

# High Crime, Poor Justice

Crime Commission calls for "sweeping and costly changes."

by Patricia McBroom

"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."

With these disquieting words, the National Crime Commission opens its 340-page report, the most comprehensive study of crime and criminal justice undertaken in the nation's history.

The report released this week draws upon two years of research, three national conferences and five national surveys. Commission task forces and their contractors cruised with policemen, sat in courts and even staked out, on occasion. Their conclusions follow.

More than \$4 billion are consumed each year in the nation's criminal justice system—its police, criminal courts, jails. A minor fraction of that goes to research and evaluation.

"There is probably no subject of comparable concern to which the nation is devoting so many resources and so much effort and concern with so little knowledge of what it is doing," the report charges.

Courts are clogged with petty offenders who should be handled elsewhere since their only crimes are against themselves. Police could have been equipped 30 or 40 years ago, so unsophisticated are their instruments for controlling crime. Jails and prisons remain in the last century.

Overlying everything, the limited resources and crippling work load, is inertia. "There is in the criminal justice system a reluctance to face hard facts, a resistance to innovation, a suspicion of outsiders, a fear of . . . objective appraisal."

Even when agreement exists, changes are slow in coming. Of an estimated 5 million arrests each year, a third are for drunkenness, though most people in and out of the system have known for years that the criminal process is an "irrational means of dealing with drunks," says the Commission.

To the question of how much crime and what kinds, only tentative answers are available, mainly because data collection is grossly inefficient. The national crime rate, supplied by the Federal Bureau of Investigation, is based on reports from local police departments. For a number of reasons, including the fact that crime figures reflect on their efficiency, police do not report all crimes. Nor do victims re-

port all crimes. The Commission took a sample of 10,000 households and estimates that people are victimized five to ten times as often as the FBI's Uniform Crime Reports indicate. Even at that, the UCR shows crimes increasing faster than the population, though not in homicides. Murder has actually decreased while property crimes are up.

Crimes against property far outnumber crimes against the person. In 1965, only 13 percent of the serious seven Index crimes—murder, rape, assault, burglary, robbery, theft of more than \$50 and car theft—were crimes of violence; 87 percent were thefts: money, cars and goods. Slightly less than one million serious crimes were committed in the country that year—according to probably low FBI figures.

The most important insight into this grim rate is the Commission's revelation that young people are the most crime-prone group in the nation. More 15-year-olds are arrested for Index crimes, primarily theft, than any other age group, and 16-year-olds run a close second. As for crimes of violence, people 18 to 24 lead. Considering that the 15 to 24 age group is the fastest growing in the nation and will be for another 15 years, the outlook is bleak.

"America's hope for reducing crime is to reduce delinquency and youth crimes," the Commission states. Young people are "sorely discontented" everywhere, but that discontent is more often expressed criminally in the slums. Thus, says the Commission, "warring on poverty and unemployment is warring on crime. A civil rights act is an act against crime. Money for schools is money against crime."

But for juvenile courts, the Commission has more specific recommendations. Originally intended to help rather than punish troubled children, the juvenile court system took broad jurisdiction, extending far past criminal acts to truancy, incorrigibility and minor types of misbehavior.

In over half a century, these courts have not fulfilled their promise. Indeed, they have failed so far that, as the Supreme Court noted last year, children may be getting the worst of both worlds, neither the protection accorded adults nor the promised care.

Few juvenile courts have regular psychiatric assistance. Half the judges have no college degree and a fifth no college

education whatsoever. Two-thirds of the juveniles apprehended in 1965 were detained an average of 12 days, often in county jails "unsuitable even for adult offenders."

The juvenile system need not be jettisoned, but its range should be narrowed, preferably to only those juveniles from whom society actually needs protection. For the others, communities should establish youth centers. Such Youth Services Bureaus may need limited authority to turn over difficult juveniles to the courts, but otherwise their operations should be strictly voluntary for the child.

In addition, the courts' legal structure needs tightening. As they are, they scarcely build respect for law, says the Commission.

Something of the same conditions exist in adult criminal courts. About 90 percent of all convictions arise from a pretrial process called "plea bargaining"—deals between defense lawyers and prosecuting attorneys. If the offender pleads guilty, his sentence will be reduced. Though illegal in some states, plea bargaining is essential, pervasive and here to stay; there is no other way to handle the crushing case load. Its evils lie in its invisibility. The Commission recommends that plea bar-

system, the Commission calls for unifying felony and misdemeanor courts.

While reform missed the courts, scientific technology bypassed the police. Probably nowhere in the criminal justice system can technology be applied with more advantage than in law enforcement. A single example:

The Commission found that two extra minutes lag between an emergency call and police response often makes the difference between arrest and an escaped criminal. Which is better, more patrol cars or an automated communications center?

Running a "cost effectiveness" study, with methods employed daily in the nation's space program, the Commission discovered that automating the control post—nerve center for receiving calls and deploying the police—brings the greatest return.

In contrast, police communications now are often squeezed into a spare corner of headquarters, operating with obsolete equipment under the command of a patrolman.

Moreover, precious moments are lost trying to locate the patrol car closest to the crime. An automatic car-locator system, costing \$100,000 per year, decreases response time twice as much as a comparable investment in patrol cars.

Among its 200 recommendations, the Commission suggests that each metropolitan area establish a single police telephone number; eventually there should be a three-digit number for the entire United States. Also, police call boxes should be opened to the public, marked and lighted.

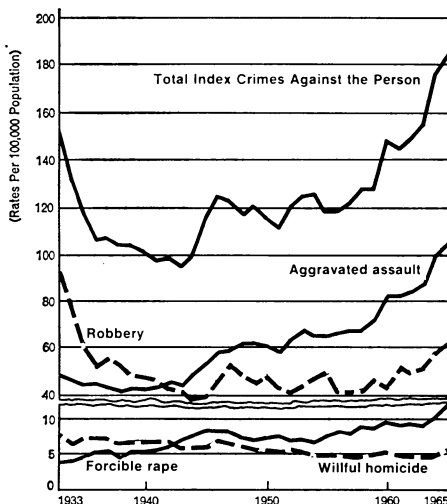
Simply applying what is already known about human behavior would vastly improve the system. In an Alabama experiment, for example, 78 offenders gained an education using programmed learning aids. Four of them went back to prison for new crimes, while the normal return rate is one to two-thirds.

Perhaps the most telling indictment of the entire system is the Commission's conviction that people should be kept out of it whenever possible. It is undesirable, says the report, that offenders travel any further along the full course from arrest to prison than is absolutely necessary for society's protection and the offender's own welfare.

"If this report has not conveyed the message that sweeping and costly changes in criminal administration must be made throughout the country in order to effect a significant reduction in crime, then it has not expressed what the Commission strongly believes. . . .

"America can control crime if it will."

Whether America will is the question.



NOTE: Scale for willful homicide and forcible rape enlarged.

And most crime goes unreported . . .

gaining be made legal and structured.

Even more sweeping, the Commission calls for the abolition of lower courts. For more than a century, study groups have been pointing out the "disgrace" of lower courts, says the shocked Commission. Choked by petty offenders up for drunkenness, disorderly conduct, vagrancy and minor sexual offenses, lower courts dispense assembly line justice. Unpaid defense lawyers squeeze the indigent for his pocket change.

What kinds of immorality should be declared criminal is something the public must "weigh carefully," but for the

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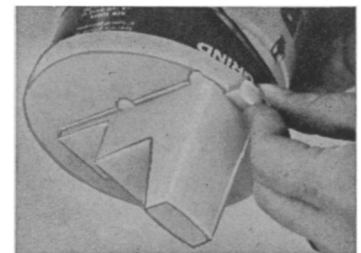
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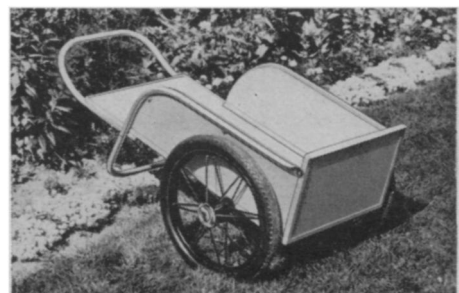


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