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CRIME IN THE CITIES: IMPROVING THE ADMINISTRATION OF CRIMINAL JUSTICE

ROBERT F. KENNEDY

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Senator Kennedy's present article is based upon a speech he delivered at the Columbia Law School Forum of Columbia University in New York City on January 19, 1967.

St. Thomas Aquinas once said that "freedom is willing obedience to law". There is, of course, no better way to start an argument than to put forth a simple declarative statement which contains two words like "freedom" and "law". But one of the principal issues facing our society today is just this simple relationship—between law and freedom, justice and order—and the subject matter of law school debates is also the center of political debate, the most pressing immediate concern for millions of individual Americans, a matter literally of life and death.

For these people—that is, for the 70 percent of Americans who live in cities—freedom is threatened most of all by the spreading incidence of crime. The most elementary freedoms of all—against arbitrary interference with one's bodily security or property are in growing jeopardy. As a result, a deepening concern over law enforcement pervades urban society—in the ghettos of Harlem no less than in the row houses of Queens. This concern is justified, for fear and freedom go ill together.

In the past five years alone, the rate of serious crimes reported across the country has risen by over one-third. Even allowing, as we should, for improved crime reporting methods, the problem is grave. On an average day in the United States in 1965, a robbery occurred every five minutes, an aggravated assault every three minutes, and a car theft every minute. And there are indications that many more such crimes go totally unreported and are therefore not reflected in these statistics.

Concern over crime in cities is of course not new. In the early years of this century, police would not enter Hell's Kitchen except in groups of six. The editors of the *New Republic* charged in 1925 that "the administration of criminal justice has broken down in the United States". In 1933, Senator Royal Copeland of New York, heading a special Senate

investigation, stated that "the cost of crime is steadily advancing. . . . The administration of justice has fallen down". This history is a useful rejoinder to those who imply that crime is a recent development caused by court decisions or civil rights demonstrations—as is the fact that all crime is not increasing: the homicide rate now is actually lower by about fifty percent than it was thirty years ago.

No amount of history, no comparison with other times and places, can alleviate our concern for the problem of crime is greater now than it has been at any time in the past. Ours is a more complex and interdependent society—more vulnerable, therefore, to disorder; mobility and instant public communications spread crime—in fact, more rapidly than ever before.

Due to shortages of money, time, imagination, effort and commitment—and a shortage of cooperation from the community it serves—our law enforcement system has been deficient in preventing crime. It has thereby contributed to an atmosphere in which, all too often, it appears to the potential offender that the risks of crime are worth taking.

Re-examination of the process has begun. President Johnson focussed attention on the problem in his State of the Union message. The District of Columbia Crime Commission has released a thorough and constructive set of recommendations for across-the-board action in the District. The President's Crime Commission, at work more than a year, will soon release a report that all of us await with interest. But far more remains to be done. Far more effort will have to be made in translating recommendations into law, before the course of reform is complete.

It is clear that reducing crime involves far more than reform of the law enforcement system. Over the long run it involves the building of a society in

which people do not want to and do not feel the need to violate the law—a society where equal opportunity for all is a reality, a society where self-respect and self-esteem are not commodities reserved for the economically advantaged. And that effort in turn requires that we vastly multiply our efforts against poverty, for education, for jobs, for fundamental justice in the economic and social relations between men.

The new order will not be with us for some time, and the longer the war in Viet Nam persists the longer that time will be. So immediate improvements in our law enforcement system are important.

Effective law enforcement is also critical in the sense that, even if we achieved total affluence at some distant time, crime would still be with us—as we can see from the recent increases in crime in our comfortable suburbs. Crime is a disease that is never totally cured. It exists under socialism as under capitalism, in primitive and advanced cultures, under all political forms. All societies have alienated and disaffected members; and some proportion of men will always prefer to act outside the rules to achieve personal advantage. This does not mean that crime cannot be reduced by reforming society. Of course it can! It only means that it cannot be eliminated, and that law enforcement will always be needed.

There is another observation which must color our whole perspective. Crime is principally a problem of young people. In 1965, almost three quarters of those arrested for serious crimes were between 13 and 29. Historically, increases in crime in this country have been closely related to increases in the size of the 13 to 29 age group; our recent increases in crime rates are in direct proportion to the "baby boom" of recent years; and as the youth population continues to grow we can expect a serious continued growth of crime in the next decade, and beyond. Thus our proposals must be shaped by the problem—by its character as a phenomenon of the teenager and the young adult.

IMPROVING POLICE ADMINISTRATION

Crime Prevention and the Apprehension of Criminals

The policeman is the law enforcement system's representative on the street. His very presence, and the extent to which he is in evidence at any time, can deeply affect the amount of crime that is committed. Thus, in Chicago, for example, putting more police cars into several high crime precincts,

even with only one man inside each instead of the usual two, significantly reduced crime rates. In New York, putting police on motor scooters in Central Park and Prospect Park in 1964 caused a 30 percent, and a 40 percent drop, respectively, in muggings within a few months time.

These experiments bore fruit not just because potential violators saw the police or knew they were likely to be nearby, although that is certainly part of the reason. The point is far more basic, and it is particularly important in deterring young people from committing crime.

Claude Brown tells us that the young people of Harlem who spent their lives on the streets made their own rules and lived by their own code. They did so because there was no other security, no other enforced set of rules. The lack of a consistent, conscientious, even-handed authority—in other words, the lack of law enforcement in Harlem when Claude Brown was growing up—had a profound effect on his contemporaries. It caused them to substitute the rules of the streets for the rule of the law. As Brown notes, "I was growing up now, and people were going to expect things from me. I would soon be expected to kill a man if he mistreated me".

Adequate police presence on the streets is, therefore, no less fundamental than the social contract itself. It says to the young people: you can obtain security by making the law enforcement bargain. You can avoid the need for self-protective resort to the rules of the street by mutually agreeing to the rule of law. And it says also: you cannot expect to succeed by making your own rules. Here, then, is a need which can be met only in one way: by putting more police on the street.

The first need is to obtain enough good policemen who can do the job well. Almost no large city police force is adequate in size. New York City, for example, told a National League of Cities survey last year that it needed 6,300 more officers, an increase of almost 25% over the number of police it then had. The average need for increased manpower reported by all 284 responding cities was ten percent.

One basic cause of these recruitment difficulties is salary. The typical starting salary in a large city is only \$5,800, and in smaller cities it is far less. About half the cities responding to the National League of Cities survey still pay less than \$5,000 as a beginning salary, and a sixth still have maximum salaries for patrolmen of under \$5,000. The

average yearly wage in manufacturing in the United States is over \$5,600. Clearly, men of the calibre sought for law enforcement can find other employment at much higher pay.

Another major barrier to recruitment stems from the fact that police work lacks professional status in the eyes of much of the community. This is partly a reflection of the fact that police salary scales are low, and partly a reflection of inadequacies in the training process. More fundamentally, however, I think the organization of our police departments has limited the prestige of the job. Their structure is ordinarily such that promotion is unavailable to many qualified men. Enough higher-level positions just are not available. As a result, men on the force for ten and fifteen years are still patrolmen, making little more money and bearing only marginally more responsibility than when they began. The idea of police work as a professional career in the public's mind is bound to suffer, to say nothing of the frustrating and deadening effect on the policemen involved.

Nor are most policemen, once recruited, adequately trained. The International Association of Chiefs of Police says 200 hours of classroom instruction is a bare minimum, and by no means an ideal. Yet barely a quarter of the nation's police agencies provide that much training. Large cities do far better than smaller ones, and the IACP reports that, generally speaking, cities of less than 50,000 just do not have the capability by themselves of providing more than token training. As a result of these deficiencies the rookie cop is often insufficiently prepared and highly impressionable when he hits the street. He is then taken in hand, usually, by a veteran policeman who has not received anywhere near the kind of in-service training that he in turn ought to have had to expand his capabilities—probably less than three days yearly, though experts recommend at least two weeks of special courses yearly for working policemen. Only New York maintains a College of Police Science to provide educational courses and award degrees to working police officers.

Improving recruitment and training will depend primarily on state and local initiative, but the federal government also has an important role to play in aiding this process. For example, the Department of Labor and the Neighborhood Youth Corps have funded extensive programs in New York City, Baltimore, Los Angeles, Newark, and St. Louis to recruit and train educationally-

disadvantaged young people for police careers—thus offering the possibility both of more integrated police forces, and of policemen, recruited from inside the city, who are more intimately acquainted with the city and the people they will serve and protect. This illustrates one way in which the Federal government can be helpful, and it is the kind of effort that must be expanded and multiplied.

I believe the Federal government should assist in the development of a series of regional police training centers at interested universities around the country—to aid in educating recruit training instructors, in packaging and distributing courses to be given the recruits at the local level, and in providing courses and programs of study for men at all levels of police work. A regional system of university centers would, I believe, raise police standards everywhere.

Beyond increased training, we must explore a variety of ways to improve the status of police work. One—already begun by many police departments—is to hire civilian personnel to perform basically clerical jobs formerly handled by policemen. In connection with this, we should also consider ways in which the policeman's job can be lightened by having citizens serve as eyes and ears for the police in their own neighborhoods. There are always problems in trying to cloak ordinary citizens with any aspect of police responsibility, but the idea of a citizen patrol could be quite constructive and should be explored.

More broadly, we should encourage the recruitment of many men who now do not consider police work at all—for example, most college graduates. About 50% of all high school graduates now go on to college, and the proportion is increasing every year. Thus, if the present pattern of police recruitment is maintained, we will be restricting ourselves to the lower half of our population—for one of our most difficult and vital jobs. In the past, when education was more restricted and police pensions offered unique security, there was far more competition, among a wider range of people, for places on the force; now most young men do not consider it.

One way to draw from a broader spectrum would be to recruit some proportion of patrolmen on a relatively short-term basis—for two, three, or four years. Short-term service might well be encouraged by providing a specific draft exemption in return for a definite number of years of police service. The

matter would require careful study, to insure that the gains to the police manpower pool would outweigh, in their value to the community, the losses to the military manpower pool as a result of effectively freeing all new policemen from having to serve in the armed forces. But the basic point remains sound; a draft exemption for policemen would express both the public's concern over the need to attract more men to police work, and its respect for the worth of the police calling and for the dangerous service they perform.

Similarly, we might explore the possibility of a partial government subsidy for the college education of young men who agree to spend a designated number of years after graduation doing police work—just as we now do for officers in the Armed services.

To the extent that approaches like these would attract men who would not normally choose to make police work a career, vital strength at the patrolmen level would be expanded without making the competition for promotion any more frustrating than it already is. Moreover, a new link to the community at large would be forged through these men who had served in the police force for a short period of time. And these trained but discharged officers might form the nucleus of a police reserve—an emergency force which could be called upon in time of disaster or civil disorder to augment the regular force. Such a force would certainly provide society with a more flexible and less drastic weapon than the National Guard.

Second, crime prevention can be enhanced and criminals apprehended more effectively if modern technology is used to deploy limited police manpower resources more efficiently. For example, electronic data processing equipment—connected with a statewide computer network—can supply us with instantaneous information about criminal suspects. Chicago credits computer equipment as being a major factor in helping to decrease the city's crime rate in 1963 and 1964. New York City police have effectively used computers to help trace stolen cars and track down traffic ticket violators. Nevertheless, only 29% of the cities answering the National League of Cities survey had electronic data processing equipment although 45% more indicated it would improve their data handling procedures.

As another example, modern technology might also be an instrument in assuring the integrity—and therefore the true efficiency—of police interro-

gations. Video tape or film equipment might be used to record questioning, thus protecting both the police and the accused from false claims by the other at trial or on collateral attack of a conviction. New York Police Commissioner Leary told the Ribicoff Subcommittee in December that his department is undertaking such an experiment, using sound recordings for some interrogations, layman observers for others, and film or video tape for still others. We shall await the results with interest.

Federal funds should be made available to help finance all of these improvements in technology, including the development of a national network of computers and the acquisition of other needed capital equipment such as motor vehicles. Since these are in large part one-time expenditures which are beyond the capacity of many localities, federal aid on an appropriate matching basis would seem entirely justified.

At the same time, however, we must act to assure that the new technology serves us properly and does not invade the privacy of the individual. The time has come for Congress to enact new legislation to reform completely our approach to wiretapping and to eavesdropping.

More effective crime prevention also depends upon the reorganization and consolidation of local police departments. Some 40,000 separate and often overlapping police agencies now exist around the country. Fifty-four different police forces serve the six counties of metropolitan Detroit. Chicago and its environs encompass over 150 local police jurisdictions. There are 39 separate police departments in Westchester County. These situations are wasteful of scarce resources, and too often result in poor coordination in preventing crime and capturing criminal offenders.

We long ago consolidated school districts in rural areas, and many of our metropolitan areas have combined to meet sewage and transit and other area-wide problems collectively. I believe we should now move in the same direction in the organization of our police forces. This is not to suggest that we must make wholesale changes which destroy police familiarity with local conditions, or the responsiveness that they can offer to the needs of the people they serve. But the Kansas City area, for example, has a five-county area metropolitan squad, composed of 120 officers from 40 different law enforcement agencies in both Missouri and Kansas, which is activated

when major crimes are committed in its zone of coverage. That is the kind of reorganization we should explore, at the very least. The result can only be better deployment of resources and better service to the public.

Reorganization within cities is needed as well. Precinct maps in many cities were drawn when communications were far slower and policemen far less mobile. In these cities a significant saving in desk-bound manpower and paperwork could be achieved by precinct consolidation and a greater centralization of headquarters functions.

In all of this the federal government has already begun to play a role. The recently-created Office of Law Enforcement Assistance in the Department of Justice has funded committees in six states which have been formed to examine and reorganize their law enforcement systems. Other applications for similar aid are being processed now. The D. C. Crime Commission engaged the International Association of Chiefs of Police to study the organization of the District's Police Department, and received in return a thoughtful and constructive report. These various efforts should be expanded, and I believe that federal assistance should be made available to enable other local police departments to obtain the kind of evaluation that was so helpful in Washington. The federal government must also be prepared—as President Johnson pointed out in his State of the Union message—to bear a certain percentage of the additional costs that result when states establish master plans for combatting crime. Our goal is the creation of efficient and organized police forces, for such forces are critical if crime is to be prevented.

The policeman's job is difficult, hazardous, and often thankless. He is the sole representative of the governing authority on many streets of the city, and as such he is called upon daily to make decisions and take actions which may spell the difference between public safety and heightened tension and insecurity. If we want to make our streets safe and more secure, we owe it to ourselves to make the effort at all levels of government that will be required to recruit, train, and equip our police forces in a manner which gives them the tools they need to do the job.

Police-Community Relations

Improved crime prevention requires another element. The job our police are able to do will be

shaped significantly by their own reactions and beliefs about the community they serve, and these attitudes will be shaped in turn by the attitude of the public and the level of cooperation within the community. I am in favor of any system or device for improving these relationships: open meetings between police and neighborhood representatives, establishment of public advisory councils, police participation in community activities, all of which are important. But to these conventional approaches I would add two more basic points.

First, we hear a great deal in the press about problems in police-community relations arising out of the concern of ghetto residents about police brutality and racism. These are serious concerns, to be sure. But the overriding problem of ghetto residents—their abiding need—is for physical security, and thus for more police protection.

The John Kraft organization has conducted a number of polls in Negro and Puerto Rican neighborhoods in New York City, in which it asked people to list their problems. Crime came out "at the head of the list". What the people want, the Kraft group concludes, is "more police protection". And the Kraft report continues: "Problems of 'police brutality'—in all these surveys—are conspicuous by their absence". What people want is more police presence rather than less.

When the statistics on crime are studied, this desire becomes very understandable. Although serious crimes are committed to a disproportionate extent by the poor, it is too often forgotten that these serious crimes are also committed in poor neighborhoods and the victims are generally the law-abiding citizens who live there. In general, crimes of violence are not the acts of stranger against stranger; rather they are normally committed by offenders who are known to the victims. Eighty percent of all murders are perpetrated by the family, friends, or acquaintances of the deceased; over two-thirds of all aggravated assaults and rapes are committed by the same categories of offenders. And most crime is not interracial. A study in Detroit showed that while 78% of the identified perpetrators of assaults were Negro, 76% of the victims were also Negro. A five-year study of homicides in Philadelphia revealed that only about 6% of the crimes were interracial, and of these, Negroes were the victims almost as often as they were the offenders.

I have pointed out earlier the importance of a

conscientious, consistent, even-handed police presence in preventing the young people of the ghetto from turning to crime. What I add here is really the other side of that coin: a capable and efficient police force is critical to the protection of the entire ghetto community, and it remains the indispensable element in developing community understanding and cooperation.

However much we enjoin policemen to understand the problems of the slum and its people, we must realize and fulfill the obligations the rest of the community owes to the individual patrolman. He will never win anyone's confidence so long as he is sent to enforce unjust laws. Smile as he will, he will be no one's friend so long as he has to be a party to evictions by slum landlords. The key to police-community relations in the end is that there be justice in the relations of the people of the ghetto to the rest of the community. Then the deck will be shuffled fairly when the individual police officer comes in to do his job. And the assurance that justice is a concept applicable to the entire community is especially important to the youth of the ghetto for whom the discrepancy between the American dream and the nightmare of everyday reality has become so vivid. The alienation of these young people has reached alarming proportions, so that, as elsewhere, it is in relation to the young that the need for action is most urgent.

IMPROVING THE TRIAL PROCESS

Improving police administration is, of course, just one aspect of the task ahead. After the arrest, the next step is the prosecution, and deficiencies in that process can also contribute to increased crime. Justice delayed is, after all, justice denied—in a variety of ways. The undue delay of a prosecution means that witnesses may die or forget or leave the jurisdiction, and if a defendant escapes conviction on that account, the result is inevitably a decreased respect for the law, and an increased chance that others will think it worth the risk to commit a crime. And during a long delay before trial the defendant who is out on bail or on recognition, may get a job and settle down, only to be uprooted from his self-achieved rehabilitation; or he may commit another crime. Either way, respect for law suffers.

The fact is that we have failed to modernize and expand our prosecutorial and judicial proc-

esses; all the while an increasing population has made their caseloads heavier and heavier.

As in the case of police administration, at least part of the problem comes from a failure to commit sufficient resources. Salary scales for local prosecuting attorneys begin as low as \$1,200 a year in some states. As a consequence, the job of district attorney, in over four-fifths of the states, is only a part-time occupation that supplements private practice. In New York City, Assistant District Attorneys in three of the five Boroughs are permitted to have some private clients.

Meanwhile, criminal court dockets continue to lengthen. In some states it may take as long as two years to bring a felon to trial. Even persons charged with misdemeanors often have to wait several months to be tried. In some states the number of cases getting to court is actually on the decline. In Washington, D. C., for example, the U. S. District Court handled 39% fewer felony cases in 1965 than it did in 1950.

This congestion and slowness in the handling of serious felony cases leads many prosecuting attorneys to accept pleas of guilty to lesser crimes than those originally charged, and, to drop cases where the crime does not seem too serious or the evidence is less than overwhelming. Inevitably, unsupervised plea bargaining, reduced charges, and dropped cases lead to decreases in deterrence as it appears more and more likely to the potential offender that even if he is arrested, he may not be prosecuted or that he may receive a disproportionately light sentence.

In too many criminal trials, efficiency is either lost or converted into a substitute for fairness. Numerous continuances and the failure to establish computerized scheduling of cases produce annoying waits for witnesses and lost time for police officials. In some police courts, judges try to make up for lost time and clear their calendars by hearing anywhere from 50 to 100 cases in a day. Innocence and guilt, justice and injustice, are usually muddled in the process. As criminal law scholar Edward Barrett has pointed out, "How can we expect respect for the law . . . from citizens generally, when their personal involvement with courts is in mass-production settings where even individual explanations by defendants must be discouraged in order to clear up overcrowded calendars?"

One prescription for improvement is monetary—a greater commitment of financial resources to the

hiring of more able prosecutors and court administrative personnel. Another is careful re-examination of the kinds of matters now treated in the criminal process. It is at present clogged with offenses involving derelicts and vagrants and with essentially administrative problems like building code and traffic violations. It is astonishing, for example, that almost one-third of the non-traffic arrest made in our cities relate to public intoxication and that in our nation's capital, this figure reached 50% in 1965. If our courts, and, for that matter, our police forces as well, are to deal effectively with serious crime, they must be relieved of the responsibility for keeping chronic alcoholics off the street. Instead, we must follow the example now being set in such cities as St. Louis, Washington, Boston, and New York and begin taking the alcoholic completely out of the criminal process. Our overcrowded jail cells must be replaced by clinics and drying-out centers. If we can begin to treat those offenses which are really public health problems as such, and those offenses which are really administrative matters as such, we will have taken a giant step toward freeing our courts to deal expeditiously with serious crime.

Finally, we must begin to evaluate and to reform the juvenile court systems that exist in every state. Many of the problems in these courts are similar to those that mark the entire judicial process—inefficiency, insufficient personnel, and inadequate facilities. But the juvenile court system, because it is based on the theory that defendants should be dealt with informally, raises fundamental problems of procedural fairness—problems which no longer plague the courts in which adult offenders are tried.

Reform of the juvenile courts is critical because such a high percentage of serious crime is committed either by adolescents or by adult offenders who were involved with the law when they were adolescents. The first law enforcement officer normally seen by the serious offender is the youth specialist, and the first courtroom that he enters is for juvenile offenders. Whether this youngster is deterred from future crimes or simply moves on to more serious offenses may be determined by what happens in these first contacts he has with the law enforcement system.

It is clear that from a crime prevention standpoint these first contacts are unsatisfactory as things now stand. To see just how unsatisfactory they are, one need only look to the rate of recidi-

vism for adolescent criminals. The District of Columbia Crime Commission reported, for example, that more than 50% of the convicted adult offenders in Washington in 1965 had records as juvenile offenders.

There is much that we can and must do to improve our juvenile court systems. We should wipe out the arbitrariness that produces unsupervised dismissals of charges by arresting officers, special youth division police officers, and by the social service divisions of the juvenile courts. We should ensure that the juvenile offender who is not brought to trial because his act was not serious enough to warrant judicial proceedings does not simply return to the same environment under the same circumstances. If we do not wish to see this adolescent emerge again as the violator of a more basic norm of conduct, then we must establish a full range of remedial services to which he can be referred after running afoul of the law for the first time. Further, we need to eliminate the delays in adjudication which in cities like Washington may be for as long as six months and which can only convince the youth that we are not really concerned about his offense. As Court of Appeals Judge E. Barrett Prettyman notes, "If you bring a child into court six months after he committed the offense . . . , you might as well not bring him there". Finally, we must end the unfairness that marks the juvenile proceedings in all too many of our states. Rules that deny to the adolescent his right to be represented by counsel, or to appeal, or to the privilege against self-incrimination, or to know the exact facts supporting the allegation of delinquency, should be changed. Such violations of fundamental fairness—whatever their "advantages" in flexibility—do not teach young people that the game is worth playing by the rules.

IMPROVING THE PROBATION AND INCARCERATION PROCESSES

We have now brought the defendant through arrest, trial, and conviction, and have seen what might be done to improve these processes so as to serve the end of preventing crime. But what of the processes that follow conviction? In brief, our efforts to rehabilitate convicted criminals, particularly young people, and reintegrate them into the community, have been deficient. The result has been a rate of recidivism that is inexcusably high.

We know only too well that urban crime is not distributed evenly by social and economic class.

The offenders themselves are normally the poor and the alienated; they are the young people we have failed to integrate into American life. The possibility that a boy from the poorest area of a city will turn to crime is something like twenty times the chance that a boy from wealthy circumstances will do so.

A recent study in Atlanta revealed that over 57% of the city's juvenile delinquents came from the lowest income group, comprising only 24% of the population.

We know that crime is associated with lack of jobs and lack of skills. The number of totally unskilled laborers in the prison population is almost three times the national average. Over 75% of the men in federal prisons lacked steady employment during the two years before they went to jail. Over 85% of them have no savings. As Daniel Glaser notes in his classic work on prisons: "Regular work during imprisonment for even as little as one year, would be the longest and most continuous employment experience that most prisoners, and especially the younger prisoners, have ever had."

We know that crime is associated with lack of education. For example, the Atlanta study found that the typical boy sent to a state training school was 3.4 years behind his contemporaries in basic skills like reading and writing, and that almost 40% of those appearing in juvenile courts were 5 years behind the average youngster. In the age group from 25 to 34, 23% of the American public has attended at least one year of college and over 57% have graduated from high school. Less than 5% of those in prison have had any college exposure, and only 17%—less than $\frac{1}{2}$ the national average—have finished high school. Although possessing normal intelligence, the average federal prisoner has the knowledge equivalent to that of a fifth grader. Various studies reveal that between 10 and 30% of all federal prisoners must be classified as functional illiterates.

Despite all this knowledge, however, we have done very little to offer educational opportunities and meaningful job training to convicted criminals, or to help probationers and releasees from prison achieve gainful employment.

We should now undertake to modernize our sentencing and incarceration processes. What are some of the specific reforms that should be introduced?

Probation

We must make new efforts to expand and improve our use of probation. At present, only about one-third of those convicted of felonies in this country are placed on probation, although experts tell us that this figure could be doubled without endangering the safety of the community. In 11 states there are no probation services at all for persons convicted of misdemeanors. In the rest of the states such services exist on a spotty basis at best. And in over 20% of the nation's counties, probation services for juvenile offenders are either non-existent or fragmentary.

Several advantages would accrue from increasing the use of probation. For one, it would reduce the expense of dealing with convicted criminals. The average cost of maintaining a man on probation is anywhere from one-third to one-tenth the cost of imprisoning him. It would also alleviate the overcrowding of prison facilities and make it possible for those who are in prison to receive more adequate care and treatment. And probation, by keeping a young man out of prison, can keep the casual offender from being turned into a hardened criminal. Most significantly, probation, if properly administered, can serve as society's first step in reclaiming the young law breaker. With supervision, help, and encouragement, the probationer can return to school or find employment. He can grow to understand the causes of his previous behavior and learn to work out his problems without resorting again to crime. He can, in short, become a useful citizen.

Unfortunately, we have never done what was necessary to ensure that probation would mean positive rehabilitation. To begin with, we have failed to provide adequate supervision for probationers. At a minimum, an efficiently run service requires one officer to every 50 probationers. Rarely has any jurisdiction in this nation approached that ratio. Currently, a probation officer's usual caseload ranges from 100 to 200 men. Even within the federal system, the ratio of officers to probationers averages one to 75. In Washington, D. C., a juvenile court probation officer handles an average of 92 cases. At best he sees his charges once every two or three weeks, for 10 to 15 minutes.

We have also failed to ensure that our probation personnel have the training and the understanding to handle their complex functions.

Worst of all, we have made little effort to link the probation officer with the rest of the community. The rehabilitation of released offenders cannot succeed unless probation officers have close working contacts with schools, job training programs, and public and private employment services. Federally financed job training programs have been as deficient as any others in this respect.

The availability of probation has been too sharply restricted as well. Many states place absolute bans on probation where the offender has a previous record of conviction or imprisonment. Often the list of crimes for which probation is unavailable encompasses virtually the entire range of urban crime. And in cases where probation is granted, our courts have often attached excessive and degrading conditions that neither relate to the treatment of the probationer nor to the protection of the public. For example, many states require the posting of a property or surety bond—a condition that makes supervised release impossible for the youthful offender who may most deserve and need it. Further, it is all too common for judges to condition probation on a prior period of detention in a county jail. Such a prerequisite serves only to provide the convicted offender with a taste of the incarceration that he has already been found not to require. As one commentator has noted: "If a man is . . . a good risk for probation at the expiration of a county jail sentence, he is an even better risk without such a sentence". Finally, many courts, as a matter of course, prohibit probationers from driving cars, changing jobs, entering establishments that sell intoxicating liquor, or seeing old friends who have been in trouble with the law. Often these prohibitions are not essential to the rehabilitation of the offender. They serve only to make him feel totally estranged from his community. The more he tries to fit into his surroundings, the more likely he is to violate the conditions of release and have his privileged status revoked.

The use of probation and supervised release as an alternative to jail sentences is an essential ingredient in any law enforcement system striving to rehabilitate and reintegrate criminal offenders back into the community. We must therefore increase our commitment to it and seek to reduce the disparities and restrictions in its use. For example, the Federal District Court in the Eastern District of Michigan has established a Sentencing Council where all members of the court meet with

members of the probation department and exchange views on pending sentences. The judges of the Eastern District of New York do the same thing in three-judge panels. Through these efforts, greater uniformity in sentencing has been achieved and the use of prison terms has been considerably diminished. This same innovation could well be introduced in other federal courts and in state court systems—and particularly in those courts which sit within the boundaries of large cities.

If we do increase the use of probation, we must also take the necessary steps to guarantee its success in a higher percentage of individual cases. We must make sure that our probation services work, or the net result of increasing the use of probation will be that we turn more people loose to commit more crimes. Thus, more and better trained personnel will be required at all levels—federal, state, and local. Efforts to link probation services with school systems, job training programs, and employment agencies must be undertaken. If the financial burdens are too great for local government, then the federal government must contribute toward the cost. To stint in applying our resources in the field of probation is to rob many of our young people of the chance for a decent and significant life.

Local Jail Conditions

We must also change the appalling conditions that exist in the more than 3,000 county and nearly 10,000 town jails in this country. Over one million people are held in these institutions for some period of time each year. At any particular time, a typical jail population is composed of pre-trial detainees who could not meet the requirements for, or were ineligible for bail, probationers serving their prescribed incarceration periods, and convicted petty offenders. Some of these people are innocent of any crime; others are hardened or habitual offenders. Some are physically or mentally ill; others are degenerates.

Most significantly, many of these prisoners are young. In 1965, approximately 100,000 children under the age of 18 spent some period of time in jails. In many jurisdictions, the age, physical condition, and past criminal behavior of the detainees make no difference; all are thrown together in the same cells.

Many of these jails are in deplorable condition. More than 40% of them were built before 1920. Most of them are outmoded. They are dirty, over-

crowded, and devoid of adequate facilities. Training and educational programs are virtually nonexistent. Barely 5% of their personnel devote time to treatment and training.

We must come to realize how inverted we have allowed the entire incarceration process to become. The worst felon who goes to prison at least receives some minimal care and attention. It is the suspect and the petty offender who are thrown into decaying and demeaning local jail cells.

Through the use of release on recognizance, fines, suspended sentences, and probation, we must pare down the jail population. Children must never be detained in jails, and young adults—especially those who have committed minor offenses or are only criminal suspects—should be kept apart from the more hardened inmates. We must make every effort to separate out the sexual pervert, the physically ill, and the mentally deficient, and provide them with specialized treatment. For those who must remain in jail for some period of time we must provide short-term vocational opportunities and learning experiences. If our cities and towns cannot bear the immediate expense of remodeling and enlarging their incarceration facilities, then state and federal funds should be made available. Grants combined with long-term loans and subsidies for hiring trained personnel could do a great deal toward relieving our jail problem. Perhaps VISTA volunteers and members of the Teacher Corps could be utilized to run vocational and educational programs.

Regardless of the methods we employ to improve jail conditions, the important consideration is that we do improve them. Even if we ignore the humanitarian and philosophical reasons for instituting these changes, let us at least not ignore the pragmatic one, for jails as they presently exist are too often nothing more than subsidized schools for crime.

Prison Reform

To improve the incarceration process, this nation must reform not only its jails, but its prisons as well. Our prison population presently is comprised of 211,000 men and women, almost all of whom will be released some time. If our present recidivism rate continues, then at least one out of three of these people will be convicted again and returned to prison. Still others will violate parole and find themselves back in prison.

A significant proportion of this recurrent pattern

of crime could be prevented if our prison system did a better job of preparing its inmates to lead productive and useful lives.

To begin with, we need better-trained staffs in prisons and juvenile detention facilities. In the entire nation, our adult correctional institutions are served by a total of only 50 full-time psychiatrists and 100 psychologists. The ratio of teachers and vocational instructors to inmates is about one to 400 and, as the study for the District of Columbia reveals, these same disturbing figures appear again when we turn to the institutions in which juveniles are incarcerated. Less than 8% of those employed in the field of corrections have received any professional education.

Poor pay compels most correctional employees to change to other jobs. As a consequence, most prisons face a yearly turnover of up to half of their personnel.

What of the institutions that these men run? Many have inferior facilities; others are simply overcrowded. Severe physical punishment is too often the prescribed way to cope with recalcitrant prisoners. Just this summer, a federal court proceeding in California brought to light the existence of a "strip cell" in Soledad, the state's new "model" medium security correctional facility. To those who followed the case, it was shocking to read that, in a progressive state like California, men could be placed in cells encrusted with excrement, that had no furnishings, no running water, no flush toilets, no heat, no ventilation—cells where men might remain for days or weeks without a shower and with only two cups of water a day.

Almost equally shocking is the fact that in our federal prisons only about 50% of the inmates are receiving some vocational training, and that less than 10% of the men are learning skills.

As for actual employment in federal prison industries, less than 25% of the men are employed daily. Their wages average only \$40 monthly and range as low as \$10—a sum which is high compared to some states where prisoners earn only 4 cents a day. In every state, statutes passed during the depression strictly limit the goods that prisoners can produce to those used by the government, and to certain agricultural tools and supplies.

Most of the work done by prisoners takes little skill and rarely do inmates receive training that will help them upon release. Initial studies of released federal convicts reveal that of those who

find jobs only 17% have employment related to their work in prison.

In 1965, Congress passed a Rehabilitation Study Act to make possible a three-year examination of the methods for attacking the shortage of qualified manpower in correctional rehabilitation. The Office of Law Enforcement Assistance has already appropriated some \$600,000 for correctional projects. The Manpower Development Training Act now authorizes the establishment of demonstration job training programs in our prisons. These acts are a beginning, but that is all. We must now make a commitment great enough to ensure that no person emerges from a state or federal prison without the educational and vocational training needed to obtain a decent job and support himself and his family.

In reaching this goal, our state and private universities can be of great assistance. At present, few of them have made any attempt either to train correctional personnel or place their own students in internship programs at prisons. A study done by the National Council on Crime and Delinquency shows that of some 149 Universities offering programs related to crime, only ten were placing any of their students in correctional institutions, and that less than 10% were training any prison personnel. Out of a random sample of 362 universities not offering a course of study on problems of criminology, only 9% said they were considering some new program in either corrections or law enforcement. The only encouraging sign was that 31 of the 50 responding graduate schools of social work had placed at least a few of their students in our prisons as guidance counselors.

The ties between our universities and our prisons must be broadened. What better way exists for young teachers and doctors and engineers, for social workers and criminologists and attorneys to learn about the problems of the poor and to test their skills, than by working in the prisons? And why should not industry and labor pool their talents to set up various facilities in all of our prisons—facilities where inmates can receive not only specialized training but earn decent wages and a guarantee that satisfactory performance will mean a job upon release? It would be very helpful if a blue-ribbon Presidential Task Force composed of leading educators, industrial managers, and union representatives could study the status of prison vocational training and then outline a national program which, through combined pri-

vate and public efforts, could be put into effect. It would also be useful if an appointed study group could examine not only the feasibility of increased family contacts through conjugal visitations both off and on the prison grounds, but also the ways for balancing more evenly the needs for prison order and individual fulfillment. In short, the possibilities for improving our incarceration facilities are virtually unlimited. With creative thinking and imaginative planning, we can turn our correctional institutions into training schools from which productive and useful citizens will emerge.

The Post-Incarceration Process

We must drastically change our faulty handling of the post-incarceration process. The task of rehabilitating the offender—in particular the youthful offender—only begins when he leaves prison. The parolee or the convict who has fully served his sentence needs assistance if he is to adjust successfully to society. At present, too little of this assistance is available.

We have known about work-release programs—programs in which pre-release convicts hold jobs outside the prison during the day and return to it at night—since the turn of the century. The five states that have instituted work-release programs have had great success with them. The same is true for the recently begun federal program which now has some 475 prisoners participating. Not only does work-release re-acustom convicts to dealing with society, but it helps men to support their families and to build up savings. Nevertheless, most jurisdictions are as unwilling now as they were 50 years ago to undertake such programs. We know how necessary pre-release orientation is. Still, we have made little progress in putting such orientation plans into effect.

We know that pre-release centers and half-way houses are not only relatively inexpensive but extremely useful in helping the adolescent or the adult offender make the difficult transition from a completely supervised to a relatively unregulated existence. But only five states run any half-way homes, and within the federal system little effort has been made to expand the system of pre-release centers for youthful offenders which we established while I was Attorney General.

This startling gap between knowledge and the implementation of knowledge appears in virtually every phase of the post-incarceration process. We

know that upon his release, the ex-convict needs funds to purchase food and clothing and shelter. But where will he get these funds? He has little savings because he has earned relatively little while in prison. Gratuities from the state normally consist of a suit of clothes, a train ticket, and perhaps \$10 to \$20 in cash. In all but ten states, public loans are unavailable, and even in the ten, the sums obtainable are extremely small.

We know that it is important for the ex-convict to find steady employment paying decent wages as soon after his release as possible. Yet large-scale state employment services to assist him are non-existent. A majority of those who obtain work beginning immediately after prison do so with private and not public assistance. And meaningful jobs at decent pay are hard to find. Most wages barely reach the subsistence level. The average federal offender earns less than \$200 a month during the period immediately following his release. Only 25% of all federal releasees work even 80% of the time during their first month out of prison, and only 40% obtain this much work within the first three months. During this same period nearly 20% of the releasees have found no work at all.

Everywhere he turns, the young ex-convict finds that the government which has urged him to pursue a normal, law-abiding life is the same government that bars the way to that pursuit. In some states, licensing requirements may prevent the releasee from becoming a barber or an embalmer—to mention only a few of the existing prohibitions. By reason of various state statutes, certain manufacturers cannot employ convicted felons. Other businessmen will not employ them because the state has taken no action to help the ex-convict obtain an employment bond. Public employment remains virtually closed to the releasee. He cannot even qualify for unemployment insurance because he has not earned a sufficient amount of money during the preceding year. And all of this takes no account of the natural barriers that stand in the ex-convict's way because he has had little opportunity for education or job training while he was in prison.

Under these circumstances, the ex-convict must normally turn to friends or to family for assistance. If he is rejected by them, then his next step is a welfare mission on skid row. At any point along the way it may simply be easier for him to return to crime.

This nightmarish world must be changed if we are to prevent the large-scale recurrence of crime. We can and we must make the road of the released prisoner an easier one to travel. I believe it is time for the federal government and the states to undertake a partnership to establish a system of work-release programs and pre-release centers and half-way houses of meaningful scope. I believe, too, that government agencies should begin studying the possibility of encouraging firms which contract with the government to hire some qualified ex-convicts. At the same time, government must lower its own employment barriers. Four months ago, the United States Civil Service Commission eradicated the requirement that an applicant for federal employment state whether he had ever been arrested. This is a step in the right direction, but the applicant may still be ineligible for employment if he has ever been convicted of an offense after he reached the age of 21. Not all employment within the federal system requires security clearance, and ex-convicts must not be arbitrarily excluded from jobs for which they qualify. We must also expand the demonstration bonding programs now being run by the Department of Labor. Similarly, it would seem a relatively simple task to amend our unemployment laws and establish public loan funds to help the ex-convict make the transition back to the world of freedom. In short, we can no longer afford to spend over \$2,000 a year to incarcerate each convicted criminal and then terminate our expenditures the moment he is released. A penny-wise and pound-foolish post-incarceration process inevitably produces the recidivism that we loudly denounce but quietly refuse to prevent.

CONCLUSION

All of these matters are vital to any effort aimed at reducing this nation's high rate of crime. The salient point is that we must start now. If we do not help our police, unclog our courts, and reform our incarceration process, we can expect even worse problems than we now face.

Even as we undertake the specific tasks of reform, we must understand that there is more to discouraging crime and apprehending criminals than improving law enforcement or even providing that all of our young people are adequately educated and can obtain jobs. There is the matter of the spirit as well—of public attitudes, of our values, and our support for law enforcement.

Crime is not just in the streets. It is in the suburbs too. It is in white-collar offices and business. And it is organized.

Too often there is a tendency to dismiss tax evasion or stock fraud as unimportant, or as the miscalculation of one who was not clever enough to stay within the law. But the public attitudes which condone fixing—of prices or of traffic tickets—are attitudes which undermine respect for law throughout society.

Crime in the streets is directly related to these attitudes, and especially to public apathy about organized crime. The young man in the ghetto who decides to steal rather than make that extra effort to find work is unquestionably influenced by the success which the numbers runner down the block has had. The bookmaker or the narcotics pusher is all too often the only conspicuous figure of success in the ghetto, the one who has demonstrated how to beat the system and gain wealth and prominence. Similarly, the worker who belongs to a corrupt union, or the businessman who must pay protection to keep his business or his life, are taught every day—as are their children—that our legal system has nothing to offer them. As long as the public cares too little about the racketeers who control the gambling and the narcotics and the prostitution that feed upon the poor and the weak, there will be youngsters who see the gangster's way as the model, the path to follow.

Anomalies of public attitude also impede the course of legislation which would aid in reducing crime. For example, where is the public outcry for more effective gun laws? Every year, thousands of Americans are killed by firearms—5,634 in 1965 alone. During the last six years, 278 law enforcement officers have been killed by criminals—and of these 96% died because of wounds from firearms. Of the weapons-users responsible for these deaths, 66% had been convicted of crimes before acquiring the murder weapon. Each year over one million inexpensive mail order weapons pass unchecked across state lines. Many of these guns go to juveniles, individuals with criminal records, and emotionally unstable persons. How many mass

murders by firearms will the public need before it demands stronger national and local legislation to control their sale and possession?

The field of narcotics is another example. It is only in recent years that we have been able to gain public recognition that the addict should not be punished in the same way as the wholesale pusher, that addiction is a medical problem and should be treated as such. Even so, the 1966 federal legislation authorizing civil commitment of addicts accused of crime is so saddled with limitations as to be unavailable to those who might profit most from medical care. As long as we just run addicts through our prisons and back out onto the street, we cannot hope to have much impact on the rate of crime associated with the necessity of stealing enough money to buy drugs. The broadening of the medical treatment aspects of last years's legislation should be high on our list of priorities.

Still another example relates to car theft. The public approves, it appears, of heavy penalties against car theft, without realizing that literally thousands of such thefts every year are by teenagers whose motive is no worse than wanting to take their girl for a ride. It would be better if we concentrated our efforts on making it more difficult to take the car—on developing jump-proof ignitions and enacting legislation to punish the manufacture or mailing of master ignition keys.

Finally, public attitudes impede the course of law enforcement. Incidents like the slaying in New York City of Kitty Genovese, which occur, tragically, in one form or another almost daily, attest to the public's lack of support of the police—and in the last analysis, of an almost complete breaking of the bonds of community. In the end, we can never demand very much from our law enforcement system if we cannot cooperate with it and with our brothers in society.

Tom Paine once boasted that America had a message to tell the world and that message was that we stood as a nation "where the law is king". The task today, tomorrow, and of the years to come, is to transform this statement into reality.