex and confusing. Each court and each judge within the court constitute a distinct administrative unit, moving at its own pace and in its own way. In a number of States courts not responsible to a statewide system are subject to its management continue to be viewed as a source of local revenue, and criminal justice is seen as a private business. Modern management and efficiency can be promoted by putting all courts and judges within a State under a single, central administration with provision for the shifting and allocation of judicial and administrative management responsibilities.

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Corrections

"Corrections"—America's prisons, jails, juvenile training schools, and probation and parole machinery—is the part of the criminal justice system that the public sees least of and knows least about. It seldom gets into the news unless there is a jail break, a prison riot, or a sensational scandal involving corruption or brutality in an institution or by an official. The institutions in which about a third of the corrections population lives are situated for the most part in remote rural areas, or in the basements of police stations or courthouses. The other two-thirds of the corrections population are on probation and parole, and so are widely, and on the whole invisibly, dispersed in the community. Corrections is not only hard to see; traditionally, society has been reluctant to look at it. Many of the people, juvenile and adult, with whom corrections deals are the most troublesome and troubling members of society: The misfits and the failures, the unrespectable and the irresponsible. Society has been well content to keep them out of sight.

Its invisibility belies the system's size, complexity, and crucial importance to the control of crime. Corrections consists of scores of different kinds of institutions and programs of the utmost diversity in approach, facilities, and quality. On any given day it is responsible for approximately 1.3 million offenders. In the course of a year it handles nearly 2.5 million admissions, and spends over a billion dollars doing so. If it could restore all or even most of these people to the community as responsible citizens, America's crime rate would drop significantly. For as it is today, a substantial percentage of offenders become recidivists. They go on to commit more, and as chapter 11 shows, often more serious crimes.

For a great many offenders, then, corrections does not correct. Indeed, experts are increasingly coming to feel that the conditions under which many offenders are handled, particularly in institutions, are often a positive deterrent to rehabilitation.

Life in many institutions is at best barren and futile, at worst unacceptably brutal and degrading. To be sure, the offenders in such institutions are incapacitated from committing further crimes while serving their sentences, but the conditions in which they live are the poorest possible preparation for their successful reentry into society, and often merely reinforce in them a pattern of manipulation or destructiveness.

These conditions are to a great extent the result of a drastic shortage of resources together with widespread ignorance as to how to use the resources available. Moreover, corrections by its very nature must always work at the "end of the line" of the criminal justice system, with those whose problems have overtaxed the resources of other systems.

However, there are hopeful signs that far-reaching changes can be made in present conditions. The Commission found, in the course of its work, a number of imaginative and dedicated people at work in corrections. It found a few systems where their impact, and enlightened judicial and legislative correctional policies, had already made a marked difference; a few experimental programs whose results in terms of reduced recidivism were dramatic. A start has been made in developing methods of classification that will permit more discriminating selection of techniques to treat particular types of offenders. But many of the new ideas, while supported by logic and some experience, are yet to be scientifically evaluated. Nevertheless, the potential for change is great.

As a foundation for its work, the Commission decided that a comprehensive, nationwide survey of correctional operations should be undertaken. Relevant information existed in bits and pieces around the country, but there was no overall picture of American corrections. The structure of probation and parole programs, institutions, theories, and procedures that together make up corrections is extremely complex and diverse. A few jurisdictions have relatively small probation caseloads, an integrated system of institutions, well-trained staffs, and a variety of experimental programs. Others consist of several autonomous and antiquated county jails, a state training school for juveniles, and a huge prison farm where convicts toil under the surveillance of trustees armed with shotguns.
It was necessary for the Commission to survey all of the disparate segments of the system so that its analysis and recommendations would not simply perpetuate the existing state of fragmentated and inadequate knowledge. The Commission, therefore, in collaboration with the Office of Law Enforcement Assistance, arranged for the National Council on Crime and Delinquency, an independent, nationwide group with long experience in the corrections field, to undertake the necessary survey. The detailed report of this survey is presented in the corrections task force volume.

BACKGROUND OF CORRECTIONS TODAY

The survey gave the first accurate national picture of the number of offenders under correctional authority on an average day: 1.3 million (table 1). This total is so much larger than had ever before been estimated that it has startled even those familiar with the field. It overtaxes the facilities, programs, and personnel of the correctional system badly. Moreover, if present trends in arrests and convictions continue, the system 10 years from now will be facing even more extreme pressures. The juvenile system, because of the rapid increase in the number of young people in the population, will be the most hard pressed. Adult probation and parole treatment will also suffer, because of the trend toward probation or early parole rather than prolonged confinement. In recent years, adult institutional commitments have been leveling off.

Table 1—Average Daily Population in Corrections

<table>
<thead>
<tr>
<th>Type of Correction</th>
<th>Population</th>
<th>Total Inmates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Misdemeanant</td>
<td>251,516</td>
<td>551,476</td>
</tr>
<tr>
<td>Felon</td>
<td>124,640</td>
<td>328,594</td>
</tr>
<tr>
<td>Total</td>
<td>376,156</td>
<td>880,070</td>
</tr>
</tbody>
</table>

The differences among offenders do not account for the most salient differences among correctional facilities and procedures. These can be traced, rather, to historical development, administrative fragmentation, and divergent and unrelated purposes and theories. Table 2 shows the diversity of American corrections with respect to size and cost.

The Federal Government, all 50 States, the District of Columbia, the Commonwealth of Puerto Rico, most of the country's 3,047 counties, and all except the smallest cities engage in correctional activities—if only maintaining a primitive jail in which to lock up overnight those who are "drunk and disorderly." Each level of government typically acts independently of the others. The Federal Government has no direct control over State corrections. The States usually have responsibility for prisons and parole programs, but probation is frequently tied to court administration as a county or municipal function. Counties do not have jurisdiction over the jails operated by cities and towns.

Table 2—Some National Characteristics of Corrections, 1965

<table>
<thead>
<tr>
<th>Average daily</th>
<th>Total operating</th>
<th>Average cost of offender per year</th>
<th>Number of employees</th>
<th>Number of inmates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offender population</td>
<td>costs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State</td>
<td>$15,385,500</td>
<td>$26,662</td>
<td>176,900</td>
<td>176,477,100</td>
</tr>
<tr>
<td>County</td>
<td>568,854</td>
<td>328,594</td>
<td>328,594</td>
<td>328,594</td>
</tr>
<tr>
<td>City</td>
<td>2,938</td>
<td>2,871</td>
<td>2,871</td>
<td>2,871</td>
</tr>
<tr>
<td>Total</td>
<td>1,786,691</td>
<td>1,262,281</td>
<td>1,262,281</td>
<td>1,262,281</td>
</tr>
</tbody>
</table>

Source: U.S. Department of Labor, Manpower Administration, Office of Manpower Policy, Evaluation, and Research, based on data from the U.S. Department of Commerce, Bureau of the Census.

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Responsibility for the administration of corrections is divided not only among levels of government, but also within single jurisdictions. There has been a strong historic tendency for juvenile and adult corrections to follow separate paths. Public support for rehabilitative
programs first developed in connection with juveniles. Today, progressive programs for adults resemble those programs first developed in connection with juveniles. Correctional agencies across the country face acute shortages of qualified manpower, especially in positions charged with responsibility for treatment and rehabilitation. Thousands of additional staff are required now to achieve minimum standards for effective treatment and control. Many more thousands will be needed in the next decade.

**HISTORY AND THEORY**

The oldest part of the correctional apparatus is institutional confinement. Until the middle of the 18th century, execution and such corporal punishments as flogging and pillorying were the principal means by which society dealt with offenders. Their replacement by imprisonment arose from both the growing spirit of humanitarianism that accompanied the "Enlightenment" in Western Europe, and the effect of the philosophy of utilitarianism developed in the late 18th and early 19th centuries. Criminals were no longer seen as men and women possessed by evil demons that had to be exorcised by severe overcrowding. At best, they were persons who had deliberately chosen to violate the law because it gave them pleasure or profit. Imprisonment was seen on the one hand as a punitive sanction to deter lawbreaking by making it painful rather than pleasant. On the other hand, unlike corporal punishment and execution, it gave an offender an opportunity to reflect on his own wrongs and to mend his ways. Not incidentally, of course, incarceration also prevented an offender from committing further harm against the community, which corporal punishment short of execution could not do.

Many legacies of these philosophical developments run through corrections today. They can be seen in much prison architecture for adult felons, gomina and fortress-like, with tiers upon tiers of individual cells arranged chiefly with a view to security. They can be seen in the daily regimen of many such institutions, too, though in most cases this has been mitigated by later corrective move-ments. The wide gulf between inmates and staff in many prisons, maintained by restrictions on conversation with other prisoners, and the way in which prisoners are marched in groups from cell in daytime to cell, and back, with prisoners locked into them at night and out of them—and into shops, recreation rooms, or simply halfway—during the day. Juvenile training schools, too, are aloof from jails and probation. Only a small proportion of correctional personnel are employed in community programs. The wide gulf between inmates and staff in many prisons, maintained by restrictions on conversation with other prisoners, and the way in which prisoners are marched in groups from cell in daytime to cell, and back, with prisoners locked into them at night and out of them—and into shops, recreation rooms, or simply halfway—during the day. Juvenile training schools, too, are aloof from jails and probation. Only a small proportion of correctional personnel are employed in community programs.

More than 12,000 people were employed in corrections in 1965. Only a small proportion of correctional staff had treatment and rehabilitation as their primary function. Twenty-four thousand, or 20 percent of the staff, were probation and parole officers working in the community, and educators, social workers, psychologists, and psychiatrists working in institutions. By contrast, 80 percent of correctional manpower had major responsibility for such functions as custody and maintenance.

Correctional agencies across the country face acute shortages of qualified manpower, especially in positions charged with responsibility for treatment and rehabilitation. Thousands of additional staff are required now to achieve minimum standards for effective treatment and control. Many more thousands will be needed in the next decade.

**THE PERSONNEL OF CORRECTIONS**

Correctional agencies across the country face acute shortages of qualified manpower, especially in positions charged with responsibility for treatment and rehabilitation. Thousands of additional staff are required now to achieve minimum standards for effective treatment and control. Many more thousands will be needed in the next decade.
schools and counselors would help some: eventually psychotherapy in its various kinds would accustomed others to the beneficial effects of regular employment.

Facilities were created for women, for youths, for alcoholics, for addicts, for sexual psychopaths, and for many others.

The responsibility for community treatment and supervision has been entrusted mainly to probation and parole officers. If it cannot provide for the substantial improvements in salaries and working conditions that are needed, it cannot do its job.

The programs that these officers need to make community programs more effective but do not do so satisfactorily and successfully. Clearly, there is a need to increase the numbers of those who are incarcerated, who are dangerous to themselves and to the community. However, for the large bulk of offenders, particularly the youths, the first or the minor offender, institutional commitments can cause more problems than they solve.

Institutions tend to isolate offenders from society, both physically and psychologically, cutting them off from schools, jobs, families, and other supportive influences and making it difficult for them to reintegrate into society. The goal of reintegration is likely to be furthered much more readily by working closely with the offender while he is still in the community, offering him when he is placed on parole, or if it cannot provide usable instructions for him. It makes little sense for a correctional institution to wait for the offender once he is released. Probation officers can find related work when they return to the community. The process of reining them in the individual must be combined with the opening of opportunities for satisfying participation in community life, opportunities that lead toward legitimate success and acceptance. The more likely an offender, however, the longer to legitimate opportunity are hard to find and harder to hold.

There is a growing appreciation within the field of the irrationality that runs through most of correctional today. Of having such sharp lines between institutional and community treatment, between juvenile and adult programs, between local jails and State prisons; of spending so much on custodial and so little on rehabilitations; of focusing on heavily on security during incarceration and so little on supervision to protect the community once an offender is returned to it.

While recent public opinion polls show increasing public sympathy with rehabilitative goals, conflict and uncertainty about the theories behind and the correctional goals have impacted broad support for the needed experiments and changes. Correctional treatment designed to meet the offender’s needs is often (although not always) less burdensome and unpleasant than traditional forms of treatment. Thus, rehabilitation efforts may have to face conflict with the deterrent goal of the criminal system and, if treatment is in the community instead of in prison, with the goal of incapacitating the offender from committing further crimes. But the issue is quite simply whether new correctional methods account to “coddling.” A major goal of corrections is to make the community safer by preventing the offender’s return to crimes upon his release.

COMMUNITY-BASED CORRECTIONS

With two-thirds of the total corrections load carried under parole or probation supervision today, the central question is no longer whether to have community treatment but how to do so safely and successfully. Clearly, there is a need to incarcerate those criminals who are dangerous to others, but the need is not as great as the threat to the community. However, for the large bulk of offenders, particularly the youths, the first or the minor offender, institutional commitments can cause more problems than they solve.

Institutions tend to isolate offenders from society, both physically and psychologically, cutting them off from schools, jobs, families, and other supportive influences and making it difficult for them to reintegrate into society. The goal of reintegration is likely to be furthered much more readily by working closely with the offender while he is still in the community, offering him when he is placed on parole, or if it cannot provide usable instructions for him. It makes little sense for a correctional institution to wait for the offender once he is released. Probation officers can find related work when they return to the community. The process of reining them in the individual must be combined with the opening of opportunities for satisfying participation in community life, opportunities that lead toward legitimate success and acceptance. The more likely an offender, however, the longer to legitimate opportunity are hard to find and harder to hold.

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bed in a children's institution, are included. The differentials become even greater if the costs of welfare for the families of those who received the higher incomes, as well as the loss of tax revenues, are included.

Various studies have sought to measure the success of community treatment. One summary analysis of 15 different studies of parole outcomes indicates that from 60 to 90 percent of the parolees studied completed their terms without revocation. In another study, undertaken in California, 11,630 adult parolees who were granted parole during 1956 to 1958 were followed up after 7 years. Of this group almost 72 percent completed their parole terms without revocation.

These findings were not obtained under controlled conditions, nor were they supported by data that distinguished among the types of offenders who succeeded or among the types of services that were rendered. But they are evidence of the effectiveness of parole and probation services in the general population of parolees and parolees. Parole and probation officers are the key agents of offender supervision, particularly through parole, and they are essential to the success of community corrections. Their work is characteristically poorly paid and often poorly supervised. But they have a significant impact on the success of community corrections.

The Commission recommends:

Parole and probation services should be available in all jurisdictions for felons, juveniles, and those adult misdemeanants who need or can profit from community treatment.

If a prisoner serves his term without having been paroled, in most places he is released into the community without any guidance or supervision. But in the Federal system, and in several States, when an inmate is released below his maximum term because of good behavior, he is subject to supervision in the community in an equivalent to his good time credit.

He is released to a parole officer under the same conditions as an inmate who is paroled, and he can be returned to prison to serve out his sentence if he violates those conditions.

The Commission recommends:

Every State should provide that parolees who are not paroled receive adequate supervision after release unless it is determined to be unnecessary in a particular case.

Meeting with probation officer

In these situations the offender is directed the counseling and supervision that are the main objects of probation and parole services. Because the parole or probation officer is too overloaded to provide these services, the offender is left on his own. If he does not succeed, he loses the community's trust.

On the basis of information gathered in the corrections survey, it is possible to form a general picture of the magnitude of need for additional probation and parole services if they are to be used for parole.

Figure 3 on the following page shows the average past caseload size of parole officers. The findings of the survey are.

The need for increased manpower

The statistics from the national survey of corrections disclose that the changes in the capacity of the community treatment needs of individuals and the inadequacy of the resources available to accommodate is a chronic condition. They do not convey the everyday problems and frustrations that result from that disparity. These take many forms.

A parole officer meets with a 16-year-old boy who 2 months previously was placed on parole for larceny of a car. The boy begins to talk. He explains what happened. He is released to a parole officer after serving 3 years for burglary, is heading to finish his term in 6 months. There is a report of his hanging around a bar with a bad crowd.

The parole officer feels that now is a critical time to straighten things out, but it is too late. The boy has unsuccessfully tried two or three times to reach his parole officer by telephone, and considers going out to look for him. He decides against it. He is already far behind in dictating "revocations" on parolees who have failed and are being returned to prison.

A young, enthusiastic probation officer goes to see his supervisor and presents a plan for "something different." "I've got more than you can handle now getting up personal reports for the judge. Besides, we don't have any extra budget for a psychiatrist to help you out." At this point the politician is one justification for the need for parole officers.

In the juvenile field there is an immediate need to increase the number of probation and parole officers from the present 7,706 to approximately 13,000. This manpower pool would mean caseloads of 35 offenders per officer, and would permit additional time for the supervision of thousands of delinquents who need each year by juvenile courts. It is estimated that a total of 25,000 officers is required by 1975 to carry out the functions essential to community treatment of juveniles.

For adult felons there is an immediate need for almost three times the number of probation and parole officers currently employed. This estimate again is based on an average caseload size of 35, for while adult probation and parole caseloads have typically been somewhat larger than those of juvenile systems, this difference is more a reflection of historical factors than one justified by a difference in need.

On this basis too, population projections point to a requirement of a total of 25,000 officers in 1975.

The need for additional services for misdemeanants is staggering; there are 15,600 officers needed at the present time. The number needed in 1975 is estimated at almost double the present number. This estimate is based on need for adult felons and juvenile officers, is based upon need for officers to supervise the only the least serious type of the misdemeanant group that could be aided in the community, plus others to provide minimal screening and classification services for the roughly 5 million persons referred to the lower courts each year. Many of the latter, particularly alcoholics, could be diverted from the criminal justice system if identified in time.

The Commission recommends:

All jurisdictions should examine their need for probation and parole officers on the basis of an average ratio of 35 offenders per officer, and make an additional request for recruiting additional officers on the basis of that examination.

Meeting with probation officer

Standards for average caseload size are serve a useful purpose in estimating the magnitude of present and future needs for probation and parole officers. But in operation there no simple objective caseload size. Indeed, in the Commission's opinion, it would be a mistake to attempt to approach the problem of upgrading community treatment solely in terms of standardizing work load sizes. As it stands, large caseloads are not necessarily so in themselves a reflection of historical factors than one justified by a difference in need. In the same way as paragraphs 166 and 167 of this chapter,

A glance at the average caseload size is important for purposes of estimating the magnitude of present and future needs for probation and parole officers. But in the Commission's opinion, it would be a mistake to attempt to approach the problem of upgrading community treatment solely in terms of standardizing work load and caseload sizes. As it stands, large caseloads are not necessarily so in themselves a reflection of historical factors than one justified by a difference in need. In the same way as paragraphs 166 and 167 of this chapter,
Crime could, for example, collect and spend much of the time that probation and parole officers are divided in a logical manner, would permit more specialized and individualized attention. The use of subprofessionals and volunteers could significantly reduce the need for fully trained officers.

Citizen volunteers have been used with apparent success by some probation departments. Royal Oak, Mich., for example, has utilized volunteers for 6 years and claims a high success rate for the probationers who have received supervision. The General Board of Christian Social Concerns of the Methodist Church, the North American Judges Association, and the National Council on Crime and Delinquency have launched "Project Mid-Life Transition," a program to encourage other communities to develop programs similar to that in Royal Oak. By 1966, 75 communities in over 30 States had expressed interest, and a number of other such programs were operating or were in the developmental stage.

The State parole agency in Texas uses volunteers as assistants to parole officers. Volunteers contact parolees upon release and help arrange jobs for them or secure their readmission into school. Thereafter volunteers are available to counsel parolees in any problems they may have or simply to serve as the kind of successful friends whom many offenders have never known. The work of the volunteers is closely supervised by professional parole officers, to whom they go for guidance when there are signs of trouble.

The use of paid, subprofessional aides in probation and parole is also promising. Such people, if properly trained and supervised, for example, can give information about offenders, work that now takes up much of the time that probation and parole officers could be spending in counseling and arranging community services for offenders.

Subprofessionals could provide positive benefits beyond that of meeting manpower shortages. People who have themselves experienced problems and come from backgrounds like those of offenders often can help them in ways professional caseworkers cannot. Contact with a person who has overcome handicaps and is living successfully in the community could mean a great deal more to an offender than conventional advice and guidance.

**Table: Probation Officers with 6-99 cases are responsible for:**

<table>
<thead>
<tr>
<th>Cases</th>
<th>Percentage of all cases</th>
<th>Number of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-99</td>
<td>10.0%</td>
<td>51,947</td>
</tr>
</tbody>
</table>

**Table: Probation Officers with 10-50 cases are responsible for:**

<table>
<thead>
<tr>
<th>Cases</th>
<th>Percentage of all cases</th>
<th>Number of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-50</td>
<td>19.6%</td>
<td>98,333</td>
</tr>
</tbody>
</table>

**Table: Probation Officers with 51-100 cases are responsible for:**

<table>
<thead>
<tr>
<th>Cases</th>
<th>Percentage of all cases</th>
<th>Number of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>51-100</td>
<td>36.8%</td>
<td>150,000</td>
</tr>
</tbody>
</table>

**Table: Probation Officers with over 100 cases are responsible for:**

<table>
<thead>
<tr>
<th>Cases</th>
<th>Percentage of all cases</th>
<th>Number of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>100+</td>
<td>33.6%</td>
<td>140,667</td>
</tr>
</tbody>
</table>

To the extent possible, subprofessionals should be prepared for career advancement within the corrections field.

**The Commission recommends:**

Probation and parole services should make use of volunteers and subprofessional aides in demonstration projects and regular programs.

### MOBILIZING COMMUNITY RESOURCES

Basic changes also must be made in what probation and parole officers do. They usually are trained in case-work techniques and know how to counsel and supervise individuals, but they are seldom skilled in or oriented to the tasks required in mobilizing community institutions to help offenders. Much of the assistance that probationers and parolees need can come only from institutions in the community—help from the schools in gaining the education necessary for employment; help from employment services and vocational training facilities in getting jobs; help in finding housing, solving domestic difficulties, and taking care of medical disabilities.

At chapter 5 has pointed out with respect to juveniles, many offenders are, at the time of their offenses, already rejects and failures in home, school, work, and leisure-time activities. Once they have become officially labeled criminal or delinquent, and particularly once they have been institutionalized and their community and family ties have been broken, their estrangement from these primary institutions increases, and their sense of powerlessness to make changes in their lives is accentuated. In many cases, society reacts to their criminality by walling them off from the help they most need if they are to turn away from criminality.

There are many specific barriers to remedy. Perhaps the most damaging are those limiting employment opportunities. The inability of ex-offenders to obtain the bond needed for certain kinds of employment; licensing restrictions that deny them access to certain kinds of work; and outright ineligibility for many forms of employment. The rituals surrounding the banning of a lawbreaker are very potent, but there are no rituals to remove from him the burdens that work to return the community.

Even stronger than these formal restrictions are the informal pressures operating throughout the community to "lock out" the person who carries a criminal stigma. Those who prefer to believe in rehabilitation often personally shun ex-offenders who seek to return to school, find work, or join recreation groups. Of course, this fear is in some cases legitimate. But when it is not, there is rarely any official assurance to mitigate it. There is usually no conference with the parole or probation officer at which a job applicant's background and problems are discussed, or means worked out to enable employers to consult the officer if problems result.

If corrections is to succeed in mobilizing varied community resources to deal more effectively with offenders, it must significantly change its way of operating. Probation and parole officers today direct their energies primarily toward the offender rather than the social environment with which he must come to terms. Although it is important that present skills in working with individual offenders be retained and improved, much is to be gained by developing new work styles that reach out to community resources and relate them to the needs of the caseload. The officer of the future must be a link between the offender and community institutions; a mediator when there is trouble on the job or in school; an advocate of the offender when bureaucratic policies act inordinately to screen him out; a shaper and developer of new jobs, training, recreation, and other institutional resources.

**The Commission recommends:**

Probation and parole officials should develop new methods and skills to aid in reintegrating offenders through active intervention on their behalf with community institutions.
quents can both serve and be served by community cor-
rectional programs. Such Bureau could constitute a
valuable point of treatment services not involving coercion.

Corrections, on the other hand, could provide important
services through the Bureau through diagnosis and investigation, and through provision of special treatment services not involving coercion.

SERVICE PURCHASE

If community institutions can be encouraged to de-
velop policies and operating procedures to help offenders,
such programs will increase the chances for success in the community will be greatly in-
creased. Usually, however, a probation or parole officer has no means to encourage community institutions to extend this sort of help.

The California Youth Authority, juvenile court commitments from Sacramento and San Joaquin Counties were first screened to eliminate those offenders—about 25 percent of the boys and 3 percent of the girls—for whom institutionalization was deemed mandatory. From the remain-
ing cases, assignments were divided randomly between the community program and the regular institutional programs.

The youthful offenders assigned to the community treatment project were placed in caseloads of 10 to 12 per officer. Treatment methods were tailored to meet the individual needs of each youth. They included a wide variety of personal and group counseling, family therapy, tutoring for the marginal or expelled student, and vocational training to provide personal and group counseling, and an increased use of foster homes and group homes.

A principal goal has been to determine the effective-
ness of different kinds of treatment for different kinds of delinquents. Current results indicate no differences in the responses to differentiated treatment. As the re-
search data accumulate, important clues as to who should and should not be institutionalized are emerging, as well as insights in the specific kinds of treatment and control required for particular offenders.

After approximately 5 years of experimentation, the community treatment project reports that only 20 percent of the experimental group were subject to parole revocation, as against 32 percent of the comparable con-

trol group who were in institutional work and school. It has been encouraging to the California Youth Authority has launched modified versions of the project in high-
delinquency areas in Los Angeles County, Oakland, and San Francisco. By 1966, these community programs were handling a youth population of approxi-

mately 650, larger than the capacity of an institution, thus saveing $7 to $8 million of dollars of construction funds plus costs in terms of institutional and com-
munity treatment.

The Commission recommends:

Caseloads for different types of offenders should vary in size and in type and intensity of treatment. Classification and assignment of offenders should be made accord-
ing to their needs and problems.

In recent years, too, a number of imaginative programs have been developed that offer a middle ground between the often nominal supervision in the community provided
punishment and deterrence. They also prevent the dangerous offender from committing further crimes in the community during the term of his sentence. And, by keeping him apart from the conditions of community life and subjecting him to a special environment that cannot be artificially controlled, such institutions sometimes afford opportunities for rehabilitative treatment that cannot be duplicated in the community.

On the other hand, an artificial environment that works against self-reliance and self-control often complicates and makes more difficult the readjustment of offenders into free society. Sometimes institutions foster conspicuously velleit conditions—illness, corruption, brutality, and moral deterioration.

There are many ways in which the advantages of institutionalization can be exploited and the disadvantages minimized. For many offenders, institutionalization can be an extremely valuable period of community treatment. For a few, those who must be incapacitated for society's protection if not their own, it is the only possible alternative.

A MODEL FOR INSTITUTIONS

The Commission's national survey of corrections and other studies showed it how far many jurisdictions still maintain custodial institutions from which maximum-security prisoners to open forestry camps without guards or fences. The alienation and apartness of the inmate society. It is no choice about the advantages of institutionalization can be exploited and the disadvantages minimized. For many offenders, institutionalization can be an extremely valuable period of community treatment. For a few, those who must be incapacitated for society's protection if not their own, it is the only possible alternative.

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The Commission believes that there is, therefore, value in setting forth, in the form of a "model," the changes that it sees as necessary for most correctional institutions.

Conclusions About Institutions

The most fundamental of these changes may be summed up as the establishment of model, small-unit correctional institutions for flexible, community-oriented treatment.

Collaborative Institutions

Institutions in which persons are kept against their will tend to generate tension and conflict between the inmates and the staff. The task of preparing the inmate for reintegration into the community becomes lost in elaborate forms of competition, in covert and corrupting reciprocities between guards and inmates, and in forced maintenance of passivity on the part of inmates. This encourages nightmarish—and yet complete dependence on—institutional authority.

The collaborative approach seeks to reverse this too common pattern. The usual staff, for example, is recognized as having potential for counseling functions, both informally with individual inmates in unorganized group discussions. Administrators and business staff likewise have been brought into the role of counselors and assigned rehabilitative functions in some programs. This collaborative style of management is more readily self-labeled if the institution staff is augmented by persons from the free community with whom inmates can identify.

This involves recruiting recruits who can help the inmate to develop motivation for needed vocational, avocational, and other self-improvement goals. Volunteers and subprofessional aides can be as useful in institutions as in community-based corrections.

Group counseling at juvenile guidance center

3. Daily Average Number of Inmates in American Correctional Institutions in 1965

<table>
<thead>
<tr>
<th>Institution Type</th>
<th>Average</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal prisons</td>
<td>42,077</td>
<td>245,673</td>
</tr>
<tr>
<td>State prisons</td>
<td>43,636</td>
<td>245,673</td>
</tr>
<tr>
<td>Local correctional facilities</td>
<td>13,113</td>
<td>141,303</td>
</tr>
<tr>
<td>Total</td>
<td>108,826</td>
<td>728,649</td>
</tr>
</tbody>
</table>

Recent experiments in special education for students from culturally deprived neighborhoods have provided evidence that can be translated into correctional programs. It is noteworthy that most inmates have had experiences in the same neighborhoods. They have achieved far less academically than their intelligence test scores indicate they can achieve. The way to help them to learn is to make learning a rewarding experience and thus overcome the sense of failure and humiliation they have come to feel as a result of past performances in school.

One of the most promising approaches to this problem is the use of programmed learning techniques. Special texts and machines present the material to be learned in small units. The student must master each part before he proceeds to the next. He goes at his own pace. It becomes possible to use a variety of incentives and rewards for achievement. Programmed instruction is discussed further in Chapter 11.

During the past few years there have been several experimental applications of programmed instruction to correctional education. The most significant work has taken place in two centers. The Diaper Youth Center, a reformatory-type institution in Alabama, has combined programmed learning with efforts to change the social climate of the institution. Inmates who progress well in their studies are enlisted in a service corps to help other inmates. College students from nearby Auburn University have been recruited to work in this program. Although no scientific evaluation has been made, informal reports show highly accelerated educational and vocational progress and a reduction in recidivism, on the part of those who participated in the special program.

At the National Training School for Boys, a Federal institution in Washington, D.C., a "programmed instruction" center has been created. The inmates have a wide range of choices as to how to occupy themselves, and are rewarded in "points" that are equivalent to money. They have a variety of opportunities to "spend" these points, but they may also be fined for miscalculation and so do net many points if they choose to be laxy or indifferent.

This program has a determined effort to simulate the problems and conditions of life in the outside world. For example, the boys must use earned points to pay rent for especially attractive sleeping quarters or to purchase more desirable meals than those routinely offered. They may also purchase a variety of small items from a commissary or a mail-order catalog. Meals and visits to relatives are paid for with points; special recreational equipment and courses can also be purchased with points. Points may be earned by work, completion of programs, courses, or good behavior. Such incentive programs go far toward stimulating inmates to take responsibility for their own lives. They create opportunities for learning how to deal with the very problems they will encounter in the community.

The Commission recommends:

Correctional institutions should upgrade educational and vocational training programs, extending them to all inmates who can profit from them. They should experiment with special techniques such as programmed instruction.

The greatest need is at the elementary and secondary level; more than half of adult inmates have not completed elementary school. However, enrichment of programs is much needed at all stages, including college-level courses. Opportunity for bringing the resources of nearby educational institutions in new and creative ways is great, and is largely unexploited. But it is noteworthy that a "prison college"—can recently started in San Quentin by the University of California and the Institute for Policy Studies of the District of Columbia. There are about 6,000 academic and vocational students now employed in the Nation's correctional institutions. It is estimated that an additional 10,700 persons are needed immediately to develop effective academic and vocational programs. In order to close this gap, which is expanding rapidly, substantial subsidies are needed to provide needed specialists and to provide them with the training required to make them effective in their complex and challenging task.

The Commission recommends:

States should, with Federal support, establish immediate programs to recruit and train academic and vocational instructors to work in correctional institutions.
The most extrave nature and success of prison industry is found in the Federal prisons. In 1965 Federal prisons assigned to industry sloped earned an average of $60 per month, according to their skill and productivity, primarily on a piece-rate basis. The industries also paid the cost of vocational training programs in the Federal prisons. The staff includes employment placement officers who help procure post-release jobs for prisoners. In some cases industries and vocational training are supported by private businesses and labor unions and tied to job placement upon release. The Federal system offers a model for the development of prison industries, in the States, although most States would be unable to duplicate its features without financial assistance from the Federal Government or cooperative arrangements with each other.

The Commission recommends:

States should work together with the Federal Government to institute modern correctional industries programs aimed at rehabilitation of offenders through instilling good work habits and methods. State and Federal laws restricting the sale of prison-made products should be modified or repealed.

Strong and informed administrative support in State correctional programs will be required to upgrade services and to adopt the privileges of private industry. Labor organizations and business firms could be of inestimable help in advising and guiding the development of new programs, and in neutralizing opposition to them.

PARTIAL RELEASE AND FURLOUGH PROGRAMS

Even within the limitations of most existing institutions, there are a number of ways in which the transition from institution to community can be made less abrupt, and the resources of community institutions drawn upon to help in rehabilitation. Short-term furloughs from institutions have been used most extensively in Mississippi and Michigan, each of which has reported less than 1 percent failure to return. Juvenile institutions have used such procedures successfully, though parsimoniously, at family-gathering times, such as Christmas, Thanksgiving, weddings, and funerals. Furloughs are useful in helping to prevent the deterioration of family ties and in allowing offenders to try newly learned skills, and test the insights they have developed in counseling experiences.

The most striking increase in temporary release from institution to community has been in work-release programs. Introduced in Wisconsin institutions for minimum-security inmates over 50 years ago, their use spread slowly until large-scale extension to adult inmates began in North Carolina in 1959. Favorable experience there led to work-release programs for felons in the early 1960's in South Carolina, Maryland, and other States in rapid succession, and to work-release provisions for Federal prisoners under the Prisoner Rehabilitation Act of 1965.

Despite difficulties inherent in lack of experience in administering them, work-release programs have been highly successful. In North Carolina, where inmates are eligible for work release when they have served one-tenth of their small portion of their sentences, cancellation of work release for serious misbehavior—generally absconding—has occurred in only 15 percent of the cases. Revocation has been lower in the Federal system, where prisoners usually enter work release approximately 6 months before their expected parole date.

With their earnings the work-release prisoners usually pay for their transportation to and from their work, and most incidental expenses as well. They buy necessary work clothes and tools and pay union fees and income taxes. In some places they have also reimbursed the State for room and board. With the surplus above these expenses they can send money to dependents, pay fines and debts arising from their preprison activities, and save funds to use once they return to the community.

The Federal correctional system has been a leader in the establishment of special parole guidance centers—residential facilities where prisoners stay prior to parole and which help them arrange jobs and other contacts and adjust to reentry into the community. The same principles, on a less formal basis, are reflected in the halfway houses established by a number of State and local jurisdictions, often in cooperation with private agencies.

A number of work releases and residents of parole guidance centers attend school part time or full time in addition to or instead of working. This arrangement sometimes is called study release. Particularly appropriate for juvenile and youthful offenders, it is highly developed at several State establishments resembling the Federal parole guidance centers. The New York State Division of Youth, for example, has several centers consisting of selected apartments within large apartment buildings, which serve primarily as alternatives to traditional commitment.

All of the programs described here suggest that crime control can be increased by making the transition from confinement in a correctional institution to freedom in the community a gradual, closely supervised process. This process of graduated release permits offenders to cope with their many parole-related problems in manageable steps, rather than trying to develop satisfactory home relationships, employment, and learned skills all at once upon release. It also permits staff to initiate early and continuing assessment of progress under actual stresses of life.

The Commission recommends:

Graduated release and furlough programs should be expanded. They should be provided by guidance and coordinated with community treatment services.
LOCAL JAILS AND MISDEMEANANT INSTITUTIONS

No part of corrections is weaker than the local facilities that handle persons awaiting trial and serving short sentences. Because their inmates do not seem to present a clear danger to society, the response to their needs has usually been one of indifference. Because their crimes are considered petty and the sentences they serve are relatively short, the corrections system gives them low status. Many local jails and misdemeanant institutions lack well-developed rehabilitation programs and counseling services, sometimes even medical services. The first offender, the incontinent traffic violator, sometimes juveniles and women are incarcerated with confirmed criminals, drunkards, and the mentally disturbed or retarded.

A large majority of the 215 misdemeanant institutions examined in detail in the Commission's survey of corrections have few, if any, rehabilitative programs. Less than 1 percent of the staff perform rehabilitative duties, and some of these work only part time. It would not be uncommon to find a jail psychologist or social worker for several thousand inmates (table 4). Most teachers and social workers are concentrated in the larger facilities. In small jails, there is no separate unit with detention facilities.

Since many misdemeanant jails go on to commit subsequent offenses, and many "graduate" into felon offenses, the general lack of rehabilitative programs is critical.

In a few misdemeanant institutions promising steps have been taken to correct the deficiencies. The St. Paul, Minn., workhouse in the last 8 years substantially improved its work and educational programs. Professional staff is augmented by volunteers. Counseling as a testing service for men under 21 years of age is provided through funding by the Office of Economic Opportunity. A work and school release program has been initiated. Since the inception of the rehabilitative program, a high proportion of the inmates involved appeared to have adjusted successfully.

Multnomah County, Ore. (Portland), is among the jurisdictions that have established special facilities as an outgrowth to their county jail. Multnomah's program serves offenders who are sentenced for more than 60 days, apply for work release, and are considered for parole. The Multnomah County Jail, where work release has been added recently. Since December 1, 1963, when it received its first inmates, the Multnomah County Jail had released the recidivism rate has been estimated at less than 20 percent. The population includes all categories of misdemeanants, including skill row alcoholics and felons who ordinarily would serve prison sentences.

San Diego, Calif., has established five camps to which prisoners sentenced to the county jail are transferred after screening. Men are sent to particular camps according to their needs. One camp accepts only male juvenile prisoners and has a specially trained staff selected for its ability to train and counsel younger prisoners. Other projects illustrate the progress that can be made by implementing reforms directed toward rehabilitation of offenders. They indicate that any of the measures required in institutions for juveniles and adult felons are also applicable to the misdemeanant institutions that are not feasible in most states, however, to expect that advances such as these will be made as long as local jails and misdemeanant institutions are administered separately from the rest of corrections.

The Commission recommends:

Separate detention facilities should be provided for juveniles. All jurisdictions should have shelter facilities for adult correctional institutions for a system based on treatment of adults, neglected, or runaway children.

A special problem exists in the handling of persons awaiting trial or appeal. The implementation of bail reform, however, does not go far toward alleviating the present situation in most jurisdictions, where large numbers of persons awaiting trial are subject to the community are imprisoned pending trial, often to be released on probation afterwards. There will, of course, continue to be persons who require pretrial custody. However, in large cities they might still feebly be housed or handled separately from adjudicated offenders.

The Commission recommends:

Wherever possible, persons awaiting trial should be housed and handled separately from offenders.

CORRECTIONAL DECISIONMAKING

The preceding discussion has been about the range of correctional treatment. There is another issue in corrections that has not been touched—the range of decisions made by correctional personnel and the problems created by the great discretion they exercise. Most of these questions are old ones, but they have become acute with the widening of treatment alternatives and the growing advocacy of greater flexibility in choosing among them.

During the period when restraint was the dominant response to crime, there were only two major statutes to distinguish: in prisons being punished and out of prisons after having served a sentence. Concern for accurate factfinding and parole safeguards was therefore focused on adjudication.

Today, however, an offender may be sentenced for an indeterminate length of time, with his release depending on the decision of correctional authorities. He may be referred to any of a wide variety of facilities or treatments, and thus his fate will be determined by the individual. He may be subjected to special discipline or punishment on the basis of determinations from which he has no appeal.

More numerous alternatives also create decision-making problems from the standpoint of effectiveness. Most correctional decision-making is to some degree handicapped by the following deficiencies:

First, important data often are not available, data which are essential to the making of sound decisions. In determining whether or not to grant parole for example, decisions usually are based on scanty information collected at the time the offender was committed to the institution. Information on changes that have occurred during confinement is usually either not available or inadequate.

Second, information that is available may be irrelevant to the outcomes which determine whether the decision was sound. It is characteristic of any decisionmaking process that those involved are not aware of the particular bits of information they employ in arriving at a judgment. Moreover, the information they do use, even by empirical standards, be unrelated to the judgment being made. The question of relevance cannot be answered by group judgment but only by careful research.

Relevance, which is property, the information from the director of the juvenile institutions in England, for example, said that certain items of information tended to mislead the officials because they associated greater weight to them than was warranted.

A final and related problem is that the volume of information often overloads human capacity for analysis and utilization. The sheer number of offenders under correctional supervision is staggering and is growing rapidly each year. Adequate supervision of the offenders may require tens or hundreds of items of information on each offender at each step in the correctional cycle. The potential of computerized information systems as an aid to meeting this problem is discussed in chapter 11.

DETERMINING DEGREES OF DANGEROUSNESS AND ADULT CRIMINAL DISPOSITIONS FOR DIFFERENT OFFENDERS

A core responsibility found in all phases of the correctional process is the requirement of gathering and analyzing that information about the offender that will provide an adequate basis on which to predicate the nature of the decision.

Whether the decision be to invoke the judicial process, to continue between probation or parole, to inspect the appropriate degree of security in a correctional institution, to determine the timing for release from incarceration or the security for revocation of parole, the judicial and administrative decisionmakers are concerned with very similar issues.

Three issues include:

(1) The extent or degree of threat to the public posed by the individual. Significant charts will be provided by the nature of the present offense, and the length of any prior record
A particularly critical area of correctional decision-making is that which surrounds the granting of parole. Parole can be a crucial answer to a number of problems in sentencing procedures. Unlike sentencing, which has traditionally been a judicial function, the parole decision is administrative. It is made by correctional authorities or by a special parole board, usually composed of laymen. While many parole officials are extremely able and knowledgeable, some are merely political appointees without training and many serve only on a one-time basis. Such a situation is intolerable with the development of the kind of expertise necessary to make a decision with the complexity and impasiss that is made by a sentencing judge.

The Commission recommends:
Parole boards should be appointed solely on the basis of competence and should receive training and orientation in decision making. Where the workload is heavy, boards should review the actions of professional hearing officers rather than attempting to carry on all hearings themselves. Where the workload is heavy, boards should receive the actions of professional hearing officers rather than attempting to carry on all hearings themselves. Where the workload is heavy, boards should review the actions of professional hearing officers rather than attempting to carry on all hearings themselves. Where the workload is heavy, boards should review the actions of professional hearing officers rather than attempting to carry on all hearings themselves.

Parole boards should concentrate on developing and monitoring policy guidelines within which decisions about individual cases could be made fairly and consistently. Many parole officials are extremely able and knowledgeable, some are merely political appointees without training and many serve only on a one-time basis. Such a situation is intolerable with the development of the kind of expertise necessary to make a decision with the complexity and impasiss that is made by a sentencing judge.

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Elements of a Modern Correctional System

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<th>Figure 4</th>
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<tr>
<td><strong>Police</strong></td>
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<tr>
<td>Screening of Offenders</td>
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<td>Committing Judge</td>
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<td>Community Based Programs</td>
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<tr>
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<td>Supervision in Regular Caseloads</td>
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<td>Institutional System:</td>
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**Creating Change**

The correctional programs of the United States cannot perform their assigned work by mere tinkering with faulty machinery. A substantial upgrading of services and a new orientation of the enterprise toward integration of offenders into community life is needed.

To achieve this end, there must be new divisions of labor, cooperative arrangements between governments, and a better balance between institutional and community programs. There must be a wide variety of techniques for controlling and treating offenders, and arrangements that allow those techniques to be used flexibly and interchangeably. A strategy of search and validation must be substituted for the present random methods of determining how correctional resources should be used.

Figure 4 depicts the operational elements of a modern correctional system, as recommended by the Commission.

Such pervasive changes will require strong and decisive action. The following points out where responsibility for taking action rests and notes the cost and consequences of inaction.

**Responsibility for Action: Role of Government**

Certain principles should govern correctional operations:

1. Correctional operations should be located as close as possible to the homes of the offenders.

2. Reciprocal arrangements between governments should be developed to permit flexible use of resources. Regional sharing of institutional facilities and community programs should be greatly increased.

3. Large governmental units should take responsibility for a variety of forms of indirect service to smaller and less financially able units, helping them to develop and strengthen their correctional services.

The Federal Government should assume a large share of responsibility for providing inputs and direction to needed changes. It should take increasing responsibility for helping to upgrade the correctional programs of State and local governments. Ultimately, Federal authorities might provide only those direct services which cannot be operated effectively and economically by State and local governments.

The Federal Government can stimulate action by providing financial and other assistance to State and local governments; in assisting State and local agencies to recruit and train the many kinds of personnel needed to staff new programs; in providing funds for needed research and demonstration, and curriculum development projects.

State and local activities should reflect the principles outlined above. Some counties and metropolitan areas are sufficiently large to develop comprehensive correctional services of their own. In such cases, the State role might be similar to the Federal role indicated above—providing stimulus for change.Primarily, however, the State governments themselves should develop and administer correctional services, involving local governments as much as possible and decentralizing operations through regional offices. No single pattern of organization will fit the varied situations that exist; needs in the correctional field are a challenge to imaginative inter-governmental problem-solving.

A sizable number of nongovernmental organizations operate nationally to improve correctional practices. Among them are the National Council on Crime and Delinquency, the American Correctional Association, the National Association of Training Schools, the Joint Commission on Correctional Manpower and Training, and various affiliated groups. These entities, operating independently of vested interests and of the limitations imposed by public office, have an opportunity to play a most important role in bringing about needed changes in corrections. They can carry out surveys in States and localities, provide consulting services, and help with research and information exchange.

Above all, they can inform the public about needs and problems and mobilize the grassroot support required for major change. Public funds should be made available to help private agencies perform these functions, but it is imperative that they maintain a perspective from outside the system in order to be inclusive critics and monitors of its operations.

**Responsibilities of Higher Education**

At present, university curricula generally ignore the field of corrections. Correctional concerns tend to be invisible to students and faculty at both the undergraduate and graduate level, despite the fact that many disciplines and professions—psychology, sociology, public administration, law, and social work, among others—have legitimate responsibilities in this area. Universities have an indispensable role to play in filling the knowledge gap that exists throughout corrections. However, two hazards should be avoided: Heavily vocational programs which purport to answer questions about how to perform correctional functions without addressing the complexities of what and why and thus further isolate corrections from the university community; and conversely the reluctance of scholars to address the specific problems faced by those charged with the perplexing task of controlling and rehabilitating offenders.
Funds from Federal, State and local governments and private foundations are specifically needed for research; for fellowships and stipends to promising students and to those employed in corrections who want further university training; and for sustained support for internships and field placement programs developed with correctional agencies.

The Commission recommends:

Universities and colleges should, with governmental and private participation and support, develop more courses and launch more research studies and projects on the problems of contemporary corrections.

Consequences of Inaction

It would be satisfying to have available a quantitative statement of the costs and consequences over the decades ahead of continuing the present faltering correctional system, and of the gains that could be achieved through implementation of the recommended changes. How much reduction of crime and delinquency could be achieved over 5, 10, or 20 years? When would the economies implicit in more effective handling of offenders equal or surpass the increased cost of a renovated correctional system? What would be the cost to the Nation, in human lives and suffering as well as in dollars, of inaction in the face of such critical conditions?

It is impossible to answer such questions in quantitative terms. The cost of additional personnel and facilities can be estimated roughly, but there is at present no solid basis in experience for predicting the impact of a changed correctional system.

However, the ineffectiveness of the present system is not really a subject of controversy. The directions of change—toward the community, toward differential handling of offenders, toward a coherent organization of services—are supported by a combination of objective evidence and informed opinion.

The costs of action are substantial. But the costs of inaction are immensely greater. Inaction would mean, in effect, that the Nation would continue to avoid, rather than confront, one of its most critical social problems; that it would accept for the next generation a huge, if now immeasurable, burden of wasted and destructive lives. Decisive action, on the other hand, could make a difference that would really matter within our time.
Chapter 7

Organized Crime

Organized crime is a society that seeks to operate outside the control of the American people and their government. It involves thousands of criminals, working within structures as complex as those of any large corporation, subject to laws more rigidly enforced than those of legitimate governments. Its actions are not impulsive but rather the result of intricate conspiracies, carried on over many years and aimed at gaining control over whole fields of activity in order to amass huge profits.

The core of organized crime activity is the supplying of illegal goods and services—gambling, loan sharking, narcotics, and other forms of vice—to countless numbers of illegal customers. But organized crime is also extensively and deeply involved in legitimate business and in labor unions. Here it employs illegitimate methods—monopolization, terrorism, extortion, tax evasion—to drive out or control lawful ownership and leadership and to exact illegal profits from the public. And to carry on its many activities secure from governmental interference, organized crime corrupts public officials.

Robert F. Kennedy, when he was Attorney General, illustrated its power simply and vividly. He testified before a Senate subcommittee in 1963 that the physical protection of witnesses who had cooperated with the Federal Government in organized crime cases often required that those witnesses change their appearances, change their names, or even leave the country. When the government of a powerful country is unable to protect its friends from its enemies by means less extreme than obliterating their identities, surely it is being seriously challenged, if not threatened.

What organized crime wants is money and power. What makes it different from law-abiding organizations and individuals with those same objectives is that the ethical and moral standards the criminals adhere to, the laws and regulations they obey, the procedures they use, are private and secret ones that they devise themselves, change when they see fit, and administer summarily and invisibly. Organized crime affects the lives of millions of Americans, but because it desperately preserves its invisibility many, perhaps most, Americans are not aware how they are affected, or even that they are affected at all.

The price of a loaf of bread may go up one cent as the result of an organized crime conspiracy, but a housewife has no way of knowing why she is paying more. If organized criminals paid income tax on every cent of their vast earnings everybody's tax bill would go down, but no one knows how much.

But to discuss the impact of organized crime in terms of whatever direct, personal, everyday effect it has on individuals is to miss most of the point. Most individuals are not affected, in this sense, very much. Much of the money organized crime accumulates comes from immeasurable petty transactions: 50-cent bets, $3-a-month private garbage collection services, quarters dropped into racketeer-owned jukeboxes, or small price rises resulting from protection racketeers. A one-cent-a-loaf rise in bread may annoy housewives, but it certainly does not impoverish them.

Sometimes organized crime's activities do not directly affect individuals at all. Smuggled cigarettes in a vending machine cost consumers no more than tax-paid cigarettes, but they enrich the leaders of organized crime. Sometimes these activities actually reduce prices for a short period of time, as can happen when organized crime, in an attempt to take over an industry, starts a price war against legitimate businessmen. Even when organized crime engages in a large transaction, individuals may not be directly affected. A large sum of money can be diverted from a union pension fund to finance a business venture without immediate and direct effect upon the individual members of the union.

It is organized crime's accumulation of money, not the individual transactions by which the money is accumulated, that has a great and threatening impact on America. A quarter in a jukebox means nothing and results in nothing. But millions of quarters in thousands of jukeboxes can provide both a strong motive for murder and the means to commit murder with impunity. Organized crime exists by virtue of the power it purchases with its money. The millions of dollars it can invest in narcotics or use for layoff money give it power over the lives of thousands of people and over the quality of life in whole neighborhoods. The millions of dollars it can throw against the legitimate economic system give it power to manipulate the price of shares on the stock market, to raise or lower the price of retail merchandise, to determine whether entire industries are union or nonunion, to make it easier or harder for businessmen to continue in business.

The millions of dollars it can spend on corrupting public officials may give it power to main or murder people inside or outside the organization with impunity, to ex-

Fruits of one gambler's operation—$2.4 million
State tax official with smuggled cigarettes

sort money from businesses, to conduct businesses in such fields as liquor, meat, or drugs without regard to administrative regulations, to avoid payment of income tax, or to secure public works contacts without competitive bidding.

The purpose of organized crime is not competition with legitimate businesses but to do illegal business itself. These businesses in turn finance organized crime's activities.

Infiltration of Legitimate Business. To have a legitimate business enabled the racketeer to advertise himself, to enjoy the respectability in the community and to establish a source of funds that appear legal and upon which just enough taxes could be paid to avoid income tax prosecution. Organized crime invests the profit it has made from illegal service activities in a variety of businesses throughout the world. The profits that eventually accrue to organization leaders move through channels as complex as even persons who work in the betting operation do not know or cannot prove the identity of the leader.

Increasing use of the telephone for bettery and sports betting has facilitated systems in which the bookmaker may not know the identity of the second-echelon person to whom he calls in the day's bets. Organization not only creates greater efficiency and enlarges markets, it also provides a systemized method of curtailing the law enforcement process by canceling procedures for the payment of graft.

One man is seldom able to prevent source losses. More money may be bet on one horse or one number with a small operator than he could pay off if that horse or that number came in. The operator will have to call the next man to 'bed' by betting some money himself on that horse or that number and thus create a 'layoff' betting is accomplished through a network of local, regional, and national bookies who take bets from gambling operations.

There is no accurate way of ascertaining organized crime's gross revenue from gambling in the United States. Estimates of the annual income have varied from $7 to $50 billion. Legal betting at racetracks reaches a gross annual figure of almost $5 billion and most enforcement officials believe that illegal wagering on horse races, lotteries, and sporting events totals at least $50 billion each year. Analysis of organized criminal betting operations indicates that the profit is as high as one-third of gross revenue—on $6 to $7 billion each year. While the Commission cannot judge the accuracy of these figures, even the most conservative estimates place substantial capital in the hands of organized crime leaders.

Loan Sharking. In the view of most law enforcement officials loan sharking, the lending of money at higher rates than legally permissible limit is the second largest source of revenue for organized crime. Gambling profits provide the initial capital for loan-shark operations.

No comprehensive analysis has ever been made of what kinds of customers loan sharks have, or of how much or how often each kind borrows. Enforcement officials and other investigators do have some information. Gamblers borrow to pay gambling losses; narcotics users borrow to purchase heroin. Some small businessmen borrow from loan sharks rather than legitimate credit channels are closed. The same men who take bets from employees in main employment also serve at times as loan sharks, the money whose members enable the employees to pay off their gambling debts or meet household needs. Anyone who plays the races for $150 per week, according to the relationship between the lender and borrower, the intended use of the money, the size of the loan, and the repayment potential. The classic "6-for-5" loan, 20 percent a week, is common with small borrowers. Payments may be due by a certain hour on a certain day and even a few minutes default may result in a rise in interest rates. The lender is more interested in preserving the relationship than in collecting principal; and force, or threats of force of the most brutal kind, are used to effect interest collection, eliminate past due when interest rates are raised, and prevent the bestraguered borrower from reporting the activity to enforcement officials. No reliable estimates exist of the gross revenue from organized loan sharking; but profit margins are higher than for gambling operations, and many officials classify the business in the multi-billion-dollar range.

Narcotics. The sale of narcotics is organized like a legitimate importing-selling-business. The distribution of heroin, for example, requires movement of the drug through four levels before the importer and the street peddler. Most enforcement officials believe that the severity of mandatory Federal narcotics penalties has caused criminals to restrict their activities to importing and wholesaling distribution. They may sway from smaller-scale wholesale transactions or dealing at the retail level. Transactions with addicts are handled by independent narcotics pushers using drugs imported by organized crime.

The large amounts of cash and the international connec-
tions necessary for large, long-term heroin supply can be provided only by organized crime. Conservative estimates of the number of addicts in the Nation and the average daily expenditure for heroin indicate that the heroin trade is $500 million annually, of which $21 million is probably profits to the importer and distributor. Most of this profit goes to organized crime groups in those few city in which almost all heroin consumption occurs.

Other Goods and Services. Prostitution and bootleg-

Another, more subtle, way in which organized crime has an impact on American life. Consider the foreman of the largest Northeast meat-packing company who has repeatedly been called a leader of organized crime. He lived in an expensive apartment on the corner of 72nd Street and Central Park West in New York. He was often seen dining in well-known restaurants in the company of judges, public officials, and prominent businessmen.

Every morning he was shaved in the barbershop of the Waldorf-Astoria Hotel. On many weekends he played golf at a country club on the fashionable North Shore of Long Island. In short, though his reputation was pronounced knowledge, he moved around New York conspicuously and unashamed. He is that person who pick up money from loan sharks, forwards the interests of great criminal interests, and then into one of several main offices.

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AND NATIONAL CORRUPTION

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MEMBERSHIP AND ORGANIZATION OF CRIMINAL CARTELS

Some law enforcement officials define organized crime as those groups engaged in gambling, or narcotics push-

or latter activities.

This is useful to the extent that it eliminates

the prohibitions of the era. All available data indicate

organized crime flourishes only where it has

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Enforcement and the Political System

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an illegal insurance broker and while available for
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Stopped his story to the corrupted; in a recent "investigation" of widespread corruption, the prosecutor announced that

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certain other criminal groups from consideration, such as your small pocket criminal and professional criminal groups who may also commit many types of crimes, but who are not, in fact, operating organized crime in the manner in which the Mafia has been operating. The local law enforcement officials focus exclusively on the street crime rather than the organized crime itself. On the other hand, in the national scope of these groups, and FBI intelligence officials focus exclusively on the crime instead of the organization, their target is likely to be the lowest-level criminals who commit the visible crimes. This has little effect on the organization.

The Commission believes that before a strategy to combat organized crime's threat to America can be developed, there must be a close analysis of organized crime's distinctive characteristics and methods of operation.

**National Scope of Organized Crime**

In 1951 the Kefauver committee declared that a national criminal syndicate known as the Mafia operated in many large cities and that the leaders of the Mafia usually associated with and operated as racketeering units in their cities. In 1957, 20 of organized crime's top leaders were convicted before a grand jury (by then a virtual conference) of a criminal charge arising from a meeting at Apalachin, N.Y. At the sentencing judge stated that they had sought to corrupt and infiltrate the political mainstream of the country, that they had killed double lives of crime and respectability, and that their probation reports read "like a tale of honor."

Today the core of organized crime in the United States consists of 24 groups operating as criminal cartels in large cities across the Nation. Their membership is exclusively Italian, they are in frequent communication with each other, and their smooth functioning is insured by a national body of officials. To date, only the Federal Bureau of Investigation has been able to document fully the activities of these groups, and FBI intelligence indicates that the organizations as a whole have changed little in basic structure since the reports of the Kefauver Commission in 1954.

In 1966 J. Edgar Hoover told a House of Representatives Appropriations Subcommittee: La Cosa Nostra is the largest organization of the criminal underworld in this country, yet closely organized and strictly disciplined. They have committed almost every crime known.

La Cosa Nostra is a criminal fraternity whose membership is Italian both by birth or national origin, and it has been found to control major racket activities in many of our major metropolitan areas, often working in concert with criminals representing other ethnic backgrounds. They operate in a nationalized basis, with international front offices, and until recent years it carried on its activities without doing anything that would cause the police to become aware of its activities. In individual cities, the local core group may also be known as the "outfit," the "syndicate," or the "mob."

These 24 groups work with and control other racket groups, whose leaders are of various ethnic derivations. In addition, the thousands of employees who perform the street-level functions of organized crime's gambling, usury, and other illegal activities represent a cross section of the Nation's population groups.

The present federation of organized crime groups arose after Prohibition, during which Italian, German, Irish, and Jewish groups had competed with one another in racket operations. The Italian groups were successful in sniffing their enterprises from prostitution and bootlegging to gambling, extortion, and other illegal activities. They consolidated their power through murder and violence.

Today, members of the 24 core groups reside and work across the States shown on the map. The scope and effect of their criminal operations and penetration of legitimate businesses vary from area to area. The weakest and most influential core groups operate in States including New York, New Jersey, Illinois, Florida, Louisiana, Nevada, Michigan, and Rhode Island. Not shown on the map are many States in which members of core groups live, even though they do not reside there. For example, a variety of illegal activities is common in the South, where the lowest level of organized crime's gambling, extortions, and other illegal activities.

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The lowest level of "members" of a family is the "soldier" or "button" who report to the capo (e.g., a loan-sharking operation, a dice game, a lottery, a bookmaking operation, a smuggling operation, or a vending machine company) on a commission basis, or he may "own" the enterprise and pay a portion of his profit to the organization, in return for the right to operate. Partnerships are common between two or more soldiers and between soldiers and men higher up in the hierarchy. Some soldiers and most upper-echelon family members have interests in more than one business. Remittances the soldiers in the hierarchy are large numbers of employees and commission agents who are not members of the family and not necessary to Italian descent. These are the people who do most of the actual criminal work and who make up the large percentage of personnel or other insulation from law enforcement. They take bets, drive trucks, answer telephones, will murder, tend the book, and set up operations in major and minor racket operations. The Italian groups were successful in sniffing their enterprises from prostitution and bootlegging to gambling, extortion, and other illegal activities. They consolidated their power through murder and violence.

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The structure and activities of a typical family are shown in the chart on the following page. There are at least two aspects of organized crime that characterize it as a unique form of criminal activity. The first is the element of corruption. The second is the element of enforcement, which is necessary for the maintenance of order and maximizing profits. Like any large corporation, organized crime has a hierarchy, which is necessary for the maintenance of order and maximizing profits. Like any large corporation, organized crime has a hierarchy (particularly the boss) avoid direct communication with the police. To maintain order and maximize profits, the police are the lowest level of organized crime.
An Organized Crime Family

**Boss**

- **Consigliere** (Counselor)

**Underboss**

- **Caporegima** (Lieutenant)
- **Caporegima** (Lieutenant)
- **Caporegima** (Lieutenant)
- **Caporegima** (Lieutenant)

**Soldiers**

(Members grouped under: Lieutenants)

- Through threats, assault, and murder, enforce orders from superiors
- With and through non-member associates and fronts—participate in, control or influence

**Corruption: Police and Public Officials**

- Exercising Control in Multi-State Area

**Legitimate Industry**

- Food Products
- Realty
- Restaurants
- Garbage Disposal
- Produces
- Garment Manufacturing
- Bars and Taverns
- Waterfront
- Securities
- Labor Unions
- Vending Machines
- Others

**Illegal Activities**

- Gambling (Numbers, Policy, Dice, Bookmaking)
- Narcotics
- Laundering
- Labor Racketeering
- Extortion
- Atomel
- Others

The leaders of the various organized crime families acquire their positions of power and maintain them with the assistance of a code of conduct that, like the hierarchical structure of the families, is very similar to Sicilian Mafioso's code—and just as effective. The code stipulates that underlings should not interfere with the leaders' interests and should not seek protection from the police. They should be "standup guys" who go to prison in order that the bosses may amass fortunes. The code gives the leaders exploitative authoritarian power over everyone in the organization. Loyalty, honor, respect, absolute obedience—are inculcated in family members through ritualistic initiation and customs within the organization, through material rewards, and through violence. Though underlings are forbidden to "inform" to the outside world, the family boss learns of deviance within the organization through an elaborate system of internal informants. Despite prescribed mechanisms for peaceful settlement of disputes between family members, the boss.

"Family" discipline
himself may order the execution of any family member for any reason. This code not only preserves leadership authority but also makes it extremely difficult for law enforcement to cultivate informants and maintain them within the organization.

**NEED FOR GREATER KNOWLEDGE OF ORGANIZATION AND STRUCTURE**

Although law enforcement has uncovered the skeletal organization of organized crime families, much greater knowledge is needed about the structure and operations of these organizations. For example, very little is known about the many functions performed by the men occupying specialized positions in the organizations. In private business identifying a person as a "vice president" is meaningless unless one knows his duties. In addition to his formal obligations, the corporate official may have important informal roles such as expediency or troubleshooting.

More successful law enforcement measures against the organized crime families will be possible only when the entire organization is fully exposed for each position is inaccurate. Answers to crucial questions must be found. While it is known that "money-movers" are employed to insure maximum use of family capital, how does money move from low-level workers to top leaders? How is that money spread among illicit activities and into legitimate business? What are the specific methods by which public officials are corrupted? What roles do corrupted officials play? What informal roles have they been trained for accepting local coordination of each of the illicit enterprises, such as gambling and usury? Only through the answers to questions such as these will society be able to reduce organized crime. Only when organized crime maintains a coherent, efficient organization with a permanent structure will it suffer changes in working and leadership personnel.

**THE NATION'S EFFORTS TO CONTROL ORGANIZED CRIME**

Investigation and prosecution of organized criminal groups in the 30th century and the techniques used to control organized crime have been followed by decreasing interest on the part of the people and their governments of the need for specialized efforts in law enforcement to counter the enterprises and tactics of organized crime. A few law enforcement officials concerned with the illicit enterprises of Mafia-type groups in the United States near the class of the 19th century. Sustained efforts at investigation were abruptly terminated by the murder of two police officers, one from New Orleans and one from Chicago, in the Prohibition era of the 1920's. The involuntary bootlegging business in the Prohibition era of the 1920's produced intensive investigations and grand jury proceedings conducted, concerning the Apalachian confederacy. After trial and reversal of the convictions of 20 of these conferees for conspiring to obstruct justice, the group's functions were assumed by the existing OCR Section. In 1960, the Federal Bureau of Investigation began to supply the OCR Section with regular intelligence reports on 400 of the Nation's organized crime figures. But with only 17 attorneys and minimal intelligence information from other Federal agencies, the section could not adequately fulfill its functions, which included coordinating all Federal law enforcement activities against organized crime, accumulating and correlating all necessary data, initiating and supervising investigations, formulating general prosecutive policies, and advising the Federal and state law enforcement agencies throughout the country.

In 1961, the OCR Section expanded its organized crime program to unprecedented proportions. In the next 10 years, regular intelligence reports were secured from 26 separate Federal agencies, the number of attorneys was nearly quadrupled, and convictions increased. Indicata...
At present, well-developed organized crime investigation units and effective intelligence programs exist within police and other law enforcement agencies in only a handful of jurisdictions. There is, however, some evidence that local police and prosecutors are becoming more aware of the threat of organized crime. For example, in Philadelphia, both the police department and the prosecutor have created units to work exclusively in this area. In the Bronx County prosecutor's office responsibility for anti-laundering work has been centralized. The New England State Police Compact is a first step toward regional conferences of organized crime. In addition to providing for mutual assistance in a number of areas including for coordination of command training, the compact provides for a centralization of organized crime information to which all members contribute and from which all draw. This has substantially aided this process.

Lack of Resources. No State or local law enforcement agency is adequately staffed to deal successfully with the problems of breaking down criminal organizations. Just one major organized crime case may take 2 to 3 years to develop, and then several more years to complete through arrest and prosecution. and appeal. Cases may require several man-years of investigative effort. The percentage of investigations that result in arrests is quite low. Requests for informers and money are de rigueur with the different intelligence information are...
I of conspiracy have provided an effective substantive tool adequate to deal with organized crime activity. The laws defects in the evidence-gathering process.

organized crime. A drive against organized...nallaws, as the latter-for the most part-are reasonably altcrnate mechanism through which the attenda:nce of witnesses and production of books and records can be extended that tenn a reasonable time in order to allow the...grand jury terminates, it should be permitted...jurisdiction's chief prosecuting officer. Be made to prevent interference with existing...proper purpose of organization...and employees of an organized crime family, even when...to link the boss directly to any criminal activity in which he may have engaged for their mutual benefit. A few employees of organized crime...as well are caused by the attitude of law enforcement agents toward organized crime...that to fear that their meetings might be bugged or...have been in session long enough for political reasons, one jurisdiction might grant immunity to...kill the boss directly to any criminal activity in which he may have engaged for their mutual benefit. A few employees of organized crime...as well are caused by the attitude of law enforcement agents toward organized crime...that to fear that their meetings might be bugged or...have been in session long enough for political reasons, one jurisdiction might grant immunity to...kill the boss directly to any criminal activity in which he may have engaged for their mutual benefit. A few employees of organized crime...as well are caused by the attitude of law enforcement agents toward organized crime...that to fear that their meetings might be bugged or...have been in session long enough for political reasons, one jurisdiction might grant immunity to...kill the boss directly to any criminal activity in which he may have engaged for their mutual benefit. A few employees of organized crime...as well are caused by the attitude of law enforcement agents toward organized crime...that to fear that their meetings might be bugged or...have been in session long enough for political reasons, one jurisdiction might grant immunity to...kill the boss directly to any criminal activity in which he may have engaged for their mutual benefit. A few employees of organized crime...as well are caused by the attitude of law enforcement agents toward organized crime...that to fear that their meetings might be bugged or...have been in session long enough for political reasons, one jurisdiction might grant immunity to...kill the boss directly to any criminal activity in which he may have engaged for their mutual benefit. A few employees of organized crime...as well are caused by the attitude of law enforcement agents toward organized crime...that to fear that their meetings might be bugged or...have been in session long enough for political reasons, one jurisdiction might grant immunity to...kill the boss directly to any criminal activity in which he may have engaged for their mutual benefit. A few employees of organized crime...as well are caused by the attitude of law enforcement agents toward organized crime...that to fear that their meetings might be bugged or...have been in session long enough for political reasons, one jurisdiction might grant immunity to...
in New York has resulted primarily from the failure to cause due process for a period of time and order. The detaining effect of corruption, political influence, and interference with the administration of justice by the New York State Commission of Investigation, must also be noted.

In New York at one time, Court supervision of law enforcement's use of electronic surveillance was sometimes perfunctory, but the picture has changed substantially under the impact of practical adversary hearings on motions to suppress electronically seized evidence. Fifteen years ago there was evidence of abuse by bow¬

New York prosecutors refuse to divulge the contents of wiretapping without the reality of such activity, can have a seriously debilitating effect of corruption, political influence, and misunderstanding that can be invasion of one's privacy is admissible in a Federal criminal prosecution. The Court found no unconstitutional search and seizure under the Fourth Amendment. Enactment of Section 605 of the Federal Communications Act in 1954 pre¬

The Threat to Privacy. In a democratic society pri¬
moral or any congressional action should await the outcome of that case. All members of the Commission believe that if authority to employ these techniques is granted it must be granted only with stringent limitations. One form of detailed regulatory statute that has been suggested to the Commis¬

The law enforcement experience with bugging has been much more recent and more limited than the use of the tradi­tional wiretap. The legal situation with respect to electronic surveillance to law enforcement officers to the extent it may be consistent with the balance set out in the appendix to the Commission's organized crime activity, or group. Constitutional re¬

The Supreme Court in Silverman v. United States, 565 U.S. 505 (1961), use of buggery equipment even under a warrant

interception so long as no disclosure of such activity is intended is being hindered by a stranger, even without the reality of such activity, can have a seriously debilitating effect of corruption, political influence, and misunderstanding that can be invasion of one's privacy is admissible in a Federal criminal prosecution. The Court found no unconstitutional search and seizure under the Fourth Amendment. Enactment of Section 605 of the Federal Communications Act in 1954 pre¬

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The confusion that has arisen inhibits cooperation among the other members of the Commission have serious doubts about the desirability of such authority and believe that without the kind of searching inquiry that would result from an appeal, the contempt of electronic surveillance, particularly of the problems of buggery, and the intent to suppress this use to strike this balance against the interests of privacy. Matters affecting the national security not involving the interests of privacy.

appeals from suppression orders

The Commission's recommendation in chapter 5 that prosecutors be permitted to appeal trial court orders sup¬

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The Commission recommends:

The Federal Government should establish residential facilities for the protection of witnesses desiring such assistance during the pendency of organized crime litigation. After trial, the witness should be permitted to remain at the facility so long as he needs to be protected. The Federal Government should establish regular procedures to help Federal and local witnesses who fear organized crime reprisal, to find jobs and places to live in other parts of the country, and to preserve their anonymity from organized crime groups.

INVESTIGATION AND PROSECUTION UNITS

State and Local Manpower. There is, as described above, minimal concentrated law enforcement activity directed at organized crime. Only a few states have established police intelligence and prosecutorial units specifically for developing organized crime cases. Legal tools such as electronic surveillance and immunity will be of limited use unless an adequate body of trained and expert investigators and prosecutors exists to use those tools properly.

The Commission recommends:

Every attorney general in States where organized crime exists should form in his office a unit of attorneys and investigators to gather information and assist in prosecution regarding this criminal activity.

Investigators should include those with the special skills, such as accounting and undercover operations, crucial to organized crime matters. Members of the State police could be assigned to this unit. In local areas where it appears that the jurisdiction's law enforcement agencies are not adequately combating organized crime, State police should conduct investigations, make arrests, or conduct searches upon request of any branch of the local government. This should be done without the knowledge of local officials, because of apparent corruption, it is necessary. The State police should cooperate with and seek advice from the State attorney general's special unit. For local enforcement,

The Commission recommends:

Police departments in every major city should have a special intelligence unit solely to ferret out organized criminal activity and to collect information regarding the possible entry of criminal cartels into the area's criminal operations.

Staffing needs will depend on local conditions, but the intelligence programs should have a priority rating that insures assignment of adequate personnel. Perhaps the enormous amount of manpower devoted to petty vice

cditions should be reduced and the investigative personnel for organized crime cases increased. Criteria for evaluating the effectiveness of the units, other than mere numbers of arrests, must be developed.

The background of potential intelligence unit members should be investigated extensively and only the most talented and trustworthy assigned to those units. Salary levels should be such that membership in the unit could be a career in itself.

One of the duties of the police legal advisors recommended in chapter 6 should be consultation with the intelligence unit. Special training programs should be used to teach the necessary skills involved in organized crime investigative work.

Because of the special skills and extensive time involved in organized crime cases, prosecution thereof requires concentrated efforts.

The Commission recommends:

The prosecutor's office in every major city should have sufficient manpower assigned full time to organized crime cases. Such personnel should have the power to initiate organized crime investigations and to conduct the investigative grand juries recommended above.

Special training in these legal tactics should be provided; the prosecutors should work closely with the police units.

Development and dissemination of intelligence. Since the activities of organized crime overlap individual police jurisdictions, the various law enforcement agencies must share information and coordinate their plans.

On the Federal level, enforcement agencies are furnishing a large amount of intelligence to the Organized Crime and Racketeering (OCR) Section in the Department of Justice. But there is no central place where a strategic intelligence system regarding organized crime groups is being developed to coordinate an integrated Federal plan for enforcement and regulatory agencies.

The Commission recommends:

The Federal Government should create a central computerized office into which each Federal agency would feed all of its organized crime intelligence.

Intelligence information in the OCR Section is now recorded manually in a card catalog. Much information, such as that discovered in grand jury proceedings, has not been incorporated because of limited resources. Many Federal agencies do not submit information on a case until it has been completed. A central office in the Department of Justice should have proper recording facilities and should analyze intelligence information led to it by all relevant Federal agencies keeping current with events. A pool of information experts from the FBI, Secret Service, Central Intelligence Agency and other departments and private companies should help build the

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Coordinated Effort Against Organized Crime

| Commitment of Political Leaders | 26 Federal Investigative Agencies |
| Local Police Special Units | Federal Prosecutors' Units |
| State Police | Federal Regulatory Agencies |
| State Attorney General Intelligence Units | Joint Congressional Investigative Committee |
| State and Regional Intelligence Groups | Government Crime Commissions |
| State Prosecutors' Units | Grand Jury Reports |
| State Regulatory Agencies | Local Groups |
| Federal Groups | Private Groups |

• Commitment of Citizens
• Private Crime Commissions
• Press and News Media
• Social Scientists
• Private Trade Associations
system, which would employ punch cards, tapes, and other modern information storage and retrieval techniques. Each agency, of course, would maintain its own files, but before 1970, the capability of the central computer would eliminate duplication of effort and justify the cost of the interconnection. A strategic intelligence system necessary to satisfy investigative, pro-
tective, and regulatory needs must have specialists in economics, sociology, business administration, operations research, and other disciplines, as well as those trained in law enforcement.

Since organized crime crosses State lines, the Com-
mmission recommends the creation of regional organ-
zations, such as that established by the New England State Police Coopar. Large States could develop state-wide systems, such as exists in New York, as well as participants in regional compacts. The program would permit and encourage greater exchange of information among Federal, State, and local agencies. Currently, information sharing proceeds on a law enforcement-police se
iminatory and recipient are personally acquainted. Each agency, of course, would maintain its own files, on a personal basis; i.e., information is given officers who, through personal contact with agents of the disseminat-
or, have proved their trustworthiness. Perhaps a central security system should be developed (like the military system), in which one who has been cleared to receive information and who demonstrates a need for it can obtain information, whether or not the dis-
semant and recipient are personally acquainted. Standards for clearance should be established, and any agency with available manpower could conduct the in-
vestigation of potential recipients of information.

Sharing information on other than a person-to-person basis of mutual trust will be a delicate, evolutionary pro-
cess. Preservation of the secrecy of each confidential in-

tormant's identity is an absolute requirement for any suc-
cessful intelligence-gathering activity. Law enforcement agencies are both knowledgeable in information available when its source could be guessed or inferred. However, great amounts of intelligence can be shared without revealing the possible identity of the informant, and information sharing by means of a mechanical, central security system still would be of great value.

The proposed organized crime intelligence program of the New York State Identification and Intelligence-System illustrates one way to solve the problem of keeping the secrets of information, which is that system the agency that commits information to central storage would be allowed to choose what other agencies may draw upon those particular data.

The Commission recommends: The Department of Justice should give financial as-
sistance to encourage the development of efficient sys-
tems for regional intelligence gathering, collection, and dissemination. By financial assistance and provisions of cooperation, the Department should also sponsor and encourage research by the many relevant disciplines regarding the nature of organized crime, activities, and organization of these special criminal groups.

Federal Law Enforcement. The Attorney General should continue to direct the Federal enforce-

dence drive against organized crime. The Orga-
nized Crime and Racketeering (OCR) Section is the cen-
trating and policymaking body within the Department of Justice. The Commission believes that greater cen-
tralization of the Federal effort is desirable and possible. Experience in some areas has shown that an effective partnership can be built between OCR, Section attorneys and prosecutors in the 94 U.S. Attorneys' offices throughout the Nation. Such cooperation should be the rule for the organized crime program, which should not be the exclusive province of either the OCR Sections or the U.S. Attorneys.

Different responsibilities within the Federal agencies have produced investigators with special skills and talents. The expertise of these agencies should be used by organiz-
ing them into investigative teams that work exclusively on organized crime matters under the direction of the OCR Section.

The Commission recommends: The staff of the OCR Section should be greatly increased, and the section should have final authority for decision-
making in its relationship with U.S. Attorneys on organized crime cases.

The Federal Government could also do much to assist and coordinate the work of State and local organized crime enforcement. There is very little such assistance at present.

The Commission recommends: A technical assistance program should be launched wherein local jurisdictions can request the help of ex-
pertized Federal prosecutors from the OCR Section. The Department of Justice, through the FBI and the OCR Section, should conduct organized crime training sessions for State and local law enforcement officers.

This training could supplement the extensive local Department of Justicetraining sessions now conducted by the FBI and the narcotics enforcement training offered by the Federal Bureau of Narcotics. The proposed training would con-
tinue with the development of special investigative and prosecutive techniques necessary in organized crime investigations.

In view of the additional responsibilities cast upon the OCR Section by these recommendations, perhaps its sta-
tus should be raised to a division-level operation which would be headed by an Assistant Attorney General ap-
pointed by the President.

These recommendations for the OCR Section would not remove any of the existing responsibility of Federal investigating agencies.

Legislative Investigations. To give necessary impetus to a continuing drive against organized crime, the public must be constantly informed of its manifestations and influences. The changing nature of organized crime activities also requires that legislators constantly analyze needs for new substantive and procedural provisions.

The Commission recommends: A permanent joint congressional committee on organized crime should be created.

A permanent joint committee would focus the interest of any new legislation for organized crime. Both the committees and mutual interest associations, as the National Association of State Attorneys' Offices, and others.

At this time there are not enough citizen crime com-
mitees functioning effectively in the Nation. A nation-
wide coordinating committee should be established in Wash-
ington, D.C., to encourage and guide the creation of new committees and to provide services to improve existing ones. Participation funds should be sought to help establish and administer the committees.

It would provide channels for communication among citizen crime committees, between such committees and their local, State, and Federal counterparts, to promote professional exchange. Such a headquar-
ters could give concerned citizens in communities the
technical assistance necessary for initiating a crime com-
mitee. In addition to making training personnel avail-
able for short-term assignments with local committees, a headquarters could establish formal procedures for training professionals in crime commission management. A national headquarters could also activate State committees and coordinate their efforts with the Department of Justice and to deal with other community problems unrelated to organized crime.

The Commission recommends:

States that have organized crime groups in operation should create and finance organized crime investigation commi-

tees with independent, permanent status, with an ade-
quate staff of investigators, and with subpoena power. Such commissions should hold hearings and

provide periodic reports to the Legislature, Governor, and law enforcement officials.

Independent citizen crime committees in metropolitan areas could provide enlightenment to the growth of organized crime and to the formation of alliances between it and political corruption. They can provide un-
biased and unselfish leadership to the fight against organized crime. It can provide impartial public education, marshal public support for the prosecution of organized crime, and encourage federal, state, and local cooperation against infiltra-
tion by organized crime.

The Commission recommends:

Citizens and business groups should organize permanent citizen crime committees to combat organized crime. Financial contributions should be solicited to maintain at least a full-time executive director and a part-time staff.

PUBLIC AND PRIVATE CRIME INVESTIGATING COMMISSIONS

Crime investigating commissions financed by State gov-

ernments, such as in New York and Illinois, have proved to be effective for informing the public about organized crime conditions. Legislative proposals to combat orga-
nized crime also arise from the hearings of these com-
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Independent citizen crime committees in metropolitan areas could provide enlightenment to the growth of organized crime and to the formation of alliances between it and political corruption. They can provide un-
PRIVATE AND GOVERNMENT REGULATION

Law enforcement is not the only weapon that governments have to control organized crime. Regulatory activity can have a great effect. One means to diminish organized crime's influence on politics, for example, would be legislation subjecting political contributions and expenditures to greater public visibility and providing incentives for wider citizen contributions to State and local political activity. Tax regulations could be devised to require disclosures of hidden, or beneficial, owners of partnerships and corporations that do not have public ownership.

Government at various levels has not explored the regulatory devices available to thwart the activities of criminal groups, especially in the area of infiltration of legitimate business. These techniques are especially valuable because they require a less rigid standard of proof of violation than the guilt-beyond-a-reasonable-doubt requirement of criminal law. Regulatory agencies also have power of inspection not afforded to law enforcement. State income tax enforcement could be directed at organized crime's businesses. Food inspectors could uncover regulatory violations in organized crime's restaurant and food processing businesses. Liquor authorities could close premises of organized crime-owned bars in which illicit activities constantly occur. Civil proceedings could stop unfair trade practices and antitrust violations by organized crime businesses. Trade associations could alert companies to organized crime's presence and tactics and stimulate action by private business.

The Commission recommends:

Groups should be created within the Federal and State departments of justice to develop strategies and efforts to control regulatory activity against businesses infiltrated by organized crime.

Private business associations should develop strategies to prevent and uncover organized crime's illegal and unfair business tactics.

NEWS MEDIA

In recent years, the American press has become more concerned about organized crime. Some metropolitan newspapers report organized crime activity on a continuing basis, and a few employ investigative reporters whose exclusive concern is organized crime. The television industry, as well, has accepted a responsibility for informing the American citizenry about the magnitude of the problem. In some parts of the country revelations in local newspapers have stimulated governmental action and political reform. Especially in smaller communities, the indifference of the press may be the public's only hope of finding out about organized crime. Public officials concerned about organized crime are encouraged to act when comprehensive newspaper reporting has alerted and enlisted community support.

The Commission recommends:

All newspapers in major metropolitan areas where organized crime exists should designate a highly competent reporter for full-time work and writing concerning organized criminal activities, the corruption caused by it, and governmental efforts to control it. Newspapers in smaller communities dominated by organized crime should fulfill their responsibility to inform the public of the nature and consequence of these conditions.

PARTICIPATION BY LOCAL GOVERNMENT LEADERS

Enforcement against organized crime and accompanying public corruption proceeds with required intensity only when the political leaders in Federal, State, and local governments provide aggressive leadership. They are the only persons who can secure the resources that law enforcement needs. They are the only ones who can assure police officials that no illegal activity or participating person is to be protected from proper enforcement action. They are the only ones who can insist that persons cooperating with organized criminal groups are not appointed to public office. They are the only ones who can provide for effective monitoring of regulatory action to expose irregular practices or favors given to businesses dominated by criminals. They are the ones who can provide full backing for a police chief who investigates hidden and other practices, as recommended in chapter 4, for controlling police corruption.

Mayors, Governors, and the President of the United States must be given adequate information concerning organized crime conditions. Dissemination of incomplete or unverified intelligence about individuals would present grave civil liberties problems. However, government leaders must be made aware of the particular activities of organized crime groups.

The Commission recommends:

Enforcement officials should provide regular briefings to leaders at all levels of government concerning organized crime conditions within the jurisdiction.

The briefings should be supplemented by written reports further describing these conditions as well as current governmental action to combat them. Reports of conditions should also be furnished periodically by the Federal Government to State and local jurisdictions, and by State governments to local jurisdictions. Reports should be withheld from jurisdictions where corruption is apparent and knowledge by a corrupt official of the information in the report could compromise enforcement efforts. Public fears of reporting organized crime conditions to apparently corrupt police and governmental personnel must also be met directly. If an independent agency for accepting citizen grievances, such as is suggested in chapter 15, is established, it should be charged with accepting citizen complaints and information about organized crime and corruption.

Information obtained in this way could be forwarded to Federal, State, or local law enforcement officials, or to all of them, at the direction of the agency. Names of sources should be kept confidential if the citizen so requests or if the agency deems it necessary.

The above program is not intended as a series of independent proposals. It represents an integrated package requiring combined action by the American people, its governments and its businesses. Organized crime succeeds only because the Nation permits it to succeed. Because of the magnitude of the problem, the various branches of government cannot act with success individually. Each must help the other. Laws and procedures are of no avail without proper enforcement machinery. Prevention falls on citizens, individually and through organizations,devolution and encourage their elected representatives. Regulation must accomplish what criminal law enforcement cannot. Above all, the envisioned crime structure and power of organized crime— an endeavor that the Commission firmly believes can succeed— requires a commitment of the public far beyond that which now exists. Action must replace words; knowledge must replace speculation. Only when the American people and their governments develop the will can law enforcement and other agencies find the way.

In many ways organized crime is the most sinister kind of crime in America. The men who control it have become rich and powerful by encouraging the needy to gamble, by luring the troubled to destroy themselves with drugs, by extorting the profits of honest and hardworking businesses, by collecting usury from those in financial difficulty. The government is for sale. In a very real sense it is dedicated to subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society. As the leaders of Cosa Nostra and their racketeering associates pursue their activity unlimitedly, in open and continuous defiance of the law, they preach a sermon that all too many Americans heed: The government is for sale; lawlessness is the road to wealth; honesty is a pitfall and inevitably a trap for suckers.

The extraordinary thing about organized crime is that America has tolerated it for so long.
In 1962 a White House Conference on Narcotic and Drug Abuse was convened in recognition of the fact that drug traffic and abuse were growing and critical national concerns. Large quantities of drugs were moving in illicit traffic despite the best efforts of law enforcement agencies. Addition to the familiar opiates, especially in big-city ghettos, was widespread. New stimulant, depressant, and hallucinogenic drugs, many of them under loose legal controls, were coming into wide misuse, often by students. The informed public was becoming increasingly aware of the social and economic damage of illicit drug taking.

Organized criminals engaged in drug traffic were making high profits. Drug addicts, to support their habits, were stealing millions of dollars worth of property every year and contributing to the public's fear of robbery and burglary. The police, the courts, the jails and prisons, and social-service agencies of all kinds were devoting great amounts of time, money and manpower to attempts to control drug abuse. Worst of all, thousands of human lives were being wasted.

Some methods of medical treatment, at least for opiate-dependent persons, were being tried, but the results were generally impermanent; relapse was more frequent than cure. The established cycle for such persons was arrest, confinement with or without treatment, release, and then arrest again. And the causes of all of this, the drug-prone personality and the drug-taking urge, lay hidden somewhere in the conditions of modem urban life and in the complexities of mental disorder.

Responsibility for the drug abuse problem was not at all clear. Was it a Federal or a State matter? Was it a police problem or a medical one? If, as seemed evident, it was a combination of all of these, which agencies or people should be doing what? The Conference did not answer these questions, but it did bring to them a sense of national importance and commitment.

The President's Advisory Commission on Narcotic and Drug Abuse was created in 1963 to translate this commitment into a program of action. The Commission's final report, issued in November of that year, set forth a strategy designed to improve the control of drug traffic and the treatment of drug users. The 25 recommendations of that report have been the basis for most of the subsequent Federal activity in this field. Many of them, notably those pertaining to civil commitment for narcotic addicts and the need for Federal controls on the distribution of nonnarcotic drugs, have been or are in the process of being implemented.

This Commission has not and could not have undertaken to duplicate the comprehensive study and report on drug abuse so recently completed by another Presidential Commission. Yet any study of law enforcement and the administration of criminal justice must of necessity include some reference to drug abuse and its associated problems. In the course of the discussion in this chapter, recommendations are made where they seem clearly advisable. In many instances these recommendations parallel ones made by the 1963 Commission.

There have been major innovations in legal procedures and medical techniques during the last few years. There are new Federal and State laws and programs designed to provide treatment both for narcotic addicts charged with or convicted of crime, and for those who come to the attention of public authorities without criminal charge. These laws and programs signify that the Nation's approach to narcotic addiction has changed fundamentally. They are a creative effort to treat the person who is dependent on drugs.

Careful implementation, evaluation, and coordination of the new programs, some of which are not yet in operation, will be absolutely essential. These are among today's first needs. New ideas are only a first step. Unless the programs they lead to are provided with sufficient money and manpower and are competently administered, no improvement in drug abuse problems can be expected.

The drugs liable to abuse are usually put into the two classifications of "narcotics" and "dangerous drugs," and the people who abuse them are usually called "addicts" and "users." The terms have been used carelessly and have gathered around them many subjective associations. Some precision is necessary if they are to be used as instruments of analysis.

Addiction

There is no settled definition of addiction. Sociologists speak of "assimilation into a special life style of drug..."
taker." Doctors speak of "physiological dependency," an alteration in the central nervous system that results in inability of the drug user to function normally if the drug is abruptly dis-
continued; of "psychological dependency," an emotional state in which the user obtains and experiences the drug; and of "tolerance," a physical ad-
justment to the drug that results in successive doses producing smaller and smaller effects and, therefore, in a tendency to increase dosages. Statutes speak of habitual use; loss of the power of self-control respecting the drug; and of effects detrimental to the individual or potentially harm-
ful to the public morals, safety, health or welfare.

Some drugs are addictive, and some persons are ad-
ddicted, by one definition but not by another. The World Health Organization's Expert Committee on Addictions has recommended that the term "drug dependence" be used if the drug produces physical dependence; and that the term "drug addiction" be reserved for those cases in which the drug may be said that heroin is a depressant. It relieves anxiety and tension, and causes muscle aches, cramps, and nausea. It may also produce drowsiness and cause inability to concentrate, apply, and learn physical activity. It can impair mental and physical performance. Repeated and prolonged administration will certainly lead to tolerance and physical dependence. This process is set in motion by the first dose. An overdose may lead to respiratory failure, coma and death. With dosages to which a person is tolerant, permanent organic damage do not occur. However, secondary effects, arising from the preoccupation of a person with the drug, may include personal neglect and malnourishment.
The Dictionary of Addiction.

The effect of any drug depends on many variables, including both the physical properties of the drug and the human factors that influence how the drug is introduced. The effect of any drug depends on many variables, including the physical properties of the drug and the human factors that influence how the drug is introduced.

Drugs with a high potential for abuse are classified as "narcotics." The term "narcotics" was coined in the 18th century to describe the effects of opiates, such as morphine and heroin.

The problem of drug addiction has become a major issue in the United States in recent years. The problem is characterized by a growing number of users, a rising number of deaths, and a significant cost to the economy.

In 1978, the United States government estimated that there were approximately 20 million drug abusers in the country. Of these, about 5 million were admitted to treatment facilities each year.

The cost of treating drug addiction is estimated to be between $10 billion and $20 billion per year. This includes the cost of medical care, lost productivity, and social services.

Drug-related crime is also a significant problem. In 1978, it was estimated that drug-related crime accounted for approximately 8% of all serious crimes.

The United States government has taken a number of steps to address the problem of drug addiction. These include increasing funding for treatment facilities, implementing laws to reduce drug availability, and conducting research to better understand the causes and effects of drug addiction.

It is important to note that drug addiction is a complex problem with no simple solutions. However, by working together, we can make progress in reducing the impact of drug addiction on our society.
On its face the statute authorizes marihuana transactions between persons, such as importers, wholesalers, physicians, and individual patients, who have paid certain occupational and transfer taxes. But in fact, since there is no accepted medical use of marihuana, only a handful of people are registered to use the drug, and for all practical purposes the drug is illegal. Unauthorized possession, which in this context means possession under almost any circumstance, is a criminal act under Federal tax law. Sale or purchase of marihuana is also criminal under these statutes. Importation is made punishable by a separate statute. Possession and sale are also offenses under the Uniform Narcotic Drug Act, which controls marihuana in most States.

DANGEROUS DRUGS

The term "dangerous drugs" commonly refers to three classes of nonnarcotic drugs that are habit-forming and transfer taxes. But in fact, since there is no accepted medical use of marihuana, only a handful of people are registered to use the drug, and for all practical purposes the drug is illegal. Unauthorized possession, which in this context means possession under almost any circumstance, is a criminal act under Federal tax law. Sale or purchase of marihuana is also criminal under these statutes. Importation is made punishable by a separate statute. Possession and sale are also offenses under the Uniform Narcotic Drug Act, which controls marihuana in most States.

The depressants

The most widely used and abused of the depressant drugs are the barbiturates. These are known generally as "goofballs." They have many chemical names, such as pentobarbital sodium and secobarbital sodium, and particular nicknames, such as "kibbles" and "weezy" (after trade names of the two drugs). There are more than 25 barbiturates marketed for clinical use. They are apparently useful because of their sedative, hypnotic, or anesthetic actions and are most commonly prescribed to produce sleep and to relieve tension and anxiety.

A person can develop tolerance to barbiturates, enabling him to ingest increasing quantities of the drug up to a limit that varies with the individual. Chronic administration of amounts in excess of the ordinary daily dose will lead to physical dependence, resulting in withdrawal of the drug, in a grave mental and physical state dominated by increased anxiety, a depressed mood, irritability, tremor, restlessness, and occasional convulsions. They are habit-forming. It is estimated that one out of eight or ten persons who have used barbiturates on a trial basis develop a habituation to them. Tolerance develops with the use of amphetamines. It is taken orally in tablet form. Nervousness and instability does not develop. If large doses are ingested (over 700 mg), convulsions and a delirium, resembling alcoholic delirium tremens or a major epileptic episode, may occur. Excessive doses may also result in impairment of judgment, loss of emotional control, staggering, slurred speech, tremor, and occasionally convulsions following the lapse of time. These agents may lead to drug intoxication and physical dependence. Suicide by overdose, and deaths during withdrawal, from some of the drugs have also been reported.

The hallucinogens

Hallucinogenic, or psychotropic, drugs and the controversy that surrounds them have recently aroused the interest of the mass media and the public. This is certainly due in part to the emergence of new substances, such as LSD, many times more potent than such older hallucinogens as peyote and mescaline. All these drugs have the capacity to produce altered states of consciousness. Generally they are taken orally.

LSD, the most potent of the hallucinogens, is a synthetic drug made by a chemical process; psilocybin is the main component in the chemical conversion. Minute amounts of the drug are capable of producing extreme effects. It is usually deposited on sugar cubes in liquid form, although recently it has been found frequently in pill form. Swallowing such a cube or pill is called "taking a trip." A recent publication of the Medical Society of the County of New York described such a trip as follows:

After the cubes, containing 100-600 mcg [a microgram is one-millionth of a gram] each, are ingested a staring array of events occurs with marked individual variation. All senses appear sharpened and heightened, vivid panoramic visual hallucinations of fantastic beauty and depth are experienced as well as hypnosis [abnormal acuteness of hearing]. Senses blend and become diffused so that sounds are felt, color tasted, and solid objects painful and blotted. Depersonalization also occurs frequently so that the individual loses ego identity; he feels he is living with his environment in a feeling of unity with other beings, animals, inanimate objects and the universe in general. The body image is often distorted to that face, including the user's, assume bizarre proportions and the limbs may appear antero-posteriorly stretched. The user is enveloped by a sense of isolation and often is dominated by feelings of paranoia and fear. If large doses are ingested [over 760 mcg], confusion and delirium frequently occur. During LSD use, repressed material may be unlocked which is difficult for the individual to handle. Duration of the experience is usually 6 to 12 hours but it may last for days.

The same publication cited as dangers of LSD: (1) Paranoia and psychosis; (2) pokeweed hallucinations; (3) suicidal inclinations; (4) comas of persons under the influence of hallucinogens; (5) reappearances of the drug's effects weeks or even months after use. It was reported that between March and December of 1960 a total of 50 persons suffering from acute psychoses induced by LSD were admitted to Bellevue Hospital in New York City. The only legal producer of LSD ceased manufacturing in April 1960, and turned over its supply of the drug to the Federal Government. A few closely monitored experimental projects involving LSD are still in progress.

Psilocybin is the hallucinogenic substance obtained from the psilocybin-grown caps of a Mexican plant growing wild in the arid regions of Mexico. Mescaline is a natural alkaloid, which occurs in the same plant. These drugs have entered the popular consciousness in recent years due to the activities and advertising of groups formed for the very purpose of promoting experiences with these drugs, or cults, have made broad and appealing claims in regard to the capacity of the hallucinogens to expand the power of the mind to understand all, love, God, and the universe. They are likely to understate the dangers of hallucinogens has undoubtedly been caused in part by the promises and advertising of groups formed for the very purpose of promoting experiences with these drugs, or cults, have made broad and appealing claims in regard to the capacity of the hallucinogens to expand the power of the mind to understand all, love, God, and the universe. They are likely to understate the dangers.

There is no reliable statistical information on the prevalence of dangerous drug abuse. However, there are indications of widespread and increasing abuse. The former Commissioner of the Food and Drug Administration, for example, has testified that enough raw material was produced in 1962 to make over 9 billion doses of barbiturates and amphetamines combined, and he estimated that one-half of these doses ended up in the bootleg market. There is no reliable indication of the proportion of the more than 1 million pounds of tranquilizer drugs produced each year that fell into the hands of the drug abuser, but the figure certainly is high. A spreading use of the hallucinogens has undoubtedly been caused in part by the promises and advertising of groups formed for the very purpose of promoting experiences with these drugs, or cults, have made broad and appealing claims in regard to the capacity of the hallucinogens to expand the power of the mind to understand all, love, God, and the universe. They are likely to understate the dangers that line the route to such mystical experiences. They are likely to understate the dangers that line the route to such mystical experiences. We have arrived at this point due to the tragic and spectacular increase in the use of these drugs. We have arrived at this point due to the tragic and spectacular increase in the use of these drugs.
settled persons, such as registered wholesale druggists and licensed physicians. It places restrictions on the refilling of prescriptions. Criminal penalties are provided for violations, including manufacture, sale, or distribution without a license. The first offense is a misdemeanor; the second, a felony. Possession of drugs for personal use is not an offense under this statute.

All of the opium and the barbiturates are controlled by specific language in the statute. In addition, any other drug with potential for abuse because of its depressant, stimulant, or hallucinogenic effect may be placed under control by designation. Some 27 other drugs have been so designated, including all of the hallucinogens created by the Food and Drug Administration. There is complete lack of uniformity in this legislation.

Research should be undertaken devoted to early action to control at least some of the dangerous drugs, but there is particularly those like lysergic acid diethylamide. In addition, research and education programs concerning the effects of such drugs should be undertaken.

**ENFORCEMENT**

Drug enforcement is a question of finding the drugs and the people in the illicit traffic. Both tasks are formidable.

**THE DRUGS**

Different enforcement considerations are presented by the legal status (meaning heroin for purposes of this section) and marijuana on the one hand, and the dangerous drugs on the other. To get the drugs into the country requires an illegal act of smuggling, and their possession and sale in virtually every circumstance are criminal offenses under either State or Federal law. The agents assisting in the enforcement of the drug laws could, therefore, be investigated by the Bureau of Narcotics, which at the end of fiscal 1966 had 30,000 agents assigned by the Bureau. These men, 276 of whom were assigned at the end of fiscal 1965, perform uniformed patrol in marked vehicles, and their effects arriving from abroad. In 1965 more than 200,000 persons, and 55 million vehicles, and the number would probably exceed a thousand. Frequent narcotics enforcement is a part of the responsibility of local vice control squads. Federal agents seized 156 kilograms of illicit opium and cocaine in the internal traffic in 1965, 55 kilos of heroin in a single seizure. No accurate total is available for illicit narcotic seizures by all States and municipal agencies.

One method of smuggling heroin

**THE ENFORCEMENT**

The Bureau of Narcotics, which at the end of 1967 had 30,000 agents assigned by the Bureau, in 1966, 95 kilos of heroin coming in a single seizure. No accurate total is available for illicit narcotic seizures by all States and municipal agencies.

Many of the considerations noted above are applicable to the enforcement of the marijuana laws. More than 5,000 kilograms were seized by Federal and State authorities in 1965, the majority of it by the Bureau of Customs at points of entry along the Mexican border. Serious Federal enforcement of the drug abuse control amendments is just beginning. A Bureau of Drug Abuse Control was set up in 1966, and it is now in the process of providing a bureau of statistics and research. It is planned to have 500 agents assigned by 1970. State and local enforcement is hampered by the narco-terrorists in the central control squads. The illicit traffic in depressants and stimulants drugs is quite new, and how it operates is partially understood. It appears to be fed mainly by diversions from the black market and the non-supervised use of drugs.
the chain of legitimate drug distribution. Diverters are known to have occurred at all points in the chain of legitimate drug distribution. Diverters drug manufacturers and wholesalers and bulk peddlers are key figures. It has been alleged, but not proved, that trafficking in these drugs has become an activity of organized crime. Certainly the profits are there, if not always the desire of the diverters and stimulant drug manufacturers. The over-the-counter drug traffic appears to be less profitable than other.

The technique

The objectives of law enforcement are to reach the highest possible sources of drugs, to obtain the greatest possible quantity of illicit drugs before use. The standard techniques for doing this are undercover investigation during which an officer assumes another identity for the purpose of gathering evidence, or making a "buy" in the drug traffic, there will always be people willing to take whatever risks are necessary to pass the customs barrier. In the form of larger enforcement operations have been made within the United States. The Commission believes a recommendation: That the enforcement staff be increased is justifiable. The number of people entering the country has increased by 47.6 percent. The number of inspections per inspector per hour has been increased by 50 percent.
were examined. The Commissioner of Customs testified in 1966 that the rate of examination should be at least 10 percent to assure the smuggling of illicit drugs and their proper control and to generate the revenues. He estimated that 60 additional employees, at a cost of about $450,000, could be expected to return between $8 and $8 million annually in duty collections. The Commission believes the addition of these employees would be a sound investment and would afford at least potentially valuable law enforcement benefits.

The Commission recommends:
The enforcement and related staff of the Bureau of Customs should be materially increased.

There are no convenient devices, such as the rate of incoming persons or merchandise, to measure the workload of the Bureau of Narcotics. The need for more funds and more staff is thus hard to document. Yet the simple fact is that the Bureau has numerous complex tasks to perform. It bears the major Federal responsibility for suppression of traffic in illicit narcotics and marihuana. It assists foreign enforcement authorities in their own countries. It starts in training local enforcement personnel in this country. It not only enforces the penal statutes relating to narcotics and marihuana but also administers the laws relating to the legitimate importation, manufacture, and distribution of these drugs. The Commission believes that the Bureau's force of some 350 agents, spread across 10 foreign countries and throughout the United States, is not sufficient. It certainly does not enable the Bureau to diversify its functions from the business of making arrests, seizing drugs, and obtaining convictions, to the work of intelligence. Yet given the pyramidal structure of the illicit drug traffic and the limited exposure of those at the top, intelligence activity has a vital place in the enforcement effort.

The Commission recommends:
The enforcement staff of the Bureau of Narcotics should be materially increased. Some part of the added personnel should be used to design and execute a long-range intelligence effort aimed at the upper echelons of the illicit drug traffic.

The Commission also notes that the Federal Government undertook responsibility in respect to dangerous drugs with the enactment of the Drug Abuse Control Amendments of 1965. It is essential that adequate resources be provided to the Bureau of Drug Abuse Control to enable it to carry out these responsibilities.

In enacting the 1965 Drug Abuse Control Amendments, Congress sought to control the traffic in dangerous drugs predominantly by a system of registration, inspection, and recordkeeping. The amendments apply to drugs in intrastate as well as interstate commerce. Thus, once a drug has been placed under control of the amend-
The nonviolent offenses in which the heroin addict typically becomes involved are of the fund-raising variety. Assaultive or violent acts, contrary to popular belief, are the exception rather than the rule for the heroin addict, whose drug has a calming and depressant effect.

Illicit drugs, as already noted, are expensive. Records compiled by the New York City police are sufficient proof of this. In May 1965, a total of 991 admitted users of heroin were arrested in New York City. The average daily cost of heroin to the person was much lower-on the street, $1 m cash. On the other hand, property cannot be realized between $3 and $5 in merchandise, at most $11 in cash.

The mathematics of this are alarming. Assuming that each of the heroin addicts in New York City, whose names were on file with the Bureau of Narcotics at the end of the year, could have been identified as users of heroin in the FBI's "Careers in Crime Program"—a computerized record of criminal histories. This data is based on criminal fingerprint cards submitted by local and Federal agencies.

The 3,885 people who were identified as heroin users had an average criminal career (the span of years between the first and last arrests) of 12 years during which they averaged 10 arrests. Six of these arrests on an average were for offenses other than narcotics. Of the reasons for arrest, formal property crime and violent crime categories, 26 percent were for offenses resulting from the illegal sale of heroin and illegally purchased property crimes. On the other hand, all criminal offenders in the program (over 150,000) averaged 23 percent arrests for violent crimes and 57 percent for property crimes. Seventy-two percent of all heroin addicts who were arrested for some other criminal act prior to their first narcotic arrest.

The simple truth is that the extent of the addict's or drug user's responsibility for all nondrug offenses is unknown. It is obviously great, particularly in the New York metropolitan area, where drug use is in jail or hospitalized; those who obtain the heroin are usually law-abiding citizens or by prostituting on the streets, drug addicts, thieves, or other offenders which does not require the conversion of stolen property; and addicts who are unknown to the authorities. The impact of these adjustments might be enormous but it cannot be accurately measured.

The projected totals are so impressive that they lead one into the easy assumption that addicts must be responsible for the most crime in the property where addiction is widespread. But this assumption cannot so easily be verified.

Records compiled by the New York City Police Department indicate that 11.1 percent of those arrested in 1965 for the first time who were most often convicted of drug-related crimes were also convicted of armed robbery, but 66 percent of all arrests for the particular characteristics and potential for rehabilitation of the offender. There is a broad consensus among judges and correctional authorities of the ability to base their judgments on the seriousness of the violations and the particular characteristics and potential for rehabilitation of the offender.

In support of existing mandatory minimum sentences for narcotics offenses, it has been suggested that the high price and low quality of the heroin available on the street and the fact that serious physical dependence on the drug has become a rarity are evidence that there are fewer people willing to face the risk of more severe penalties. On the other hand, with respect to heroin, it has been noted that these trends preceded the pattern of mandatory minimum sentence provisions. And despite the application of the 1965 policy statement of the Advisory Council of Judges and Correctional Authorities to minimize the use of traffic and the evils of treating all narcotics and marijuana offenders alike by dividing offenses into four groups.

1. No smuggling or sale of large quantities of narcotics or the possession of large quantities for sale. This would subject the offender to mandatory minimum sentences. Probation, suspension of sentence, and parole would be denied.
2. The smuggling or sale of small quantities of narcotics, or the possession of small quantities for sale. This would subject the offender to a minimum sentence but not to any mandatory minimum terms. Suspension of sentence would not be available but parole would be.
3. The possession of marijuana without intent to sell. The sentence would be for a period of 1 year, it would be safe to estimate that sentences averaged much less than one-half of 87.6 months.

Some states distinguish between mandatory minimum sentences under the Federal Narcotic Drug Abuse and Control Act and a penalty for violation of a state law. Only the first offense is eligible for parole. In support of this, it has been suggested that sentences averaged much less than one-half of 87.6 months. The reason for this is that nonviolent offenses of this nature have a shorter average length of imprisonment.

In any other method which does not take into account the nature and seriousness of the offense, the prior record of the offender and other relevant circumstances.

The Commission recommends:

State and Federal drug laws should give a large enough measure of discretion to the courts and correctional authorities to consider taking account of the nature and seriousness of the offense, the prior record of the offender and other relevant circumstances.
MARIHUANA

In addition to suggesting that the penalties provided for narcotics and marihuana offenses be made more flexible, it would be wise to comment specially on marihuana, because of questions that have been raised concerning the appropriateness of the substantive law as applied, for example, to marihuana.

The basic Federal control statute, the Marihuana Tax Act, was enacted in 1937 with the stated objectives of making marihuana dealings visible to public scrutiny, taxing the plant from which the drug comes has some commercial value in the production of seed and hemp). At the heart of the act are provisions requiring that all persons with a legitimate reason for handling marihuana register and pay an occupational tax, requiring that all marihuana transactions be recorded on official forms provided by the Treasury Department, subjecting transfers to a registered person to a tax of $1 an ounce, and subjecting transfers to an unregistered person to a prohibitive tax of $100 an ounce. Under the Uniform Narcotic Drug Act in the States, marihuana is defined and controlled as a narcotic drug. The act raises an insignificant amount of revenue and imposes an exorbitant number of marihuana transactions on public view, since only a handful of people are registered under the act. It has become, in effect, solely a criminal law imposing sanctions upon persons who sell, purchase, or use marihuana.

MARIHUANA was placed under a prohibition scheme of control because of its harmful effects and its claimed association with violence, behavior, and arrest. Another reason now advanced in support of the marihuana regulations is the drug's apparent potential to cause some form or harm to the use of addicts, particularly heroin.

The key word count is that on all counts, and the points made against it deserve a hearing.

The charge that marihuana "leads" to the use of addicting drugs needs to be critically examined. There is evidence that a majority of the heroin users who come to the attention of public authorities have, in fact, had some prior experience with marihuana. But this does not mean that one leads to the other in the sense that marihuana has an intrinsic quality that creates a heroin liability. There are too many marihuana users who do not graduate to heroin, and too many heroin addicts with no known prior marihuana use, to support such a theory. Moreover there is no scientific basis for such a theory. The basic text on pharmacology, Goodman and Gilman, states quite explicitly that marihuana habituation does not lead to the use of heroin.

The most reasonable hypothesis is that there are people who are "prone" to use marihuana and who are also predisposed to use heroin. An example is provided by statements that legend involves three assumptions which are questioned by opponents of the present law: (1) The defendant was a marihuana user. Usually this can be determined only by the defendant's own statement or by his possession of the drug at the time of arrest. The defendant need not have any association with violence, behavior, and crime. Another reason now advanced in support of the marihuana regulations is the drug's apparent potential to cause some form or harm to the use of addicts, particularly heroin.

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growth in evidence that it is not as high as the 94-percent rate found in one short-term follow-up study. Much depends on whether relapse is taken to mean return to drugs once during a period of time or to refer to the drug status of the patient at the end of a period of time. One recent long-term (15-year) followup, using the second method of classification, found that, although 90 of the 100 heroin addicts with the least amount of drug use at some time, 46 of them were drug-free in the community at the time of death or last contact. Among the 30 who were considered to have made the best adjustment, the average length of abstinence was 7 years. Significantly, the best outcomes were found among those who had undergone some form of compulsory supervision after discharge.

The California Rehabilitation Center

This facility, operated by the California Youth and Adult Corrections Agency, was established in 1961. Most admissions are of addicts misdemeanants and juvenile offenders in California courts and committed by order of the court.

The program involves a combination of inpatient and outpatient treatment, and is designed to remain on inpatient status for at least 6 months, although average stay is close to 12 months. During this period they are divided into 60-patient units for purpose of treatment. Work therapy, vocational courses, and a full academic course through high school also are offered.

Upon release to outpatient status, the patients are supervised by caseworkers with specialized training and small caseloads. Patients are chemically tested for the presence of drugs five times a month, both on a regular and a surprise basis, for at least the first 6 months. Failure of the test or other indications of relapse to drugs results in return to the institution. A halfway house, the Parkway Center, provides guidance for those making a marginal adjustment in the community. The patient becomes eligible for final discharge after 3 drug-free years as an outpatient.

DIPLOMS

This is a voluntary program serving addicts placed on probation by the local courts in Brooklyn, N.Y. It resembles Synanon in approach, but is supported by Federal grant and is under court sponsorship. Its capacity, 25 addicts, is being expanded.

HUTHERS (METHADONE) MAINTENANCE

This is an experimental method of treatment for heroin addiction. Its principal sponsors are Dr. Vincent P. Dole and Marie Nyswander. They began their program of research in January 1964, at Rockefeller University Hospital in New York City. Subsequently treatment units were established at Manhattan General and other New York hospitals. Patients are admitted on a voluntary and abbreviated basis. Motivation and a past record of treatment failures are among the important selection criteria. The patients are free to leave the program as they please. Of the 106 heroin addicts admitted prior to February 1, 1966, 101 were still in the program on that date. Ten others had been dismissed from the program.

The first phase of the program involves hospitalization and withdrawal from heroin. The patient is then treated on daily doses of methadone, a synthetic opiate that is itself addicting. The daily doses are gradually increased and finally become stable. This median stable dose is 100 milligrams a day. This phase of the program lasts about 5 weeks. It is followed by release to the outpatient phase of the treatment. These involve support contacts with the local mental health and social service agencies and the patients are referred to a stable and responsible position in the community. Many of the patients are, in fact, employed or in school. No attempt has yet been made to withdraw any patient from methadone.

As used in the maintenance program, the methadone is dissolved in fruit juice and taken orally under supervision. It is always dispensed from a hospital pharmacy, and the patients are required to return each day for their doses. No prescriptions have been given to patients for the purchase of methadone at drug stores. The patients must also give daily urine samples for analysis.

According to the sponsors of the methadone maintenance program, methadone given in adequate doses blocks the euphoric effects of heroin and does not itself produce euphoria, elation, or distortion of behavior. The patient is able to carry on with normal employment and social activity. Methadone maintenance is not an attempt to cure opiate addiction, but a method of treatment that appears to maintain addicts in a state of abstinence and reduces or eliminates their need for drugs.

The results of the methadone maintenance research are fragmentary. The question of the suitability of the program as a public health approach is still open.

CYCLAZOCINE TREATMENT

This method involves daily administration of a new drug, cyclazocine, which is said to increase the addict's craving for heroin and blocks the drug's effects. This treatment has been tried, with surprising to detect heroin use, on a pilot basis in New York.

PAROLE

Parole is of course a matter of medical policy, but it may fairly be classified as a form of treatment insofar as it is used to overcome a person's dependence on drugs. Several parole projects, with specially trained aides and small caseloads, are in operation. The theory is that a parole agency, with its contact over the addict, is in a better position to arrange and coordinate his adjustments in the community. Frequent contact and intensive supervision are necessary. The latest example of a parole rehabilitation program mentioned above is a special parole project in New York. The prototype of such a project, however, was developed in New York.
The 1960 final report of the Special Narcotic Project of the New York State Division of Parole described the results of a study of 344 addicts-parolees supervised before and after release. The total number supervised, 119 offenders had never been declared delinquent, and another 36 were considered delinquent for reasons not related to drug use. Thus 125, or 45 percent, were found to be abstinent. A followup study of the same project parolees reported that, by the end of 1962, the abstention rate had fallen to 32 percent. The median length of supervision of the 344 addicts-parolees was 15 months in 1962, as against 8 months in 1959. The New York project now operates as the Narcotic Treatment Bureau. As of December 1966, there were 22 parole offices in the Bureau with an average caseload of 50 parolees.

The expression "civil commitment" is misleading. The fact is that these commitments usually take place at some point during a criminal proceeding. They are denounced "civil" because they are governed by criminal laws, and because many of them start during a criminal proceeding and because they do not result in penal confinement.

Civil commitment is generally understood to mean court-ordered commitment in a special treatment facility, followed by release to outpatient status unless the community, with permission, deems the addict no longer a danger to himself or others. The commitment thus does not exist, however, if the patient abstains from drugs and for return to confinement if he relapses. The total commitment is for an indeterminate period not to exceed a prescribed maximum term. The commitment must not become the civil equivalent of imprisonment. The out-patient phase generally includes a variety of supportive services plus some form of periodic testing for the use of drugs.

At least four types of civil commitment can be identified:

1. Commitment on request of noncriminal addicts, i.e., those who are neither charged with nor convicted of criminal offenses, not even after sentence after conviction of crime. Both State laws and the Federal law offer this with the proviso that the addict must subject himself to a period of treatment, or a reasonable prospect of cure.

2. Commitment of noncriminal addicts. There is provision for this type in the California law (it was first authorized by a special act passed in 1961), the recent New York law, and the Federal law. Under each, the addict is entitled to a jury trial on the issue of addiction.

3. Commitment on request or consent of criminal addicts, those charged with a felony, but not yet convicted and those who have been declared charged and convicted. The New York and Federal law provide for this type of procedure during the precommitment stage of the proceeding only. The California law does not provide for it at all.

4. Involuntary commitment of criminal addicts. All these laws contain provision for involuntary preconviction commitment. None of these provisions contain provision for involuntary preconviction commitment.

The most heated debate centers on the involuntary commitment of the addict who is not accused of crime. In propositions compare it to the practices of involuntarily committing the mentally ill, or isolating persons with serious contagious diseases; they argue that the addict is both less dangerous than either of these groups, and that, if they point to the evidences that addiction is spread by social contact with addicts rather than by the recruiting efforts of peddlers. This premise, buttressed by the fact of a strong public demand for the control of addiction in the community, has led to a policy of trial and error still little understood. The Committee therefore considers it imperative that the treatment programs be flexible enough to follow each patient's case and needs to the point at which the addict is himself convinced that therapy is possible to him. The most remarkable achievement in this direction has been the Narcotic Addict Rehabilitation Act of 1966, which states that no person so committed shall be held in any facility for a period not to exceed a prescribed maximum term. The provisions that exclude certain addicts from treatment. The Federal act, for example, makes all of the following classes of addicts ineligible for construction to treatment before conviction: Those charged with crimes of violence; those who have been compulsively involving or selling a narcotic drug; those against whom a prior felony charge is pending; those with two or more felony convictions; and those who have been civilly committed because of narcotic addiction on three or more occasions in violation of a valid court order. These provisions thus make it much more difficult for an addict to be removed from his own community by a court order. The provision that excludes certain addicts from treatment is not a sufficient showing that a person is dangerous; that mere proof of addiction is not a sufficient showing that a person is dangerous to himself or others; and that, in any event, the commitment of addicts is no more a valid ground for commitment of the addict who is not accused of crime.

Two subjects associated with treatment deserve particular mention. One is civil commitment; the other is the use of drugs in medical practice. CIVIL COMMITMENT

The enactment of laws authorizing or compelling commit­
ment of drug addicts for purposes of treatment has been the most important development in recent years in the drug abuse field. This trend has broad public acceptance; perhaps it has even assumed the proportions of a movement. In candor it must be said that commitment of addicts was begun as an experimental, been lost out of an established body of medical and scientific knowledge than that which existed after the adoption of the orthopedic procedures and a demand for new approaches. It was growing awareness that drug addiction was a medical illness and that a closer distinction, which would make some allowance for the quality of completion in addition, should be made between addicts and other offenders.

California was the first state to adopt a comprehensive program, enacting a Civil Addict Commitment Law in 1961. New York followed with the Narcotic Addict Rehabilitation Act in 1962, but this legislation was revised and broadened in 1966. Also in 1966 a Federal commitment law, the Narcotic Addict Rehabilitation Act, was enacted. These states represent the most significant legislation in the field. The results are still too fragmentary, and experience still too limited, to permit anything more than tentative judgments. A process of trial and error still lies ahead.

There is great need for better standards for measuring the patient's progress. There is little knowledge about why a good outcome is achieved for one addict but not another. More trained personnel are desperately needed. Methods of treatment for abusers of nonopiate drugs must be developed, and there is a general need for research effort in the whole area of personality disorder, of which drug abuse is usually a symptom. New facilities will certainly be needed. The narcotic addict population has increased since the next 3 years authorized by the Narcotic Addict Rehabilitation Act of 1966 for grants to State and local governments is a bare minimum. States with drug abuse problems but without specialized treatment programs must initiate such programs. Hospital and medical personnel must be educated, and more attention should be given to the problem of drug abuse. This is the beginning of what needs to be done.

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Two subjects associated with treatment deserve particular mention. One is civil commitment; the other is the use of drugs in medical practice.
MEDICAL PRACTICE AND ADDICTION

What limits does the law set on the right of a physician to prescribe or administer narcotic drugs to a narcotic addict? This short question raises issues that have been examined repeatedly—issues that are not resolved by reference to the general proposition that the statutory and regulatory measures for the control of narcotic drugs are not intended to interfere with the administration of such drugs in legitimate medical practice.

The important issues are: How and by whom is the concept of legitimate medical practice defined and given content? Does legitimate medical practice mean the same thing as that which practice accepted and followed by a majority of doctors in the community or that approved by official spokesmen of the medical profession? If so, and if adverse legal consequences attend any departure from legitimate medical practice, how are the new medical ideas and techniques safely be developed? What allowance is made for error in judgment of virtue that does depart from standards of treatment procedures while acting in what he considers to be the best interests of his patient?

Concerns are equally valid to put these issues into perspective. The Harrison Narcotic Act of 1914 regulates the distribution of narcotics. It requires those whose usual business involves transactions in narcotic drugs (including physicians) to register and pay an occupational tax, and it imposes a commodity tax, evidenced by stamps, on all narcotics manufactured. It further requires that all narcotics be distributed and reprinted in original stamped packages, pursuant to orders formed by the Treasury to comply with these provisions is a criminal offense. Specifically exempted from the operations of the act, however, are prescriptions issued for medical practice or as legitimate medical use and distribution of drugs to a patient "in the course of his professional functions as a practitioner" or the Committee to consider or expose whether the important point to note here is that the medical profession is part of a criminal statute. A prescription of drugs that falls outside this exemption is much more than a professional mistake on the part of the doctor. It is a prosecutable offense.

The American Medical Association has adopted and issued several statements on the use of narcotics in medical practice. These statements, which appeared in 1963, and is currently in the process of revision, was prepared in collaboration with the National Research Council of the National Academy of Sciences. It may be summarized:

Withdrawal on an ambulatory basis (outside an institution) is, as a general matter, medically unsound and not recommended on the basis of present knowledge.

Ambulatory clinic plans (dispensing drugs to outpatient addicts to reduce overpopulation of clinic, to establish a similar program for the training of medical and nursing personnel) or any other form of ambulatory maintenance (giving stable doses to outpatient addicts) are also medically unsound on the basis of present knowledge.

It is proper ethical practice, after consultation and subject to keeping adequate records, to administer narcotics to addicts in a professional, non-medicolegal context, to an addict who is attending a medical facility, and to administer limited maintenance doses generally of methadone, a synthetic narcotic, to an addict who is awaiting admission to a narcotic facility, and to administer limited maintenance doses generally of methadone, as an occupational and in some other medical setting.

Research on the problems of narcotics addiction is absolutely necessary and present concepts are open to revision based on the results of such research.

The AMA-NRC statement touches on areas of active controversy—maintenance clinic plans, and ambulatory treatment. The Bureau of Narcotics accepts it as the authoritative definition of legitimate medical practice against which all medical practice must measure itself. What is in question is that: What allowance is made for error in judgment of what he considers to be the best interests of his patient?

The inescapable fact is that medical science has not yet come very far or very fast in this extremely perplexing field.

Continued administration of drugs for the maintenance of addiction is not a bona fide attempt at cure. In other words, the withdrawal of the drug must be accomplished before the rehabilitation phase of the treatment can begin.

Withdrawal is most easily carried out in a drug-free environment, in specialized wards or installations for narcotic addicts. Under these circumstances withdrawal may be carried out in other institutional settings, such as psychiatric wards of general hospitals.

Continued administration of drugs for the maintenance of addiction is not a bona fide attempt at cure. In other words, the withdrawal of the drug must be accomplished before the rehabilitation phase of the treatment can begin.

The urgent need for a Federal response in education produced at least one hopeful start in 1966. A program to increase understanding of drug problems on college campuses has been undertaken by the National Academy of Sciences, State and local agencies, universities, and private organizations. Adequate staff and funding should be provided on a priority basis.

A core of educational and informational materials should be developed by the National Institute of Mental Health. This same recommendation was made by the 1963 Commission. Since that time a Center for Studies on Narcotics and Drug Abuse has been established within NIMH. A student information service is being set up to increase understanding of drug problems on college campuses which has been undertaken by the National Commission on Education of Student Personnel. Undergraduate seminars will be held for the benefit of campus officials. Written materials will be prepared and disseminated, and methods of communicating with students and other groups will be explored. This is a useful, but only a preliminary step. It is aimed to college students only. Moreover the work will end when the contract expires in 1967. The Federal response for education will not expire at this time.

The Commission believes that the educational function must be given continuing and central direction by a single agency.
Drunkennes Offenses

The sentence of imprisonment. Sentence is from 5 days to 6 months; the most common maximum and local ordinances. Orderly inebriates. Make public drunkenness arrests under both example, the police, force, use a disorderly conduct statute to arrest crime. Example, drunkenness that is manifested by boisterous utterances to those who are drunk in public. In Chicago, for indecent conduct, or loud and profane discourse, is a drunkenness, but any drunkenness that causes a breach of the peace is punishable. In Georgia and Alabama, for drunkenness itself. "Place," generally describing the offense as being "unable to arrest everyone who is under the influence of alcohol. Sometimes they will help to end his home. It is when he appears to live no home or family..."
ties that he is most likely to be arrested and taken to the local police station.

One policeman assigned to a skid row precinct in a large eastern city recently described how he decided whom to arrest:

I see a guy who's been hanging around; a guy who's been picked up before or been making trouble. I stop him. Sometimes he can convince me he's got a job today or got something to do. Well show me a slip showing he's supposed to go to the drunkenness center, or to work. I let him go. But if it seems to me that he's got nothing to do but drink, then I bring him in.

Drunkenness arrest practices vary from place to place. Some police departments strictly enforce drunkenness statutes, while other departments are known to be more lenient. The number of arrests in a city may be related less to the amount of public drunkenness than to the public policies in force. Often the problem of drunkenness is considered more important in one city than another. Such variations in public policy reflect the standards of fairness that are the basis of our criminal justice system. Although police departments may differ in the standards of fairness, all are interested in the treatment of alcoholics, never be so lenient that our concern for the health of the offender could be elicited. The Commission believes that there are few clearly sanctioned ways to deal with alcoholics who refuse treatment. The Commission's position is that there presently are no clear alternatives for alcoholics who refuse to treat themselves. The Commission recommends that the District of Columbia drunkenness law "be amended to require specific kinds of offensive conduct in addition to drunkenness.

The sheer size of the drunkenness problem in relation to the very limited knowledge about causes and treatment makes it impossible to speak in terms of "solutions." There are, however, some important and promising lines that the Commission believes should be explored:

**TREATING DRUNKENNESS AS NONCRIMINAL**

The Commission seriously doubts that drunkenness alone (as distinguished from disorderly conduct) should continue to be classified as a crime. Most of the experts with whom the Commission discussed this matter, including many in law enforcement, thought that it should not be a crime. The application of disorderly conduct statute would be sufficient to protect the public against drunken behavior stemming from intoxication. This was the view of the President's Commission on Crime in the District of Columbia, which recommended that specific kinds of offensive conduct in addition to drunkenness.

The problem of drunkenness cases in court hardly reflects the standards of fairness that are the basis of our system of criminal justice. Most police workers believe that drunkenness is not a crime. The application of disorderly conduct statute would be sufficient to protect the public against drunken behavior stemming from intoxication. This was the view of the President's Commission on Crime in the District of Columbia, which recommended that specific kinds of offensive conduct in addition to drunkenness.

The apparent poor quality of most of the county jails in the United States is so well known that it is probably not necessary to discuss this point at any great length. The fact that the majority of all convicted alcoholics go to these institutions, however, makes it imperative that the particular, and particularly those thoughtful citizens who are alcoholics, never be allowed to forget that our county jails are a disgrace to the country **and** that they have a more destructive role than a beneficial role not only on alcoholics who are convicted to them but also on those others who are convicted of the most petty offenses.

**Comparison of Drunkenness Arrests in Three Cities**

<table>
<thead>
<tr>
<th>City</th>
<th>Number of arrests (in thousands)</th>
<th>Disorderly conduct arrests</th>
<th>DWI arrests</th>
<th>Total arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York, N.Y.</td>
<td>4.6</td>
<td>2.4</td>
<td>1.7</td>
<td>8.7</td>
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<tr>
<td>Austin, Tex.</td>
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<td>0.7</td>
<td>1.1</td>
<td>2.8</td>
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<td>Washington, D.C.</td>
<td>0.8</td>
<td>0.3</td>
<td>0.2</td>
<td>0.5</td>
</tr>
</tbody>
</table>

**After serving a brief sentence, the chronic offender is released, more likely not to return to his former haunts on skid row, with no money, no job and no plans.**

**Often it is weeks or a matter of days or hours.**

**In a memorandum of law submitted in a recent case of a homeless alcoholic, defense counsel noted that his client had been arrested 31 times in a period of 4 months and 6 days.**

**Counsel maintained that "it is fair to conclude [in view of three commitments during that period of time] that he must have been arrested once out of every two days that he appeared on the public streets of the District of Columbia."**

**EVALUATION OF THE EXISTING SYSTEM**

**The criminal justice system appears ineffective to deter drunkenness.**

**The system almost always works to the advantage of the chronic alcoholic offender.**

**What the system usually does accomplish is to remove the drunk from public view, detain him, and provide him with food, shelter, emergency medical service, and a brief period of forced sobriety.**

**As a result, no prosecution is necessary or futile.**

**The defendant may not be warned of his right to request it are jailed.**

**In others chronic offenders, who are likely to be alcoholics, are generally sent to jail.**

**Yet, the Commission believes that "it is imperative that the Commission is prepared to find such alternatives to treatment within the criminal justice system should be explored.**

**The sheer size of the drunkenness problem in relation to the very limited knowledge about causes and treatment makes it impossible to speak in terms of "solutions." There are, however, some important and promising lines that the Commission believes should be explored:**

**TREATING DRUNKENNESS AS NONCRIMINAL**

The Commission seriously doubts that drunkenness alone (as distinguished from disorderly conduct) should continue to be classified as a crime. Most of the experts with whom the Commission discussed this matter, including many in law enforcement, thought that it should not be a crime. The application of disorderly conduct statute would be sufficient to protect the public against drunken behavior stemming from intoxication. This was the view of the President's Commission on Crime in the District of Columbia, which recommended that specific kinds of offensive conduct in addition to drunkenness.

**Perhaps the strongest barrier to making such a change is the fear that current arrests are necessary to keep lawbreakers off the streets.**

**The Commission believes that current efforts to find such alternatives to treatment within the criminal justice system should be explored.**

**For example, if adequate public health facilities for detoxification are developed, civil legislation could enable the police to pick up those drunkards who refuse to enter a public health facility or who are unable to do so.**

**In some jurisdictions, police officers must wait, often for hours, to testify in court.**

**There is a considerable burden on the courts. Notwithstanding the fact that an overwhelming caseload often leads judges to dispense with services of drunkenness cases in minutes, they represent a significant drain on court time which is needed for felony and serious misdemeanor cases.**

**More subtly, drunkenness cases impair the dignity of the criminal process in lower courts, which are forced to handle drunkenness cases so casually and to apply criminal sanctions with so little apparent effect.**

**In correctional systems, too, resources are used from serious offenders. After court appearances, some offenders arc sent to short-term penal institutions, many of which are already overcrowded.**

**Correctional authorities estimate that one-half the entire misdemeanor population is made up of drunkenness offenders. In the District of Columbia it was reported that 95 percent of short-term prisoners were drunkenness offenders.**

**LINES FOR ACTION**

**The sheer size of the drunkenness problem in relation to the very limited knowledge about causes and treatment makes it impossible to speak in terms of "solutions." There are, however, some important and promising lines that the Commission believes should be explored:**
The Commission recommends:

Drunkenness should not in itself be a criminal offense. Disorderly and other criminal conduct accompanied by drunkenness should remain punishable as separate crimes. The implementation of this recommendation requires the development of adequate civil detention procedures.

Among those seeking alternative to processing drunkenness cases through the criminal system are the Vera Institute of Justice in New York City and the South End Center for Alcoholics and Unattached Persons in Boston. The missions, hospitals, should undertake a project to explore the feasibility of using personnel other than the police to pick up drunks. Included in the study is an attempt to determine what percentage of drunks will come to a treatment facility voluntarily. The Vera program would circumvent the criminal process by establishing a system within a public health framework to care for drunkenness offenders after arrest and a prerequisite to continuing treatment beyond the initial detention unit for inebriates. Under the authority of the Commission recommends:

Communities should establish detoxification units as part of comprehensive treatment programs.

The Department of Justice has recently provided funds to establish detoxification centers as demonstration projects in St. Louis and Washington, D.C. The St. Louis center is already in full operation; plans for the Washington center are under way. Both units have sufficient facilities to house for a period of a few days those who are in need of “drying out.” They also have competent programs, in which patients are given high protein meals with vitamin and mineral supplements and appropriate medication to alleviate alcohol withdrawal symptoms. Bath and laundry facilities are available, as are basic clothing and limited recreational facilities. Regularly scheduled Alcoholics Anonymous meetings, film showings, work projects, group therapy, and lectures are part of the program. During their stay patients are counseled by social workers and other staff members.

The police might also bring to such a center intoxicated persons charged with a variety of petty offenses apart from drunkenness, with violations of administrative codes, and with such felony offenses as driving while intoxicated, assault, and battery. If the police planned to prosecute the case, a summons could be left with the offender to appear in court at a later date. If an intoxicated defendant was charged with committing a felony, the police could make an individual determination as to the most appropriate detention facility. If he seemed likely to appear in court he might be taken to the detoxification facility. Otherwise, he would presumably be taken to the local jail, unless there were adequate detention facilities on the premises of the detoxification center.

Aftercare programs

There is little reason to believe that the chronic offender will change a life pattern of drinking after a few days of sobriety and care at a public health unit. The detoxification unit should therefore be supplemented by a network of coordinated “aftercare” facilities. Such a program might well begin with the mobilization of existing community resources. Alcoholics Anonymous programs, locally based missions, hospitals, mental health agencies, outpatient centers, employment counseling, and other social service programs should be coordinated and used by the staff of the detoxification center for referral purposes. It is well recognized among authorities that homeless alcoholics cannot be treated without supportive residential housing, which can be used as a base from which to reintegrate them into society. Therefore, the network of aftercare facilities should be expanded to include halfway houses, community shelters, and other forms of public housing.

The Commission recommends:

Communities should coordinate and extend aftercare resources, including supportive residential housing.

The success of aftercare facilities will depend upon the ability of the detoxification unit to diagnose problems adequately and to make appropriate referrals. A diagnostic unit attached to, or used by, the detoxification unit could formulate treatment plans by conducting a thorough medical and social evaluation of every patient. Diagnostic work should include assistance to the patient and his family in obtaining counseling for economic, marital, or employment problems. Subsequent referrals to appropriate agencies will be crucial to the success of the overall treatment plan. The diagnostic unit, through referral to a job and housing service, might also assist the patient in moving out of the deteriorating environment of skid row. Philadelphia has already established a diagnostic and re-education center, which offers diagnostic, recreational, therapy, vocational counseling, and housing referral services, including training in social and occupational skills.

Research

With over five million alcoholics in the country, alcoholism is the Nation’s fourth largest health problem. Research aimed at developing new methods and facilities for treating alcoholics should be given the priority called for by the scope of the need.

The Commission recommends:

Research by private and governmental agencies into alcoholics should be expanded. The problems of alcoholics, and methods of treatment, should be expanded.

The application of funds for research purposes appears to be an appropriate supplement to the proposed detoxification and treatment units. Coordination should be given to providing further legislation on the Federal level for the promotion of the necessary treatment programs. Only through such a joint commitment will the burdens of the present system, which falls on both the criminal system and the drunkenness offender, be alleviated.
The assassination of President John F. Kennedy with a mail-order rifle offered a grim and tragic illustration of what can result when firearms are easily available to anyone in the United States. The Commission strongly believes that the increasing violence in every section of the Nation compels an effort to control possession and sale of the many kinds of firearms that contribute to that violence.

During 1963, 4,760 persons were murdered by firearms. During 1965, 5,600 murders, 34,700 aggravated assaults and the vast majority of the 60,400 armed robberies were committed by means of firearms. All but 10 of the 278 law enforcement officers murdered during the period 1965-65 were killed with firearms. And statistics, of course, cannot even indicate the personal tragedy each of these offenses caused.

The issue of firearms control has been debated heatedly throughout the country in the past few years. Many millions of the estimated 50 million privately owned guns in the United States belong to hunters, gun collectors, and other sportsmen. Their representative organizations resist controls over the present easy accessibility of rifles and shotguns. Many other millions of firearms—pistols, revolvers, rifles, and shotguns—are owned by citizens determined to protect their families from criminal attack and their property from loss to burglars. In a nationwide sampling conducted for the Commission by the National Opinion Research Center, 37 percent of the persons interviewed said that they kept firearms in the household to protect themselves. Some citizens who fear assault and robbery in the streets of our cities carry firearms about for self-protection. Many of these firearms owners contend that control over the purchase and possession of firearms conflicts with the need and right to defend themselves, their families, and their property.

Although the Commission believes that controls at all levels of government must be strengthened in order to reduce the probability that potential criminal offenders will acquire firearms, it agrees that the interests of persons desiring such weapons for legitimate purposes must be preserved as much as possible. No system of control, of course, can guarantee that society will be safe from the misuse of firearms, but the Commission is convinced that a strengthened system can make an important contribution to reducing the danger of crime in the United States.

Existing Firearms Control Laws

Regulation of firearms in the United States is based upon three Federal laws, various kinds of State legislation, and a large number of local ordinances. The first of the Federal laws, the National Firearms Act of 1934, applies to machine guns, short-barreled and sawed-off rifles and shotguns, mufflers and silencers, and conversion firearms—not including pistols. The 1934 act requires that possessors register all of these weapons and devices with the Treasury Department, and it imposes annual taxes on firearms manufacturers, importers, and dealers. Taxes ranging from $5 to $200 are also imposed on the transfer of registered weapons and other equipment.

The Federal Firearms Act of 1938 requires the licensing of all manufacturers and dealers who use the facilities of interstate or foreign commerce. It prohibits the knowing transportation of firearms in interstate commerce to, or receipt by, any person who has been convicted of a felony, or who is a fugitive from justice. The law requires that most kinds of firearms imported into or manufactured in the United States bear serial numbers, and it prohibits the interstate transportation of unless firearms, or those with mutilated serial numbers. The 1938 law also prohibits the licensed manufacturers and dealers from transporting firearms into States in violation of State laws requiring a permit to purchase firearms.

The third Federal law regulating firearms is the Mutual Security Act of 1954, which authorizes the President to regulate the export and import of firearms. Administration of the act has been delegated to the Department of State.

The Department of Defense, which formerly disposed of its surplus firearms through commercial and other private channels, suspended all such sales several months ago. It is now considering the advisability of destroying surplus or obsolete weapons in the future.
There is a wide diversity in the purpose and scope of State laws regulating firearms.

Twenty-five States require a license to sell handguns at retail; 8 require a permit (or the equivalent) to purchase a handgun; 11 require a waiting period between purchase and delivery of a handgun; 1 requires a license to possess a handgun; 20 require a license to carry a handgun; 19 prohibit the carrying of a concealed handgun; 18 require a license to carry a handgun in a vehicle; 22 prohibit the carrying of a loaded firearm in a vehicle; and 4 States require the registration of firearms.

New York State's Sullivan law is the most stringent firearms control regulation in the United States. The law of several States requires that anyone carrying concealable firearms have a license, but the Sullivan law prohibits anyone from keeping a pistol or revolver in his house or place of business without a license. Further, no one may even purchase a pistol or revolver until he has obtained a license to possess a pistol or a license to carry such a weapon. The New York law does not require a license to possess or carry rifles and shotguns, but does state that they cannot be carried in an automobile, or a public place when loaded.

In addition to the laws in States, there are many county, city, town, and village ordinances that require licenses for the possession or purchase of firearms.

LIMITED EFFECTIVENESS OF PRESENT LAWS

At first glance, the combined regulatory machinery established by these firearms laws may appear to provide sufficient control. This appearance is misleading. The 1956 Federal Bureau of Investigation Survey of the chief administrators of police departments in 10 large cities discloses that all but one believe that the ease of accessibility of firearms is a serious law enforcement problem.

On the Federal level, the statutes do little to control the retail and mail-order sale of handguns, rifles, and shotguns. The provisions of the Federal Firearms Act of 1938 prohibiting Federal licensees from transporting firearms into States in violation of State laws requiring a permit to purchase firearms has an extremely limited effect. Only eight States have enacted similar laws.

In the absence of a Federal law, the States have enacted similar legislation. In 1960, seven States, and in 1961, nine States, prohibited the importation of firearms. Since then, other States have enacted similar laws. In 1961, 72 percent of homicides were committed with firearms. In Chicago, where regulations are more strict, 46.4 percent of those questioned and 22 percent of firearms owners who were asked whether they favored complete prohibition of the use of guns by persons under 18; 55 percent of all persons and 59 percent of gun owners stated they favored complete prohibition of the use of guns by persons under 18; 55 percent of all persons and 59 percent of gun owners stated they favored complete prohibition of the use of guns by persons under 18; 55 percent of all persons and 59 percent of gun owners said they favored strict regulation; and 52 percent of all persons and 22 percent of the gun owners wanted to continue as at present.

On the question of excluding all handguns except for police use (a question last asked in 1959) 59 percent of the sample were in favor and 35 percent were opposed.

THE CONTROVERSY ABOUT FIREARMS CONTROL

While the majority of the public favors reasonable restrictions on the use of firearms, two classes offorcers—police and the armed forces—oppose any additional controls. The National Rifle Association and the National Rifle Association of the United States have combined to form a powerful lobby to represent these hunters, gun collectors, and other persons who are concerned about gun control issues. Many arguments are offered by this opposition.

Federal agents seize 360 tons of guns in a single raid.

thoughts necessary. When automobiles became so numerous that they posed a serious physical threat to society, comprehensive registration was felt to be essential. A final failing in the present system of control is the State which with extremely low-priced, and therefore widely available, surplus weapons are reaching the civilian market each year. At the present time it is estimated that at least 1 million such weapons were sold to civilians during the Korean conflict.

In addition to the laws in States, there are many county, city, town, and village ordinances that require licenses for the possession or purchase of firearms.
A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

The U.S. Supreme Court and lower Federal courts have correctly interpreted this Amendment only as a pro-

hibitions against Federal interference with State militias and not as a guarantee of an individual’s right to keep or carry firearms. The argument that the Second Amendment prohibits State or Federal regulation of citizen ownership of firearms has no validity whatsoever.

**COMMISSION RECOMMENDATIONS**

Since laws, as they now stand, do not accomplish the purposes of firearms control, the Commission believes that all States and the Federal Government should act to strengthen them. Any legislative scheme should maxi-

mize the possibility of keeping firearms out of the hands of potential criminal offenders, while at the same time affording citizens ample opportunity to purchase such weapons for legitimate purposes.

It is appropriate to base absolutely the sale of those weapons no citizen has a justifiable reason for owning.

The Commission recommends:

Federal and State Governments should enact legislation outlawing transportation and private possession of mili-

tary-type firearms such as bazookas, machine guns, mortars, and antitank guns.

In addition, dangerous or potentially dangerous per-

sons should be prohibited from purchasing firearms.

The Commission recommends:

States should enact laws prohibiting certain categories of persons, such as habitual drunkards, drug addicts, mental incompetents, persons with a history of mental disturbance, and persons convicted of certain offenses, from buying, owning, or possessing firearms.

Prevention of crime and apprehension of criminals would be enhanced if each firearm were registered with a governmental jurisdiction. A record of ownership would aid the police in tracing and locating those who have com-

itted or who threaten to commit violent crime. Law enforcement officers should know where each gun is and who owns it.

The Commission recommends:

Each State should require the registration of all hand-

guns, rifles, and shotguns. If, after 3 years, some States still have not enacted such laws, Congress should pass a Federal firearms registration act applicable to those States.

Government regulation to prevent those with criminal purposes from purchasing firearms cannot be effective as long as mail-order sales and retail sales to persons living outside the seller’s State are not controlled. It is essential, also, to reduce and to regulate the importation into the United States of large numbers of cheap fire-

arms. Since sporting weapons such as rifles and shot-
guns apparently present less danger of criminal use than do handguns, control over the latter should be more stringent. A truly effective system of regulation requires a meshing of State and Federal action.

The Commission recommends:

Each State should require a person to obtain a permit before he can either possess or carry a handgun. Through licensing provisions, Federal law should pro-
hibit mail-order and other interstate sales of handguns and should regulate such sales of rifles and shotguns.

Federal legislators to implement these goals should prohibit the interstate shipment of handguns except be-

 tween federally licensed importers, manufacturers, and dealers. A Federal licensee should also be prohibited from selling handguns to an individual not living in the State of the seller. The interstate shipment of shotguns and rifles should be delayed a sufficient time for law en-

forcement officers in the buyer’s hometown to examine his sworn statement concerning age and other factors af-

fecting his eligibility to purchase such a weapon, and the consent of these authorities should be required before it weapon may be shipped. Antique dealers could continue to operate under reasonable regulations. States may also want to prohibit firearms sales to persons under a certain age, such as 18 or 21, or require parental approval for firearms registration in a minor’s name.
Chapter 11

Science and Technology

The scientific and technological revolution that has so radically changed most of American society during the past few decades has had surprisingly little impact upon the criminal justice system. In an age when many executives in government and industry, faced with decisionmaking problems, ask the scientific and technical community for independent suggestions on possible alternatives and for objective analyses of possible consequences of their actions, the public officials responsible for establishing and administering the criminal law—the legislators, police, prosecutors, lawyers, judges, and corrections officials—have almost no communication with the scientific and technical community.

More than two hundred thousand scientists and engineers are helping to solve military problems, but only a handful are helping to control the crimes that injure or frighten millions of Americans each year. Even small bottlenecks employ modern technological devices and systems, but the Nation's courts are almost as close to the quill pen era as they are to the age of electronic data processing. The police, with crime laboratories and radio networks, made early use of technology, but most police departments could have been equipped 30 or 40 years ago as well as they are today. Hospitals and clinics draw heavily upon the most recent developments in engineering and medical science, but the overwhelming majority of reformatories, jails and prisons are, technologically speaking, a century or more in the past.

This lack of contact between criminal justice and science and technology is true even in the Federal Government, where, as recently as 1965, the Justice Department was the only Cabinet department with no share of the roughly $13 billion Federal research and development budget.

In order to help bring scientific knowledge and techniques to bear on the problems of criminal justice, the Commission, in collaboration with the Office of Law Enforcement Assistance, established a task force on science and technology in April 1966. The task force was given the job of showing how the resources of science and technology might be used to solve the problems of crime. In the subsequent months, the task force sought:

- To identify the problems, immediate and long term, that technology is least likely to help solve, and to suggest the kinds of research and development needed.
- To identify and describe crime control problems in a form susceptible to quantitative analysis.
- To point out the kinds of important data on crime control and the criminal justice system that are lacking, unreliable or otherwise unusable, and to propose means of correcting such deficiencies.
- To analyze problems in crime assessment, police, courts, and corrections as an aid to the Commission and its other task forces.
- To suggest organizational formats within which technological devices and systems can be developed, field tested, and rendered useful.

With a scope so broad, and limited time and manpower, only a few problems could be studied in detail. The task force gave major attention to computer technology, information systems, communications engineering, and systems analysis, since these appeared to offer the greatest unrealized potentials for systemwide improvement. Within the criminal justice system, the greatest potential for immediate improvement by technological innovation appeared to be in police operations, and so the task force placed particularly hard at the police and somewhat less hard at courts and corrections. Some of the results are presented here and detailed in the task force report. The results included:

- A compilation of field data examining certain relationships between police patrol operations and the apprehension of criminals.
- A proposal for improving police responsiveness to calls at minimum cost.
- A program that could dramatically reduce police radio frequency congestion.
- A research and development program for developing a semiautomatic fingerprint recognition capability, to replace the present system which cannot regularly trace a criminal with less than a full set of prints.
- Studies examining possible alternative alarm systems, nonlethal weapons, and other technological innovations for police operations.
A procedure for reducing certain unnecessary delays in moving criminal cases through the courts.

An examination of how programmed learning techniques can be used in the rehabilitation of young offenders.

A review of the application of statistical techniques to decisions about treatment of convicted criminals.

Methods for making auto theft more difficult, which automobile manufacturers have agreed to incorporate into the design of future models.

An explanatory attempt to apply systems analysis to the overall criminal justice system, which produced several highly suggestive but still tentative results.

An outline, but not a full design, of a national information system for crime and justice agencies.

A proposal for a national research and development program.

These results are only illustrations of the potential contributions of science and technology to crime control. They must be developed in detail for each local situation, however, they appear to offer sufficient promise to improve the operations of criminal justice agencies. By the mid-1970s, the potential contributions of science and technology to crime control were recognized by the Federal government.

Modern technology can provide many new devices to help the police deter crime and apprehend criminals. It is far easier, however, to imagine and develop devices than to choose the ones in which to invest limited financial resources. It is technically feasible, for example, to cut auto theft drastically by installing a radio transmitter in every car in America and tracking all cars continuously. But such an investment might severely strain the equipment budget, and might be passed up, even if it could result in a much larger savings in personnel costs. Dollars could be allocated more rationally by making use of the program budgeting techniques now being used by the Federal government.

Because of the enormous range of technological possibilities, there is a tendency to think in terms of problems. Technological efforts can then be concentrated where they are most likely to be productive. Systems analysis has been used successfully in fields like national defense and mass transportation to determine where technological resources can best be directed over a broad field of concern. These techni­ques and approaches can be usefully applied to the problems of crime control, relating alternative means to desired ends. Because of the importance of this approach, the task force has illustrated how systems analysis might be applied in a small number of cases:

1. The court system, which can be described as an orderly allocation system.
2. The police force, which can be described as a system of service.
3. The prison system, which is a system of social control.

The factfinding, analytical, and planning process, the documents, and the cost-effectiveness analysis are summarized in this section, followed by an examination of the sequence of stages in the apprehension process.

All criminal justice agencies, the police traditionally have had the closest ties to science and technology, but they have called on scientific resources primarily to help them in the solution of specific serious crimes, rather than for assistance in solving general problems of policing. The task force focused its efforts on some illustrative applications of science and technology to the broad problems of police operations.

The police control crime primarily by apprehending criminals and by causing a prevailing sense of apprehension. The apprehension process (figure 1) begins either with the detection of a crime by a police officer or by a report to the police, followed by the dispatch of the police to the scene. They then search, investigate, interrogate, data gath­ering, suspect checkpoints, and arrest, sometimes followed by more investigation and assistance in prosecution. The police field operations centering around apprehension are closely tied to technology. Automobilia, radio, crime laboratories, scientific investigation, and police weaponry are essential technical aids to the operations of a modern police force.

Science and technology can improve the capabilities of the police in the apprehension process. However, many promising developments are inhibited by the lack of data on what situations confront the police, and by the lack of systematic study of police operations and apprehension procedures. A number of statistical techniques are presently being used in the apprehension process, and some of these potentials, the task force undertook a study to assist in the identification of some of the scientific and technological contributions to the process.
Table 1.—Relation Between Response Time and Arrests

<table>
<thead>
<tr>
<th>Type of Call</th>
<th>Average Response Time (minutes)</th>
<th>Average Arrest Rate (per 10,000 calls)</th>
<th>Average Clearing Rate (per 10,000 calls)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency</td>
<td>4.8</td>
<td>0.6</td>
<td>0.6</td>
</tr>
<tr>
<td>Nonemergency</td>
<td>3.6</td>
<td>0.3</td>
<td>0.3</td>
</tr>
<tr>
<td>Other nonemergency</td>
<td>2.0</td>
<td>0.2</td>
<td>0.2</td>
</tr>
</tbody>
</table>

The Commission recommends:

Similar studies exploring the detailed characteristics of crimes, arrests, and field investigation practices should be undertaken in large metropolises by police departments.

Among the matters to be considered, as shown by the Los Angeles study, are:

1. Criteria for priority of dispatching of patrol cars.
2. Design and tests of sets of criteria for emergency response.
3. Assessing in more detail the effects of response time.
4. Sampling incoming calls and following them through activities into the field.
5. Use of equipment, such as portable recording devices, to simplify data collection by the investigating officer.

This kind of factual study could also be extremely valuable in determining the effects on later stages in the criminal process of the questions of suspects, warning them as to their rights, and enlightening counsel on the situation.

SYSTEMS ANALYSIS OF RESPONSE TIME IN A HYPOTHETICAL CITY

On the basis of the correlation between response time and arrests, and because of official desire to receive a rapid response to create an impression of effective police presence as well as to aid in apprehension, the task examined remained of reducing response time. In particular, an analysis was conducted to determine how to get the greatest reduction in response time per dollar of cost. This analysis was accomplished by making a mathematical model of the apprehension process in a hypothetical city. Although the numerical values used in this example, being based on averages from several large cities, typify a major city in the United States, any police department can use the model in practice to use data developed for its specific case.

The hypothetical city is assumed to cover 100 square miles and to have the police force, telephone system, and other variables shown in Table 2. A city this size would have a population of about 500,000 and be comparable in population density to Atlanta or Indianapolis.

In the analysis, time delay in apprehension processes proceeds in two stages (Tables 5 and 6), and costs were associated with each resource. The analysis computes the time reduction and costs associated with various measures of reducing response time. The improvements were measured in seconds of delay saved per dollar. The results of the analysis are summarized in Table 4. In the first column the delays caused by each activity are identified.

For example, the patrol car delay is the time from the time of the “take report” call to the time of arrival at the scene of the crime. The basic operating unit associated with this activity is a one-man patrol car (col. 2). The number of such units already in use is 40 (col. 3). The amount of this delay is 216 seconds (col. 4). If one additional unit was added, response time would decrease by 4 seconds (col. 5). The patrol car is expected to be used 106,000 times a year (col. 6). The cost of an additional unit is $5,000 per year (col. 7). Multiplying the delay saved per unit (col. 5) by the frequency of use (col. 6) and dividing by the cost of the additional unit (col. 7), one obtains the number of seconds saved per dollar (col. 8).

Employing this technique, one can evaluate the changes in other components such as the complaint clerk, public callbox, automatic car locator, and computer and collateral equipment for the communications center. For this case, automating the command center is seen to be the most attractive alternative. If there are only two complaint clerks, adding a third is the next most desirable step. As shown in table 4, adding a fourth would not be desirable.

Among the conclusions about the hypothetical city that may be drawn from detailed analysis of the sort illustrated are:

1. Automatic car-locator systems costing $100,000 or less per year to operate would decrease the system delay at least twice as much as a comparable investment in additional patrol units.
2. Since telephone waiting time is very sensitive to load, an additional complaint clerk would be worthwhile in places where the clerks are now busy.
3. Since the hypothetical city already has public callboxes, the increments of value of additional ones would be low.
4. The effectiveness of callboxes is relatively large, so that cities that now keep their callboxes locked should open them to the public.
5. Random detection of crimes by patrolling cars is an inefficient event, except in the case of sudden cases. A policeman might expect to observe a street robbery once every 16 years.

These results apply directly to the hypothetical city just described but they suggest what might be learned from similar analyses in real cities.

Table 4.—Cost-Effectiveness Analysis of Delay Reduction in Hypothetical City

<table>
<thead>
<tr>
<th>Elements of city</th>
<th>Cost per use (dollars)</th>
<th>Frequency of use (calls/year)</th>
<th>Cost per annum (dollars)</th>
<th>Savings per dollar (seconds)</th>
<th>Cost per annum per second saved (dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police callbox</td>
<td>$5.00</td>
<td>1,000</td>
<td>$5,000</td>
<td>0</td>
<td>500</td>
</tr>
<tr>
<td>Telephone waiting time</td>
<td>420,000 calls</td>
<td>$5.00</td>
<td>2,100,000</td>
<td>0</td>
<td>2,500</td>
</tr>
<tr>
<td>Field force response</td>
<td>403,000 calls</td>
<td>$5.00</td>
<td>2,015,000</td>
<td>0</td>
<td>2,015</td>
</tr>
</tbody>
</table>

Table 2.—Description of Hypothetical City

<table>
<thead>
<tr>
<th>City</th>
<th>Total City Rate</th>
<th>50% of Population Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>City</td>
<td>Clearing Rate</td>
<td>Arrest Rate</td>
</tr>
<tr>
<td>1</td>
<td>88%</td>
<td>0.2%</td>
</tr>
</tbody>
</table>

Table 3.—Resources Associated With Time Delays in the Apprehension Process

<table>
<thead>
<tr>
<th>Component</th>
<th>Time Delay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police callbox</td>
<td>50% patrol unit, arrests, stores, public's reliance</td>
</tr>
<tr>
<td>Telephone waiting</td>
<td>50% police radio, telephone, central, and the area's communication system</td>
</tr>
<tr>
<td>Field force response</td>
<td>50% patrol unit, arrest, police radio, and the area's communication system</td>
</tr>
<tr>
<td>Central core response time</td>
<td>Police radio, central, and the area's communication system</td>
</tr>
<tr>
<td>Total force response time</td>
<td>Patrol unit, car, local, and area's communication system</td>
</tr>
</tbody>
</table>

Los Angeles, definitive causal relation. time correlates with ability to make an arrest. A similar difference between arrest and response time may be a some third factor to which both cases involving crimes subsequently emergency calls is seen to average 6.3 field observation. These results suggested examining the scene. Of these data, short response rests, pat cleareq. The most significant factor in clearance is whether or not a suspect is named in the crime. Of the 1,556 cases involving crimes, 35 percent were on-the-scene arrests by officers and 20 percent by store security officers. The majority of the crime cases, a total of 1,256 (82 percent), involved suspects not named in the crime report. Of these, 1,275 (98 percent) were not cleared. Most of the cleared cases with unknown suspects were cleared because of an on-the-scene arrest, initiated either by radio call or by field observation. These results suggested examining the importance of rapid response in catching the suspect at the scene.

From Table 1, the overall police response time for emergency calls is seen to average 6.3 minutes for those cases involving crimes subsequently cleared. The average is 4.1 minutes for cases in which the police were able to make an arrest. A similar difference exists for the calls classified as nonemergency. Thus, for Los Angeles, use of these data, short response time correlates with ability to make an arrest. A similar picture results when the probability of arrest is related to response time. When response time was 1 minute, 62 percent of the cases ended in arrest. When all calls with response time under 16 minutes were grouped together, only 44 percent led to an arrest. The correlation between response time and probability of arrest may be a cause-and-effect relationship, or it may have developed through some third factor to which both arrest and response time are related. More carefully controlled tests than were conducted to determine how to get the greatest reduction in response time per dollar of cost. This analysis was accomplished by making a mathematical model of the apprehension process in a hypothetical city. Although the numerical values used in this example, being based on averages from several large cities, typify a major city in the United States, any police department can use the model in practice to use data developed for its specific case.

The hypothetical city is assumed to cover 100 square miles and to have the police force, telephone system, and other variables shown in Table 2. A city this size would have a population of about 500,000 and be comparable in population density to Atlanta and Indianapolis.

In the analysis, time delay in apprehension processes proceeds in two stages (Tables 5 and 6), and costs were associated with each resource. The analysis computes the time reduction and costs associated with various measures of reducing response time. The improvements were measured in seconds of delay saved per dollar. The results of the analysis are summarized in Table 4. In the first column the delays caused by each activity are identified. For example, the patrol car delay is the time from the time of the "take report" call to the time of arrival at the scene of the crime. The basic operating unit associated with this activity is a one-man patrol car (col. 2). The number of such units already in use is 40 (col. 3). The amount of this delay is 216 seconds (col. 4). If one additional unit was added, response time would decrease by 4 seconds (col. 5). The patrol car is expected to be used 106,000 times a year (col. 6). The cost of an additional unit is $5,000 per year (col. 7). Multiplying the delay saved per unit (col. 5) by the frequency of use (col. 6) and dividing by the cost of the additional unit (col. 7), one obtains the number of seconds saved per dollar (col. 8).
DETECTION BY ALARMS AND SURVEILLANCE DEVICES

Devices for sounding an alert with no human intervention would have advantages both as a deterrent to criminals and in eliminating responses to an incident. Many devices are available: silver-tape electric alarms, pressure and accelerometers, radar, and ultrasonic, infrared, and ultraviolet beams. These devices can protect unattended premises from intrusion by detecting movement in a room or motion across a perimeter.

False alarms are a problem for any alarm system. In Washington, D.C., in 1963, 4,405 alarms were received by the police; 98 percent of them were false. Since answering false alarms takes an average of about 30 minutes and since patrol cars tend to spend about half their time answering calls, this was approximately its full-time duty of one patrol car. Most major cities have a network of police callboxes that are usually ineptly located and locked. Washington, D.C., has 950 such boxes, or about one every one-fourth mile. During World War II these boxes were painted red, white, and blue, and made available to the public in case of air raids and other emergencies.

The Commission recommends:

Cell phone callboxes should be designated "public emergency callboxes," should be better marked and lighted, and should be left unlocked.

The false-alarm rate for such callboxes would probably be far less than from a mechanical alarm, since a potential prankster would have to reveal his voice. While experience with a police callbox may not turn out to be fully comparable, one metropolitan fire department estimates the false-alarm rate for a manually operated telephone to be less than 3 percent, far less than the false-alarm rate for an automatic or a mechanically-activated alarm.

In trying to call the police from an ordinary telephone, a person may be bewildered by the many telephone numbers that reach police departments. These numbers are generally not listed in the telephone book and are often hidden. In Hartford, Conn., the Bell Telephone System is now planning to extend this capability widely.

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technology can make a significant contribution. The entire police command-and-control function should be subjected to a basic reexamination taking full account of the promising, new technological opportunities offered by computers and communications links. The review should not begin with the new technology, however; it should begin by considering questions of where, when, and how to use the police patrol force, and how to respond to various types of routine and emergency situations. It should examine on paper and by experiment the extent to which preventive patrol doctors erode, how forces should be allocated by time and by geography, optimum patrol tactics, appropriate conditions for conspicuousness and for covertness, how to respond to riots, and many other questions. The patrol operation will then be able to benefit markedly from computer assistance—much more than from merely selected cars as a computer-generated voice message or by some digital data link automatic.

onds, a second car can be sent on the call.

A great deal of analysis and experimentation should precede and accompany the implementation of this proposal. Many possible equipment combinations will have to be weighed, basic organizational and procedural questions will have to be examined. The following programs should be undertaken to implement the system:

□ Two or three large cities should be funded for a detailed study of their patrol operations in order to determine how they would use a computer-assisted command-and-control system.

□ As part of the effort, an extensive reexamination of the communications systems should be undertaken to insure that channels are available, and to assess the utility of car locations and mobile telephones.

□ Based on the results of the studies, one of the cities should be selected for installation of a prototype system.

□ As the new system is developed, it should first be used in simulated operation in parallel with the manual system, then with a manual backup, and finally, take over control.

The development process will need continual modification and testing and should be guided by an organization experienced in the development of large computer-based systems.

POLICE RADIO COMMUNICATIONS

All dispatch messages must go from the communications center to the mobile patrol force by radio. The most troublesome problem in police radio communications is the critical shortage of radio frequencies available to the police community. A police officer who needs help should not have to wait for a clear frequency. In the Chicago metropolitan area, for example, 38 separate suburban cities with 350 patrol cars share one frequency. This congestion results in excessive delays and

The Commission recommends:

An experimental program to develop a computer-assisted command-and-control system should be established with Federal support.

Figure 3

A Possible Computer-Assisted Police Command-Control System.
undue of the police force while patred officers or dispatchers wait to gain the air. In addition, in emergency situations, support, neighboring police departments cannot communicate because their radios operate on different frequencies.

The Commission recommends:

Frequencies should be shared through the development of larger and more integrated police mobile radio networks.

With sharing of frequencies, each user, when its demand peaks, could use any available capacity, a basic concept employed in telephone and electric power networks. For instance, if each of two departments uses its private channel 50 percent of the time, then each one finds a busy signal half the time. If they were to share their two channels, a user would find both channels busy only 25 percent of the time. If four such users were to go on a channel at the same time, the busy time would be less than 20 percent of the time. If their demands peak at different times, then the advantages are even greater.

The relationship between the Federal Communications Commission and the police and other public safety users must be altered so that the FCC no longer receives a separate request from each individual public safety user.

The Commission recommends:

The FCC should require metropolitan areas to submit coordinated requests for additional frequencies, with the manner in which action on a local level is coordinated left to the discretion of local governments.

In suburban communities coordination is likely to center about by police agencies in different jurisdictions sharing frequencies. Gray lines may be large enough to be able to develop efficient mobile radio networks for their own use, sharing their open public safety frequencies to balance the peak loads, since schoolbuses, highway maintenance trucks, police cars, etc., have radio demands that peak at different times. With the gradual creation of coordinated networks, the FCC will be in a position to require projection of future needs so that radio frequencies can be allocated more rationally in the future.

The Commission recommends:

Greater use should be made of multichannel radio trunking.

Generally, individual stations (pcted cars, dispatchers) will have to be reached by transmissions coded to trigger a particular receiver whenever frequency is open at the same time, instead of monitoring a single frequency. Selective coding of a particular user's inoffensive dependence on frequency, but enables the individual user to retain its independence while using the system. It is evident that these techniques will increase the cost of the mobile radio network. The networks will be less wasteful of radio frequencies, more flexible in use, and more costly to implement than the many small individual networks now existing. Federal Government encouragement in the form of financial support may be necessary.

In frequency space, availability is most areas are completely automatic between TV stations, and especially within the underserved UHF TV band. One TV channel can provide over 100 radio channels, but represents only a small loss (2 percent for one UHF channel) to the TV community.

The Commission recommends:

The FCC should develop plans for allocating portions of the TV spectrum to police use.

Communications must be maintained with foot patrolmen and with police officers who have left their cars. It is even more vital in emergency and so that supervisors can maintain closer contact with those they supervise and make more effective use of the entire police force.

Minimized transmissions for the officer away from his car and for the foot patrolman would have similar features. Portable sets will be limited by trans­mitting power output, both will require base stations—the car for one and probably the precinct house for the other. The products of different manufacturers are compatible and can be miniaturized at a low cost, perhaps under $150.

The Commission recommends:

The Federal Government should assume the leadership in initiating portable radio-development programs and consider guaranteeing the sale of the first production lots of perhaps 20,000 units.

Such a program would automatically create a standardized portable radio industry. A modest standardization program for car radios would add considerable flexibility to a police department's choice of radio suppliers. Gross standardization of size, mounting brackets, receptacles, and control knobs could and should be accomplished immediately, and should go far to make it possible to use the products of different manufacturers interchangeably.

More detailed standardization of radio equipment is less obviously useful for it could serve to inhibit manufacturers from improving their products. Certain obvious electronic features that involve system compatibility, such as selective codes to trigger receivers, should be standard­ized as early as practicable.

Teletypewriters or other digital data links to and from police cars could ensure a large part of the present mass voice traffic and also provide a paper copy of the message to the car. Because radio signals tend to bounce off buildings and other structures, mobile receivers could produce distortions that result in illegible errors. While digital links could save bandwidth, the need for extra transmissions to eliminate teletypewriter errors could substantially reduce much of that saving. Further investigation of this problem is needed.

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Modern computer technology can make feasible the search of a file of even millions of prints with a single latent print. Such a development would also have been more efficient, positive identification. The FBI, the New York State Identification and Intelligence System, and several industrial organizations have already initiated studies on aspects of the fingerprint recognition problem. Completely automatic fingerprint recognition capability is desired eventually, but semiautomatic operation—a trained officer working in conjunction with a machine—appears to be the more feasible approach with current technology. Developing the search capability would take several years and be relatively costly.

The Commission recommends:

Two studies leading to the development of a semiautomatic fingerprint recognition system should be undertaken: A basic study of classification techniques and a utility study to assess the value of a latent print-searching system.

The classification study should develop statistical data on the information contained in fingerprints (e.g., the variations in ridge counts from one toe to the other), and ultimately establish a search procedure based on these data. The utility study should be conducted for the purpose of estimating how many more cases a fully automated search engine might make if they had had a latent fingerprint capability. If an effective procedure is developed and its utility demonstrated, these studies should be followed by an equipment development program.

Crime Laboratories

The crime laboratory has been the oldest and strongest link between science and technology and criminal justice. Because of this tradition, and because the major laboratories, such as the FBI's, are well advanced, the science and technology task force did not devote major attention to laboratories. There are some excellent laboratories in large locales around the country. However, the great majority of police department laboratories have only minimal equipment and lack highly skilled personnel to use it. Modern equipment now being developed and produced by the instrumentation industry. Techniques such as neutron activation analysis and mass spectrometry permit the identification of ever smaller pieces of material evidence. Voice prints and photographic developments will expand the ability to detect crimes and certain products, certain obvious electronic features that involve system compatibility, such as selective codes to trigger receivers, should be standard­ized as early as practicable.

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The need for the regional laboratories follows naturally from the increasing expense of facilities and the increasing demand for individuals of superior technical competence. The research is needed to speed the application of new instrumentation possibilities.

NONLETHAL WEAPONS

A patrol officer, in meeting the diverse criminal situation, has at his disposal a limited range of weaponry—either the short-range nightstick or the potentially lethal handgun. If an officer feels that his life is threatened, he may have to shoot, with the attendant risk that the suspect or innocent bystanders may be killed.

The qualities that must be sought in a general purpose nonlethal weapon are almost immediate incapacitation of the individual who is the target. A survey of a wide range of possibilities leads to the conclusion that these requirements are incompatible with current technology. For example, darts have been used to inject tranquilizing drugs into animals. However, the drugs presently available offer too short a delay, because of the close correspondence between the dart required to incapacitate quickly and a lethal dose. No nonlethal weapon is presently available that could serve as a replacement for the handgun, but a continuing effort to achieve such a weapon should be pursued. In this connection the products of military research should be continually examined for possible applicability.

When a nonlethal weapon is considered as a supplement to the policeman's gun, the requirements for immediate incapacitation can be relaxed. Supplemental nonlethal weapons, such as tear gas or CS gas dispensed in various forms, might be used in circumstances in which an officer's life was not threatened, but it would be necessary for police departments to set careful guidelines specifying the circumstances under which they could be used.

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(3) developing a computer simulation of the processing system that could be used to study possible modifications of the system.

**TIME DELAY IN A DISTRICT OF COLUMBIA COURT**

The time delay problem was approached by analyzing in detail the data on 1,250 felony defendants whose cases commenced with filing of indictment or information in the District Court of the District of Columbia in 1965. The time periods that these defendants were in the judicial system with a maximum of 14 days from initial appearance to disposition. Additional time is required for the preparation of the necessary papers. But for the average case, the actual time devoted to this process is a few days at the most, not weeks or months.

**COMPUTER SIMULATION OF A DISTRICT OF COLUMBIA COURT**

To study the impact of alternative methods of alleviating the delay in the processing of felony cases, the task force developed a computer simulation of the court processing activity. The simulation permitted experimentation with the court operating procedures with no disruption to the actual court operation.

The model was validated by using the 1965 felony data cited above. In 1965, one grand jury was sitting and an average of five district court judges were assigned to the criminal part of the court. Under these conditions, the simulation faithfully reflected the actual court operation: In both there was a median time of approximately 6 weeks between initial presentment and the return of an indictment.

Most of the time prior to arraignment was spent waiting at the Grand Jury Division (indictment, 5 out of 7 weeks). By simulating the system with a second grand jury sitting part of the time, the wait for indictment was reduced from 35 days to less than 1 day, resulting in a median time of approximately 2 weeks from initial presentment to return of indictment. Thus, it appears that the cost of probably less than $50,000 per year for the additional grand jury and associated support resources, the delay from presentment to return of indictment could be reduced by 70 percent. The total delay would be reduced by 25 percent, since the time from arraignment to trial would be unchanged. By requiring motions to be filed and heard within 17 days and increasing the Grand Jury Division resources, without increasing the number of district court judges, the median time from presentment to disposition could then be 3 months compared to over 5 months in 1965. The above analyses are based on the models of the Administration of Justice Task Force is practical. More generally, simulation has been found an effective tool for examining reallocation of existing resources or efficient allocation of additional resources.

An additional example of the use of the simulation is in examination of the possible consequences of changes in defendants' behavior resulting from changes in court procedure. It has been argued that one effect of the Bail Reform Act will be to reduce the number of guilty pleas. The impact of various possible reductions of guilty pleas on the court system can be tested in the simulation. For example, if the Act had been in effect in 1965, and if it had resulted in reducing the number of defendants who pleaded guilty from 55 percent to 35 percent, then the median times from presentment to trial disposition would increase approximately 2 weeks, or 10 percent. The additional judge and attorney resources required to maintain their current schedule or the new time table could be determined through the simulation.

An important immeasurable factor not accounted for is the effect of changes in processing on the actions of defendants and court officials. The human in the system adapts to his environment and any changes made to it. The model assumes the various changes made will not affect the feedback process. For this reason, before any changes can be seriously proposed, the results of the simulation should be thoroughly analyzed and discussed in detail with the court officials.

**The Commission recommends:**

The simulation techniques developed should be extended to several large urban areas at pilot studies with Federal support to determine their applicability to other court systems and to develop them in further detail.

**CORRECTIONS OPERATIONS**

The subject matter of corrections comprises three kinds of problems: Techniques for the rehabilitation of offenders, who are about what to treat them to apply to each individual, and means of maintaining custody of prisoners.

Conventional alarms and surveillance devices can increase security and reduce the costs of holding offenders who cannot or should not be released into the community. Information systems and statistical analysis of the information they contain can provide better and more complete information about individual offenders and treatment possibilities in order to find the most suitable treatment. Systems analysis will make it possible to study means for improving the allocation of resources and for examining some of the consequences of modification in operating procedures. Rehabilitation calls primarily for knowledge of the frontiers of the behavioral sciences. The task force has looked into one area of educational technology, programed learning, to assess its potential for improving vocational skills.

**Programmed Learning to Aid Rehabilitation**

Many delinquent careers are associated with failure in school. It is a short route from academic failure to dropping out of school to idleness and unemployment to entry into a spiraling criminal career. Some dropouts fail because they cannot adapt to a classroom social situation. If there were some alternative way of educating them, they might find a rewarding place in the community and refrain from crime.

Programmed learning offers one such opportunity. In programed learning, pupils can work through published booklets in at least two correctional institutions, and experimental work has been done at several research centers. The student works through the educational material on his own, testing his understanding at frequent intervals. Whenever his responses exhibit lack of comprehension, he is diverted back to correct his deficiency. He works at his own pace; he checks his own performance, and he can do most of this alone.

One study at Draper Correctional Center in Alabama found that students completed one academic year of schoolwork in 200 hours of work with programed-learning materials. The average cost per academic year of advancement was under $400. Based on the expected contribution of each year's schooling to future earnings, the discounted future taxes forgone would be about $50,000, more than enough to cover the cost of education, without considering the thousands of dollars in criminal-cause costs saved and, most important, providing a chance for a fuller life.

About 70 percent of the first class of graduates from the Emery vocational school were two-time losers—men who had previously been jailed, released, and jailed again. Of the 38 youthful offenders who graduated from this school (which began about 2 years ago) and who have been paroled and placed in jobs, only four have been returned to prison for committing new crimes and six for technical violations of parole conditions. Compared to the usual one-third to two-thirds rate of return to prison, a return rate of between one-seventh and one-eighth is remarkable. These figures are the result of only a preliminary field test of instruction at correctional institutions. Much more careful and thorough experimentation is necessary. No definite conclusions about how much recidivism can be reduced.

Programmed learning appears to have significant advantages advancing education to prisoners by helping them find their way into correctional institutions, and also for crime-prone populations in the community. Its use should be encouraged, and further evaluated in controlled cir-
The desirability of developing statistical data to esti-
mate the effects of different sentences and correctional
therapy on different types of offenders has been noted
in chapter 3 and 6. Information concerning the like-
lihood that the individual will return to crime is essential.
Just as important as the evaluation of the
suspects is the evaluation of the treatment itself. Without objective evaluation of
methods of treatment, it is difficult, if not impossible, to
make rational choices about the kinds of treatment pro-
grams that should be developed or about the people to
be subsidized by the Federal Government.
Most of the available information about such questions is in one of two forms: "rules of thumb" that have evolved out of experience and are justified or rationalized in large part on the basis of anecdotal histories of
operations, and statistical tabulations of operations in which
there was neither a controlled group nor an adequate charac-
terization of the experimental group.
There is a need to correlate both individual character-
istics and type of treatment to recidivism as measured by
reconviction of crimes, arrests, and commitments.
In addition to assisting in treatment selec-
tion, statistical
variations can be used in the development
and planning of programs. Program development should
be required to provide these needed correlations.
The Commission recommends:
Statistical aids for helping in sentencing and selection of
proper treatment of individuals under correctional super-
vision should be developed and used.
In addition to assisting in treatment selection, statistical
techniques of experimental design must play an important role in identifying, testing, evaluating, eval-
uation, and planning. Of all the behavioral areas, offender rehabilitation offers perhaps the best opportunity for
reasonably careful experimental control to determine the
effects of actions taken. There should be an expanded use of
research into the development of programs. Program development should
be preceded by careful studies of the specific correctional objectives and testing should be conducted by personnel qualified in the behavioral sciences and in statistical
analysis.

REDUCING CRIMINAL OPPORTUNITIES

Everyone has an obligation to others as well as to him-
self not to invite crime. Banks, supermarkets, and other
businesses take it to make it more difficult to pass
through checks; shop and home owners protect against burg-
lar and theft by the use of such things as locked
locks; individuals take precautions such as not carrying
large amounts of cash.
There are two important techniques for reducing crimina-
lopportunities: hardening the targets of crime, and
inhibiting potential criminals. Automobile design modi-
fication to make the car less vulnerable to theft is an
example of hardening a target, and street lighting an
example of an inhibitor.

INCREASING THE EFFICIENCY OF AUTO THEFT

Auto theft is costly. About 28 percent of the inhabi-
tants of prisons are there for conviction of
interstate auto theft under the Dyer Act. In 1960, auto theft cost the U.S. over
$60 million yearly. Even more important, auto thefts are primarily juvenile acts. In 1965, 36 percent of
all arrest warrants for nonoffenses in 1965 were of indi-
viduals under 18 years of age, 63 percent of auto theft
arrest warrants were of persons under 18. Auto theft repre-
Sents the start of many criminal careers. In an FBI sam-
ples of juvenile auto theft offenders, 41 percent had no
prior arrest record. Many of the juveniles who steal automobiles are incomplete and frequently dam-
age the vehicle or injure themselves.
Many thefts occur simply because a boy sees an un-
locked automobile. The FBI reports that 42 percent of the
auto stolen had keys in their ignitions or their ignitions unlocked. Even of those stolen when the igni-
tions were locked, at least 10 percent are damaged by
shorting the ignition with tools as simple as paper clips or
stiflors. In one city, the change in the Chevrolet lock (eliminating the unlocked "off" position) in 1965 re-
sulted in about 50 percent fewer 1965 Chevrolets stolen
than the previous year's model.
These findings suggest that the easy opportunity to
take a car may contribute significantly to auto theft and that
that thefts by the relatively unskilled would be reducible by making theft more difficult than
merely starting the car. Educational campaigns advis-
ing drivers to lock their cars, at least when parked, may have
the effect of deterring thefts.
A more fundamental change in the ignition system and other automobile components is needed. Methods to
prevent the driver from leaving the key in the igni-
tion; methods to prevent thieves from starting the car normally involve making it more difficult to
steal the ignition key. Spring-lock ignition locks prevent the
breaker from leaving the key in the igni-
tion; breaker horns can be used in place of the key in the
ignition. In Germany the following is a part of the highway code:
"Passenger car, stationwagons, and motorcycles
should be equipped with an adequate safety device against un-
authorized use of the engine. The locking of the doors and
removal of the ignition key are not regarded as safety
measures within the meaning of the preceding sentence." The
Department of Justice recommends that, in cooperation with
vehicle manufacturers and they have indicated their desire to develop and install devices to increase the security
of their products. These will include making the igni-
tion system connector cable much more difficult to re-
move from the ignition lock, increasing the ignition key
combinations, and locating the ignition system in less
accessible places. These basic improvements will be
made in some 1968 models.

The only results it is possible to reach now are:
There is no conclusive evidence that improved lighting
would have a lasting or significant impact on crime
rates, although there are strong suggestions that it might.
Improved street lighting will reduce some types of
petty theft in some areas, i.e., given a light and dark
decision to commit crime a criminal will normally
choose the darker.
Improved street lighting accompanied by increased
crime patrol can reduce crime rates in an area.
When new lighting programs are instituted, police depart-
ments should be encouraged to maintain records of
offenses in the lighted and adjoining areas. With information on past, present, and projected crime rates and on other relevant variables, it may be possible to
assess better the impact of lighting on crime.

SYSTEMS ANALYSIS OF CRIMINAL JUSTICE

The usefulness and limitations of systems
analysis

The criminal justice system is an enormous complex of
operations. Subjecting such a system to scientific investi-
gation is one of the few feasible ways in which one can attempt to
understand the operations in order to observe the effects directly. Whenever possible,
this kind of controlled experimentation is clearly
preferable to the uncontrolled experiments which are
often impractical and even undesirable, not only because
the costs could be prohibitive, but because normal opera-
The relationships among its parts. System analysis involves evaluation and manipulation of such mathematical models in order to find out how better to organize and operate the real-life systems they represent. It is desirable to conduct such analyses of the criminal justice system for several reasons:

- They develop an explicit description of the criminal justice system and its operating modes so that the system's underlying assumptions are revealed.
- They provide a vehicle for simulated experimentation in those instances in which "live" experimentation is unfeasible.
- They identify the data that must be obtained if extensive calculations are to be made of the consequences of proposed changes.

These advantages must be considered in light of a sober recognition of what may be lost by constructing and using models. The cause-and-effect relationships in the real world of criminal justice are so complex and so intricately interwoven that any mathematical description of them is bound to be a gross simplification. At the present time, even the most basic relationships are poorly understood, and the available data contribute little to further understanding. Moreover, in so dynamic a system, the causal relationships themselves are constantly changing and will change further as increased understanding. Moreover, in so dynamic a system, the causal relationships themselves are constantly changing and will change further as increased understanding.

A CRIMINAL JUSTICE SYSTEM MODEL

The first step in developing a model of the criminal justice system is describing in detail the events that occur as offenders are processed through the system. This description is then translated into computer language so that numerical values can be attached to the various aspects and the results analyzed as desired.

The resulting model can be used to calculate what happens to arrested offenders as they flow through the court and corrections subsystems. An example using Index crimes in the United States is shown in figure 5. The diagram presents an estimate of the costs incurred at each stage and the number of people traveling each route through the system.

At some of the processing stages, offenders can be processed, dismissed, acquitted, discharged, or otherwise returned to the general population. When this happens, there is a chance of their being rearrested for some new crime and reprocessed through the criminal justice system.

The feedback nature of the model enables it to trace criminal careers. Thus, one product of such a model is a compilation of lifetime criminal career patterns from data that describe the chances that an offender of a particular age will be arrested, charged, tried, dismissed, re-arrested, etc.

Any analysis of the criminal justice system is hampered by a lack of appropriate data. On the extent of crime, costs of operations, recidivism characteristics, arrest rates, parole violations, etc., are either not complete, not gathered or of questionable accuracy. The task force formulated a preliminary model to prescribe optimum treatment programs.

As an illustration of the approach, the science and technology task force formulated a preliminary model to examine several issues with existing data, or, where none were available, with hypothetical data.

Criminal Justice Costs of Index Crimes in the United States.

Basic to any evaluation of proposed changes in the criminal justice system is knowledge of the current costs of the system. These costs include both the dollar costs and the intangible social costs. The task force was, of necessity, restricted to dollar costs. In fact, not even all of the dollar costs can be considered.

This examination considers the consequences of changes in the collection of dollar costs, which include items such as lost incomes of
witnesses and defendants, lawyers' fees, etc. Rather, it is restricted to costs correctly incurred by criminal justice agencies.

Fixed and variable costs are allocated to each offense of each type on the basis of estimates, some of them necessarily arbitrary (e.g., allocation of patrol force time to index crimes, distribution of time and effort by police, courts, and corrections). Because of the necessary imperfections in the cost estimates, the percentage distribution of costs among the various Index crimes, and especially the dollar costs, should not be taken as definitive.

Given the time it takes to process an offender at each stage, and the associated costs, it is possible to calculate the direct costs of processing cases in the system by crime type. Figure 6 shows how these costs are attributable to each of the 1965 Index crimes in the United States. It can be seen that the property crimes of burglary, auto theft, and larceny account for the bulk of the costs, 67 percent. The police account for the bulk of the costs, 72 percent. Correction programs (including probation) are the next largest, accounting for 20 percent.

In Table 5 these system costs are presented as the cost per individual crime. The Index crimes other than willful homicide cost the criminal justice system directly about $750 (aside from the social costs of the crime itself and any subsidiary indirect costs). The cost per offender arrested, however, is about $3,000, since there are about one-fourth as many reported arrests as reported Index crimes.

Another costing approach would omit the large fixed and variable costs and develop the costs attributable to each offense for processing him, or the criminal-career cost. The costs accumulate to about $12,000 per individual, despite the relatively low cost per single crime, and demonstrate the value of an investment in preventive programs that would avert criminal careers.

Escalation of Criminal Careers. The model can also be used to examine the differences between the types of crimes for which first offenders are arrested and those for which repeaters are arrested. An example of such an examination is shown in Table 6. The results are tabulated according to the order of "seriousness" used by the FBI in its procedure of listing only the most "serious" offenses in its statistics in cases of simultaneous multiple offenses. A typical distribution of 1,000 first arrests for index offenses was taken. The criminal careers of these 1,000 individuals were then simulated by cycling through the model, taking the probabilities of rearrest over time, and the distribution among the Index crimes of each group of rearrested persons, broken down according to the crime for which they were rearrested. The simulation showed an eventual accumulation of 3,010 subsequent arrests.

These include a greater proportion of the more serious offenses than the 1,000 original offenses. For example, burglaries, rapes, and robberies were several times more prevalent among the rearrests than among the first arrest. The less serious Index crimes of larceny and auto theft, on the other hand, became less prevalent.

This analysis, though only exemplary, raises questions about why successive arrests apparently are for more serious crimes. It may be due to the aging of the individuals to the development of antisocial attitudes, or possibly to reactions to treatment by the criminal justice system. This analysis suggests the seriousness, its need for escalating criminal conduct, of the problem of recidivism. A question to be explored is whether the recent probability increases or decreases and the serious crimes become more or less prevalent for those who are processed further through the system. Any differences may be the result of the total cost to the criminal justice system over the life of the offender for processing him, or the criminal career cost. The costs accumulate to about $12,000 per individual, despite the relatively low cost per single crime, and demonstrate the value of an investment in preventive programs that would avert criminal careers.

Table 5.—Total 1965 U.S. Criminal Justice System Costs for Index Crimes

<table>
<thead>
<tr>
<th>Crime Type</th>
<th>Total System Costs</th>
<th>Direct Operating Costs</th>
<th>Minor Operating Costs</th>
<th>Correction Costs</th>
<th>Judicial Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homicide</td>
<td>$2,100</td>
<td>$2,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forcible rape</td>
<td>$100</td>
<td>$90</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aggravated assault</td>
<td>$200</td>
<td>$190</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robbery</td>
<td>$400</td>
<td>$390</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Larceny</td>
<td>$1,600</td>
<td>$1,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td>$2,400</td>
<td>$2,300</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Cost</td>
<td>67%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corrections Cost</td>
<td>20%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Juvenile Processing Cost</td>
<td>11%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Court Cost</td>
<td>2%</td>
<td></td>
<td></td>
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</tbody>
</table>
Criminal Justice Information Systems

The Need for Better Information Capabilities

The importance of having complete and timely information about crimes and offenders available at the right time and the right place has been demonstrated throughout this chapter and, indeed, throughout this report. With timely information, a police officer could know that he should hold an arrested shoplifter who has committed armed robbery elsewhere. With a more detailed background on how certain kinds of offenders respond to correctional treatment, a judge could more intelligently sentence a second offender. With better projections of next year’s workload, a State budget office would know whether and where to budget for additional parole officers.

Modern information technology now permits a massive assault on these problems at a level never before conceivable. With an intensive effort to collect the data, and ultimately, after hypotheses are developed, to conduct appropriate controlled experiments.

Data Needs

As a result of experience with the system model, it has been possible to identify many specific inadequacies in the published data concerning crime and the criminal justice system. These deficiencies fall under two main headings. First, many of the published data are incomplete, inconsistent, and inaccurate. For example, different criminal justice agencies report their operations in inconsistent units: The police report “arrests,” the court report “cases,” and correction agencies report “offenders.” Information from different jurisdictions often has different underlying interpretations. In some jurisdictions, stealing from parking meters is burglary, while in others it is larceny. These problems have long troubled others it is larceny. These problems have long troubled

Research—providing a collection of anonymous criminal histories to find out how best to interrupt a developing criminal career and to achieve a better understanding of how to control crime.

A Program for an Integrated National Information System

An integrated national information system is needed to serve the combined needs at the National, State, regional and metropolitan or county levels of the police, courts, and correction agencies, and of the public and the research community. Each of these agencies has information needed by others; an information system provides a means for collecting it, analyzing it, and disseminating it. This can be kept in close communication with the others, and information transferred by voice, by teletype, or computer to computer. Since law enforcement is primarily a local and State function, the overall program must be geared to the circumstances and requirements of local and State agencies; and, wherever practical, the files should be located at these levels. Even the specifications and procedures of the national system must conform to local needs, and should be developed by people familiar with them.

Table 7—Users of Files in an Integrated National Criminal Justice Information System

<table>
<thead>
<tr>
<th>Inquiry</th>
<th>Personal Information</th>
<th>Statistics</th>
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</table>

An Immediate-Response Inquiry System

A police officer frequently needs to know, within a matter of minutes, whether individuals, or vehicles or other property, are wanted within his jurisdiction or elsewhere. Separate statewide inquiry systems could provide immediate information on stolen property or persons wanted within the State. An automobile recovered with its own license plates could be checked against the State in which it is registered. For other property and the person, such an inquiry would theoretically be addressed to every State, requiring each State to implement its own system and calling for complex communications to every other State. A second alternative would be to

Manual and computerized information storage and retrieval systems

-- Statistical information—data on crimes, on criminal careers, and on the activities of criminal justice agencies.

Table 6—Average Distribution of First Arrests and Lifetime Rearrests for Index Crime Offenders

<table>
<thead>
<tr>
<th>Offense</th>
<th>Lifetime Rearrests</th>
<th>Percent Change</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
<td>Number</td>
</tr>
<tr>
<td>18-24</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25-29</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30-34</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35-39</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40-44</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>45+</td>
<td></td>
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<td></td>
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</tbody>
</table>

The distribution of the 1,282,294 arrests is based on the distribution of arrests of individuals under 25 years of the 1,282,294 Uniform Crime Reports.
The most delicate part of any criminal justice information system is the personal criminal record. This is the history of an individual's contact with the arrested people and accompanying information about them. Such information is valuable in making probation, sentencing, and correctional decisions. But wherever government records contain derogatory personal information, they create serious problems for the individual whose record is involved. The record may be incomplete or incorrect information.

The information may fall into the wrong hands and be used to intimidate or embarrass. The information may be retained too long after it has lost its value, or it may be too quickly discarded, or its more existence may diminish an offender's belief in the possibility of redemption.

However, the inherent inefficiencies of manual files cannot provide a built-in protection. Accountability is greatly enhanced by processing data, so that all the protection afforded by inefficiency will diminish, and special attention must be directed at protecting privacy.

This file will contain records of all cars reported stolen to local, State, or Federal agencies, and with plans to include all State agencies. As a result, this file or inquire whether a person or property in custody is wanted by any State or Federal police agency.

There should be a national law enforcement directory that records an individual's arrests for serious crimes, the disposition of each case, and all subsequent formal contacts with criminal justice agencies related to those arrests. This file would be a valuable tool in making prosecution, sentencing, and correctional decisions. But whenever government records contain derogatory personal information, they create serious problems for the individual whose record is involved. The record may be incomplete or incorrect information.

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The national directory would be similar to a current FBI service. Today, when a police department sends fingerprints to Washington, they are checked against a file of 16 million fingerprints of previously arrested and fingerprinted individuals. The police department then gets positive identification of the individual, and his criminal record or "rap sheet." Today, a police department sends fingerprints to Washington, they are checked against a file of 16 million fingerprints of previously arrested and fingerprinted individuals. The police department then gets positive identification of the individual, and his criminal record or "rap sheet." Today, a police department sends fingerprints to Washington, they are checked against a file of 16 million fingerprints of previously arrested and fingerprinted individuals. The police department then gets positive identification of the individual, and his criminal record or "rap sheet." Today, a police department sends fingerprints to Washington, they are checked against a file of 16 million fingerprints of previously arrested and fingerprinted individuals. The police department then gets positive identification of the individual, and his criminal record or "rap sheet."
The program should introduce science and technology to criminal justice. The Federal Government should sponsor research, development, test, and evaluation (RDT&E) projects at the local and State levels, especially supporting those widely useful projects that no single agency could support alone. The Government should help criminal justice agencies get the technical support they need to incorporate the results of these projects into their operations. To infuse science and technology directly into day-to-day activities, operations research groups should be established in the larger criminal justice agencies. Finally, to provide the basic fund of knowledge, a major science and technology program should be established in one of the research institutes discussed in chapters 12 and 13 below. The President's Science Advisory Committee has reviewed and supports these recommendations.

RESEARCH PROGRAM

The Commission recommends:

The Federal Government should sponsor a science and technology RDT&E program with three primary components: systems analysis, field experimentation, and equipment-system development.

The systems analysis studies should include development of mathematical models of the criminal justice system and appropriate component parts, and collection of the data needed to apply these models to improving operations. The projects to be undertaken should include:

- A model of a State criminal justice system.
- Antipredation studies in a police department task force.
- Computer simulation of court processing of cases.

These studies are only extensions of the initial efforts undertaken by the science and technology task forces. As the program develops, new problem areas in which system analysis can be usefully applied will appear, and some of them may turn out to be more productive than the ones already identified.

Field experimentation should be conducted by operating criminal justice agencies in conjunction with individuals or groups competent in experimental research. Many operating innovations are possible, and these should be evaluated in actual use both to test their value and to assess their possible side effects. The experimental projects to be undertaken should include:

- Randomized experiments examining various police patrol concepts, such as statistical techniques for allocation of patrol forces, various random patrol patterns, saturation patrolling, etc.
- Laboratory simulation of various police command and control systems, and dynamic and static variables.
- Statistical analysis relating recidivism to offender characteristics and to correctional treatment possibilities.

There are many basic kinds of equipment should be developed for general use by police agencies. Some of the promising possibilities include:

- Computer-assisted police command and control facility.
- Semiautomated fingerprint system.
- Portable radio for foot patrols and for patrolmen operating away from their car radios.
- Automatic patrol car locator.

The RDT&E program would have to be developed in detail by the office administering it. The program would have to be housed in an agency that was sympathetic to research and development, and could attract the high-caliber scientific staff needed to manage the program. The program would inevitably require technical guidance of a breadth and quality exceeding that which could be expected of any internal technical staff. Advisory committees comprising scientists and criminal justice officials would be needed to review proposals in specific subject areas. In many cases, another government office will be the best choice to manage a specific project; the Army Materiel Command might direct the development of a portable radio, for example. Nonprofit or even profitmaking contractors, as used by the Department of Defense, might furnish broad technical guidance.

TECHNICAL SUPPORT AND ESTABLISHMENT OF EQUIPMENT STANDARDS

As the Federal Government plays a more important role in aiding criminal justice agencies to share in the products of modern technology, it will become necessary to help them use it effectively. To this end, there will be a need for centralized establishment of technical standards (for radios, computer codes, etc.) and for provision of technical assistance and guidance.

The Commission recommends:

A Federal agency should be assigned to coordinate the establishment of standards for equipment to be used by criminal justice agencies, and to provide those agencies technical assistance.

This organization should be an adjunct to an existing Federal agency already technically strong and familiar with standardization problems. The National Bureau of Standards is one such agency. It could organize committees of users and manufacturers to agree on equipment and communication standards. It would be a center with growing competence in criminal justice equipment problems, and would be staffed by scientists and engineers in the most relevant technologies—electronics, computer sciences, operations research, chemistry, etc. The organization would help criminal justice agencies draw on local technical resources such as consultants, professional societies, and manufacturers, and would help the agencies to assess the products received.

OPERATIONS RESEARCH GROUPS WITHIN CRIMINAL JUSTICE AGENCIES

As an important mechanism for innovation, the large criminal justice agencies, and especially large police departments, should establish small operations research groups with professionally trained scientists, mathematicians, and engineers, including at least one person competent in statistics. The group would analyze the operation, design and evaluate experiments, and provide general technical assistance. Such groups have proved extremely valuable to industry, government, and the military. Certainly each of the 21 police departments, 4 sheriffs' forces, and 12 State police forces with more than 1,000 employees could benefit significantly from such a group.

The Commission recommends:

The Federal Government should encourage and support the establishment of operations research staffs in large criminal justice agencies.

SCIENCE AND TECHNOLOGY PROGRAM IN A RESEARCH INSTITUTE

Probably the most important single mechanism for bringing the resources of science and technology to bear on the problems of crime would be the establishment of a major prestigious science and technology research program within one of the research institutes discussed in chapters 12 and 13. The program would create interdisciplinary teams of mathematicians, computer scientists, electronics engineers, physicists, biologists, and other natural scientists, and would require psychologists, sociologists, economists, and lawyers on these teams. The institute and the program must be significant enough to attract the best scientists available, and to this end, the director of this institute must himself have a background in science and technology or have the respect of scientists. Because it would be difficult to attract such a staff into the Federal Government, the institute should be established by a university, a group of universities, or an independent nonprofit organisation, and should be within a major metropolitan area. The institute would have to establish close ties with neighboring criminal justice agencies that would receive the benefit of serving as experimental laboratories for such an institute. The research program might require, in order to bring together the necessary "critical mass" of competent staff, an annual budget which might reach $5 million, funded with at least a 3-year lead time to assure continuity.

The Commission recommends:

A major scientific and technological research program within a research institute should be created and supported by the Federal Government.
Chapter 12

Research—Instrument for Reform

The Commission has found and discussed throughout this report many needs of law enforcement and the administration of criminal justice. But what it has found to be the greatest need is the need to know.

America has learned the uses of exploration and discovery and knowledge in shaping and controlling its physical environment, in protecting its health, in furthering its national security, and in countless other areas. The startling advances in the physical and biological sciences are products of an intellectual revolution that substituted the painful and plodding quest for knowledge for the comforting acceptance of received notions. The Nation has invested billions of dollars and the best minds at its disposal in this quest for scientific discovery. The returns from this investment are dramatically apparent in the reduction of disease, the development of new weapons, the availability of goods, the rise in living standards, and the conquest of space.

But this revolution of scientific discovery has largely bypassed the problems of crime and crime control. Writing for the Boston Crime Survey in 1927, Felix Frankfurter observed that the subject was "overlaid with shibboleths and cliches" and that it was essential to "separate the known from the unknown, to divorce fact from assumption, to strip biases of every sort of their authority." The statement is no less true today.

Few domestic social problems more seriously threaten our welfare or exact a greater toll on our resources. But society has relied primarily on traditional answers and has looked almost exclusively to common sense and hunch for needed changes. The Nation spends more than $4 billion annually on the criminal justice system alone. Yet the expenditure for the kinds of descriptive, operational, and evaluative research that are the obvious prerequisites for a rational program of crime control is negligible. Almost every industry makes a significant investment in research each year. Approximately 15 percent of the Defense Department's annual budget is allocated to research. While different fields call for different levels of research, it is worth noting that research commands only a small fraction of 1 percent of the total expenditure for crime control. There is probably no subject of comparable concern to which the Nation is devoting so many resources and so much effort with so little knowledge of what it is doing.

It is true, of course, that many kinds of knowledge about crime must await better understanding of social behavior. It is also true that research will not provide the final answers to many of the vexing questions about crime. Decisions as to the activities that should be made criminal, as to the limits there should be on search and seizure, or as to the proper scope of the right to counsel, cannot be made solely on the basis of research data. These decisions involve weighing the importance of fairness and privacy and freedom—values that cannot be scientifically analyzed. But when research cannot, in itself, provide final answers, it can provide data crucial to making informed policy judgments.

There is virtually no subject connected with crime or criminal justice into which further research is unnecessary. The Commission was able to explore many of these subjects in connection with its work, and to develop the data that underlie the recommendations made in this report. Many of its projects sought to open up new areas of knowledge; many drew on the prior work of scholars, governmental agencies, and private organizations. Crime is a continuing and urgent reality with which we must deal as effectively as we can. We cannot await final answers. The alternatives are not whether to act or not, but whether to act wisely or unwisely.

Some Commission research has served to mark out paths along which further exploration should proceed. The pilot survey of criminal victims shows a great potential for discovering the extent and the nature of unreported crime. Such surveys should be conducted on a continuing basis, so their usefulness can be tested further. The Commission's studies of police-community relations were as extensive as any previously undertaken, but, of course, this extremely complicated and crucial subject deserves and requires continuing study. The science and technology task force's study of the relationship between police response time and the apprehension of suspects has suggested the value of changing various procedures so as to reduce response time, but it remains for the police to apply this analysis to their specific situations, to experiment with the suggested changes and to discover what happens in practice.
Naturally, in the course of its studies the Commission discovered many areas it had neither the time nor the resources to explore, although it was clear that there was a vital need that they be explored. For example, the effects on law enforcement and crime of legal restrictions on such police practices as interrogation and search and seizure are not known; ways of testing these effects accurately must be developed. There is no present technique for measuring the deterrent effects on criminal activity of the imposition, removal or change of sanctions; such a technique is badly needed.

It would obviously be futile to attempt to catalog all the kinds of research that are needed. We do not even know all the questions that need to be asked. But we do know many of them and we also know that planning and organizing the search for knowledge is a matter of highest importance.

RESEARCH BY OPERATING AGENCIES

There is no activity, technique, program, or administrative structure in the criminal justice system that is so perfect it does not need to be systematically scrutinized, evaluated, and experimented with. Police patrol and police investigation, personnel structure, communication systems and information systems, community relations programs and internal investigation programs; court business methods and court organization, plea bargaining and ways of providing defense counsel, the selection of prosecutors and the training of judges; prison industry programs and prison design, halfway houses and juvenile training schools, parole decisions and parole techniques are a few of the hundreds of subjects that should be studied.

Operating agencies should obviously concern themselves with this kind of research. But it is clear that the criminal justice system does not have the means to conduct research entirely on its own. Few people working in any part of the system at the present time have the scholarly training to use the sophisticated methods of gathering and analyzing facts, inventing experiments, and using controls that research requires. The system's administrators must call upon the universities, foundations, social service agencies, and industrial corporations for help—must open their doors and reveal their secrets.

Chapter I mentioned the inertia of the criminal justice system, its downswings to make even those changes that everyone agrees are necessary. Perhaps the most damaging expression of that inertia has been the failure of most police, court, and correctional officials to recognize how little they know and how important to America it is for them to know more. Doubtless many of them have been so busy merely keeping abreast of their day-to-day work that they have had no time for contemplation and study. Doubtless many, who are aware of the need, have looked at the system's limited resources and have concluded that trying to fill that need was hopeless. But beyond these real and formidable obstacles there is in the criminal justice system a reluctance to face hard facts, a resistance to innovation, a suspicion of "outsiders," a fear of the kind of criticism that objective appraisal may lead to, until they are overcome, will make significant programs of research difficult, if not impossible, to plan and organize.

The Commission is well aware that no recommendation can make will overcome reluctance, resistance, suspicion, and fear; it is well aware of how little mere adjuration and exhortation are likely to accomplish; it is well aware that many mayors, Governors and legislators, to say nothing of their civil servants, will not open their eyes to look at the system's limited resources and have concluded that trying to fill that need was hopeless. But beyond these real and formidable obstacles there is in the criminal justice system a needed and increasing tendency to face hard facts, a resistance to innovation, a suspicion of "outsiders," a fear of the kind of criticism that objective appraisal may lead to, until they are overcome, will make significant programs of research difficult, if not impossible, to plan and organize.

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The Commission recommends:

Criminal justice agencies such as State court and correctional systems and large police departments should develop their own research units, staffed by specialists and drawing on the advice and assistance of leading scholars and experts in relevant fields.

INDEPENDENT RESEARCH

Of course, there is no sharp line between the kind of research that operating agencies can do, and the kind that is more appropriately the responsibility of independent researchers. Often the line is blurred, as when a research center uses a police department or a court or a prison as a subject for a research study, and what is learned is of direct benefit to the agency. The Vera Institute's hall study in the New York City courts is an excellent example. On the other hand, many of the problems of crime and crime control require research not directly related to day-to-day operations of the criminal justice system. This is obviously true of such subjects as the relationship between crime and poverty, the impact of organized crime on the economy, the scope of unreported crimes, or the nature and extent of gambling, to offer but four of a multitude of possible examples. Whatever the nature of the inquiry, three outside the system generally have a greater freedom to question long accepted assumptions, to explore radically new modes of action, and to conduct long-range research which might lead to basic alterations in the structure and functioning of operating institutions.

The independent research which has been done in the past has been centered in law schools and sociology, departments of universities. Much of it has been the work of professors working alone or with one or a few graduate students. This form of research has produced significant contributions to our learning and will continue to be a major source of new data and new ideas, but there are large areas where it is inadequate. Since the complexities of crime cut across many disciplines, and many projects require a group of people working together, it is important that there be some collaborative, organized research projects and centers. Individual scholars can add to our knowledge of the causes of various kinds of criminal behavior. But to develop a comprehensive plan for combating organized crime, for example, it would be helpful to bring together economists, sociologists, and lawyers.

In recent years a few departments or centers have developed specifically for the study of crime and criminal justice have been established at universities. Such centers bring together persons from a number of relevant fields for collaborative research. One promising example is the Center for Studies in Criminal Justice at the University of Chicago, recently funded by the Ford Foundation. Its projects draw on the work of scholars from law, sociology, psy-
The Commission recommends:

Substantial public and private funds should be provided for a number of criminal research institutes in various parts of the country.

Some of the institutes might be expansions of existing research centers. They should be sufficiently well-financed so that they can attract high-quality personnel from the fields of social, behavioral, and natural sciences, the law, business administration and psychiatry, to work together and with criminal justice agencies. Some of their work should be directed at practical problems facing operating agencies and major policy issues facing legislators. In addition, there should be opportunities for broader impact, including challenges to the basic assumptions of any part of the present system of justice. They could study such especially pressing forms of criminal activity as white-collar crime, organized crime, and organized crime.

The Commission finds persuasive the suggestion that has been made to it that one of these institutes should be affiliated with a university. This could be done in a number of ways, including the dissemination of the results and attitudes of research into the professional training of lawyers, police, and correctional workers.

When the establishment of an institute of criminology in New York City was under study, the bar association committee that considered the matter concluded:

"The very idea of such a criminological center or institute, if it is to justify its reason for being, is that it shall be not an ordinary institution, but one that is devoted to the professional, vocational, or even educational, objectives of institutions or organizations seeking or serving other and narrower or broader goals in the community. It is for that reason the Committee (founded itself in complete agreement with its report that the establishment of a criminological center or institute constitutes a law in the Department of Justice in connection with State and federal aid programs described in chapter 13, and in evaluating innovative proposals for Federal support.

Most of these institutes should be at universities since it seems likely, at least in the foreseeable future, that the leading scholars in this field would prefer to work in a university setting. The ability to draw on faculty and specialized technical talent at the universities, as well as the availability of funds, would seem to favor such an arrangement. Such an institute could be set up jointly by a number of universities, as was the Brookhaven National Laboratory.

The Commission recommends:

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Its advisory committee includes police officials, judges, and correctional officials. Its mission is to study the treatment of offenders, legal aid for jail inmates and the effects of controversial police procedures. The American Bar Foundation has complemented several programs of research into the administration of criminal justice, and has begun others. The California Institute for the Study of Crime and Delinquency works closely with correctional agencies in the State but was designed to be "free from both the constraints of political government and institutions of higher learning," and to "bridge the gap between the interests of crime control administrators and those of academic research."

The Commission believes that institutions for organized research in this field are of great significance and that they should provide for this purpose, not to the exclusion of other efforts.

The Commission recommends:

Universities, foundations, and other private groups should expand their efforts in the field of criminal research. Federal, State, and local governments should make every effort to gain the benefit of skilled and interested researchers in this field, such as by establishing an independent agency-a National Foundation for Criminal Research. Like the National Science Foundation, it should be financed by an annual appropriation from Congress. Its independent status would ensure its freedom from the pressures and immediate needs of any Federal agency responsible for criminal administration. Such independence would also make it more attractive to leading scholars in the field, on whom its success would depend.

The Commission recommends:

A National Foundation for Criminal Research should be established as an independent agency.

The Commission recognizes that to establish a National Foundation for Criminal Research at the same time that it recommends the new aid program proposed in chapter 13 is being developed, would present a serious risk of confusion and competition for already scarce research personnel. It is essential that the new Justice Department program not be used to displace the benefit of individual researchers, or groups with promising research programs and the ability to execute them.

The Commission believes it essential that some national body act as a focus for research efforts in the field of crime and its control, stimulating vitally needed projects, providing more effective communication between those doing research, and disseminating what is learned. Thus, while there are some obvious advantages to having this agency in the Department of Justice, the Commission believes that the long-range goal should be to establish an independent agency-a National Foundation for Criminal Research. Such invidious or committed to any narrow professional purpose or even educational objectives of institutions or organizations seeking or serving other and narrower or broader goals in the community.
"Together we must chart a national strategy against crime"

PRESIDENT JOHNSON ADDRESSING FIRST MEETING OF STATE CRIMINAL JUSTICE PLANNING COMMITTEES, OCTOBER 1966
Chapter 13

A National Strategy

AMERICA CAN CONTROL CRIME. This report has tried to say how. It has shown that crime flourishes where the conditions of life are the worst, and that therefore the foundation of a national strategy against crime is an unceasing national effort for social justice. Reducing poverty, discrimination, ignorance, disease and urban blight, and the anger, cynicism or despair that conditions can inspire, is one great step toward reducing crime. It is not, indeed it is not within the competence of a Commission on Law Enforcement and Administration of Justice to make detailed proposals about housing or education or civil rights, unemployment or welfare or health. However, it is the Commission's clear and urgent duty to stress that forceful action in these fields is essential to crime prevention, and to adjure the officials of every agency of criminal justice—police, prosecutors, judges, correctional authorities—to associate themselves with and labor for the success of programs that will improve the quality of American life.

This report has shown that most criminal careers begin in youth, and that therefore programs that will reduce juvenile delinquency and keep delinquents and youthful offenders from settling into lives of crime are indispensable parts of a national strategy. It has shown that the formal criminal process, arrest to trial to punishment, seldom protects the community from offenders of certain kinds and that therefore, the criminal justice system and the community must jointly seek alternative ways of treating them. It has shown that treatment in the community might also return to constructive life many offenders who quite appropriately have been subjected to formal process.

This report has pointed out that legislatures and, by extension, the public, despite their well-founded alarm about crime, have not provided the wherewithal for the criminal justice system to do what it could and should do. It has identified the system's major needs as better qualified, better trained manpower; more modern equipment and management; closer cooperation among its functional parts and among its many and varied jurisdictional units; and, of course, the money without which far-reaching and enduring improvements are impossible.

Finally, this report has emphasized again and again that improved law enforcement and criminal administration is more than a matter of giving additional resources to police departments, courts, and correctional systems. Resources are not ends. They are means, the means through which the agencies of criminal justice can seek solutions to the problems of preventing and controlling crime. Many of those solutions have not yet been found. We need to know much more about crime. A national strategy against crime must be in large part a strategy of search.

WHAT STATE AND LOCAL GOVERNMENTS CAN DO

Almost every recommendation in this report is a recommendation to State or local governments, the governments that by and large administer criminal justice in America. A special difficulty of writing the report has been finding terms general enough to describe criminal administration in 50 States and thousands of local communities, and at the same time specific enough to be helpful. The Commission is acutely aware that the report does not discuss many distinctive local conditions and problems, that its descriptions often are quite broad, that no one of its recommendations applies with equal force to every locality, that, indeed, some of its recommendations do not apply at all to some localities.

On the whole the report concentrates on cities, for that is where crime is most prevalent, most feared, and most difficult to control. On the whole the report dwells on the criminal justice system's deficiencies and failures, since prescribing remedies was what the Commission was organized to do. Some States and cities are doing much to improve criminal administration; their work is the basis for many of the report's recommendations. Finally, because the report is a national report, it is not and cannot be a detailed manual of instructions that police departments, courts and correctional systems need only to follow step by step in order to solve their problems. It is of necessity a general guide that suggests lines along which local agencies can act.

PLANNING—THE FIRST STEP

A State or local government that undertakes to improve its criminal administration should begin by constructing, if it has not already done so, formal machinery for planning. Significant reform is not to be achieved overnight by a stroke of a pen; it is the product of thought and preparation. No experimented and responsible State or
city official needs to be told that. The Commission’s goal is not the elementary one that each individual action against crime should be planned and, that all of a State’s or a city’s crime should be planned to­gether, by a single body. The police, the courts, the correctional system and the noncriminal agencies of the community must plan their actions against crime jointly if they are to make real headway.

The relationships among the parts of the criminal justice system and between the system and the community’s other institutions, governmental and non­governmental, are so intimate and intricate that a change anywhere may be felt everywhere. Putting together, by a single body. The police, the courts, the correctional system and the noncriminal agencies of the community must plan their actions against crime jointly if they are to make real headway.

The best way to interest the community in the problems of crime is to engage members of it in planning. The Commission urges all Governors to establish similar committees.

Second, much of the planning will have to be done at the municipal level. The problems of the police and, to a certain extent, of the jails in the lower courts, are typically city problems. Welfare, education, housing, fire prevention, recreation, sanitation, urban renewal, and a multitude of other functions that are closely connected with crime and criminal justice are also the responsibility of cities. Some city agencies, particularly the city manager’s staff, or advisory or interdepartmental committees, coordinate the city’s anti­crime activities; in none of the States does such a body exist.

Third, close collaboration between State and city planning units is obviously desirable. A number of States’ major cities should serve on the State body, and staff members of the State body should be available to the city bodies for information and advice. Up-to-date knowledge and expertise are in too short supply to be spared in activities that duplicate or overlap each other and, conversely, when there is no collaboration there is always a risk that some important field of action will be overlooked.

Fourth, however, the structure and composition of planning units vary from place to place, all units should include both officials of the criminal justice system and citizens from other professions. Plans to improve criminal administration will be impossible to put into effect if those responsible for it are not informed about the programs and procedures being used in its own jurisdiction, and about those that have proved successful elsewhere; data about the social conditions that appear to be linked with crime; information about potentially helpful institutions and organizations in the community.

In few States or cities has information of this kind been compiled systematically. Gathering facts will be an inviable process for any planning body, not only because of the importance of the facts themselves, but also because they will have to be gathered from people and organizations experienced in crime prevention and criminal administration: Judges, correctional officials, police officials, prosecutors, defense counsel, youth workers, university, foundations, civic organizations, service clubs, neighborhood groups.

These people and organizations can be united into a network of support for the changes the planning body will propose. A network will be able to do much to overcome resistance to change, or fear of it, inside and outside the criminal justice system, by showing how changes can be made carefully and practically.

On the basis of the facts gathered, the planning body will be able to appraise objectively and frankly the needs of cities and the resources that are available for meeting those needs. It would ask, for example, whether in its jurisdiction police training is adequate; whether the lower and juvenile courts are falling in any of the ways cited by the Commission; whether the corrective mechanisms in the various States or cities are adequate. The Commission undertook a comprehensive study of the criminal justice system and other agencies concerned with crime and delinquency in the States, and detailed recommendations appear in the report. The one caution about planning bodies the Commission feels it must make is that they serve as an excuse for doing nothing. Some States or cities may be able to improve criminal administration in their own communities without making changes that can be found in the pages of this report.
is, and how little is accomplished by identifying scapegoats or resorting to simplistic answers is, and how little is accomplished by identifying scapegoats or resorting to simplistic answers—of which the rehabilitation, which has proved useful in a number of other countries, is only one possible model—to assist citizens in understanding and dealing with the many official agencies that affect their lives. These are only a few important examples of the many services, kidnapping, bank robbery, racketeering, smuggling, counterfeiting, drug abuse and tax evasion. It has a number of law enforcement agencies, a system of criminal courts and a large correctional establishment. Some of the Commission’s recommendations, notably those concerning organized crime, drug abuse, firearms control and the pooling of correctional facilities and of police radio frequencies, are addressed in part to the Federal Government. The Federal Government has for many years provided information, advice and training to State and local law enforcement agencies. These services have been extremely important. In many towns and counties, for example, the Federal Bureau of Investigation’s on-site training programs for police officers have been substantial. The most recent survey of correctional community training programs available. The Department of Justice, under the Law Enforcement Assistance Act of 1965, has begun to give State and city agencies financial grants for research, for planning, and for demonstration projects. The Commission wants not only to endeavor warmly Federal participation in the effort to reduce delinquency and crime, but to urge that it be intensified and accelerated. It believes further that the Federal Government can make a dramatic new contribution to the national effort against crime by greatly expanding its support of the agencies of justice in the cities and the towns. The Federal Government is already doing much in the field of delinquency prevention. An Office of Juvenile Justice and Delinquency Prevention, which funds research and demonstration projects by both governmental and nongovernmental State and local agencies, is an important part of the Department of Health, Education, and Welfare. The office is supporting projects, too few a few examples, aimed at providing job training and opportunities for delinquents; enabling school dropouts to continue their education; controlling the behavior of youthful gangs; involving young people in community action; providing alternative programs and finding ways to give delinquents the support and counsel they do not get from their families. The same Depart- ment’s Children’s Bureau has for years given technical aid to police and juvenile court personnel. The Vocational Rehabilitation Administration in the Department has recently developed job training programs specifically designed for delinquent young people. The Commission is convinced that efforts like these are of great immediate,
In the field of law enforcement and administration of justice in the Federal contribution is still quite small, particularly in respect to the support it gives the States and cities, which bear most of the load of criminal administration. The present level of Federal support provides only a tiny portion of the resources the States and cities need to put into effect the changes this report recommends. The Commission has considered carefully whether or not the Federal Government should provide more support for such programs. It has concluded that the Federal Government should provide more support. Such a program could be one on which several hundred million dollars an year is spent. The Federal Government can do much to stimulate pooling of resources and services among local jurisdictions. The Federal program the Commission visualizes is a large one. During the past fiscal year the Federal Government spent a total of about $20 million on research into crime and delinquency, and another $7 million, under the Law Enforcement Assistance Act, on research and demonstration projects by local agencies of justice. The Commission is not in a position to weigh against the benefits of such programs as the Neighborhood Youth Corps, the Manpower Development and Training Act programs provide training, counseling, and work opportunities essential to break the pattern of unemployment that underlies so much of crime today. The Elementary and Secondary Education Act programs and the Head Start work with preschool children are aimed at remedying disadvantaged children for school, improving the quality of slum education and preventing dropping out. Community action programs and the New Models Cities Program are concerned chiefly with the economic and physical structure of inner cities, and thus ultimately with delinquency and crime prevention. As chapter 1 of this report has pointed out, most of the crime preventing protection against crime is to right the wrongs and cure the illnesses of children that tempt men to harm their neighbors.

STATE AND LOCAL PLANNING

The Commission believes that the process of State and local planning the Nationized in the preceding section of this chapter should be a prerequisite for the receipt of Federal support for action programs. It believes further that such planning should itself receive Federal support, and that it recommends that planning grants be made available for this purpose. The Department of Justice has already made grants of up to $25,000 to a number of State and local jurisdictions. The development programs like those conducted by the National Science Foundation are also much needed if those from Federal parts of the crime justice system are to be jointed in such subjects, for example, the treatment of juveniles or the problems of parole.

A seminar for police chiefs, sponsored by the Office of Law Enforcement Assistance and held at the Harvard Business School in the summer of 1966, exposed the chiefs to the methods and insights of modern business administration in a way that they felt way invaluable, and created new interest in the managerial problems of the police among professional as the program held great promise for breaking down the isolation in which many criminal justice agencies now operate. Some seminars for police chiefs and planning groups for programs and training are:

- Police
- State police standards commission programs to establish minimum recruitment and training standards to provide training, particularly the establishment of regional academies or programs for medium- and small-size communities.
- Graduate training in law and business administration for police executives through degree courses or special institutes.
- Curriculum development and training for instructors in police academies and police training programs.
- Special training programs in such critical problems as organized crime, riot control, police-community relations, correctional supervision of offenders being treated in the community, the use by police and juvenile court in-patients personnel of social agencies in the support of the Department.
- Programs to encourage college education for police in liberal arts and sciences, including scholarship and loan support, and curricula to guide college and law enforcement programs away from narrow vocational concentration.
Administration of Justice

Special programs to educate and train judges, prosecutors, and defense counsel for indigents.

Corrections

Education and training of rehabilitation personnel, including teachers, counselors, and mental health personnel.

Training for court administrators.

Surveys of Organization and Operations

Many criminal justice agencies wishing to consider making changes are not sure what their needs are or how their practices compare to the best practice of the field. They need experienced advice about how to put changes into effect. State and local officials when the Commission has consulted have pointed out that ineffectual administration can negate otherwise promising attempts to increase effectiveness against crime, and have urged that the Federal Government help with this problem.

Management studies already have a long history in law enforcement, and operational grants-in-aid. Thus, there should be special intensive surveys of crime victims or law enforcement agencies for information on stolen automobiles, wanted persons, certain identifiable types of stolen property, and the like.

In addition to this "hot" information, data on offenders needed by prosecutors, courts and correctional authorities should be collected and made centrally available. As is further discussed in Chapter 11 on science and technology, the goal should be to develop an index drawn from the records of the criminal justice agencies across the country. With such an index a sentencing judge, for example, could learn where information might be found bearing on an offender's response to treatment in other jurisdictions. Disclosure of the information itself would remain, as at present, entirely within the discretion and control of the individual agency that held it.

In the earlier stages of the Federal program, these few major projects could serve as the primary laboratories for research and training, and the demonstration project authorization would be broad enough to support cooperative programs among various jurisdictions which share services, such as police matching or short-term detention facilities, or even totally pooled police services. In the earlier stages of the Federal program, these major projects could serve as the primary laboratories for research and training, and the demonstration project authorization would be broad enough to support cooperative programs among various jurisdictions which share services, such as police matching or short-term detention facilities, or even totally pooled police services.

Chapter 11 of this report has shown that the skills and techniques of science and technology, which have so radically altered the march of modern life, have been largely untouched by the criminal justice system. One extremely useful approach to innovation is the questioning, analytical, experimental approach of science. Systems analysis, which has contributed significantly to such large-scale government programs as national defense and mass transportation, can be used to study criminal justice operations and to help agency officials choose promising courses of action.

Modern technology can make many specific contributions to criminal administration. The most significant will come from the use of computers to collect and analyze the masses of data the system needs to understand the crime control process. Other important contributions may come, for example, from:

Flexible radio networks and portable two-way radios for patrol officers.

Computer-assisted command-and-control systems for rapid and efficient dispatching of patrol forces.

Innovations for the police patrol car such as mobile telephones, tape recorders for recording questioning and interview techniques for car poolers.

Alarms and surveillance systems for homes, businesses and prisons.

Criminalistics techniques such as voice prints, neutron activation analysis and other modern laboratory instrumentation.

The Federal Government must take the lead in the effort to focus the capabilities of science and technology on the criminal justice system. It can sponsor and support a continuing research and development program on a scale greater than any individual agency could undertake alone. Such a program will benefit all agencies.

It should stimulate the industrial development, at reasonable prices, of the kinds of equipment all agencies need. A useful technique might be to guarantee the sale of first production runs.

It should provide funds that will enable criminal justice agencies to hire technically trained people and to establish internal operations research units.

It should support scientific research into criminal administration that uses the agencies as real-life laboratories.

Research

The need for research of all kinds has been discussed in chapter 12. There should be Federal support for specific research projects by individual scholars, and by teams of research organizations. In addition to this, the Commission believes the Federal Government should provide support for a number of institutes specifically dedicated to research into criminal justice. Such institutes would bring together scholars from the social and natural sciences, law, social work, business administration and psychiatry, and would be able to deal with the criminal justice system, from prevention to court, probation, parole, and parole.
to corrections, as a whole. Presumably most of these research institutes would be located at universities, although, as noted in chapter 15, one or more might be independent.

These institutes would serve as the foundatons for the Federal program described here, both in the substance of the research they undertook and in the availability of their staff members to top-level consultants. They could provide training, through special seminars or degree courses, for minor administrators and specialist personnel. They could undertake studies of the effective personnel. They could evaluate important new demonstration programs and provide consultant services.

Grant-in-Aid Support for New Programs

In addition to the forms of support described above, a major part of the Federal program should be grant-in-aid for a broad range of innovative State and local programs. The standards of this part of the program should be based on the premise that new support for such normal operational preclude continuing support for basic personnel compensation, routine equipment like police cars, or replacement of physical facilities like jails and courthouses. Support would ideally be given to major innovations in operations, including especially the coordination of services among the parts in the national information systems and they would propose and evaluate important new demonstration programs and provide consultant services.

The possibilities for such programs are as wide as the range of problems national and local authorities propose to undertake. They might include:

- New police operations such as the storefront Community Service Officer program; sophisticated communications equipment and regional laboratory facilities.

- Construction and operation of new corrections facilities to serve as a model for community-based programs.

- Temporary salary support for your specialized personnel, such as computer experts, court management specialists, and classification or treatment experts for correctional facilities.

- The conclusion is confident that this eight-point program, if fully implemented, will do much to bring crime under control.

What Citizens and Their Organizations Can Do

Business and industry are in a particularly favorable position to help the criminal justice system. They have the financial and technical resources that are essential both for developing new equipment to modernize law enforcement and justice, and for devising means to prevent and control crime. The jobs they can provide can do much to prevent delinquency and reintegrate offenders into community activity.

The Commission's task force on science and technology explored a number of the important ways in which technological innovations in producing lives and property from crime. It discussed with the business and labor groups, for example, such new methods to combat auto theft as ignition switches that when a key is left in a turn-off lock, or expel the key; special lock-
Roman Catholic protectorate for delinquent boys, Lincolnville, for successful integration into working life. Several campaigns have run programs for the Job Corps; many more have provided jobs through the Neighborhood Youth Corps and the Youth Opportunity Centers, programs of the Department of Labor. But here, as with employment of offenders, much more can be done through less formal, entirely private initiative. Chambers of commerce, labor union locals, and service clubs are logical bases for community programs to advise young people about employment and place them in jobs.

Individual employers, too, can contribute substantially to crime prevention through special programs to train and hire young people who have had some trouble with the law. There are obvious risks, though many can be offset through counseling—arranged perhaps with Government guarantees. However much recruitment, training, and employment programs for delinquents and ex-conicts may cost, the price cannot possibly be as great as that of the almost total failure, up to now, to bring criminals and potential criminals back into the working world.

PRIVATE AGENCIES AND FOUNDATIONS

Private social service agencies and foundations, concerned with counseling, health and welfare aid, have long carried major responsibility for delinquency prevention. Professional associations such as the International Association of Chiefs of Police, the National Council on Crime and Delinquency, the ABA and local bar associations, the Catholic social service agencies and foundations, and others have led for many years the attempt to raise standards and rationalize the criminal justice system. In recent years a number of private organizations like the Ford Foundation have supported research and demonstration projects in various parts of the criminal area, bridging the gap between the agencies active in the field and those that concentrate on planning and standard setting. Work of all these sorts is vitally necessary for constructive progress in reducing crime. Private groups can identify needs and problems that have not been officially recognized and undertake programs that would be too experimental for agencies.

There are, of course, distinct discouragements to work by private social agencies in the criminal area. Usually progress is very difficult to achieve. Those who need to be helped are often heroes and, seldom promise to be truly outstanding citizens even if rehabilitated.

It is not surprising, then, that most private agencies, with very limited resources, have concentrated on serving persons whose problems are less intractable than those of the delinquent or criminal. But the extent to which official agencies, especially some antipoverty programs, continue to show people with criminal records emphasizes the importance of attention to the criminal areas by private and welfare agencies that can better afford than official ones to risk the failures that are a necessary consequence of experimental work.

RELIGIOUS INSTITUTIONS

The important contribution churches, synagogues, and other religious institutions can make to crime prevention is evident. They are leading excommunicants and guardians of the community's moral and ethical standards. They have the ability to understand and teach in their largest minds.

Offenders. A particularly noteworthy contribution has been made by the Faith Opportunities Program of the Chicago Conference on Religion and Race. This project, partially financed by the Office of Economic Opportunity, makes a point of finding deserting fathers, particularly those who have deserted because they are unemployed, finding them jobs, and returning them to their families. During one 6-month period 2,500 families were reunited, and 89 percent of them remained that way for at least 90 days.

COMMUNITY AND PROFESSIONAL ORGANIZATIONS

The most dramatic example is the county of a citizens' group that has addressed itself forcefully and successfully to the problems of crime and criminal justice is the Anti-Crime Crusade in Indianapolis. In 1962, the day after a 58-year-old woman had been hit on the head and robbed on the street, 30 Indianapolis women, representing a cross section of the community, met to devise ways of making the streets safer. The organization, which has no dues, no membership cards, no minutes and no bylaws, now involves some 50,000 women, in 14 divisions. It has stimulated the city to improve street lighting. It has secured jobs for young people, helped school dropouts return to school, involved thousands of adolescents in volunteer work for social service agencies and clinics. It has organized campaigns for cleaning up the slums. It has sponsored police recruits. It has observed the operation of the courts and publicized their shortcomings. It has helped parole officers with their work. It has campaigned for pay raises for policemen and formed block clubs to improve slums neighborhoods. This list is only a random selection of the crusade's activities, and only an indication of what concerned citizens can do.

Every group in a community can do something about crime or criminal justice. PTA's and other school groups, for example, could concentrate on the school's role in delinquency prevention and reintegration and rehabilitation of offenders; volunteer parents could promote closer contact with school principals, lead field trips and other activities to compensate for culturally deprived backgrounds, tutor in remedial work, and serve as teacher aides. Suburban groups might pair with those in the inner city for such projects. Hospitals could join together to institute narcotics programs and treatment centers for drunkenness offenders. Businessmen's groups would be well suited to conducting employ­ment programs. Neighborhood clubs and settlement houses have set up recreation programs and a wide range of other services. All of these efforts must be greatly strengthened, an endeavor that will require increased financial support by government and private foundations.

COLLEGES AND UNIVERSITIES

Higher education has played an unselfish part in criminal justice. A few law schools have engaged for years in research, and in representation of indigent defendants; their professors have been responsible for a major share of modern criminal legislation and much of the informed criticism of the criminal process. On the other hand, until recently little emphasis was given to preparing students to practice criminal law. Universities like the University of California at Berkeley and Michigan State University have had police science departments for several decades, but they have existed too much in isolation from the rest of the academic community. The same thing is true in many criminal justice schools in the correctional field.

All operating agencies of justice urgently need the close contact with academic thought that could be achieved through use of faculty consultants; seminars and institutes to analyze current problems and innovations; advanced training programs for judges, police administrators, and correctional officers; and more operational research projects and surveys conducted in conjunction with agencies of justice.

CONCLUSION

At its end, as at its beginning, this report on crime and criminal justice in America is a plea that there are no easy answers. The complexity and the magnitude of the task of controlling crime and improving criminal justice is indicated by the more than 200 specific recommendations for action, and the many hundreds of suggestions for action, that this report contains. These recommendations and suggestions are addressed to states, to the Federal Government, to schools and their organizations; to policemen, to prosecutors, to judges, to correctional authorities, and to the agencies for which these officials work. Taken together these recommendations and suggestions express the Commission's deep conviction that if America is to meet the challenge of crime it must do more, far more, than it is doing now. It must welcome new ideas and risk new actions. It must spend time and money. It must insist that those who point to scapegoats, who use facile slogans of what concerned citizens can do.

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Controlling crime in America is an endeavor that will be slow and hard and costly. But America can control crime if it will.
Table of Recommendations

**CRIME IN AMERICA—CHAPTER 2**

The Commission's study of the nature, volume, and trends of crime in America reveals at many points the need to develop additional and improved information and understanding about crime. To assist each city administration and agency of justice in insuring that its citizens are being informed of the full rate of crime in their community, the Commission recommends that cities and police departments that have not already done so adopt centralized procedures for handling reports of crime from citizens and establish the staff controls necessary to make such procedures effective. To promote a clearer public understanding of the differences between crimes of violence and property crimes, the Commission recommends that the trend in the FBI's Uniform Crime Reports toward separate treatment of these crime categories be carried further and that the present Index of reported crime be broken into wholly two separate parts.

Adopt centralized procedures in each city for handling crime reports from citizens, with controls to make those procedures effective...  
Separate the present Index of reported crimes into 2 wholly separate parts, 1 for crimes of violence and 1 for crimes against property...

**JUVENILE DELINQUENCY AND YOUTH CRIME—CHAPTER 3**

The most effective way to prevent crime is to assure all citizens full opportunity to participate in the benefits and responsibilities of society. Especially in inner cities, achievement of this goal will require extensive overhauling and strengthening of the social institutions influential in making young people strong members of the community—schools, employment, the family, religious institutions, housing, welfare, and others. Careful planning and evaluation and enormous increases in money and personnel are needed to expand existing programs of promise and to develop additional approaches. Such efforts are especially crucial for those youths, now too often overlooked, who have already demonstrated delinquent tendencies. The community must not wait until such tendencies manifest themselves in serious criminal acts. Measures short of formal adjudication can help such youths find their way to appropriate assistance programs and minimize the reinforcing and stigmatizing effects of full criminal treatment. For this purpose Youth Services Bureaus should be established to coordinate and provide needed programs. The bureaus should accept both delinquents and nondelinquents but devote special resources to intensive treatment of delinquents. The formal juvenile justice system should concentrate on those cases in which a need for coercive court authority has been demonstrated. Proceedings in these more serious cases must be characterized by safeguards commonly accepted as necessary to protect persons subject to coercive state authority, including counsel, confrontation of complainants, and exclusion of improper evidence. At all stages in the juvenile justice system, there is need for greater clarification and regularization in the exercise of discretion. Detention pending court determination, for example, must be based on clearly articulated standards and reduced to a minimum. The police in their dealings with juveniles should attempt to divert cases from the criminal process wherever appropriate and without coercive stationhouse adjustment procedures. In exercising discretion the police should also observe the most scrupulous standards of procedural fairness and personal impartiality.

Housing and Recreation
Expand efforts to improve housing and recreation...

Families
Develop methods to provide minimum income...

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopt centralized procedures for handling crime reports from citizens, with controls to make those procedures effective</td>
<td>27</td>
</tr>
<tr>
<td>Separate the present Index of reported crimes into 2 wholly separate parts, 1 for crimes of violence and 1 for crimes against property</td>
<td>31</td>
</tr>
<tr>
<td>Expand efforts to improve housing and recreation</td>
<td>66</td>
</tr>
<tr>
<td>Develop methods to provide minimum income</td>
<td>293</td>
</tr>
</tbody>
</table>
TABLE OF RECOMMENDATIONS

Reform welfare regulations so they contribute to keeping family together
66

Improve availability of family planning assistance
66

Expand counseling and therapy
66

Provide assistance in problems of domestic management and child care
66

Develop activities that involve the whole family together
66

Involving Youth in Community Life

Involving youths in community activities
69

Employ young people as subprofessional aids
122

Establish Youth Services Bureaus to provide and coordinate programs for delinquents and nondelinquents
69

Increase involvement of religious institutions, private social agencies, other groups in youth programs
69

Provide residential centers
69

Schools

Provide financial support for needed personnel and facilities
73

Improve the quality of teachers and facilities
73

Reduce racial and economic segregation
73

Compensate for inadequate preschool preparation
74

Develop better means for dealing with behavior problems
74

Use instructional material more relevant to inner city life
74

Encourage students capable of higher education to pursue their education
74

Revise programs for students not going to college
74

Expand job placement by schools
74

Increase contacts between the school and the community
74

Employ

Prepare youth more adequately for employment
77

Provide easily accessible employment information
77

Eliminate irrational barriers to employment
77

Create new job opportunities
77

The Juvenile Justice System

Formulate police department guidelines for handling of juveniles
79

Train police officers in handling of adolescents
79

Limit police custody of juveniles to instances where there is objective specific suspicion
79

Maintain confidential records for frisks and extended interrogations of juveniles
79

Limit stationhouse adjustment of cases by police
83

Provide alternatives to adjudication through Youth Services Bureau
83

Increase referrals to community agencies
83

Employ voluntary preliminary conference at intake
84

Adopt consent decree as alternative to adjudication
84

Narrow juvenile court jurisdiction over noncriminal matters
85

Restrict prehearing detention and provide separate detention facilities for juveniles
87

Provide particularized notice in advance of hearings
87

Provide counsel wherever coercive action is possible
87

Divide court hearings into adjudicatory and dispositional proceedings
87

POLICE—CHAPTER 4

Widespread improvement in the strength and caliber of police manpower, supported by a radical revision of personnel practices, are the basic essentials for achieving more effective and fairer law enforcement. Educational requirements should be raised to college levels and training programs improved. Recruitment and promotion should be modernized to reflect education, personality, and assessment of performance. The traditional, monotonic personnel structure must be broken up into three entry levels of varying responsibility and with different personnel requirements, and lateral entry into advanced positions encouraged.

The need is urgent for the police to improve relations with the poor, minority groups, and juveniles. The establishment of strong community relations programs, review of all procedures in light of their effect on community relations, recruitment of more minority group members, and strengthening of community confidence in supervision and discipline, all aim at making the police more effective in high-crime areas. Increased effectiveness also requires that law enforcement improve its facilities and techniques of management—particularly that it utilize manpower more efficiently, modernize communications and records, and formulate more explicit policy guidelines in various areas of police discretion. The pooling of services and functions by police forces in each metropolitan area can improve efficiency and effectiveness.

Community Relations

Establish community relations units in departments serving substantial minority population
100

Recruit minority-group officers
101

Emphasize community relations in training and operations
102

Provide adequate procedures for processing citizen grievances against all public officials
102

Personnel

Divide functions and personnel entry and promotion lines among three kinds of officers
106

Assist manpower needs and provide more personnel if required
106

Recruit more actively, especially on college campuses and in inner cities
106

Increase police salaries, especially maximums, to competitive levels
109

Consider police salaries apart from those of other municipal departments
111

Set as goal requirement of baccalaureate degree for general enforcement officers
111

Require immediately baccalaureate degree for supervisory positions
109

Increase screening of candidates to determine character and fitness
110

Modify inadmissible physical, age, and residence recruitment requirements
111

Reduce ability in promotion
110

Encourage lateral entry to specialist and supervisory positions
111

Require minimum of 400 hours of training
112

Improve training methods and broaden coverage of non-technical background subjects
112

Require 1-week yearly minimum of intensive in-service training and encourage continued education
113

Establish police standards commissions
113

Organizations and Operations

Develop and enunciate policy guidelines for exercise of law enforcement discretion
104

Clarify by statute authority of police to stop persons for questioning
105

Include police formally in community planning
99

Provide State assistance for management surveys
113

Employ legal advisers
113

Strengthen central staff control
114

Create administrative boards of key ranking personnel in larger departments
114

Establish strong internal investigation units in all departments to maintain police integrity
115

Experiment with team policing combining patrol and investigative duties
116

Adopt police limiting use of firearms by officers
116

Pooling of Resources and Services

Provide area-wide communications and records coordination
120

Pool and coordinate crime laboratories
120

Assist smaller departments in major investigations
122

Expand pooling or consolidation of law enforcement in all counties or metropolitan areas
122

TABLE OF RECOMMENDATIONS 295
A number of important reforms are necessary to enable courts to operate with the dignity and effectiveness many now lack. Substantial changes in the processing of criminal cases and increases in the number and caliber of judges, lawyers, and administrators are essential to fairer and more effective justice. To rationalize procedures, in the crucial and often neglected pretrial stage, bail must be reformed; guilty pleas need to be negotiated; and discovery expanded. Early diversion of appropriate cases to noncriminal treatment should be encouraged. Sentencing reforms—such as revision of criminal codes, improved fact-gathering, sentencing councils and institutions for judges—are needed to promote rational sentencing and the fair and visible negotiation of guilty pleas.

The Lower Courts
- Uniform felony and misdemeanor courts
- Enact comprehensive State bail reform legislation
- Establish station house release and summons procedures
- Develop and share dispositional information early in case
- Insure fair and visible negotiated guilty pleas
- Develop and share dispositional information early in case

Court Proceedings
- Establish standards for publicity in criminal cases
- Expand pretrial discovery by defense and prosecution
- Provide speedy, simple State postconviction procedure
- Extend prosecution's right to appeal from pretrial rulings suppressing evidence or confessions
- Enact general witness immunity statute and coordinate immunity grants under them
- Eliminate special standards of proof in perjury cases

Sentencing Policies and Procedures
- Revise sentencing provisions of penal codes
- Consider whether to retain capital punishment
- Establish probation services in all courts for presentence investigation of every offender
- Permit defense counsel broader access to pretrial reports
- Expand sentencing institutes and conferences
- Abolish jury sentencing in noncapital cases
- Institute procedures for promoting just and uniform sentencing

Officers of Justice
- Improve selection of judges through better screening
- Provide judicial tenure of at least 10 years
- Expand programs for training judges

Correctional Institutions
- Establish with State and Federal funds small-unit institutions in cities for community-oriented treatment
- Operate institutions with joint responsibility of staff and inmates for rehabilitation
- Expand education and vocational training for inmates
- Establish State programs to recruit and train instructors
- Improve prison industries through joint State programs and Federal assistance
- Expand graduated release and furlough programs
- Integrate local jails and misdemeanant institutions with State corrections
- Provide separate detention facilities for juveniles

The wholesale strengthening of community treatment of offenders and much greater commitment of resources to their rehabilitation are the mains lines where action is needed to make correctional treatment more effective in reducing recidivism. Correctional programs of the future should be built around small centers, located in the communities they serve. These would be better suited than present facilities for flexible treatment, combining the short-term commitment sufficient for most offenders with a variety of partial release or community corrections programs in which job training, educational, and counseling services would be provided or coordinated by the center's staff. Careful screening and classification of offenders is essential so that handling can be individualized to suit the needs in each case. So, too, is greater emphasis on evaluation of the effect of various programs on different offenders.

Correctional Institutions
- Establish with State and Federal funds small-unit institutions in cities for community-oriented treatment
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ORGANIZED CRIME—CHAPTER 7

Success in combating organized crime will require a greater commitment of resources and imagination at all levels of government, directed toward investigation and prosecution and also toward attacking criminal syndicates through regulatory laws. A coordinated network of investigative and prosecutive units is needed, provided with legal tools necessary for gathering evidence—including investigating grand juries and the power to grant witnesses immunity. Investigation must be carried out with a broader focus than merely the prosecution of individual cases; research for building longer range plans should draw on sociologists, economists, and experts from other disciplines.

Proof of Criminal Violations

Impanel annual investigative grand juries
Provide right of appeal for grand juries to obtain special investigators and prosecutors
Enact general witness immunity statutes and coordinate immunity grants
Provide power to impose extended sentences on organized crime leaders
Extend prosecution's right to appeal from pretrial rulings suppressing evidence or confessions
Establish Federal residential facilities to protect witnesses

Investigation and Prosecution Units

Form organized crime intelligence units in offices of State attorneys general and local police departments
Assign special prosecutorial manpower to organized crime cases
Create computerized central Federal intelligence office
Expand staff of Organized Crime and Racketeering (OCR) Section in U.S. Justice Department
Give OCR Section authority over U.S. attorneys on organized crime cases
Furnish Federal technical assistance and training to local jurisdictions
Provide Federal assistance for development of State and regional intelligence systems
Encourage research
Create permanent joint congressional committee on organized crime
Establish permanent State and citizens crime commission

Noncriminal Controls

Use existing regulatory authority against businesses controlled by organized crime
Encourage private business groups to prevent and uncover criminal business tactics
Increase news coverage on organized crime
Brief local government officials regularly on organized crime

NARCOTICS AND DRUG ABUSE—CHAPTER 8

The growing problem of narcotics and drug abuse in this country must be attacked by strengthening all approaches: Law enforcement, rehabilitation and treatment of drug users, and public education on the dangers involved. This is partly a matter of increased resources, such as for customs control; for the Bureau of Narcotics (especially to strengthen its long-range intelligence); and for education and training, for careful implementation, evaluation, and coordination of the many new and promising programs for control.

Enforcement

Increase staffs of Bureau of Customs and Narcotics
Adopt State drug abuse control legislation
Amend Federal drug abuse control law to strengthen recordkeeping provisions
Revise sentencing laws to give adequate flexibility

Research and Education

Undertake research with respect to regulation of drugs
Conduct research at National Institute of Mental Health (NIMH) on marijuana use
Develop educational materials at NIMH

DRUNKENNESS—CHAPTER 9

Present efforts to find alternatives to treatment of drunkenness within the criminal system should be pursued vigorously. One of the most promising possibilities is the construction of detoxification centers with medical services and therapy for short-term detention. A network of aftercare facilities and services should also be established to which referrals could be made after diagnosis at a detoxification center.

Eliminate criminal treatment of drunkenness when not accompanied by disorderly or otherwise unlawful conduct
Establish civil detoxification centers
Coordinate and extend aftercare programs
Expand research

CONTROL OF FIREARMS—CHAPTER 10

The increasing violence in the Nation demands that governments at all levels strengthen control of possession and sale of the firearms that contribute to that violence. Additional laws requiring registration of firearms and permits for those who possess or carry them, prohibiting their sale to and possession by certain potentially dangerous persons, and preventing transportation and sale of military-type weapons are needed. Such restrictions would not need to interfere with legitimate sporting or antique collecting interests.

Enact laws prohibiting transportation and possession of military-type weapons
Prohibit potentially dangerous persons from acquiring firearms
Require registration of handguns, rifles, and shotguns
Require permit for possessing or carrying a handgun
Prohibit interstate sale of handguns and regulate such sales of other firearms

TABLE OF RECOMMENDATIONS

The recommendations of the committee have been placed in the groups shown in the following table. The recommendations are arranged in order of classification and within each group in order of importance. Each recommendation is identified by the classification and number of the group; for example, Enforcement 1.16, Research and Education 11.16, and so on.
The potential contributions of science and technology in the field of law enforcement and criminal justice have scarcely been tapped; a strong research program to develop them is necessary. This program should be initiated through Federal support. It should cover both basic research studies and systems analysis, and development of specific technological innovations. The Commission's task force on science and technology explored a number of specific areas where science might make a contribution, particularly in increasing law enforcement effectiveness. It found a number of lines for improving police response-time for apprehension of criminals. Coordinated information systems covering immediate-response inquiries, law enforcement criminal records information, and statistics on criminal justice agency operations should be established.

**Police Operations**
- Undertake studies in large police departments of crimes, arrests, and operations...
- Permit public access to police callboxes...
- Establish single, uniform police telephone number...
- Establish laboratory for simulations of communications center operations...
- Develop computer-assisted command-and-control systems...
- Develop police radio networks...
- Require metropolitan areas to coordinate requests to FCC for additional frequencies...
- Make greater use of multichannel radio trunks...
- Consider allocating portions of TV spectrum to police use...
- Establish Federal project to underwrite initial costs of new radio equipment...
- Undertake experiments to improve statistical procedures for manpower allocation...

**Court Operations**
- Expand pilot use of simulation studies of court systems...

**Correctional Operations**
- Develop statistical aids for sentencing and treatment...

**Information Systems**
- Establish criminal information systems...
- Establish National Criminal Justice Statistics Center...

**General Federal Research and Assistance**
- Sponsor science and technology research and development program...
- Coordinate establishment of equipment standards...
- Provide technical assistance to criminal justice agencies...
- Support operations research staffs in large criminal justice agencies...
- Support scientific and technological research in research institute...

**RESEARCH—CHAPTER 12**
- Expanded research is essential for preventing crime and improving the effectiveness of criminal justice. It must be conducted by operating agencies; universities, foundations, and research cooperatives; private industry; and government institutions. It must attempt a more complete assessment of the volume, nature, and causes of crime. It must look more carefully at the way the criminal justice system operates. Change need not wait upon the gaining of such knowledge; only through innovation and evaluation of operations can most of it be obtained.
- Organize research units in criminal justice agencies...
- Give public and private support to criminal research institutes in various parts of the country...
- Expand research efforts of universities, foundations, and other private groups...
- Provide funds to individuals and organizations with promising research programs...
- Establish a National Foundation for Criminal Research...
ADDITIONAL VIEWS OF INDIVIDUAL COMMISSION MEMBERS

ADDITIONAL VIEWS OF MISS BLATT

"... Godlessness as a basic cause of crime and religion as a basic cure..."

Thorough as the Commission’s studies have been and comprehensive as its valuable recommendations are, its report seems deficient to me in that its valuable recommendations are, its report seems deficient to me in that it neglects to recognize godlessness as a basic cause of crime and religion as a basic cure.

The report acknowledges the necessity for activating religious institutions in the war on crime, and it mentions some of the excellent work religious groups have done in recent years.

But nowhere does the report mention the Ten Commandments which underlie our Judaeo-Christian culture. Nor does it recognize the power of religion which enforces a law higher than ours and who administers the ultimate justice.

Commission of poverty and ignorance and discrimination to an increasing extent... What better is to recommend how to face the fundamental questions. Instead, for... We do not suggest a departure from these underlying Commandments, which... We have joined our fellow members of the Commission in this report and in recommending it to the American people. This supplemental statement is submitted in support of the report for the purpose of opening up for discussion—perhaps for further study and action—issues which were not considered explicitly in the report itself. These relate to the difficult and perplexing problems arising from certain of the constitutional limitations upon our system of criminal justice.

CONSTITUTIONAL LIMITATIONS

The limitations with which we are primarily concerned arise from the Fifth and Sixth Amendments to the Constitution of the United States as they have been interpreted by the Supreme Court in recent years. The rights guaranteed by these amendments, and other provisions of the Bill of Rights, are dear to all Americans and long have been recognized as constitutions of a system deliberately designed to protect the individual from oppressive government action. As they apply to persons accused of crime, they extend equally to the accused whether he is innocent or guilty. It is fundamental in our concept of the Constitution that the rights protected whether they are personal liberties or this sometimes results in the acquittal of the guilty. We do not suggest a departure from these underlying principles. But there is a serious question, now becoming increasingly posed by jurists and scholars, whether some of these rights have been interpreted and enlarged by Court decision to the point where they now seriously affect the delicate balance between the rights of the individual and those of society. Or, putting the question differently, whether the scales have tilted in favor of the accused and against law enforcement and the public further than the best interest of the country permits. It is concern with this question which prompts us to express these additional views. As the people of our country must ultimately decide where this balance is to be struck, it is important to encourage a wider understanding of the problem and its implications.

In 1963 Chief Judge Lumbard of the Court of Appeals of the Second Circuit warned:

[W]e are in danger of a grievous imbalance in the administration of criminal justice ** **.

In the past forty years there have been two distinct trends in the administration of justice. One is that the once widely practiced court-ordered admissions in place of the inquisitorial examination, which the European nations use, has now been replaced by the American adversary system. Under this system, which is a fundamental change, the Government is now required to prove its case against the defendant before a jury, and the defendant is represented by counsel who is his adversary. The other trend is that the jury trier of fact is being replaced by the judge trier of fact...
Although the full meaning of the code of conduct prescribed by Miranda remains for future case-by-case delineation, there can be little doubt that its effect upon public and private enforcement of the law will be indelible and the function of systemic change procedures long considered by law enforcement officials to be indispensable to the effective functioning of our system. Indeed, one of the great Chief Justices has described the situation as a "revolting crisis" in the constitutional rules that "reach out to govern police interrogation." 

**The Fate of Police Interrogations**

If the majority opinion in Miranda is implemented in its full sweep, it could mean the virtual elimination of pretrial interrogation of suspects—on the street, at the scene of a crime, and in the station house—because there will be no such interrogation without the presence of counsel. Counsel will be obtained, however, if the defendant waives this right. Indeed, there are many who now agree with Justice Walter V. Wächter who recently wrote: "The privilege against self-incrimination as presently interpreted precludes the effective questioning of persons suspected of crime."

In *Crooker v. California*, the Court recognized that an absolute right to counsel during interrogation would "prohibit police questioning—fair as well as unfair—to the defendant and, if the rule were not made clear, to the accused.

There will, it is true, be a certain number of cases in which the suspect will not insist upon his right to counsel. If he makes admissions or a formal confession, the question whether his waiver of counsel was "voluntarily, knowingly and intelligently" made will then provide all subsequent contested places of the criminal process—trial, appeal and even post conviction remedies. And the prosecution will bear the "heavy" burden of proving such waiver; in many instances of the accused will not suffer; and "any evidence," of threat, coercion or pressure by the government will preclude admission. But in the advent of a street encounter, or the confusion at the scene of a crime, there will be little or no opportunity

**The Future of Confessions**

The impact of Miranda on the use of confessions is an equally serious problem. Indeed, this is the other side of the coin. If interrogations are muted there will be no confessions; if they are tainted, resulting confessions—as well as other related evidence—will be inadmissible. The convictions consequently set aside. There is real reason for the concern, expressed by dissenting justices, that knowledge in effect is a crime. This would be the most far-reaching departure from precedent and established practice in the history of our system.
The privilege against self-incrimination as now construed by the courts is, of course, that the danger of abuse and the difficulty of determining "voluntariness" have long and properly concerned the courts. Yet, one wonders whether these acknowledged difficulties justify the loss at this point in our history of a type of evidence considered both so reliable and so vital to legal process.

The "Privilege" and Criminal Trial.

The impact upon law enforcement of the privilege against self-incrimination as now construed by the Court is not confined to the Miranda issues of interrogation and confession. The privilege has always protected an accused from being compelled to testify; it now prevents any comment by judge or prosecutor on his failure to testify; and it limits discovery by the prosecution of evidence in the accused's possession or control. It was not until 1964 that the privilege was held applicable to the States by virtue of the 14th amendment,25 and the final extension came in 1965 when the Court held invalid a State constitutional provision permitting the trial judge and prosecutor to comment upon the accused's failure to testify at trial.26

The question is now being increasingly asked whether the privilege, as recently construed and enlarged, is justified either by its long and tangled history or by any genuine need in a criminal trial.27 There is an old principle of law to the effect that the privilege must always be preserved in fullest measure against intrusions into political or religious belief or conduct. Indeed, the historic origin and purpose of the privilege was primarily to protect against the evil of governmental suppression of ideas. But it is doubtful that when the Fifth Amendment was adopted it was conceived that its major beneficiary would be those accused of crimes against person and property.

Flint is an area requiring the most thoughtful attention. There is little sentiment—and in our view no constitutional requirement—that the privilege of silence be accorded a defendant who has failed to take the stand. But a strong case can be made for restoration of the right to comment on the failure of an accused to take the stand.28 As Justice Schaefer has said:

"If it is entirely unused to exclude from consideration at the trial the silence of a suspect in circumstances reasonably calling for explanation, or of a defendant who does not take the stand. It therefore seems to me imperative that the privilege against self-incrimination be modified to permit comment upon such silence."

Any consideration of modification of the Fifth Amendment also should include appropriate provision to make possible reciprocal partial discovery in criminal cases. One specific proposal, meriting serious consideration, is to accomplish this by previal discovery interroation before a magistrate or judicial officer.29 The availability of broad discovery would strengthen law enforcement as well as the rights of persons, and would go far to establish determination of the truth as to guilt or innocence as the primary object of our criminal procedure.

Other Countries Less Restrictive.

We know of no other system of criminal justice which imposes such limitation on evidentiary matters as severe and rigid as those we have discussed. The nearest analogy is found in England which shares through our common law the same instinct to protect against the advantage the basic characteristics of the accusatory system. Yet, there are significant differences—especially in the greater discretion of English judges and in the flexibility with which judges can weigh the advantages of new evidence. The English privilege is not new; it is nevertheless a developing feeling in England, parallel to that in this country, that criminals are unduly protected against self-incrimination.30 It seems to me imperative that the privilege against self-incrimination be modified to permit comment upon such silence.31

The scales of justice in Britain are at present tilted a little more in the favor of the accused than is necessary to protect the innocent.32

One of the measures recommended by the Labor Government is to permit a majority verdict of 10, rather than the historically unanimous vote of 12 jurors.33 Leading members of the English bar are pressing for further reform after pointing out "the criminal is living in a golden age," Lord Shawcross has commented:

"The barriers protecting suspected and accused persons are being steadily reinforced. I believe our law has become hopelessly unrealistic in its attitude toward the prevention and detection of crime. We put illusory faith about the impairment of liberty before the promotion of justice."

Among the reforms being urged in England are major modifications of the privilege against self-incrimination, broadened discovery rights by the state, and the adoption of a requirement that accused persons must advise the prosecution in advance of trial of all special defenses, such as alibi, self-defense, or mistake in identity. Another change suggested would allow the admission in evidence of previous convictions of similar offenses, although convictions of similar crimes still would not be admissible.34

The First Duty of Government.

In the first chapter of the Commission's report the seriousness of the crime situation is described as follows:

Every American, in a sense, a victim of crime. Violent crime... has been... an ever-increasing threat to thousands of thousands of citizens, but has directly affected everyone. Some people have been impaired in health or personal freedom. Some have been unable to maintain their basic right to use public streets and parks. Some have come to doubt the worth of a society in which so many people behave so badly.35

The underlying causes of these conditions are far more fundamental than the limitations discussed in this statement. Yet, prevention and control of crime—until it is "uprooted" by long-range reforms—depends in major part upon effective law enforcement. To be effective, and particularly to deter criminal conduct, the courts must convict the guilty with promptness and certainty.

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dependent upon meeting due process standards of voluntariness.

If provision must be made for consent on the failure of an accused to take the stand, and also for reciprocal discovery in criminal cases.

If, as now appears likely, a constitutional amendment is required to strengthen law enforcement in these respects, the American people should face up to the need and undertake necessary action without delay.

CONCLUSION

We emphasize in concluding that while we differ in varying degrees from some of the decisions discussed, we unanimously recognize them as expressions of legally tenable points of view. We support all decisions of the Commission as the law of the land, to be respected and enforced unless and until changed by the processes available under our form of government.

In considering any change, the people of the United States must have an adequate understanding of the adverse effect upon law enforcement agencies of the constitutional limitations discussed in this statement. They must also ever be mindful that concern with crime and apprehension for the safety of their persons and property, as understandable as these are today, must be weighed carefully against the necessity—as demonstrated by history—of retaining appropriate and effective safeguards against oppressive governmental action against the individual, whether guilty or innocent of crime.

The determination of how to strike this balance, with wisdom and restraint, is a decision which in final analysis the people of this country must make. It has been the purpose of this statement to alert the public generally to the dimensions of the problem, to record our conviction that an imbalance exists, and to express a viewpoint as to possible lines of remedial action. In going somewhat beyond the scope of the Commission's report, we reiterate our support and recommendations will have far reaching and salutary effects.

MR. BYRNE, CHAIRMAN, AND MR. LYNCH CONCUR IN THIS STATEMENT.

The Commission and Its Operations

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New Rochelle, N.Y.; Executive Director, National Urban League; Dean, Atlanta University School of Social Work, 1954-60; Member, President's Committee on Youth Employment, 1962; Member, President's Committee on Equal Opportunity in the Armed Forces, 1965; Member, President's Committee on Technology, Automation, and Economic Progress, 1965-66; Member, Special Presidential Task Force on Urban Problems, 1965-66; Member, Advisory Committee on Housing and Urban Development, President, National Conference on Social Welfare; Member, Advisory Board, A. Philip Randolph Institute; Member, Board of Directors, Citizens Crusade Against Poverty; Trustee, Eleanor Roosevelt Memorial Foundation; author, "To Be Equal" (1964).

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II. HOW THE COMMISSION DID ITS WORK

The President's Commission on Law Enforcement and Administration of Justice was established on July 27, 1965, by President Lyndon B. Johnson, who instructed it to inquire into the causes of crime and delinquency and recommend steps for preventing crime and delinquency and improving law enforcement and the administration of criminal justice. At the first Commission meeting, in September 1965, the Commission with the advice of its staff designated specific subjects in which intensive work was to be undertaken. The staff, on the basis of further consultation with the Commission members and experts in various fields, prepared preliminary work plans relating to these subjects. It also began the task—which extended through the full term of the Commission—of gathering and analyzing data and the views of consultants and advisors and preparing, for Commission review and analysis, drafts of material looking to the development of the final report.

The work of the Commission was initially divided into four major areas: Police, courts, corrections, and assessment of the crime problem. Concentrating on each in turn, the Commission employed a panel of Commission members, consultants and advisors, a number of full-time staff members, and consultants and advisors. As the Commission's work proceeded, special task forces or working groups were formed to give special attention to organized crime, juvenile delinquency, narcotics and drug abuse, and discrimination. Early in 1966, the task force on science and technology was organized as a collaborative undertaking by the Commission, the Office of Law Enforcement Assistance of the Department of Justice, and, with direct responsibility for the work, the Institute for Defense Analyses.

The Commission's research and inquiries took many forms, a few of which are suggested below. Surveys were made by the staff in cooperation with police-community relations, professional criminals, unreported crime, and correctional personnel. The corrections survey, sponsored jointly by the Commission and the Office of Law Enforcement Assistance, is only one example of the many projects in which the staff of the Commission and the Office of Law Enforcement Assistance worked together. The Commission's work was reviewed and critiqued by the President's Committee on Technology, Automation, and Economic Progress and by the President's Special Presidential Task Force on Urban Problems in the United States, 1965-66.

The budget for the Commission's work was limited, and the Commission's research and inquiry staff and representatives visited correctional institutions, including Justice, H.E.W., Treasury, Labor, Army, and Navy.

To direct the staff work, the President appointed, as Executive Director, James F. Vorenberg, on leave as Professor of Law and History at the University of Wisconsin, as an Associate Director, Mr. Robert M. Carter, on leave as the first Director of the Office of Criminal Justice in the Department of Justice. The Deputy Director, Eugene S. Ruth, Jr., had been a prosecutor in the Department of Justice's Organized Crime and Racketeering Section, and later a member of the Office of Criminal Justice. The four Associate Directors of the Commission and their areas of primary responsibility were: Police—Gene S. Muchnic, on leave as the Executive Officer of the Police Force Officers' Standards and Training in the California Department of Justice; corrections—Elmer K. Nelson, on leave as Professor of Public Administration at the University of Southern California; assessment of the nature and scope of crime—Lloyd E. Ohlin, on leave as Professor of Sociology at Columbia University and Director of Research of Columbia's School of Social Work; courts—Arthur I. Rossel, a former Federal prosecutor who was an attorney in private practice.

In addition, Alfred Blumstein of the Institute for Defense Analyses was director of the science and technology task force.

The Commission's research and inquiries took many forms, a few of which are suggested below. Surveys were made by the staff in cooperation with police-community relations, professional criminals, unreported crime, and correctional personnel. The corrections survey, sponsored jointly by the Commission and the Office of Law Enforcement Assistance, is only one example of the many projects in which the staff of the Commission and the Office of Law Enforcement Assistance worked together. The Commission's work was reviewed and critiqued by the President's Committee on Technology, Automation, and Economic Progress and by the President's Special Presidential Task Force on Urban Problems in the United States, 1965-66.
met with groups of residents in slum areas, and interviewed professional criminals and prison inmates.

The Commission also had the benefit of data and suggestions from Federal agencies including the Federal Bureau of Investigation; the Bureau of Prisons; the Criminal Division of the Department of Justice; various divisions of the Department of Health, Education, and Welfare; the Department of the Treasury; the Department of Labor; and the Bureau of the Budget, to name a few. Members of the Office of Criminal Justice and staff and citizen advisers of the President's Commission on Juvenile Delinquency and Youth Crime assisted in a number of areas. Similar assistance was received from numerous State and local agencies and from officials in some foreign countries.

The Commission sponsored many conferences, large and small, concerning mentally disordered offenders, riots and their control, correctional standards, plea bargaining, and the Federal role in crime control, to mention only a few. Commission members or staff met with rural southern law enforcement officials, government officials, practitioners, scholars, and others. One conference was held with the National Conference of Commissioners on Uniform Criminal Laws in order to consider ways of working together against crime. Another inquired into the legal manpower problems of the criminal justice system. A third was attended by representatives of the State communities appointed by many Governors in response to the President's request that groups be formed in each State to plan and implement reform of criminal systems and laws. In this connection, the Commission staff also worked with State and local criminal justice personnel to obtain information on the operation of the law enforcement and criminal justice systems in their States and the likely effect of Commission proposals on those systems, and to assist State officials in planning research and programs in their States.

Advice was sought at every step from experts in law enforcement, criminal justice, and crime prevention. Many of them, acting as consultants to the Commission, prepared useful background papers. A few of these papers served as the basis for chapters of the separate task force reports and many are published as appendices to the task force reports. A few leading scholars from correctives, police work, and law came to Washington and worked with the staff on a full-time basis during the summer of 1967. The principal role of most of the consultants, however, was as a sounding board for new ideas, proposed recommendations, and materials being developed for Commission consideration. In addition, the Commission invited the views of professional organizations in many areas related to crime.

The full Commission met seven times, for 2 or 3 full days each time. The meetings often led to new proposals or new lines the staff was instructed to explore. Discussion at the meetings centered, although more detailed discussion and intensive review were the responsibility of a panel of several Commission members attached to each task force. While, to the extent noted in the preface of the task force volumes, individual members of the panel may have reservations on some points covered in the task force volumes but not reflected in the Commission's general report, the task force volumes have the general endorsement of the panels.

The final product of the Commission's work will consist of this report; the reports of the several task forces; and appendices containing consultants' papers, documentation, and other explanatory and supporting material.

Appendix B

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ASSESSMENT OF CRIME

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INDEX


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Supporting Services

DATA ENTRY

Tai, Gelberg, Simmons & Associates, Washington, D.C.

AT & T Services, Rockville, Md.

325
Criminal justice system, 209

Citizen crime,” 198

Citizen’s grievances, 198

Citizen’s complaints, 198

Computerized police command-and-control system, 201

Computer-assisted police command-and-control system, 199

Computer crime prevention, 199

Crime

criminal justice system, 5, 25, 22, 25, 39, 40

four of crime, 9, 18, 50, 51, 52-53, v

precussions against crime, 5

response for crime control, 13, 122, 122, 201, 220, 53

tolerance of crime, 17, 47, 48, 51-52

Civil service, 115

Civil service, 115

Clearance of crimes as a named and unnamed suspects, 145

Coalition, 215

Commission of Citizens, 220

Commission on Alcohol and Drug Addictions, 233, 234

Commission on Police, Probation, and Parole in the District of Columbia, 245

Commission on Problem of Drug Dependence, 253

Community action programs, 289

Community affairs research development, v

Prevention, 289

Community and the future, 289

Community and the future, 289

Community corrections, v

Community crime prevention, 289

Community development, 289

Community development, 289

Community dependency units, development, 253, 236, 237, v

Community dependency units, development, 253, 236, 237, v

Community dependency units, development, 253, 236, 237, v

Community responsibility for crime control, 15, 35, 291

Community services, officer, 140, 106-109, 118, 130

Community treatment programs experimental, 130

Community highlights, N. J., 151, 157

First House, Hickory, N. J., 171

New York State Division for Youth, 171

Pine Ridge, S. Dak., 171

San Francisco, Calif., 171

Small offenses, 171

Trenton Residential Center, New Jersey, 171

Community recommendations of Commission, 171, 177

Community relations, v

Community services, 171

Compare and contrast, 171

Comparison of survey and OCR rates, 21

Computer

criminal justice system use, 267, v

information systems, 267-268

police use, 267, 268-270, v

simulation of operations of a District of Columbia court, 259

Court

Continued

Cost-effective, 267, v

Continued

Cost-effective, 267, v

Continued

Cost-effective, 267, v

Continued

Cost-effective, 267, v

Continued

Cost-effective, 267, v

Continued

Cost-effective, 267, v

Continued

Cost-effective, 267, v

Continued

Cost-effective, 267, v

Continued

Cost-effective, 267, v

Continued

Cost-effective, 267, v

Cost-effective, 267, v
Crime—Continued

Crime prevention and control, public
lighting of streets, 261-262,
Crime expenditures for,
north central United States,
slum, 35-36, 37
variations in urban rates, 29
urban, 5, 28-29, 35-36
in analyzing crime problem,
national collection, 23, 24, 26
arrest rates, 24, 28
factors affecting
improvement of law enforcement
improvement of schools,
see also
female, 39
male, 39
rates, 31, 38, 42
risk, 39
areas, 119
51-52
age composition of population,
enumeration, 27
inflation,
Crime, ties,
statistics
arrests; crime, reporting;
28, 44
Criminal justice personnel
and offenses known to police,
property,
arrests, 5
categories, 5
effect of correctional system, 5
effect of correctional system
rehabilitation, 21-22
recommendations of Commission,
State
research, 63
advantages, 24
advantages
recommendations of Commission,
research, 63
advantages
recommendations of Commission,
research, 63
advantages
recommendations of Commission,
research, 63
advantages
recommendations of Commission,
research, 63
advantages
recommendations of Commission,
research, 63
advantages
recommendations of Commission,
research, 63
advantages
recommendations of Commission,
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recommendations of Commission,
research, 63
advantages
recommendations of Commission,
research, 63
advantages
recommendations of Commission,
research, 63
advantages
recommendations of Commission,
research, 63
advantages
recommendations of Commission,
Law enforcement assistance program

- Organized crime
- Federal aid
- Staff services
- staff services, responsibilities
- criminal justice system
- drug abuse control act
- aid, as a center for statistics on crime,
- Long Island, N.Y.,
- drug, as an illegal drug,
- use, seized by Federal authorities,
- report, in establishing, 277
- treatment, 165, introduction to community,
- second chance, 72-73
- reintegration into community, 165,
- recommendations of Commission,
- National Criminal Justice Act
- United States, 290,
- National Crime Commission, 196-197
- treatment, 165, introduction to community,
- second chance, 72-73
- reintegration into community, 165,
- recommendations of Commission,
- National Criminal Justice Act
- United States, 290,
- National Crime Commission, 196-197
- treatment, 165, introduction to community,
- second chance, 72-73
- reintegration into community, 165,
- recommendations of Commission,
- National Criminal Justice Act
- United States, 290,
- National Crime Commission, 196-197
- treatment, 165, introduction to community,
- second chance, 72-73
- reintegration into community, 165,
- recommendations of Commission,
- National Criminal Justice Act
- United States, 290,
- National Crime Commission, 196-197
- treatment, 165, introduction to community,
Probation officers, cascloads
Probation
Prisons,
Probation
Prisoners,
"Project

Prosecutor
see also
summons,
defined,
164
in misdemeanor court,
144
recidivism,
45,
166
activities.
recommendations of
Commission,
arrest

burden of proof,
126
State
limitations,
135
130,
133
142,
147
32-34

19-20,
140,
203
14-27
prior years,
25
on organized crime,
influence on future surveys,
273
need,
273,
x
recommendations of
Commission,
overcrowding,
61-62
neighborhood as perceived by juveniles,
60,
61
in conditions,
6,
60,
61
attitudes,
69,
71
delinquency as a reaction to conditions,
6,
57-59
behavior problems,
71-
74
as attacks on slum conditions,
37-38
failure to consider crime,
273
in organized crime,
in order of size,
29
in Chicago and New York,
derelationship of Topeka,
delinquency,
75
in school, delinquency,
75
in schools,
76
Sgt.

Ralph,
190
St.
Louis
Police
Department,
101,
114
Standard metropolitan statistical areas,
256
D.A.,
240
221
Rockefeller University Hospital,
227

School failure
correlation with juvenile delin-
cence,
82
46-47
14-27

see also
also
Nondiscrimination,
6,
68,
69,
73

41
44
47

Programs,
racial

results of research,
245-246,
270
study of policy apprehensions,
273-274
task,
245

Technological devices
budgetary limitations on introduc-
tion,
246
limited use in criminal justice sys-
tem,
245,
287
police use
in apprehension process,
250,
267
testimony
in organizations center,
264
in crime laboratories,
216
their
automobile
attractive to juveniles for 4, 260-261
as a misdemeanor, 20
causes,
241
fire,
5,
209
abuse,
214
violence,
76


30
32, 43
263
47
263
280
263-264

their
130
248
270
limitations,
262-263
Task force on science and technology
ingights,
243
273
274
275

T
Uniform Crime Reports (UCR) 1, 5, 6, 18, 19, 20, 21, 26, 27, 29, 30, 39, 47, 55, 285, 287, x
Uniform Narcotic Drug Act, 213, 214, 220, 224
U.S. Bureau of the Census, 119, x
U.S. census of population, 45
United States Code, 142
U.S. Commissioner authority, 130
commission, 130
number, 130

of recommendations of Commission, 130

U.S. Senate, 149, 150
University of California, 175, 276
University of Chicago, x
University of Michigan, 21, 52
University of Pennsylvania, 276
University of Wisconsin, 4, 5, 18, 19, 220, 224
University of California at Los Angeles, 57
University of Chicago, 20, 275
University of Michigan, 31, 52
University of Pennsylvania, 276

Vandalism, 43
Vera Institute of Justice, 131, 132, 236, 239
Victim compensation
Victim-offender relationships
Victimization by age and sex
Victimization by income
Victimization by race
Victimization status, concern for

VISTA, 77

Vocational training in correctional institutions; 173, 174, 175
recommenda­tion of Commission, 175
W
Wagner, Chief Justice Earl, 70
Walden, Robert, 171
Whelan, Stanton, 57
White-collar crime
definition, x
White House Conference on Narcotic and Drug Abuse, 211
White House Commission, 94
Wisconsin Commission, 14, 27, 32, 95, 129, 149
Wilson, James Q., 79
Wilson, O. W., 150
Wisconsin University Law School, 152
Witte, compensation, 157

availability, 160, 200
accomplishment of goals, 200
despairs, 140
need for provisions, 205
recommenda­tion of Commission, 141, 191
Supreme Court decisions, 140
physical facilities, 173
protection in organized crime cases, 191, 203-204
recommenda­tion of Commission, 141, 157, 206
World Health Organisation Expert Committee on Addiction-Producing Drugs, 212

W YMCA, 68, 289
Youth groups activities, 56
models provided, 66
role in transition to adulthood, 66
violence, 67
Youth in the Courts, 62
Youth Opportunity Centers, 76-77, 294, 295
Youth Services Bureau, 68, 69, 82, 83, 88, 90, 170, 280, 281, x, see also Community agencies for juvenile delinquents

Youth groups activities, 56
models provided, 66
role in transition to adulthood, 66
violence, 67
Youth in the Courts, 62
Youth Opportunity Centers, 76-77, 294, 295
Youth Services Bureau, 68, 69, 82, 83, 88, 90, 170, 280, 281, x, see also Community agencies for juvenile delinquents