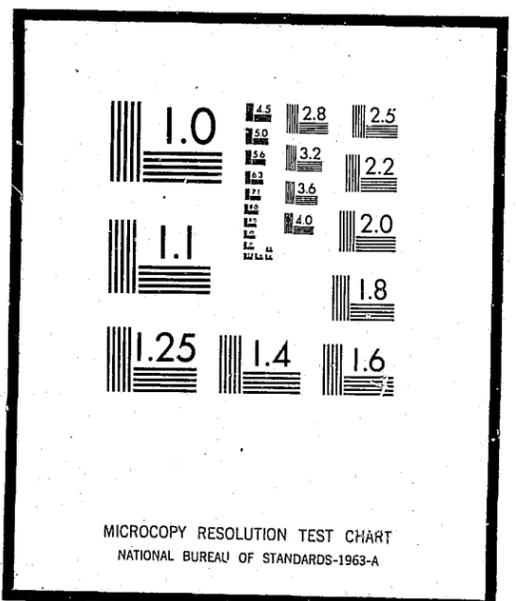


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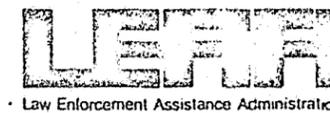
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Prosecution -

ADDRESS BY THE HONORABLE DONALD E. SANTARELLI,
ADMINISTRATOR, THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
AT THE WINTER MEETING OF THE
NEW YORK STATE DISTRICT ATTORNEYS' ASSOCIATION
NEW YORK, NEW YORK, SATURDAY, JANUARY 26, 1974

013436

Thank you for your invitation to talk to you today. I am delighted to be here among so many district attorneys.

Prosecution occupies a central position in the criminal justice system, and its importance is known to all of the system's professionals.

Nonetheless, we have to face the fact that in past years the tide of tangible support was running against the system's prosecutorial component.

Today I am happy to observe that this unfortunate situation has been reversed.

Thanks in part to the Law Enforcement Assistance Administration and the wisdom of the Agency's state and local criminal justice system partners, substantial support as well as public attention is being directed toward district attorneys throughout the nation.

But even though prosecutor's offices are now receiving more help than at any time in America's history, financial aid, research, education, technical assistance, and the like are of little avail if the essential cooperation--the crucial Federal-state-local partnership--is not made the keystone of our policy.

Therefore, I would like to take this occasion to promise you the most vigorous possible support and leadership during my time at the helm of the Law Enforcement Assistance Administration.

I shall listen to you and all your colleagues throughout the law enforcement and criminal justice community, and I shall act upon my commitment to make your association with LEAA a two-way street in the fullest sense of the phrase.

Together we shall devote all of our efforts to build upon the unique contributions that LEAA has already made to the support of state and local law enforcement and criminal justice improvement.

Since the Congress created LEAA in 1968, hundreds of thousands of men and women enlisted in the fight against crime have benefited from LEAA's financial assistance and technical support.

As a result, state and local police, courts, and corrections agencies throughout the country have improved themselves in major ways.

Most important of all, however, is that with LEAA's help these reforms are part of a larger, coordinated process of rethinking our entire criminal justice system structure.

LEAA has become the catalyst that has reinvigorated our domestic peace-keeping institutions. The Congress has made it the vehicle through which the states and localities receive not only funds but also significant advice and assistance through a coherent and integrated program of research, technology transfer, and evaluation.

At the same time, we know that our work is really just beginning. During the last five years, the Agency has organized itself expeditiously and has initiated any number of worthwhile programs. However, most of the difficult task of making substantial and lasting inroads against crime still lies ahead.

Much more needs to be done to determine why it is that some persons commit crimes and others with the same social and economic backgrounds do not.

And we must find out which of the programs that LEAA has already supported are really working well and which are not.

Once they are identified, we must give the successful programs broader application and support.

But one of the greatest continuing needs in our system is the upgrading of state and local courts and prosecution agencies.

This support is relatively inexpensive when contrasted to that of police and corrections programs. Because it is in a concentrated part of the system--the neck of the bottle between courts and corrections--it is highly cost effective.

No part of the criminal justice system is going to be given short shrift. Nonetheless, it is essential that the taxpayers' money is spent on those programs that have the greatest impact and create the largest inroads against crime.

Nothing can more fundamentally improve criminal justice in this country than higher quality prosecution.

That includes better trained prosecutors, more experienced prosecutors, more professional prosecutors.

And as the LEAA Administrator who has himself been a prosecutor, I shall do my utmost to see to it that we get them.

The prosecutor must be the Caesar's wife of the criminal justice system.

LEAA has already given or allocated more than \$3.6 million to National District Attorneys' Association programs to improve prosecution.

This includes funds to operate the NDAA itself and money to support the National College of District Attorneys' Prosecutor Training Courses, the Economic Crime Demonstration Project, the Criminal Law Training Films Project, the Prosecution Manual project, the Law Student Intern Placement project, technical assistance, and other programs.

But the bulk of LEAA's action money is given to the states in the form of block grants.

So you must do your part to become more involved in your own community's anti-crime planning in order to assure that your local prosecution programs are adequately supported by those block grant funds.

The competition for each state's block grant monies is intense among the various groups--including police, courts, corrections, probation, public defender, and other agencies as well as your own. But a close cooperation between prosecutors and the state and local planning boards is the only way to assure your programs' support. Comprehensive programs simply cannot be developed without including your point of view, your expertise.

An area in which our state and local court systems are particularly deficient is in taking more cases from arrest through completed adjudication. One of the important reasons for this is the difficulties that witnesses go through when they are called to court.

In the typical jurisdiction the police department or the prosecutor's office tells witnesses to be in the courtroom early in the morning--irrespective of the time at which the case will be heard.

And if this comes on top of one or more postponements, the witnesses are more than likely to become disenchanted--and, perhaps, uncooperative.

An LEAA-financed study now underway of the District of Columbia Prosecutor's Office computerized case information system shows that during the first six months of 1973 there were 7,849 criminal cases presented for prosecution.

Of the 2,964 cases involving lay witnesses that have already been rejected, nolle prossed, or dismissed, 1,246--or 42 percent--failed because those witnesses failed to cooperate.

They were people who were at least initially willing to make themselves known to the police as witnesses. And we know from surveys going back to the President's Crime Commission report of 1967 that a large percentage of victim-witnesses are unwilling even to report crimes.

To our knowledge, this is the first such detailed survey of witness cooperation ever undertaken in the nation.

Though the project has not yet been completed, it already demonstrates incisively what heretofore has only been suspected.

What it says, in part, is that witness cooperation is a crucial aspect of the successful prosecution of criminal charges--a crucial aspect of crime reduction.

This is something I am sure you know all too well. However, district attorneys and others in state and local criminal justice agencies can ignore these findings--but only at substantial risk to their communities.

As part of the same study, an opinion survey was taken among witnesses involved in District of Columbia criminal cases.

The witnesses told the interviewers what they thought could improve the system. Thirty-seven percent wanted better protection for themselves; 38 percent wanted fewer postponements by the prosecutor; 44 percent wanted speedier trials; 33 percent wanted tougher punishment for criminals; and 49 percent wanted more pay for witnesses.

Think of it! Thirty-seven percent of those witnesses even willing to come forward were so afraid of what might happen to them that they felt they needed protection.

Analysts are still looking at the data from that survey. But they predict they will find that perhaps as many as one-third of non-cooperating witnesses fail to appear in court, because they are afraid of retaliation.

There is a strong message here for all of us. It is that we must foster in witnesses a confidence that they will be safe before we can fully succeed in making the streets safe for all our citizens.

Something has to be done about that--and now.

And 38 percent of the witnesses thought that prosecution postponements should be reduced. I think all of us interested in the welfare of the nation's state and local criminal courts must take that fact to heart.

I am not suggesting that a case should never be postponed. As a lawyer I know the tendency of courts to grant postponements, and I deplore it. What I am suggesting is that if there is going to be a delay, witnesses should not be brought into court that day and then told the case will be tried sometime later.

Even police officers have experienced continuing frustrations when they appear as witnesses in court.

The commissioner of the Highway Patrol in a major state has reported that his men spend 60 percent of their entire court time just waiting. In one year, he said, this amounted to 400,000 lost man-hours.

Local police departments in the same state report that as much as 85 percent of the time their officers spend in court is spent just waiting.

And in one medium-sized city in the same state a study showed that in 70 percent of the cases in which a police officer was summoned to court he was never called to the witness stand to testify.

If a court system is properly organized it will have a witness coordinator in the courthouse working with the court, the district attorney, and the defense who will be responsible for getting the right people to the right places at the right time.

Jurors also face serious problems, I'm certain you all saw a recent report that in one major city jurors spent 62 percent of their time in the jury waiting room. We can imagine only too well what kind of an impression that makes--and what effect this has on their willingness to support the criminal justice system in the future.

In the days before timeclocks and busy work schedules, sitting around might not have inconvenienced many people. But in today's world there is simply no excuse for courts failing to set up procedures that serve the public as well as the court. Criminal justice agencies have no right to waste the time of victims, litigants, jurors, and witnesses just to suit their own convenience.

The effort to be citizen-oriented--to help the people--to truly serve their criminal justice needs--is a major new goal for LEAA.

We must make the citizen--the victim, the witness--the primary focus of the criminal justice system.

But to launch it properly we must have your help. For after all, you are the people that LEAA must rely upon to implement the program.

In turn, we will devise the best programs we are capable of. And we will support these programs with technical assistance and substantial funding.

The possible approaches are many, indeed. They include central citizen complaint and service bureaus for all criminal justice system components; witness coordinators at police stations, court-houses, prosecutors' offices, and public defender agencies; new court construction techniques to enable people to hear the testimony; victim participation in plea-bargaining; testimony video-taping; police reports on investigation progress; family crisis intervention units; citizen advisory boards; and citizen action boards for all aspects of criminal justice.

All these issues are complex. And I concede that the answers are not always easy.

However, LEAA is in the business of responding to the tough ones with all the tenacity at its disposal.

Our attention to helping you with your problems will be thorough, disciplined, and systematic.

And we will be forthright in our frankness in communicating to you what we know.

When we have hard and relevant evidence, we shall say so. And when we do not, we shall be equally candid.

But we cannot do this without your help.

In LEAA we talk of Federal leadership, but we most certainly do not mean Federal domination.

This is a Federal-state-local partnership from first to last.

What LEAA does mean is that it will expand its assistance to the states and the localities. It will make these governments stronger in the certainty that we will all benefit.

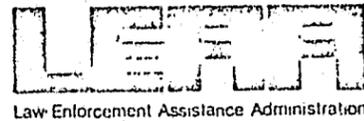
In a worthwhile criminal justice system what matters most is the degree we are helping the whole community.

I know you share this concern, and LEAA will do its part to support your work.

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ADVANCE FOR RELEASE AT NOON
SATURDAY, JANUARY 26, 1974

A study shows that 42 percent of the criminal cases in a major American city failed to reach trial because prosecution witnesses refused to cooperate, and 37 percent of the prosecution witnesses surveyed wanted better protection, Donald E. Santarelli, the Law Enforcement Assistance Administration Administrator, said today.

In a speech to the winter meeting of the New York State District Attorneys' Association in New York City, Mr. Santarelli warned that getting citizens to participate in trials is an essential aspect of crime reduction.

Mr. Santarelli's remarks were prompted by the preliminary results of a study the Institute for Law and Social Research is conducting in Washington, D.C., under an LEAA grant.

The survey of the District of Columbia Prosecutor's Office computerized case information system shows that during the first six months of 1973 there were 7,849 criminal cases presented for prosecution, Mr. Santarelli said, adding:

"Of the 2,964 cases involving lay witnesses that have already been rejected, nolle prossed, or dismissed, 1,246--or 42 percent-- failed because those witnesses failed to cooperate.

"They were people who at least initially were willing to make themselves known to the police as witnesses. And we know from surveys going back to the President's Crime Commission report of 1967 that a large percentage of victim-witnesses are unwilling even to report crimes.

"To our knowledge, this is the first such detailed survey of witness cooperation ever undertaken in the nation.

"Though the project has not yet been completed, it already demonstrates incisively what heretofore has only been suspected.

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"District attorneys and others in state and local criminal justice agencies can ignore these findings--but only at substantial risk to their communities."

As part of the same study, Mr. Santarelli noted, an opinion survey was taken among witnesses involved in District of Columbia criminal cases.

"The witnesses told the interviewers what they thought could improve the system," Mr. Santarelli said. "Thirty-seven percent wanted better protection for themselves; 38 percent wanted fewer postponements by the prosecutor; 44 percent wanted speedier trials; 33 percent wanted tougher punishment for criminals; and 49 percent wanted more pay for witnesses.

"Think of it! Thirty-seven percent of those witnesses even willing to come forward were so afraid of what might happen to them that they felt they needed protection.

"Analysts are still looking at the data from that survey. But they predict they will find that perhaps as many as one-third of noncooperating witnesses fail to appear in court because they are afraid of retaliation.

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"Even police officers have experienced continuing frustrations when they appear as witnesses in court.

"The commissioner of the Highway Patrol in a major state has reported that his men spend 60 percent of their entire duty time waiting in courthouses. In one year, he said, this amounted to 4 million lost man-hours.

"Local police departments in the same state report that as much as 85 percent of the time their officers spend in court is spent just waiting.

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"And in one medium-sized city in the same state a study showed that in 70 percent of the cases in which a police officer was summoned to court he was never called to the witness stand to testify.

"If a court system is properly organized it will have a witness coordinator in the courthouse working with the court, the district attorney, and the defense who will be responsible for getting the right people to the right places at the right time," Mr. Santarelli said.

END