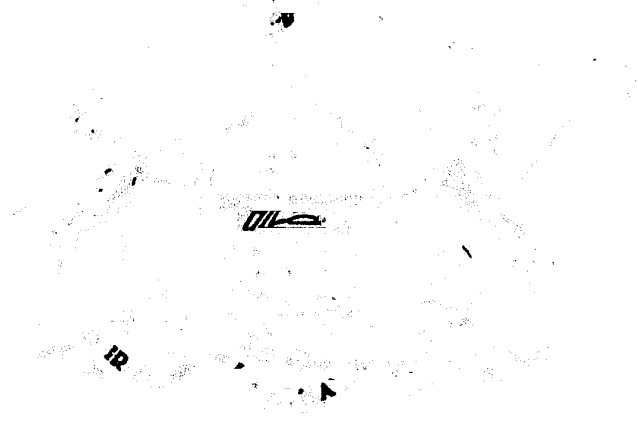


# OLEA - 221

## Task Force Report

### GOALS FOR JUSTICE

70068



Department of Justice  
Office of the Inspector General  
Washington, D.C.

Task Force Report

GOALS FOR JUSTICE

January 1969

NCJRS

JUL 30 1980

ACQUISITIONS

PENNSYLVANIA CRIME COMMISSION  
Office of the Attorney General  
Commonwealth of Pennsylvania

*Just listen to the law-enforcement people across our land. They will tell you that the real problem with fighting crime today is that all Americans have not been sufficiently aroused to win the war against the criminals. There must be an informed public with the courage to help our dedicated men in the police, courts, and corrections.*

Governor Raymond P. Shafer  
February 8, 1968

## FOREWORD

This report, "Goals for Justice", has been prepared by the Pennsylvania Crime Commission as a preliminary overview and analysis of crime and criminal justice in Pennsylvania.

The Pennsylvania Crime Commission was originally established by an Executive Order of Governor Shafer on March 27, 1967. This Commission consisted of 20 outstanding Pennsylvanians appointed by the Governor. Attorney General William C. Sennett was designated as Chairman.

The Commission was charged with inquiring into the causes of crime and delinquency in Pennsylvania and into the adequacy of law enforcement and the administration of justice; and with making such studies and conducting such hearings as would be appropriate for accomplishing this purpose. In addition, the Commission was empowered to make recommendations for actions which would improve the criminal justice system of Pennsylvania. Finally, the Commission was charged with submitting a report to the Governor regarding its findings. Upon submission of this report, the Commission would be dissolved.

The original Commission recommended that a new, permanent Crime Commission be established. In July 1968, the Legislature created a permanent Pennsylvania Crime Commission as a departmental administrative commission in the Department of Justice. Attorney General Sennett was again appointed as Chairman of this five-member Commission.

The Legislation establishing the new Crime Commission authorized it to

1. Inquire into the causes of crime and delinquency;
2. Develop standards and make recommendations for actions to prevent, reduce, and control crime;
3. Conduct continued research and planning to improve the quality of criminal justice in Pennsylvania;
4. Investigate all activities of organized crime, as well as other serious crimes in Pennsylvania; and
5. Require the attendance and testimony of witnesses and the production of documentary evidence relative to any investigation which the commission might conduct in accordance with the powers given it.

Governor Shafer's Executive Order of July 31, 1968 designates the new Crime Commission as the State's official comprehensive law-enforcement planning agency. The Pennsylvania Crime Commission is responsible for initiating, administering, coordinating, and implementing requests for federal grants under both the Omnibus Crime Control and Safe Streets Act of 1968, and the Juvenile Delinquency Prevention and Control Act of 1968.

*The problem of crime in the United States and Pennsylvania is not new. It has existed for decade after decade. But we have taken the position that, to effectively counterattack this menace, we must first know its extent and true nature.*

*We want to inform the people of the dimensions of crime and the methods of combating and reducing it. An aware public is perhaps the most vital weapon in our common battle.*

*Crime and violence are nationwide problems that do not recognize race, financial status, or political affiliation. Therefore, this national and state problem must be faced and attacked by all Pennsylvanians, working in concert.*

William C. Sennett  
Attorney General

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF THE ATTORNEY GENERAL  
PENNSYLVANIA CRIME COMMISSION  
HARRISBURG, PA. 17120

WILLIAM C. SENNETT  
ATTORNEY GENERAL

J. SHANE CREAMER  
DIRECTOR

January 31, 1969

The Honorable Raymond P. Shafer  
Governor, Commonwealth of Pennsylvania  
Harrisburg, Pennsylvania

Dear Governor Shafer:

In accordance with your directive of March 27, 1967, which establishes the Pennsylvania Crime Commission, we respectfully submit the following report as a result of our study of crime and its control in the Commonwealth. During the past 21 months, the Commission has received and studied testimony from 250 leading members of law enforcement, courts, corrections, and academic and technical circles, all of whom are primarily concerned with criminal justice. In addition, the Commission staff has studied literature and statistics and analyzed all available information in its attempt to assist the task forces of the Commission and to develop new concepts.

This report, *Goals for Justice*, is a preliminary overview and analysis of crime and justice in Pennsylvania. All of the task-force reports will expand on the theme of this report. The task-force report on *Assessment of Crime in Pennsylvania* is being issued concurrently, and will be followed by evaluative reports on Courts, Corrections, Police, Juvenile Delinquency, Crime in the City, Alcohol, Narcotics, Organized Crime, and the Plight of the Minor Offender.

Respectfully,

A handwritten signature in cursive script, appearing to read "William C. Sennett".

William C. Sennett  
Attorney General and Chairman

---

THE COMMISSION

---

William C. Sennett  
Attorney General  
*Chairman*

Colonel Frank McKetta  
Judge Charles Wright

Harold Rosenn, Esq.  
Henry S. Ruth, Jr., Esq.

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Representative Harry R. J. Comer  
Alexander Cooper, Esquire  
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Marvin Wolfgang  
Senator T. Newell Wood

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\* *The Original Commission was appointed by Governor Shafer in June of 1967 and served until September of 1968 when the five-member Commission was established by the Legislature.*

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THE STAFF OF THE COMMISSION

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Gregory Wilcox



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## SECTION 1

### CRIME IN PENNSYLVANIA

#### CRIME AND CRIMINALS

Citizens of Pennsylvania are apprehensive about crime and violence; few do not realize that crime is increasingly affecting their lives, families, and communities. This crisis in citizen concern about crime led Governor Raymond P. Shafer to create the Pennsylvania Crime Commission. To the Commission went the Governor's challenging command--find the most effective ways to control crime in Pennsylvania.

#### The Statistics of Crime

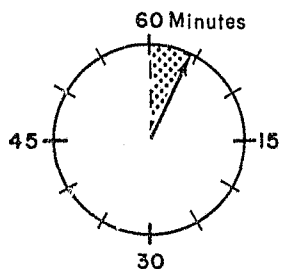
The initial task in meeting this challenge was to focus on the facts of crime and to develop clear insight into its dimensions. Knowledge is required for positive action. Knowledge of crime depends heavily on our ability to collect meaningful statistics on crime, criminals, and the operations of criminal justice in Pennsylvania. The primary sources of crime data are the crimes reported to the police and the characteristics of arrested persons. In Pennsylvania, this data is collected and submitted by most major local police departments to the Federal Bureau of Investigation, whose annual *Uniform Crime Reports (UCR)* is the only document assessing crime in the United States -- and even this data is limited in scope and completeness. Only seven types of serious crimes are reported. Arrest data is collected and submitted by approximately 200 out of 1150 police agencies in Pennsylvania, representing only 55 percent of the population. Now, in 1969, the latest data available is for calendar year 1967.

Figure 1 shows the frequency with which these serious crimes occur in Pennsylvania. Figure 2 compares the rate in Pennsylvania with that of the United States as a whole. As can be seen in Figure 2, Pennsylvania crime rates are below the national rates. In 1967, Pennsylvania ranked 39th among the states in the rate of total index crimes. The relatively low crime rate should provide little relief, however, since the rate of increase in crime in Pennsylvania, except for the 1965-1967 period, is the same as the rate of increase throughout the United States.

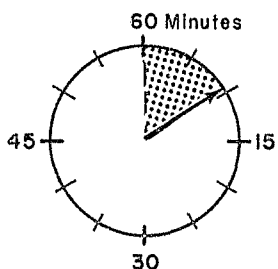
Experts agree that national crime statistics are meager and inadequate and, instead of directly measuring crime, only indicate trends in crime. The statistics show increases in the rate of serious crime and the risk of victimization in both Pennsylvania and the United States. Citizens sense the increase in crime when, as in Philadelphia, their transit system does not allow bus drivers to carry cash for making change; when the steering column on their new car must be locked into place by the ignition key before the car can be driven; and when their streets are deserted after dark. Policemen and prosecutors know the increase by their heavier workload and longer working hours.

The greatest concern of the individual citizen is the probability of being personally attacked. Although the risk of being the victim of a serious crime of violence (murder, forcible rape, robbery, and aggravated assault) is apparently much less in Pennsylvania than in the United States as a whole, it varies greatly within the Commonwealth and is frightening

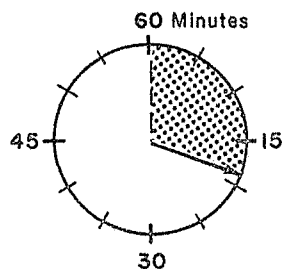
EVERY HOUR



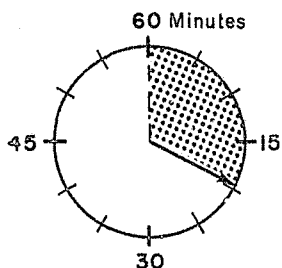
**SERIOUS CRIMES**  
1 EVERY 4 MINUTES



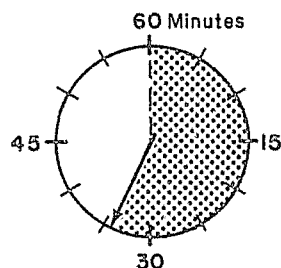
**BURGLARY**  
1 EVERY 9 MINUTES



**LARCENY**  
1 EVERY 18 MINUTES



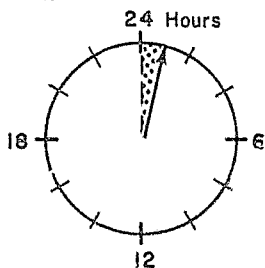
**AUTO THEFT**  
1 EVERY 19 MINUTES



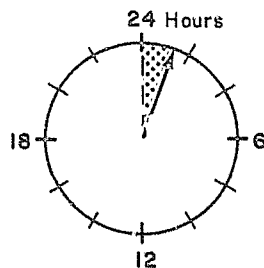
**VIOLENT CRIMES**  
1 EVERY 34 MINUTES

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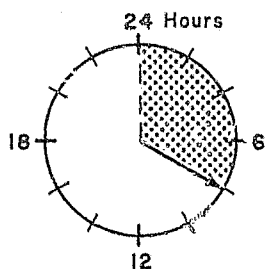
EVERY DAY



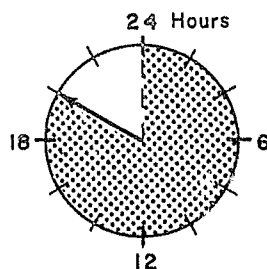
**AGGRAVATED ASSAULT**  
1 EVERY HOUR AND 15 MINUTES



**ROBBERY**  
1 EVERY HOUR AND 30 MINUTES



**RAPE**  
1 EVERY 8 HOURS



**MURDER**  
1 EVERY 20 HOURS

Figure 1. Pennsylvania Crimo Clocks, 1967

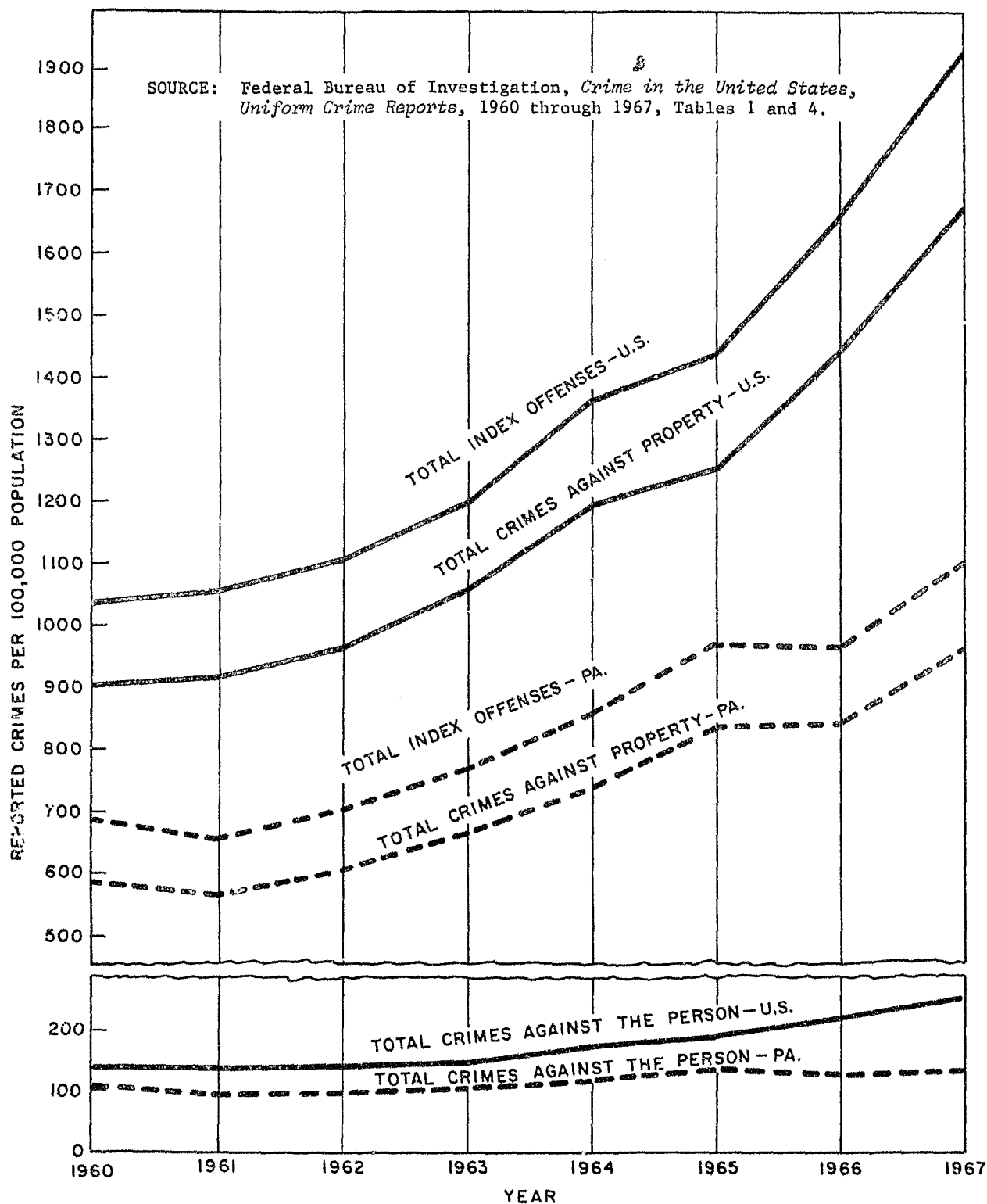


Figure 2. Trends in the Rates of Reported Index Crimes in the United States and in Pennsylvania, 1960 through 1967

in some areas, particularly in the core centers of our cities. Here are some comparative figures of the risk of being a victim of a crime of violence:

United States . . . . .	1 in 400
Middle Atlantic States (NY, NJ, PA) . .	1 in 360
Pennsylvania . . . . .	1 in 750
Rural Areas of Pennsylvania . . . . .	1 in 2,680
Small Cities of Pennsylvania . . . . .	1 in 2,240
Metropolitan Areas of Pennsylvania . . . .	1 in 640
North Philadelphia ghetto area . . . . .	1 in 90

Unfortunately, these statistics understate the actual amounts of crime and victimization since the UCR totals are based on reported crimes, and much crime is *not* reported to the police. Public surveys taken by the President's Commission on Law Enforcement and the Administration of Justice revealed the startling fact that *the amount of personal-injury crime is almost twice the UCR rate. The amount of property crime, for crimes against individuals, is also more than twice as much as the UCR rate.*

The exact relationship between unreported and reported crime is highly varied and essentially unknown. People's changing expectations regarding the solution of crime, police practices in reporting crime, social-geographic traditions, and the growing coverage of insurance all affect the percentage of crime reported and prevent the establishment of a constant relationship.

#### *Crimes of Violence*

From 1960 to 1967, the rate of reported violent crime against the person increased by 31 percent in Pennsylvania. (Nationally, such crimes increased 57 percent.) Furthermore, many of our bodily-injury offenses occur in categories of offenses that are not reported in the UCR crime index (such as simple assault), and therefore are not reflected in the 31-percent increase. Victims of crimes of violence in which robbery was not the motive are usually acquainted with their attackers. The relatively faster rise in the robbery rate (from 1966 to 1967, 15 percent in Pennsylvania and

27 percent in the nation) than in the rates for the other offenses is of particular concern to the public because robbery usually involves a confrontation between strangers.

#### *Crimes of Theft*

Basically, crimes of theft are crimes of opportunity, involving criminals who steal what they think they can get away with. The odds of getting away with a theft are too good. For example, the 1967 reported burglary rate in Pennsylvania was 483 per 100,000 inhabitants (as compared with 811 per 100,000 inhabitants nationally). But *only one out of nine* reported burglaries in Pennsylvania resulted in a conviction. The professional criminals, who are most aware of these odds, are least likely to get caught. Nevertheless, we have no statistics concerning the percentage of property crimes committed by professionals. Such data is urgently needed to guide police officers.

#### *Crime and the Young*

The most dramatic factor of reported crime is the age of the offender. The number of young offenders is disproportionately large. Of those arrested for serious property offenses in Pennsylvania in 1967, 57 percent were under 18 years old, and 82 percent were under 25. (For the entire United States, the corresponding figures were 54 and 80 percent.) For crimes against the person, the Pennsylvania figures were 31 percent under 18 and 63 percent under 25, while the national percentages were 17 and 46 percent, respectively. Juveniles are arrested for half of our serious crimes in Pennsylvania, as well as in the nation. Figure 3 vividly demonstrates that offenses committed in the late teens are a dominating factor in our serious crime problem.

The trend toward violence in youth crime is equally alarming. Gang wars in Philadelphia during 1968 took the lives of about 30 youths. In 1962, there had only been one gang killing. These murders indicate a deadly trend toward senseless violence.

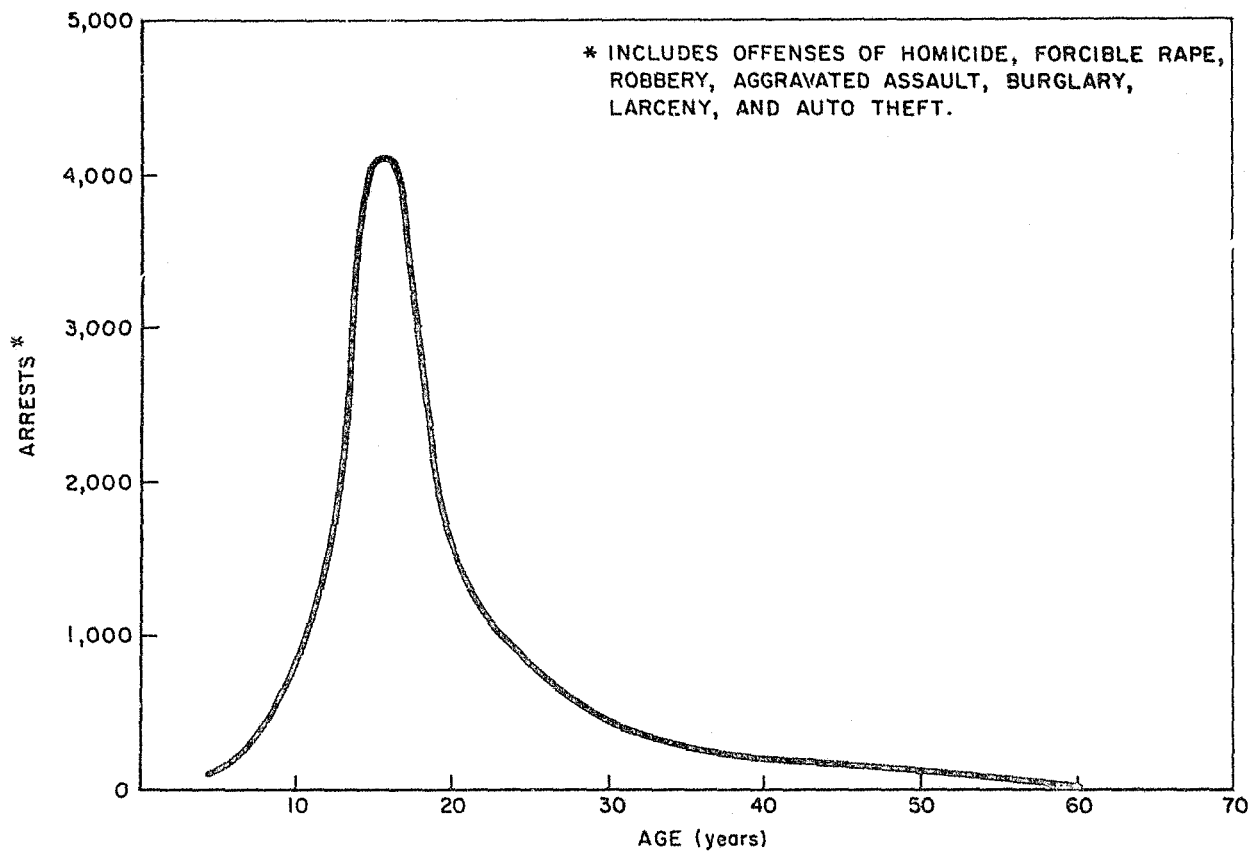


Figure 3. Number of Arrests for Serious Offenses in Pennsylvania in 1967 Versus Age of Arrestees

The distressing fact about the young offender is that our correctional programs fail to prevent him from committing further crimes. As the National Commission on Law Enforcement and the Administration of Justice found, "The younger a prisoner was when first arrested, the more likely he is to return to prison."

The problem is becoming even more acute. Our courts are clogged with juvenile offenders. An estimated 5,000 to 6,000 juvenile cases are awaiting hearings in the Philadelphia courts. Court backlogs mean that greater numbers of youth are detained in jails across the State; too often they are being held in jail with adults.

Youth in crime is the single most important aspect of the crime problem. "America's best

hope for reducing crime is to reduce juvenile delinquency and youth crime", stated the National Commission on Law Enforcement and Administration of Justice. It is also Pennsylvania's best hope. We must restore the youthful offender to society and prevent him from becoming a career criminal.

#### Location of Crime

Another important crime factor is location. Crime rates in the rural areas and small cities of Pennsylvania are much lower than crime rates in metropolitan areas. The 80 percent of Pennsylvania's population in metropolitan areas suffered 94 percent of the reported violent crime and 86 percent of the reported property crime. Within any metropolitan area, the crime rates differ drastically. In Philadelphia, the rates of crimes against the person

in different police districts varied by as much as 22 to 1. However, from 1966 to 1967, serious crime in Pennsylvania increased much faster in rural areas (40 percent) and in small cities (27 percent) than in metropolitan areas (11 percent). For the nation during the same period, serious crime increased 13 percent in rural areas, 12 percent in small cities, and 16 percent in metropolitan areas.

Crime is also increasing in suburban areas. Professional burglars prey on suburban homes, using the modern highway networks that feed the cities as escape routes. Young people from suburban homes are becoming increasingly involved in narcotics violations, particularly those that involve marijuana and LSD. Shoplifting for thrills by juveniles from relatively affluent backgrounds also is increasing. And, because these incidents tend to be settled by informal conferences with parents without resort to arrest, a significant number of crimes by juveniles in suburban communities probably go unreported.

#### The Complexity of Crime and Criminals

The available statistics are a deceptive and limited means of describing crime because they create the impression that they tell the full story on crime. They lead us to believe that crime is a simple phenomenon, easily described in a single percentage increase. The truth is that the available crime statistics only describe the most visible and serious crimes against person and property. The UCR "Crime Index" is based on only seven types of reported crime, while there are 2800 types of federal crimes and 3500 criminal statutes in Pennsylvania. Serious crime is front-page news, but it does not adequately describe crime. Criminal activity is a complex variety of human behavior. The broad scope of crime includes many different types of crime and criminals.

Crime is assuming new dimensions as society changes and becomes more complex. Participation by young people in politically and socio-logically motivated civil disorders, on college

campuses and in the streets, has become commonplace. Narcotics offenses are rapidly increasing in segments of society where they were nearly unknown in the past. As commercial and business procedures become more complex, more centralized, and make greater use of computers, opportunities arise for new types of white-collar crime. These and similar factors pose new challenges to a criminal justice system that was devised to cope with the crimes of another era.

The burden that alcohol offenses and traffic violations put on our criminal justice system is enormous. Of the criminal arrests in 1967, 46 percent in Pennsylvania and 42 percent in the nation were for abuse-of-alcohol offenses (26 percent were for drunkenness in Pennsylvania, 28 percent in the nation). Only 18 percent, in both Pennsylvania and the nation, were for crimes against person and property. In addition, more persons were arrested for traffic violations than for criminal offenses.

The caseload distribution in our criminal courts may also be surprising. Of the 59,000 cases completed, 31 percent were for the domestic-relations problem of non-support, 21 percent were for motor-vehicle law violations, and only 19 percent were for serious crimes.

Difficult social and medical problems, such as domestic relations or drunkenness, have been thrust repeatedly on the criminal justice system because no other agency existed to handle them. Such problems overextend the system, so that it cannot cope adequately with crime and criminals. Additionally, the system often lacks the expertise to tackle these non-criminal problems. We must reconsider the functions of our criminal justice system and reassign non-criminal problems to agencies best equipped to handle them. Other disciplines, such as medicine and the behavioral sciences, should attack these problems. As overloading of the criminal justice system increases, clearances of crimes by arrest become fewer, the courts become clogged, the

sentencing rate drops, rehabilitation becomes less probable, and deterrence is lessened. The result is a higher crime rate, which increasingly overloads the system and continues the vicious cycle.

Criminals can no more be stereotyped than crime can be described in a single phrase. Crime is complex: some crimes are rational and some irrational; some visible and some invisible; some violent and others victimless; some hard and some soft; and some are premeditated and others are crimes of passion. Criminals also are complex: they can be youthful, incidental, habitual, occasional, professional, white-collar, or organized. We must realize these differences and design our criminal justice system to handle each type of crime and criminal effectively. Pennsylvania cannot tolerate a criminal justice system that blindly treats all offenders alike.

Violent and visible types of crimes are like the exposed portion of an iceberg. Much crime remains invisible to the eyes of the public, and beyond the range of traditional law enforcement.

The key to understanding such invisible crime lies not only in examining the specific crime committed, but in studying the criminal himself. Some criminals are lifetime specialists who carefully plan their criminal activities under the guiding rule that crime pays. No statistics are available yet regarding the nature of white-collar, professional, and organized criminals, the amount of crime they commit, or the amount of harm they inflict. New methods must be developed to assess the impact of this type of crime on society. And new techniques must be applied to bring them to justice.

#### *White-Collar Crime*

The background of the white-collar criminal usually differs from that of the so-called organized and professional criminal. He has usually enjoyed more opportunity and a good education, and often has achieved a position

of trust. The range of crime is wider for him. His crimes are crimes of stealth: embezzlement, consumer fraud, tax evasion, and price-fixing. He hides behind his respectability and affluence as he implements complex and illegal schemes.

#### *Professional Crime*

The professional criminal specializes in a particular field or pattern of criminal activity. He generally repeats the same crime again and again, becoming more skillful and more confident in his criminal behavior. Professional criminals develop careers as robbers, burglars, receivers of stolen property, confidence men, and arsonists.

Their crimes are well planned and skillfully executed. The professional robber, for example, selects financial institutions, business payrolls, or wealthy citizens as targets. Guns, masks, stolen cars, and other equipment are obtained in advance. Other professional criminals with special skills are brought in as associates. Payroll routes, money delivery times, closing times, and habits of the victims are studied. Often, professional criminals make dry runs before committing the actual crime.

Professional criminals learn to use many ingenious schemes for evading detection and arrest. They, together with the capable attorneys whom they engage, study the entire spectrum of the criminal justice process — including police, the courts, probation, and parole — to find ways of avoiding or minimizing punishment.

Professional criminals make the largest hauls and the cleanest getaways. One organized burglary ring, known as the "Forty Thieves", strikes into Pennsylvania from Maryland. Preying on shopping centers, they ransack the merchandise from a series of stores, and escape into the night in trucks. Their cargo is delivered on tight schedules to the fence by daybreak. After he quickly disposes of the goods, tracing becomes almost impossible.



Professional criminals like these, with efficient operations, can easily amass huge annual incomes, thus becoming impressive symbols of success for impoverished and underprivileged youth.

### *Organized Crime*

The most menacing purveyor of crime in the United States is the organized syndicated criminal. We know that a national conspiracy of 5,000 to 6,000 men is engaged in varied and dangerous full-time criminal activity. This conspiracy is well insulated, nearly invisible, and relatively unchallenged. Organized crime in Pennsylvania and the nation is dominated by a monolithic organization of national scope and feudal makeup. It successfully directs a major crime industry. It is estimated that the organization pockets more than half the money taken by criminal activity in the United States. In Pennsylvania, from gambling alone, organized crime grosses an estimated \$2 billion a year—as much as the entire State operating budget. One known numbers racket in Allegheny County alone has collected \$40 million in gross annual income.

In Pennsylvania, as in the rest of the nation, the national syndicate operates, directly or through franchises, vast and lucrative criminal enterprises in gambling, loan-sharking, untaxed liquor, narcotics, prostitution, labor racketeering, and taking over of legitimate businesses. The operator of a criminal enterprise that is franchised by organized crime pays a percentage of his gross "take" to the organized crime syndicate; in return, he receives "protection." He is granted a monopoly on his activity in his locality, enforced by threats, terror, and violence directed by the syndicate against possible competitors. If he is harassed or arrested by the police, the experience and legal talent that the syndicate can marshal is used on his behalf to cope with the law. He has no choice in accepting this arrangement; any attempt to operate independently results in violent retribution from the forces of organized crime.

Organized crime bases its operations on corruption, force, and fear. Attempts are made to bribe public officials so that rackets such as gambling, prostitution, and loan-sharking can flourish. According to a federal investigation made in 1961, such a bribery attempt was successful in one eastern Pennsylvania community: a gambling czar controlled numbers, horse betting, and a crap game bankrolled at \$900,000 per week; he selected the chief of police and received a substantial kick-back from that official's salary.

The borrower who cannot pay back the usurious loan, and the gambler in debt to the mob live in fear of losing their businesses or their lives. Sometimes they lose both. Most top professional criminals, active in the hard crimes, are allies of organized crime, extending the scope of its activities into extortion, hijacking, major burglaries, safe cracking, and the like.

The crime industry is controlled by a national commission or "board of trustees" who coordinate crime for profit by means of 24 "branch offices" throughout the nation. Nine of the "managers" (bosses) of these branch offices head the commission. Five branch offices are operating in Pennsylvania. Three are run by managers in adjacent states; the heads of the other two reside in Pennsylvania. One of the latter, Angelo Bruno of Philadelphia, is a member of the nine-man national commission. A count of known members of the syndicate in the State is given in Table 1.

The primary victims of organized crime are the urban poor. For decades the organized criminals have staked out, by the rule of force, despotic enclaves in the urban core centers where gambling, loan-sharking, and narcotics traffic flourish, and where respect for the rule of law disintegrates.

Some of the worst effects of organized crime are felt indirectly by society. The life of the narcotics addict who has been intentionally hooked by a pusher is dominated by the

*Table 1. Known Members of Organized Crime  
Syndicate in Pennsylvania*

	<i>Members</i>
<i>Northwest</i>	
Boss: Stefano Magaddino - Buffalo, N.Y.	
Erie County .....	8
<i>Southwest</i>	
Boss: John La Rocca - McCandless Township, Allegheny County, Pa.	
Allegheny County .....	19
Westmoreland County .....	5
Cambria County .....	4
Blair County .....	2
Washington County .....	1
Mercer County .....	1
<i>Southeast</i>	
Boss: Angelo Bruno - Philadelphia, Pa.	
Philadelphia County	
Residing in Philadelphia .....	44
Residing in New Jersey .....	27
Delaware County .....	6
Schuylkill County .....	1
<i>Northeast</i>	
Boss: Carlo Gambino, New York City	
Underboss: Russell Bufalino	
Luzerne County .....	18
Lackawanna County .....	3
Philadelphia County .....	1
Delaware County .....	1
<i>Bucks County Area</i>	
Boss: Samuel DeCavalcante, Trenton, N.J.	
Bucks County .....	1
TOTAL MEMBERS.....142	

necessity to hustle money—often by criminal means—to feed his habit. Indirectly, the victims of the property crimes committed by addicts are also victims of organized crime. Organized crime attempts to project a surface image of nonviolence to the uninitiated. Its leaders seek—and too often achieve—acceptance as respectable, substantial, and even philanthropic members of their communities. Such public-relations activities lull the public into inaction against organized crime. A particularly destructive impact of organized crime results from its leaders' ability to buy lives

of respect and acceptance with their illegally obtained funds. Such "success" is a tempting alternative to a life of decency for the underprivileged in our society.

### THE EFFECTS OF CRIME

The effects of crime are many.

The most direct effect is on the victim of a violent attack. On an average day in Pennsylvania, 1 person will be murdered, 3 women will be raped, 18 people will be robbed, and 20 citizens will be seriously assaulted—and this includes only crimes that are reported. The total impact on these victims, beyond the obvious effect of the crime itself, is incalculable.

A second major effect of crime is its economic cost. Based on partial reports, the value of property stolen in 1967 in Pennsylvania was over \$40 million. The average robbery in the State involves a \$276 loss, the average burglary a \$288 loss, and the average larceny an \$88 loss. (Corresponding figures for the entire United States are, respectively, \$261, \$273, and \$95.) Attorney General William C. Sennett has estimated that the volume of consumer fraud is about \$500 million annually. To these individual losses must be added that of the injured victim who loses time from work and must pay his medical and hospitalization bills. But not all the economic costs are borne directly by individuals. Businesses, institutions, and government suffer huge losses from employee theft, shoplifting, arson, vandalism, embezzlement, and tax evasion. For example, it costs the Philadelphia School District more than \$350,000 annually just to replace broken windows! Estimated retail losses from dishonesty total \$1.3 billion annually in the United States. The United States Treasury has estimated that 7 percent of the taxable income never is reported. The indirect result of these losses is that each citizen, either as taxpayer or consumer, has to pay more. The taxpayer in Pennsylvania is already paying at least \$217 million for the criminal justice

system; that is about \$20 for every Pennsylvania resident. A final economic cost is the amount that citizens and businesses spend privately to prevent crime and reduce its impact. This cost includes money spent for burglar alarms, bars on windows, locks on doors, special security personnel, and fire and theft insurance. Although not all of these economic losses go into the criminal's pocket, they all come out of the citizen's pocket.

The heaviest impact of crime is fear. While crime strikes hardest at the local level, especially in lowest income areas, the fear of crime affects everyone. Fear is the essence of today's crisis in crime. It is the fear of attack by a stranger, increased by the constant attention paid to crime and violence in the mass media. There are many repercussions of fear. The patterns of people's lives are changed. Housewives arm themselves. Nighttime attendance at libraries, theaters, and sporting events dwindles. Our city parks become a deserted no-mans land. As sociability and mutual trust decrease, the free and open quality of our public life is retarded. The fewer people on the streets become suspicious of, and more estranged from, one another; the deserted streets create an atmosphere more suitable for crime and the criminal.

A dangerous byproduct of this cycle is that the citizen begins to stereotype violent crime as the indicator of crime in general. This impedes law enforcement, because knowledge of the complex variations of crime is the forerunner of effective action against all crime. The overemphasis on violent crime in the mind of the public is likely to become greater because reported rates of serious crimes against persons and property will probably continue their rise. Social forces, such as urbanization, the increasing youthfulness of our population, and the spread of affluence, tend to push the crime rate upwards, especially against property. However, a better-informed citizenry could determine whether such a rise in crime really involves a decline in personal safety and thus avoid unnecessary fear.

The least measurable and most unwanted effect of the increase in fear and anxiety is the decay in the image of justice. The most lasting harm for a democratic society is the loss of faith and confidence in the value of swift and fair justice as guaranteed by our Constitution.

#### WHAT WE CAN DO ABOUT CRIME

The problems of crime can be attacked on two distinct fronts: (1) reduce the underlying causes of crime, and (2) improve the criminal justice system. These approaches are not mutually exclusive. They are both essential and long overdue.

Although more than we know today must be learned about the causes of crime, we do know that the incidence of crime can be substantially curtailed by reducing poverty, eliminating ghettos, and rebuilding fractured family relationships. Social and economic forces that cause people to become alienated from society must be combated. These are high goals for any society, and they are difficult to attain. As we learn more about the causes of crime, additional strategies for crime reduction will present themselves.

The second front of attack requires strengthening our system of law enforcement and the administration of justice to deter more of those who intend to commit crime, apprehend more of those who do, and rehabilitate more of those who are caught and convicted. Existing governmental institutions, which comprise the criminal justice system, are designed with these purposes in mind. This system cannot alleviate the social and economic causes of crime, but it can identify the criminals and reduce the incidence of crime. The various component agencies of criminal justice and the system as a whole need thorough analysis and adequate support to assure maximum effectiveness. In view of the cost of crime, the cost of such analysis and support will be very much less than the amount saved for Pennsylvania and its citizens.

## SECTION 2

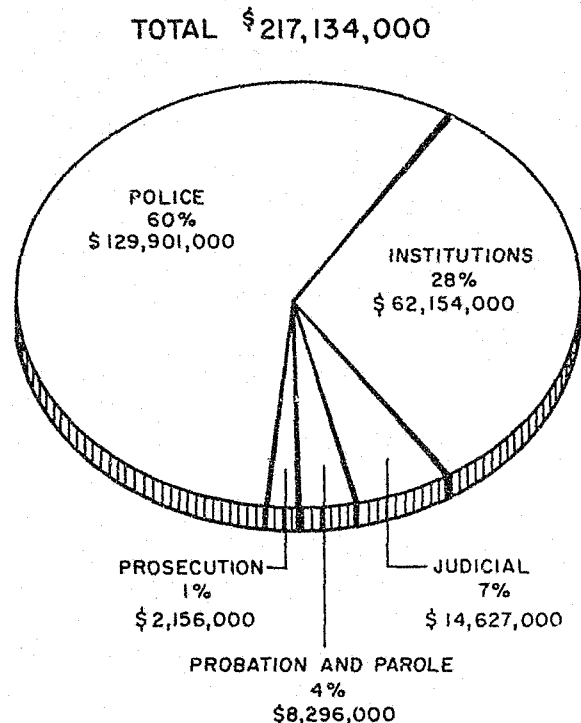
### CRIMINAL JUSTICE IN PENNSYLVANIA

#### THE CRIMINAL JUSTICE SYSTEM

The criminal justice processes stand as the only line of defense between the citizen and the criminal. These processes are charged with the diverse missions of preventing crime, and apprehending, prosecuting, adjudicating, sentencing, imprisoning, and rehabilitating offenders. The criminal justice apparatus is loosely organized into three major parts: police, courts, and corrections. Its activities directly determine the extent to which each citizen is protected from becoming a victim of crime. How effectively each major unit operates, and how well each works with the other two, are the most critical factors in assuring public safety.

The magnitude, complexity, and pervasiveness of crime necessitate massive efforts to cope with it. In Pennsylvania, a state of more than 11 million people, approximately 35,000 men and women are working within the broad perimeters of crime-control activities. The three major areas of criminal justice operations are manned by approximately 20,000 police officers in more than 1,150 organized departments, 67 district attorneys, 300 judges of courts of record, 8,600 minor judicial officers and constables, and 4,600 correctional employees, including 900 probation and parole officers. The criminal justice system operates eight State adult correctional institutions, 70 county jails, 10 state juvenile institutions, and 22 local juvenile detention facilities. The total cost to the taxpayer for these functions cannot be measured because local and State records are inadequate, but the known costs exceed \$217 million each year. Figure 4 illustrates the distribution of these costs.

This criminal justice system arrested an estimated 428,000 persons in Pennsylvania in



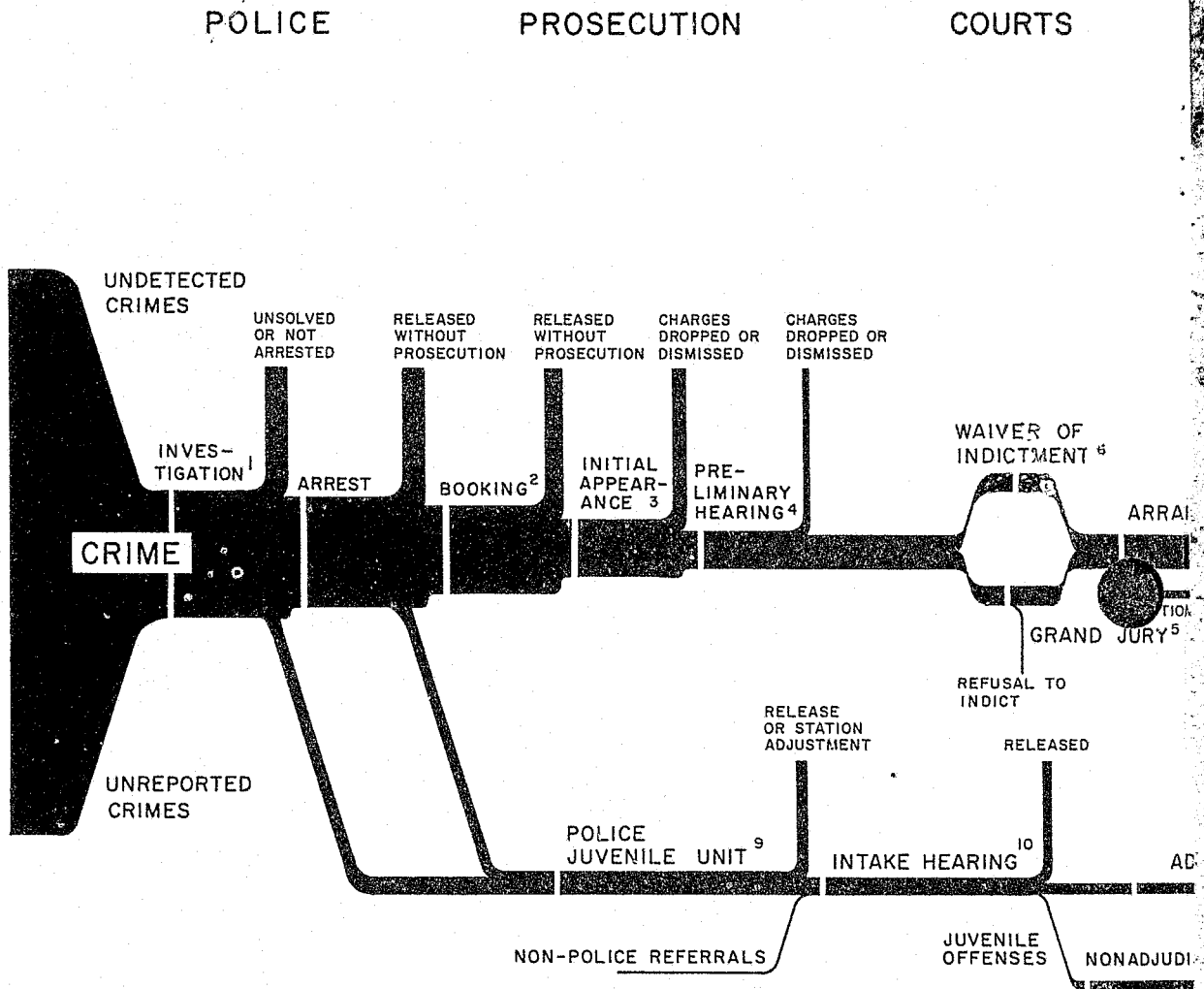
Source: Pennsylvania Department of Justice  
Figures are for 1966; no later data available.

Figure 4. Estimated 1966 Expenditures for Pennsylvania Criminal Justice System

1967, and processed 41,000 through the major criminal courts. The system maintained a daily average during 1967 of approximately 6,100 inmates in State correctional institutions (5,100 on January 1, 1969) and an additional 6,000 in county jails; it is also responsible for approximately 24,000 persons on State and local probation and parole. An estimated 140,000 of those arrested were juveniles under 18 years of age. Approximately 35,000 cases were processed to the juvenile courts; of these, approximately 2,700 were placed in juvenile institutions. An estimated 15,000 juveniles are on probation. Figure 5 diagrams the operation of the system.

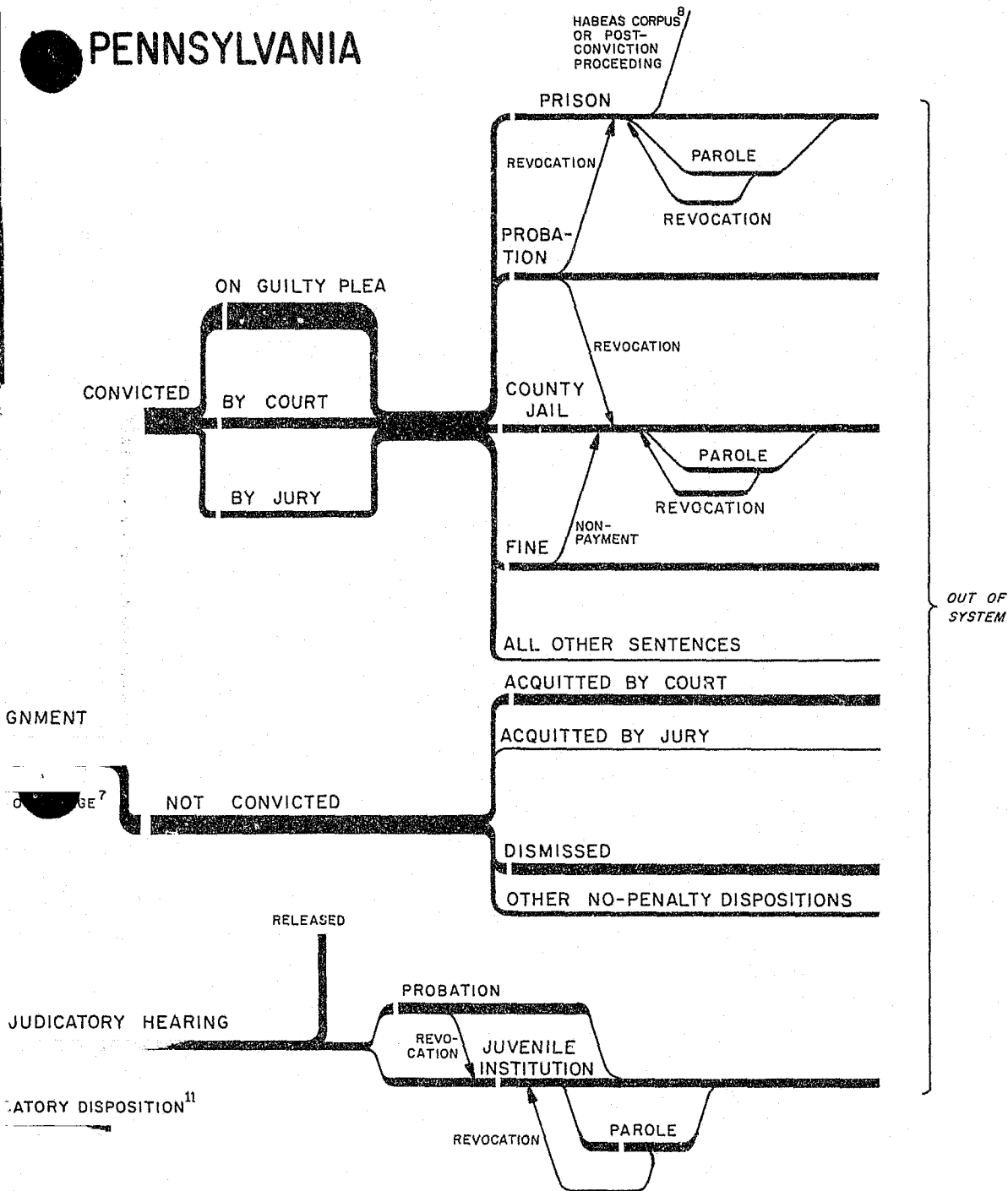
# Figure 5 A GENERAL VIEW OF THE CRIMINAL JUSTICE SYSTEM

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 data of this sort is insufficient.



- 1 May continue until trial.
- 2 Administrative record of arrest. First step at which temporary release on bail may be available.
- 3 Before magistrate, alderman, or justice of peace. Formal notice of charge, advice of rights. Bail set. Summary trials for petty offenses usually conducted here without further processing.
- 4 Preliminary testing of evidence against defendant. Charge may be reduced.
- 5 Reviews whether State evidence sufficient to justify trial.
- 6 Appearance for plea; defendant elects trial by judge or jury (if available); counsel for indigent usually appointed here.

# PENNSYLVANIA



7 Charge may be reduced at any time prior to trial in return for plea of guilty or for other reasons.

8 Challenge on constitutional grounds to legality of detention. May be sought at any point in process.

9 Police often hold informal hearings, dismiss or adjust many cases without further processing.

10 Probation officer decides desirability of further court action.

11 Welfare agency, social services, counselling, medical care, etc., for cases where adjudicatory handling not needed.

The goals of the criminal justice process are to prevent crime, to apprehend the criminal, to provide a fair and prompt trial, to incarcerate the convicted offender when necessary, and to rehabilitate the offender who is placed on probation, imprisoned, or paroled. Because the available data is incomplete, the effectiveness of the process cannot be realistically measured. We do know, however, that in Pennsylvania approximately 22 percent of reported crimes are cleared by arrest.

How much crime is prevented? How long does it take from arrest to trial? How equitable are our criminal procedures? Exactly how widespread is recidivism? The answers to these and other important questions are unknown, and will remain so until the reporting and record-keeping methods of the criminal justice apparatus are drastically improved. The newly established Criminal Statistics Unit in the Pennsylvania Department of Justice will help solve this problem.

However, several things are known about criminal justice in Pennsylvania. Although the criminal justice system is being streamlined and updated, in many respects it remains unfair, generally antiquated, overburdened, undercapitalized, fragmented, and unorganized. Yet, changes are occurring. For the first time in more than a century, Pennsylvania is systematically updating and renewing its entire criminal justice system. The following are indicative of these changes:

- A unified judicial system resulting from the constitutional convention of 1968;
- The reorganization of the Department of Justice, including the new Criminal Justice Statistics Unit;
- Recruitment of professionals into the criminal justice system; and
- Progressive legislation to improve all areas of criminal justice in Pennsylvania.

## IS THE CRIMINAL JUSTICE SYSTEM EFFICIENT?

It is currently impossible to construct a set of absolute standards for measuring overall effectiveness of the system of criminal justice; however, studies by the Pennsylvania Crime Commission, the Pennsylvania Department of Justice, and federal and private agencies have revealed data that indicate that the system is experiencing serious trouble.

### Apprehension of Criminals

In the previous section, it was noted that an estimated 22 percent of reported crimes in Pennsylvania result in arrests.

The police have extreme difficulty in apprehending offenders in certain types of crime. In the burglarizing of an unoccupied building, for example, the victim does not see the criminal and the latter is usually careful to leave no identifying trail. The high incidence of crime in crowded urban districts provides many criminals with a wide selection of places of concealment and opportunities to blend into crowds. High-speed highways and air transportation provide the criminal, especially the professional criminal, with the rapid mobility that he needs to elude capture. White-collar crime, by its inherent nature, is not usually amenable to solution by the police. Yet, regardless of the difficulties, efforts must be made to improve the rate of apprehension.

### Professional Crime

The criminal justice system has had only limited success in coping with the professional criminal. His crimes are well organized and planned. He uses specialized tools and equipment, and employs accomplices with specialized skills. He is experienced and knowledgeable. As a result, he often escapes capture by the police. When he is arrested, he and the

competent attorneys he retains prove to be equally knowledgeable in finding loopholes and escape routes in the criminal justice processes of trial, probation, and parole. If he is imprisoned at all, the sentence of the professional criminal is often very light by comparison with the magnitude of his crime and his overall criminal record. As a competent and systematic professional in a lucrative occupation, he is rarely amenable to rehabilitation.

### Organized Crime

The effect of organized crime, both nationally and in Pennsylvania, is so enormous that it overshadows all other crime problems. Like the professional criminal, the members of the organized crime syndicate are extremely skillful in avoiding arrest and in escaping with mild sentences, or with no punishment at all, if they are apprehended. The extensive financial resources of organized crime, the influence it wields through corruption, and the insulation of its leaders from the actual commission of visible crimes because of the well-organized complexity of the criminal organization all contribute to the success of organized crime in thwarting the processes of criminal justice.

The problems of the criminal justice system in fighting organized crime are highlighted by the amazing success of the members of the national syndicate in avoiding prison. Ramsey Clark, former Attorney General of the United States, has stated that the men who direct organized crime have reason to fear traffic accidents more than imprisonment. Of the 142 members of the national syndicate who live or operate in Pennsylvania, 92 have records totaling 495 arrests for indictable offenses, but only one is in jail. A similar picture emerges throughout the nation.

### Prosecution

Prosecution of accused offenders is a key part of the criminal justice system, but this function in Pennsylvania is seriously under-resourced and overburdened. In less populous districts, the prosecutor may be a part-time official. The prosecutors' offices in larger districts are often understaffed and usually lack specialized training. The result is a lack of true professionalism in prosecution. With these deficiencies, the prosecutor finds it impossible to bring all cases to trial. As a result, he uses "plea bargaining" excessively; in plea bargaining a defendant can escape a severe sentence by pleading guilty to a lesser charge. The requirements for professional specialization have been made more stringent by recent decisions of the United States Supreme Court that amplify the rights of defendants. An indication of the difficulties in prosecuting effectively is the fact that, of all cases tried by juries in Pennsylvania, no more than half result in convictions.

### The Courts

Understaffing and lack of effective administration in the Pennsylvania courts are causing seriously inefficient operation. Only seven full-time administrators are employed by the courts of Pennsylvania. In January 1969, the Supreme Court appointed a court administrator for the first time. Procedures and sentencing vary greatly, not only between similar courts, but also between similar cases in the same court at different times. Information exchange is inadequate. Investigation of defendants and preparation and use of presentencing reports are a vital means of assuring equitable justice and of maximizing the probability of eventual rehabilitation of the criminal, yet such reports are prepared for only 20 percent of the persons who are sentenced. Court calendars are crowded and run many months behind. This problem is



aggravated by continuances which extend the time consumed by individual cases.

#### Rehabilitation and Reintegration

The system is not as successful in rehabilitating apprehended criminals as the people within and outside of the system would desire. Individual rehabilitation programs and professional staffs for treatment are lacking in our correctional institutions. Our probation and parole programs unfortunately are characterized by grossly overburdened and untrained caseworkers; this problem is most acute for minor offenders confined in county jails. Rehabilitation would presumably be most effective with these inmates, but the counties have insufficient funds to maintain the necessary staffs of skilled professionals for treating and counseling prisoners. The jails are old, and their bleak environment, in combination with the lack of rehabilitative help and contact with the more hardened inmates, can help make a career criminal out of a young first offender. Few, if any, of the special facilities needed to meet the needs of women or juveniles are provided in most Pennsylvania jails. Professional services in education, vocational training, medicine, and counseling are only now starting to become available. The need for these services is particularly pressing, in view of the results of a recent survey by the Pennsylvania Crime Commission that showed that the average educational level of inmates of Pennsylvania's state prisons was ninth grade, but that they registered an average score of less than seventh grade on achievement tests. The average socioeconomic levels of these prisoners was found to be less than 25 on a 0-to-100 scoring system that was devised and is used by the United States Census Bureau.

The lack of effective treatment in today's correction system is illustrated by a recent federal study of recidivism by the Federal Bureau of Investigation. It was found that 60 percent of the persons released from custody in 1963 were rearrested by 1967.

Most of these were youths in their teens; the recidivism rate for persons under 20 years old was 70 percent. Although these statistics are for the entire nation, the situation is similar in Pennsylvania. Studies by the Pennsylvania Crime Commission show that 77 percent of the inmates in the State prisons have been committed to some correctional institution at least once before. For adult males, the figure is 83 percent. The most tragic aspect of this situation is that our corrections system controls the very segment of our population that is most likely to commit the crimes of the future, but has been largely unable to exploit this seeming advantage.

#### IS THE CRIMINAL JUSTICE SYSTEM FAIR?

In the past, and even at present, the public has been gravely concerned about the overall fairness of our criminal justice system. According to national experts, the system discriminates against the poor in favor of the affluent, and against the ignorant in favor of the informed. These inequities were not intentionally built into the system, but they result from the practical mechanics of its gigantic operations.

Our judicial system is essentially a *bargaining* system, and the poor are unable to bargain effectively. They are not assured adequate services of counsel in criminal cases. And, because investigation services available to the poor defendant are inadequate, he may be pressed into a guilty plea. His plight is often compounded because no presentencing report is available to the judge.

Being able to afford expensive and competent attorneys gives the affluent a decided advantage in dealing with the present criminal justice system. Some inequities have been lessened by recent decisions of the United States Supreme Court. Counsel for the poor is now assured, and constitutional rights which might be unknown to the uninformed are guaranteed. But, throughout the nation and

in Pennsylvania, the system remains basically unfair to the poor in the important area of bail.

Although Pennsylvania has a nominal bail law, it is apparently not used extensively enough. In Philadelphia, more than two-thirds of all prisoners are unconvicted persons awaiting court action. One problem is the lack of detailed information about individual prisoners that is necessary to decide on nominal bail intelligently. In any event, the cost of pre-trial detention to the individual prisoner and to the State is too high to justify the continuation of prevailing money bail practices. Moreover, the results of the money bail system are systematically unfair to poor persons who simply cannot afford bail. Surveys have shown that 27 percent of those persons charged with offenses for which magistrates set bail did not obtain release.

The defendant's stay in jail prior to trial is often inordinately long by comparison with the alleged offense. In one Pennsylvania case, a man was jailed awaiting trial on a traffic offense for which the maximum punishment was a relatively minor fine. He was kept in jail for months and finally acquitted.

The cost to defendants of failing to make bail is very high. Without any adjudication of guilt, a man is separated from his family, subjected to disgrace, and is likely to lose his job. Most important, the likelihood of conviction and prison sentence increase markedly among those who have been detained prior to trial, as opposed to those who have been out on bail. (This is independent of factors such as prior criminal record and the amount of bail set, either of which might indicate the relative culpability of the individual.) A study in Philadelphia found that only 18 percent of defendants who had been detained prior to trial avoided conviction, compared to 49 percent of the defendants who had been free on bail.

The cost to the Commonwealth of persons failing to make bail is also quite high. In

Philadelphia in 1967, the cost of maintaining a prisoner was \$6.62 per day. The State also bears an added expense because a person who fails to make bail can no longer support his family. The family often must obtain public assistance. Where the likelihood of the defendant fleeing the jurisdiction is low, money bail is both wasteful and unjust.

But we do need bail. It is essential that high bail be set for dangerous professional and organized criminals, both to assure their appearance for trial and to keep them from committing other crimes while awaiting trial. A study of persons arrested for crimes of violence in Philadelphia in the first half of 1965 revealed that, at the time of arrest, 25 percent of them had been previously released on bail, parole, or probation for another offense. The Constitution assures the right to bail to all defendants in noncapital crimes. Hardened criminals should be tried speedily to minimize the time that they are free to prey upon society prior to trial. This requires that cases involving minor offenses be diverted, at the prosecutorial level, to the minor judiciary. In summary, the wrong people make bail too easily under present conditions.

#### CAUSES OF CRIMINAL JUSTICE DIFFICULTIES

Those who are concerned with the efficiency and fairness of Pennsylvania's criminal justice system must understand the reasons for its problems. Studies by the Pennsylvania Crime Commission have shown many and increasing signs that the system is outdated, overburdened, fragmented and unorganized, unplanned, undercapitalized, dehumanizing, too political, and too often outflanked by organized and professional crime.

*The system is old.* It has evolved through the 700-year history of Anglo-American common law. At its inception, the common law was intentionally shaped to provide strong, individualized justice based on the specific people

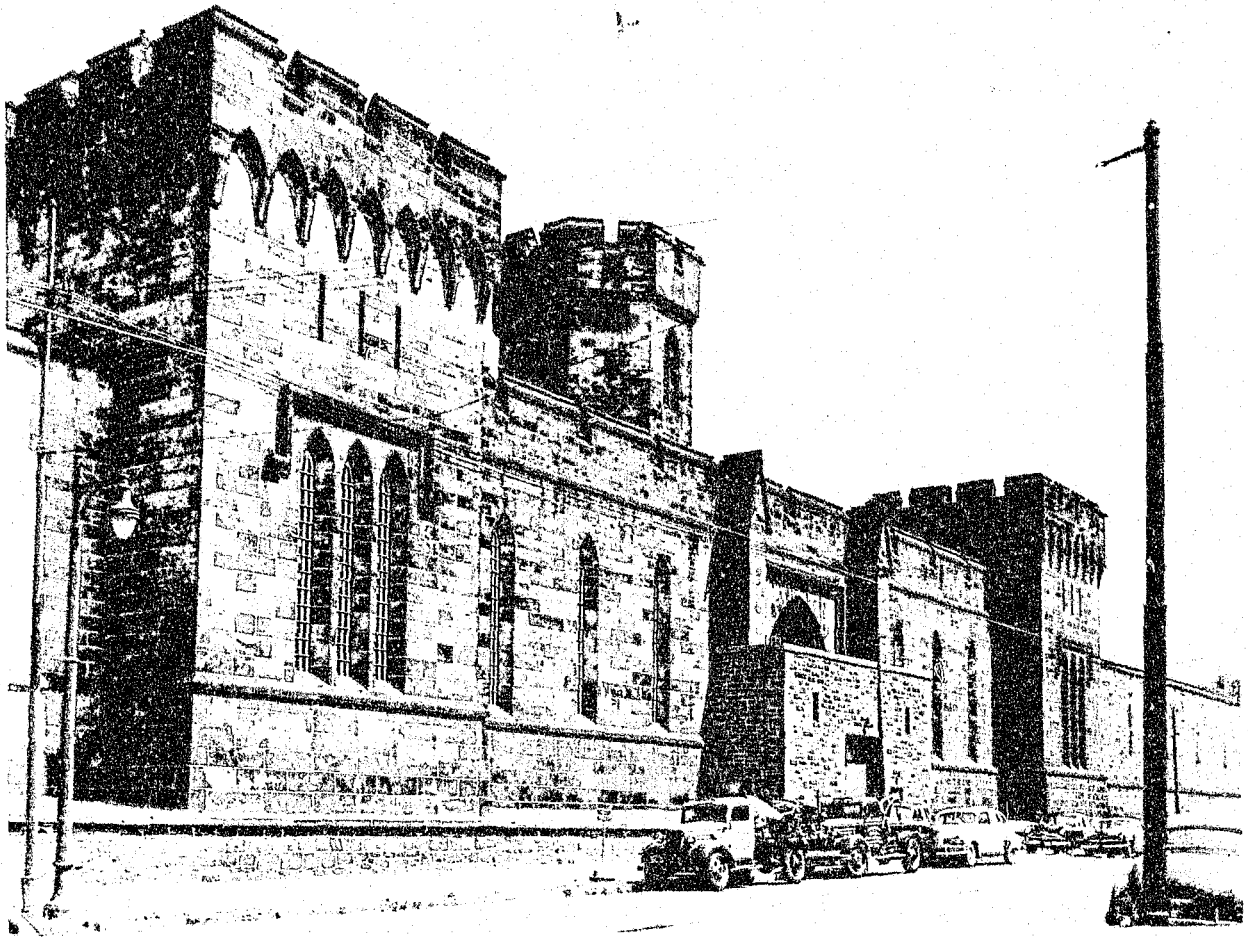
and actions involved in each case. This basis was reasonable in a sparsely populated rural society, where most men within a jurisdiction had personal knowledge of one another. The apparatus of the common law was intentionally spread out and fragmented to minimize the chances of usurpation of its powers by a despotic monarch. These characteristics were admirably suited to their era, but times changed.

As society moved from the feudal stage, to a rural economy of small freeholders, to the age of commerce and exploration, and then into the industrial revolution, the law struggled to keep pace. Although it would temporarily lag behind changing economic and social conditions, it would eventually manage to catch up. But today, in Pennsylvania, the law is a full quantum jump behind. For example, the Pennsylvania Crimes Code was enacted in 1860 when the full effects of the industrial revolution were just beginning to be felt, and America's population was 80 percent rural. Since then, urbanization has progressed at an ever-accelerating pace. The population is now more than 80 percent urban, and vast sociological and technological changes have taken place. The law, although somewhat revised in 1939, has not kept up with these changes. It lists 450 separate crimes; these could realistically be recodified into about 150. Many of the laws are archaic. Unauthorized possession of a milk can, for example, is listed as a crime. Laws which are badly needed do not exist: loan-sharking is not a crime.

The physical facilities and equipment of Pennsylvania's law-enforcement apparatus equally attest to the antiquity of the system. The State Correctional Institution at Philadelphia was opened in 1829, its counterparts at Pittsburgh and Huntingdon in 1882 and 1889 (see Figure 6). A majority of the county jails were also built in the early and mid-nineteenth century. Planning and building new correctional institutions is often made

difficult by neighborhood resistance to having prisons located in their midst. Police communications equipment is generally out of date. The State Police teletype system is over 40 years old, and can contact only 125 of the 1,150 local police departments in the State. (A recent evaluation showed that some corporations maintain better communications systems than the police of Pennsylvania.) The revolver, baton, and handcuffs, the regular equipment of the individual police officer, have not changed since the turn of the century. Record-keeping and data-exchange procedures are outdated and generally do not use modern computers. (A major obstacle in studies performed by the Pennsylvania Crime Commission has been the unavailability of reliable and complete data.) Sufficient research money is unavailable to plan for alleviating these deficiencies; research expenditures by the criminal justice system are proportionately far lower than the level of such efforts in industrial corporations.

*Pennsylvania's criminal justice system is overburdened.* It must cope with huge numbers of comparatively trivial offenses, thereby diluting its ability to effectively control major crimes and major criminals. Fully half the arrests in Philadelphia last year were for the so-called crime of drunkenness. The cost in money was \$400,000; the cost in decreased effectiveness in dealing with true crimes is immeasurable. Congestion in the cities strains the entire criminal justice apparatus overwhelmingly. Court calendars run many months and even years behind. Offenders awaiting trial roam the streets and, in many cases, commit new crimes and are even released to commit more. The burden on the entire system is increased by the large number of "borderline" crimes that must be handled; these include juvenile offenses, such as truancy, which would not be unlawful if committed by adults, and antisocial actions by persons who are on the edge of mental incompetence.



*Figure 6. State Correctional Institution at Philadelphia (Opened 1829)*

*The system is fragmented and unorganized.* Pennsylvania has 1,150 separate police departments. There are 5,200 judges of the minor judiciary; however, under the new Constitution, this will be reduced to 600. Pennsylvania's 67 counties have separate prosecutors, sheriffs, coroners, jails, and other agencies. The fragmentation of the criminal justice system is both vertical and horizontal. Vertical fragmentation results in an almost complete lack of coordination between the major areas of criminal justice activities of

police, courts, and corrections. Horizontal fragmentation, which is exemplified by the 116 separate police departments in Allegheny County, results in the diffusion of responsibility. All in all, the criminal justice system can be termed a "non-system"; it includes many thousands of separate, more-or-less autonomous organizations, relatively isolated from one another. They often duplicate each other's functions. They keep separate and often inadequate records. Information exchange among them is minimal, and they have little

capability for direct communication. In Pennsylvania in 1967, approximately 428,000 arrests were made, not including traffic violations. Of these cases, 41,000 were processed by the adult criminal courts and 35,000 by the juvenile courts. Amazingly, no one can account for the outcomes of the other 352,000.

*The criminal justice system is almost totally unplanned.* No overall leadership or comprehensive planning has ever existed. Each of the myriad parts of the system has grown and developed on its own, with little or no consideration of the needs of the complete system. No systematic analysis or setting of goals has been done or even attempted.

*The system is underfinanced.* Police departments, which account for half the cost of the criminal justice system, are funded largely from local tax dollars. The crisis in urban financing, resulting from increased urban population coupled with a decreasing tax base, hits the police particularly hard, since law enforcement is typically one of the largest expenditures of a municipality. When the Pennsylvania Crime Commission was formed, some police salaries were as low as \$2800 per year. These levels have since been raised by legislation supported by the Pennsylvania Department of Justice, but even now salaries of \$100 per week are found in some departments. Some county jail and probation officers' salaries are even lower. How can capable young men be attracted?

A particularly poignant letter, which underlines the problem of compensation for the police, was received by Governor Shafer in the summer of 1968. It was from a recently retired police officer who had spent 32 years on the police force of a small community, eventually becoming the chief of a five-man force. Upon retirement, he received his first pension check. The municipality deducted the man's income from social security in computing the pension amount. As a result, the monthly check was for two cents! This

retired officer, who is 70 years old and has had a heart attack, must augment his income by weeding yards.

The lack of financial resources also results in failure to provide adequate recruit, in-service, and command training for the police in all but the largest cities; 80 percent of Pennsylvania's police departments provide no training at all. Inability to purchase modern communications and other equipment for police use and the overworking of police personnel are other results of inadequate funds. Most important, the lack of resources prevents the hiring of the highly qualified people who are needed to keep up with modern developments in law-enforcement technology.

*The criminal justice system has become dehumanizing.* This dehumanizing effect is a characteristic of the system itself, not of the people who staff it. Because the number of offenders who must be dealt with is very large and personnel and facilities are lacking, assembly-line justice has become commonplace. In lower courts, minor offenders are often sentenced or discharged in groups, and the individual feels as though he were being carried through the system's processes on a conveyor belt. The dehumanization extends to victims as well as to the accused. A citizen with a complaint, and even a comparatively minor complaint, may understandably constitute a petty annoyance to a grossly overworked official and be treated accordingly.

The most dismal aspect of the dehumanizing procedure occurs in the prisons and detention facilities for men, women, and children. These under-resourced institutions can do little more than hold their inmates in "cold storage" until their release. While an inmate loses certain legal and civil rights, he must not lose his rights as a human being. In the interest of society, as well as his own, these include the right to rehabilitative treatment, job training, education, and psychological or psychiatric help. Local understaffed institutions

provide little or none of these services. Understaffed probation and parole agencies can do little for the offender. Society pays heavily for this deprivation of human rights. Nearly all prisoners are eventually released, and a large percentage of serious crimes are committed by former prison inmates. A humanized and individualized treatment program, even if only moderately successful, should drastically reduce the overall cost of crime in Pennsylvania.

Concern by the public can vitalize an institution; public disinterest produces decay. The disinterested citizenry must pay — in both money and fear — for those who commit crimes again.

*Pennsylvania's criminal justice system is too political.* Appointments and promotions should be made in accordance with much-needed professional standards. The situation is most critical at the higher levels where professional specialization is most needed; the severity of the problem increases as advances in the techniques of criminal justice and law enforcement generate more stringent needs for professional competence. State and local efforts are now under way to improve this shortcoming.

*The criminal justice system has been outflanked by professional and organized crime.* While Pennsylvania's criminal justice system limps along in its myriad uncoordinated jurisdictions using ancient equipment in the hands of underpaid and undertrained personnel, the modern professional criminal employs the latest technologies, methods, and equipment in a highly organized and highly mobile set of activities. County and state lines pose no barriers to his operations. Even international boundaries are easily crossed. Of the five syndicate branches that are active in controlling Pennsylvania, three are controlled from outside the State.

Countertechniques are needed to combat organized crime. These include investigative grand juries, closely supervised court-approved

electronic eavesdropping, and new legislation to aid the police in arresting and the courts in convicting the organized criminal.

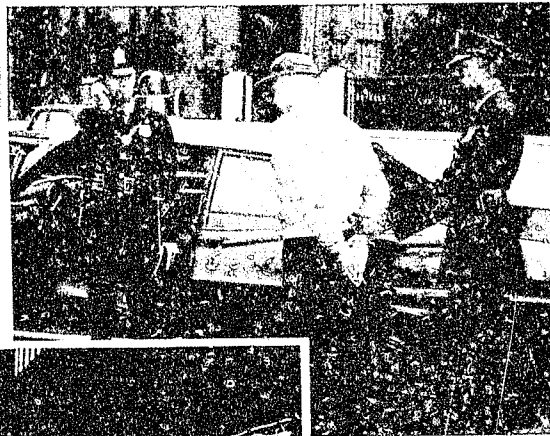
#### FAVORABLE FACTORS

Pennsylvania has a number of invaluable resources which, with proper planning and implementation, can form the nucleus of a truly effective and equitable law enforcement and criminal justice system. The outlook is growing brighter since, for the first time, the need for unified planning, modernizing, and restructuring the criminal justice apparatus is recognized by both Pennsylvania and the federal government.

*By far the most valuable asset of the criminal justice system is the people in the system.* Most are highly dedicated, conscientious, and imbued with the desire to serve their communities. They work long hours for pay that is generally low, and sometimes abysmally so. The police are a particularly dedicated group. Many police officers are on call literally 24 hours a day, 7 days a week. They achieve great satisfaction from those duties devoted to helping people, and courageously face the dangers of coping with criminals (Figure 7). They are concerned but frustrated. They, more than anyone, recognize the need for further training and eagerly seek it. Some State Police officers, after a full day's work in Philadelphia, drive to Harrisburg on their own time to attend training courses.

*A second positive factor is the availability of effective leadership in criminal justice.* The Law Enforcement Assistance Administration of the United States Department of Justice, the Pennsylvania Department of Justice, the Pennsylvania State Police, and many concerned legislators are leading an active involvement in analyzing the total criminal justice system, and rebuilding and renewing the system for today's rigorous demands.

*Police capabilities and professionalism are on the upgrade.* Legislation has raised salaries of Pennsylvania policemen to a minimum level of \$5400, and local arbitration efforts are



*Figure 7. Diverse Duties of the Police  
(Philadelphia Police Department)*



bringing further increases. Standards are being developed by the Pennsylvania Crime Commission for recruit and in-service police training, salaries, equipment, and standards of competence. Standards will be raised by upgrading the capabilities of existing personnel through proper training. Police are bringing the abilities of other disciplines into their work, and are enthusiastic about the use of techniques and technologies that have hitherto been unavailable.

*The recent Constitutional revision can be extremely beneficial to the criminal justice system in two major areas.* The first is in the unification of the court system. The number of minor courts will be reduced from 5200 operating on a fee basis to 600 that will operate on salaries. These courts will be accountable to the Supreme Court of Pennsylvania, as will the newly unified trial courts, juvenile courts, and others. In addition, the constitutional revision establishes authority and guidelines for merging and consolidating certain services of local government. Such consolidations of local police forces, purchasing services, and the like will eliminate much of the fragmentation of criminal justice functions.

*In the field of corrections, top federal, State, and local officials are heavily emphasizing immediate action to improve correctional programs and significant progress is being made.* Six regional correctional facilities are being planned, and three are under way. Prerelease centers are being implemented for prisoners on their way back into society. Parole and probation staffs are being increased and upgraded. Educational programs for prisoners are being organized, supported by nearby universities. The disciplines of social work, psychology, sociology, medicine, education, and vocational rehabilitation are being tapped to aid in reclaiming inmates for society. Programs are being implemented to provide employment opportunities for released inmates, and the interest and cooperation of the public are increasing.

*Rehabilitation programs for children are being instituted to provide new resources and alternative programs to help them.* Foster homes, day-care centers, and vocational-guidance programs are being established. Education, recreation, and employment opportunities for young people in deprived areas are becoming available to reduce the factors that lead to juvenile crime. In recognition of the finding that the youngest offenders have the highest rate of recidivism, effort is being made to help the juvenile at the earliest possible age. However, more priority and attention must be given to juvenile programs.

*Federal incentives and funding under the Omnibus Crime Control and Safe Streets Act of 1968 are significantly helping criminal justice.* This year, \$881,650 has been made available to Pennsylvania for planning purposes at the State and local levels, to be distributed through the Pennsylvania Crime Commission. Larger sums will become available during the next few years for action programs to improve the system.

*Interdisciplinary assistance is reaching the field of criminal justice from a number of sources.* In medicine, the American Medical Association is conducting an intensive study of the problem of alcoholism, stressing its characteristics as a disease to be treated, rather than a crime to be punished. In education, several Pennsylvania institutions are offering training in law enforcement and criminal justice and are conducting research in the field. Significant assistance and cooperation in problems of criminal justice are being obtained from workers in such diverse fields as sociology, engineering, the physical sciences, chemistry, operations research, and systems analysis.

The progress noted here is only a beginning. Much more is needed to modernize, organize, expand, and improve Pennsylvania's criminal justice system so that it will truly meet the needs of the Commonwealth and its people in providing effective and equitable justice.



## SECTION 3

### GOALS FOR THE CRIMINAL JUSTICE SYSTEM

Pennsylvania's criminal justice system is faced with a mission of staggering magnitude and complexity in a rapidly changing society. Undeniably, the system has severe problems. However, basic blocks for building a successful criminal justice system already exist. Now it is necessary to apply the Commonwealth's resources and knowledge toward increasing efforts to find goals that will yield an efficient, equitable, and coordinated system.

The specific tasks confronting the state are many and diverse, but most of them are ingredients of the following four fundamental goals:

- *Provide swift, decisive, and fair justice.*
- *Assure rights of victims and witnesses.*
- *Guarantee human rights.*
- *Activate citizen interest.*

#### SWIFT, DECISIVE, AND FAIR JUSTICE

Achievement of this goal will require action in a number of separate areas. Police techniques must be improved to make the apprehension of criminals more rapid and more certain. Helicopters, for example, can be exploited both for surveillance in detecting crime and for speeding the police to the scene. Right now in Pennsylvania, an automatic alarm for citizens is being developed. Pocket-sized, it will transmit a radio signal that will inform the police in less than one second of the user's identity and enable them to determine his location instantaneously and precisely. Similar concepts can be applied to protecting business premises.

Other possible applications of advanced technologies to police work are numerous. In addition to improving police effectiveness in the specific operations that utilize them, such techniques will tend to reduce the total workload on the overburdened police force. Many advances in police technology will also benefit police effectiveness in missions outside the sphere of criminal justice as, for example, the use of helicopters in speeding aid to accident victims.

Technological advances alone will not adequately improve police techniques. The conscientious and dedicated men and women of our police forces must also be provided with training opportunities to continuously upgrade their professional competence; and they must be compensated in keeping with the heavy responsibilities and varied demands of their work. In terms of the goals that have been specified, improved police effectiveness not only aids the attainment of swift and decisive justice; it also helps insure the right of citizens to be free from criminal attacks.

Justice must be speeded up in our courts. Criminal justice today is characterized by a tendency to treat all offenses and all criminals alike, lumping the trivial with the serious. This dilutes effectiveness and slows judicial processes. The courts are glutted with a massive caseload, and vital and trivial cases move through the system at the same slow pace. Crimes are broadly defined and penalties are sometimes rigidly prescribed with little regard for the characteristics of the individual criminal or his specific acts.

The vast quantity of trivial offenses must be removed from the main paths of the judicial process, and a realistic set of priorities and weighting factors must be established for individual crimes and criminals. Alcohol abuses, when not coupled with other crimes, should be recognized and treated as medical rather than criminal problems, and detoxification centers should replace jails in their treatment. Administrative procedures should replace the courts in processing minor traffic offenses. A pretrial diversion procedure should be established for the nonjudicial disposition of cases that involve minor crimes committed by persons who are not dangerous and who appear to be amenable to rehabilitation; programs of this type have been used successfully in New York City and Washington, D.C. The drastic reduction in the caseload of the courts that these steps would provide is illustrated by the following figures for Pennsylvania in 1967:

- 46 percent of all criminal arrests were for alcohol abuses.
- 31 percent of the cases in criminal courts of record were family disputes involving nonsupport.
- 21 percent of the cases in criminal courts of record were motor-vehicle violations.

More serious crimes should be scheduled by the prosecutor for court action in accordance with a meaningful system of priorities. A weighting scheme could be used to evaluate the true severity of the specific offense. Such a method has been devised by Thorsten Sellin and Marvin E. Wolfgang of the University of Pennsylvania's Center of Criminological Research.

Analogous scoring techniques are needed for evaluating the criminal so that his history and expected behavior while he is free on bail can be considered in fixing the scheduled time of his trial. Known repeaters of serious crimes

should not be released on bail but should be given speedy trials. The right to be released on bail is guaranteed by the Constitution. However, legislation is urgently needed to prevent the release prior to trial of known repeaters of vicious or dangerous crimes who are likely to endanger the public if they are set free.

Another area for improving the speed, decisiveness, and fairness of criminal justice procedures is in prosecution. The prosecutor is an essential and highly specialized member of the criminal justice team. However, many prosecutors now serve on a part-time basis with insufficient specialized training and inadequate staff assistance. Ideally, all prosecuting attorneys should be full-time officials, prohibited from outside practice that might conflict with their duties, and paid enough to make such additional work unnecessary. Their offices should be adequately staffed, and training in their specialty should be made available.

Bail reform must be instituted if justice is to be fair and equitable. The present bail system can be improved in several ways: more extensive use of nominally small levels of bail, release on recognizance, and the substitution of a citation or summons for arrest with comparatively minor offenses. Although exact plans remain to be formulated, similar plans have been tried in several localities with good success. In New York City, for example, the nonappearance rate for a group of nearly 2,200 defendants was less than one percent. Of course, the character and status of each defendant must be appraised to ascertain whether he is likely to appear for trial. In a study of pretrial release, the American Bar Association has made detailed recommendations for such evaluations.

#### RIGHTS OF VICTIMS AND WITNESSES

In a criminal case, the victim is harmed by the crime. Yet, in many cases, he is further victimized by the criminal justice system itself.

He must make inconvenient and often unpleasant appearances at hearings and trials, with consequent loss of earnings. In some cases, he may be subjected to threats of vengeance on behalf of the accused. Witnesses are subject to the same abuses, but their position is even more deplorable because they are basically individuals who are giving their time and effort to aid the criminal justice system. A goal of the criminal justice system must be to end this "punishment" of the victims and witnesses of crime. Proceedings should be scheduled, as much as possible, at convenient times, avoiding last-minute postponements, and repetitive sessions should be avoided. Protection should be provided against intimidation.

The feasibility of compensating the victims of violent crimes should be studied. The victim of a crime now must bear his loss, in physical incapacity and medical expenses or in property loss, alone. Crime is a problem of all the people, and all share the cost of combating it. The victim should not be asked to suffer alone.

#### **HUMAN RIGHTS**

The failure to rehabilitate convicted criminals is the main area in which the present criminal justice system violates the basic rights of individuals. Our system of justice is based on individual responsibility and individual rights. The inmate is entitled to such individual treatment and re-education as is necessary to rehabilitate him and return him to society as a useful citizen.

A primary goal in Pennsylvania's criminal justice system must be to drastically improve rehabilitation in the prisons, probation, and parole systems. A correctional program, adequately staffed by professionals in the many disciplines necessary for rehabilitation and geared to individualized treatment, could have considerable success in reintegrating many former criminals into society. The greatest success probably would occur where it is most needed -- with the youthful offender. The cost of such a program may seem heavy, but the

present cost of an ineffective rehabilitation program is far greater. A large percentage of crimes are committed by men who have been in prison. The corrections system has in its control the men who are most likely to commit the crimes of the future. A rehabilitation program that will substantially reduce these crimes will more than pay for itself.

The need for more effective rehabilitation applies even more urgently to juvenile crime corrections agencies. In addition, opportunities for meaningful education, recreation, and employment must be provided for disadvantaged juveniles to reduce the conditions that lead to crime.

Improved and comprehensive correctional capabilities will also help identify the incorrigible and mentally unstable among the criminals who have entered the corrections system, and thus help protect the public from their future crimes.

#### **CITIZEN INTEREST**

The goals for developing Pennsylvania's criminal justice system cannot be met simply by action within the system. The concern of all citizens must be aroused. Nearly everyone's life is touched by the problems of crime and criminal justice. Too few are aware of the nature and extent of the crime problem or of the difficulties in coping with it. The public must be informed of the vast scope of organized crime, the underlying causes of urban crime, and the problems of the police, the courts, and the prisons. They must be taught to think in terms of the entire criminal justice system, not of its fragmented parts. Most importantly, they must learn what they, the potential victims of crime, can do to fight it.

Crimes must be reported. The police must be aided in their work. Police and the public must both act to improve their relationship within the community, particularly in crowded cities. The citizen must learn to appreciate the role and the problems of the corrections system. Employment opportunities must be increased

for the released offender. The problems of crime and criminal justice must be attacked by the citizen, not with hysteria, but with an informed appreciation of their magnitude and depth.

We must create and preserve a favorable image of the system. Cynicism and disrespect not only promote lawlessness, but cause the law-abiding citizen to ignore and fail to cooperate in criminal justice activities. Our entire system is based on voluntary compliance with the law; it cannot function without an informed, concerned, and cooperative citizenry.

#### **THE TASK AHEAD**

The end goal of Pennsylvania criminal justice must be for citizens of every area and walk

of life to feel safe on the streets of our cities and have confidence in the effectiveness of the law and the security of its supporting system. All of us – the government of Pennsylvania, local governments, the police, the courts, the corrections system, and the public – have much to do and little time to do it. A well-planned and coordinated effort by all the people and all the resources of the Commonwealth can bring about proper legislation, effective, law enforcement, faster and fairer judicial action, and a correctional system that truly corrects. The alternative is greater loss, fear, and suffering. We must begin now, and continue until these goals are reached.

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