

Report to Staff and Trustees of the Vera Institute of Justice

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I. BAIL REFORM

Bail Project in Need of Funds

Baltimore, Maryland. Vista Volunteers who have operated the Baltimore Bail Project since March, 1966 (See Vol. 1 No. 13), have announced that they will cease operations in Baltimore January 1, 1968. Facing possible shut down of the program, city officials are attempting to transfer the project to another anti-poverty program. The city hopes to have the program continued by the Legal Aid Bureau under an OEO grant, but OEO financing is uncertain owing to sharp cuts by Congress last fall.

Bail Reform Surveyed in Massachusetts

Boston, Massachusetts. A recent article in the Christian Science Monitor reviewed the status of Massachusetts bail reform. In effect since December 5, 1966, the Massachusetts Bail Reform Act requires "any justice, district-court clerk, bail commissioner, or master in chancery to release a defendant on his personal recognizance unless he has reason to believe the defendant will not appear in court if bail is not set." Citing an article in a current issue of the Massachusetts Law Quarterly, the Monitor states that surveys throughout the past six months have shown that practices in different jurisdictions have varied greatly. Although a survey in February showed that release on personal recognizance in the state as a whole had increased from 50.2% in October 1965 to 62.6%, some six courts required bail of 56% of those released. One study by law students working for the Voluntary Defenders Committee interviewed 148 defendants in the jails of Suffolk, Norfolk and Middlesex Counties and found that on the basis of family ties, residence, employment, etc. that at least 78% of those interviewed should have been eligible for release without bail.

The Committee on Bail of the Massachusetts Council on Crime and Delinquency now recommends that the Legislature make the Bail Reform Act permanent (otherwise it will expire next July 1) At the same time, the Committee points out that the Legislature will need to authorize additional probation officers to make the pre-bail setting investigations.

preventive detention bill offered by Sen. Daniel B. Brewster (D., Md.) as unconstitutional and unrealistic. The bill assumes that a detained person would be tried in 30 days after arrest. In fact, said Niles, it takes nearly 15 months from arrest to trial at this time. Niles blamed difficulties in administering the Bail Reform Act on this period of waiting.

Bail Review Abuses Charged

Washington, D. C. Serious abuse of the Federal Bail Reform Act by government appointed lawyers has become apparent in the D. C. Courts. The situation became so acute that late last month Chief Judge Edward M. Curran called for the Legal Aid Agency to step in and provide adequate representation for those defendants still in pretrial detention. It was found that some 10 persons a week were ending up in D. C. Jail without a fair bail hearing. The breakdown in handling cases primarily effects felonies brought before the judges of the General Sessions Court. Under the new bail law, if the judge sets money bail or orders other conditions that defendant cannot satisfy he is entitled to a review after a 24-hour period. According to the head of the Legal Aid agency, Kenneth Wood, many government lawyers are failing to take this step and the clients are being remanded to D. C. Jail with little knowledge of their rights or how to get them.

When some defendants finally submitted handwritten requests to the District Court, judges there ruled that these came to the wrong place "because the Bail Law appears to require that the General Sessions judge who had set the original bail must review the case." On the other hand, the General Sessions Judges have been throwing the review appeals back because, as far as they are concerned, "felony cases are out of their hands" after first hearing. The Legal Aid Agency will ask the U. S. Court of Appeals to clarify the law and rule that District Court judges can review cases.

Bail Act Criticized by Senate Committee

Washington, D. C. Senator Robert C. Byrd, (D.W.Va.) converted his Appropriations subcommittee hearings on the District's 1968 budget into an unprecedented "think session" on crime in the Capital. Calling on top District and U. S. Court officials and their staffs, Byrd encouraged back and forth discussion of the District crime problem.

Among the topics discussed in this area was the effect of the recent Bail Reform Act and the Criminal Justice Act. Byrd said that indications are that a high percentage of offenders of serious crimes are being released on ROR or very low bond and, in a great percentage of these cases, the accused is furnished with free legal services under the Criminal Justice Act not only for the trial in the lower court but to prosecute an appeal. Byrd continued that since the offender is free and has free counsel, he has everything to gain and nothing to lose by going to trial with the result that pleas of guilty have dropped sharply and there has been an increase in the number of jury trials creating a backlog of cases in the courts. District Court Judge George L. Hart, Jr. agreed that the Act is partially responsible for the backlog, but added that "the greater protection of the rights of the accused, the increased length of trials, the reduced number of guilty pleas and the increased number of motions are not easily amenable to change. The district court operates with an assembly line efficiency unmatched elsewhere but we need more judges and supporting personnel to handle the cases."

III. FIREARMS POLICY

Chiefs of Police Favor Gun Law Control

Washington, D. C. Quinn Tamm, executive director of the International Association of Chiefs of Police, has called for more stringent gun control laws in the United States. In an editorial in the July issue of Police Chief Magazine he said, "Law abiding citizens and the police are tired of living in a country which is becoming a veritable armed camp erupting too frequently into violence bringing death and destruction by firearms to innocent citizens." A resolution has already been adopted by the police chiefs association at its 1965 annual conference calling for an amendment to Federal Firearms Act that would restrict the "traffic in firearms moving in or otherwise affecting interstate or foreign commerce."

IV. VERA NEWS

Criminal Justice Coordinating Council

Vera staff members have been observing meetings throughout the City between police officials, community leaders (both young and old), and summer interns from the Mayor's Office. These meetings,

regularly scheduled and open to the public, are carried on in an attempt to better police-community relations. From listening in on the meetings, Vera hopes to find out what can be done by the Criminal Justice Coordinating Council in the area of crime prevention. First observations have revealed fear and distrust of police in both young and old due to long standing ghetto conditions. Vera staff feel that both police and community leaders desire cooperation on problem solving; the difficulty lies in just how to achieve it.

Interrogation Project

During the period of August 1 - 31, 1967 a survey is being conducted in all Manhattan precincts (except the 20th) to collect data on interrogations taking place throughout the borough. Information regarding the incidence of waiver of rights and requests for counsel and the results of interrogations is being collected to ascertain if the sample being tested at the 20th Precinct is representative of the entire borough.

Summons Project

Initial statistics indicates that the extension of the Manhattan Summons Project city-wide effective July 1, 1967 (See Vol. 2 No. 11) appears to have been effected smoothly and with great success. Preliminary figures on the first month's operation of the program on a city-wide bases are as follows: 505 summonses have been issued during the month of July; of the number scheduled to appear in court through July 31, 1967, 432 have appeared; only 4 defendants have failed to appear on the return date. It is anticipated that the actual number of summonses issued and the number of persons failing to appear will be slightly higher than that indicated at the present when the final tally is conducted for the month. Nevertheless, preliminary results are highly encouraging.

Telephone Experiment

Vera's telephone project has been operating for approximately one year in the Manhattan House of Detention for Men. An earlier study completed by Vera indicated that approximately 25% of those defendants permitted to use the telephone were able to raise bail and get released from detention. It is possible, of course, that a proportion of those released would have raised bail without the use of the phone. Thus, in order to test whether the phones actually aid in obtaining a speedy release, Vera, for the past

five weeks, has carried out a controlled experiment. During the experiment requests from inmates for use of the telephone have been divided into two groups; one receiving immediate use of the phone (within 24 hours); the other being delayed at least seven days. If the phone is really effective, there should be a difference of seven days on time of release between the two groups. Vera personnel have completed the data collection in the Tombs this week. The data will then be coded, processed and a report should be ready in about a month.

Court Expansion

Vera has completed a report on the expected number of arraignments for the coming year for Bronx, Brooklyn, Queens, and Staten Island in connection with the opening of a 6:00 P.M. to midnight Arraignment Court for these boroughs. This report was prepared to aid court officials, the District Attorney's Office and the police in planning procedures and includes an hourly breakdown of number of cases to be expected during the newly extended court hours.

Traffic Court

As a result of a recent study done by Vera in Manhattan's Traffic Court, a formal proposal for innovations in that court is being prepared for submission to Judges Dudley and Massi of New York Criminal Court. Observing the procedure in Traffic Court, Vera staff noted that under the present system officers are spending a great deal of unnecessary time at court waiting for their case to be called. This is particularly true because of three reasons: 27% of the defendants fail to appear for trial, 15% of defendants request another adjournment and 13% of the defendants change their pleas to guilty. And, it is believed that these percentages will increase in the near future when a new -- easy to prepare -- universal summons form and the "not guilty by mail" program go into effect.

It has therefore been proposed that a Pilot Project be instituted in Parts 5B and 5C of the Criminal Court, Borough of Manhattan wherein certain police officers will not appear for trials until it is determined that their appearance is actually required. Instead, they will remain "on alert" for a call either at the precinct or in radioed patrol cars. After the necessity of appearance is determined a police trainee stationed at the court house will notify the officer. It is expected that the officer would be able to arrive within 1 1/2 hours of the call. Officers not needed will also be notified by radio or phone and, therefore, saved the time they would have formerly spent waiting in court.

Evaluation of the Pilot Project would be conducted jointly by the Vera Institute and the Police Department.