
Volume 57
Issue 1 *Dickinson Law Review - Volume 57,*
1952-1953

10-1-1952

Problems in Reorganizing the District Attorney's Office in Pennsylvania

Richardson Dilworth

Follow this and additional works at: <https://ideas.dickinsonlaw.psu.edu/dlra>

Recommended Citation

Richardson Dilworth, *Problems in Reorganizing the District Attorney's Office in Pennsylvania*, 57 DICK. L. REV. 82 (1952).

Available at: <https://ideas.dickinsonlaw.psu.edu/dlra/vol57/iss1/7>

This Article is brought to you for free and open access by the Law Reviews at Dickinson Law IDEAS. It has been accepted for inclusion in Dickinson Law Review by an authorized editor of Dickinson Law IDEAS. For more information, please contact lja10@psu.edu.

NOTES

PROBLEMS IN REORGANIZING THE DISTRICT ATTORNEY'S OFFICE IN PHILADELPHIA

By

RICHARDSON DILWORTH*

Many problems confront a district attorney seeking to reorganize that office in a large city, particularly when that office has been in the hands of one political party for almost seventy years.

The district attorney's office of Philadelphia serves a city of a little over two million people, where more than 120 murders are committed each year, where more than 100,000 criminal arrests are made each year and where the grand jury returns 18,000 indictments a year.

The district attorney must man ten Magistrates' Courts which hear almost 60,000 criminal complaints of indictable offenses a year. He must man the Domestic Relations and Juvenile Delinquency Courts where almost 30,000 cases are heard each year.

In order to dispose of the 18,000 indictments returned each year, six court rooms must be operated. Approximately 350 witnesses have to be subpoenaed and brought to these court rooms each day.

The district attorney argues all appeals of criminal cases and habeas corpus matters to the Superior or Supreme Courts of our state. These appeals have averaged approximately fifty per year.

The modern concept of a district attorney's office led to the addition of a Rackets Division to our office. This division handles special investigations, and is composed of three assistant district attorneys and three county detectives. It is not to be confused with a vice squad or a raiding squad.

How large a staff is required to perform these duties? We found upon entering office that there was a staff of 107. However, under the former regime, the assistant district attorneys had been only part-time employees.

A survey of district attorneys' offices throughout the nation showed that it is almost impossible to operate an effective, efficient district attorney's office in a large city unless the assistant district attorneys devote their full-time to their duties and give up private practice.

Others' experiences showed that it is essential to take the county detectives completely out of politics and make of them a small, highly-trained group to serve in somewhat the same relationship to the district attorney that the Federal Bureau of Investigation does to the Attorney General of the United States.

*District Attorney, Philadelphia County.

It also was found necessary to revise the clerical and administrative system of the office which had remained virtually unchanged over a period of almost seventy years.

The over-all result was that it was possible to cut the staff from 107 to 83. The present staff consists of 30 lawyers (including the district attorney), 14 county detectives, and a clerical staff of 39.

One of the most important tasks in reorganizing the office was the selection of assistant district attorneys. Many of the older members of the bar questioned the wisdom of requiring the assistant district attorneys to devote all of their time to the duties of the office. It was pointed out that this would make it impossible to obtain the services of experienced members of the bar. That is, of course, true, but it is equally true that even the most high-minded attorney will inevitably devote more attention to the development of a lucrative practice than to a salaried job as a public official.

One hundred and fifty-five men and women applied for the 28 jobs. Eleven members of the staff have been attorneys for more than five years. The balance of eighteen have been attorneys less than five years.

The staff is inexperienced, but of high calibre, high morale, hard-working and anxious to learn, and it has been learning rapidly.

Ten of the young men on our staff handle, as part of their duties, cases before the Magistrates' Courts. In a large city a magistrate has a thankless task. Every kind of pressure is consistently brought to bear upon a magistrate and due to the nature of his office he cannot avoid such pressures. It was believed that the one task of the district attorney's office is to relieve the magistrates of these pressures and give them every possible support in the performance of their duties. In return, the magistrates were asked to open their courts on time and conduct these courts in proper fashion. Magistrates' hearings are held in station houses, many of which are antiquated and lack the facilities found in the ordinary court room. It is, therefore, quite a problem for the magistrate to conduct proceedings in orderly fashion.

Assistant district attorneys assigned to the Magistrates' Courts get to the hearings a half-an-hour in advance so as to become acquainted with each of the cases to be heard that morning. If this is not done, the assistant district attorneys are of little use in the proceedings, as cases are run through very rapidly. By familiarizing themselves with the cases the assistant district attorneys learn the issues involved and what facts must be brought out at the hearing. This insures everyone a chance to be heard and is a real deterrent to any attempted fixing of cases. It also insures that no defendant will be railroaded or witness intimidated.

Also discouraged is the holding for the grand jury of minor family disputes, disputes between neighbors, weekend scuffles in bar rooms and arrests made as the result of indiscriminate police raids. In short, the assistant district attor-

neys make every effort to separate the wheat from the chaff so the grand jury will not be burdened with petty matters which do not warrant the attention of the law.

As to grand jury proceedings, it was believed better results would be obtained from the grand jury if no pressure whatsoever is exerted upon its members either to return or not to return indictments.

Our confidence in the good sense of grand juries has been more than justified. The grand jury has handled more cases per month than ever before and has handled them well. More than 300 witnesses a day are summoned before the grand jury. Each jury has used excellent judgment both in returning indictments and in refusing to return indictments.

Six court rooms are used to try persons indicted by the grand jury. It is an invariable rule that assistant district attorneys manning these court rooms must give to the jury and to the court the exact facts in a case and never ask for a penalty greater than that warranted by the facts. Assistant district attorneys must know more about the facts and the law in each case than any other person in the room.

We were confident this would greatly expedite the handling of cases and would gain not only the confidence of the bar and the judiciary but would lead to more just verdicts. A jury once convinced that nothing is being concealed and that everything it should know is being brought out and presented to it, almost always will arrive at a proper verdict.

Confidence in the American jury has been amply justified. There have been no run-away juries or screwball verdicts.

In addition to the Trial Division, an Appeals Division has been created. In the past, appeals were handled by the same men who tried the cases. There is much to be said for letting a man who tried a case and is most familiar with its facts handle the appeal. However, since the office handles sixty appeals each year, it was believed better results would be obtained by creating a small appeals division to handle not only all appellate work but also all the legal research for the office.

This concentration of all legal research in one division of the office has worked splendidly. This leaves only the special Divisions of our office. They are Domestic Relations, Juvenile Delinquency, and Rackets Divisions.

The law requires that the district attorney man the Domestic Relations and Juvenile Divisions of the Municipal Court. The great difficulty in these divisions of the Municipal Court is that the court is understaffed, and the staff of investigators, visitors, interviewers and probation officers is underpaid.

What is more, so many cases now come before the Municipal Court that it is very difficult for the judges to give each case the attention it deserves. For example, one judge heard 100 domestic relations cases in a five-hour court session.

This, of course, meant that the parties in each case left the court room with a complete sense of futility and frustration.

At present the court does not have a sufficient staff to make the kind of investigation necessary to get at the root of what lies behind the family and juvenile delinquency problems which plague our large cities.

Attempts are being made to aid the situation by having assistant district attorneys play a more active part in the proceedings, and, wherever possible, welfare organizations which devote themselves to family problems are urged to enter the picture.

Creation of a Family Court as a division of the Municipal Court is being pushed. It will hear all criminal cases arising out of the family relationship. Such a family court has worked extremely well in New York and Cleveland.

This brings us to the newly-created Rackets Division. This is a division to handle special investigations not ordinarily conducted by the police which require a small, highly-trained staff of investigators working in close cooperation with the assistant district attorneys.

Examples of the work the Rackets Division has undertaken are an investigation into fraudulent practices by radio and television dealers; an investigation into an organized towing-car racket which preyed on the victims of accidents; an investigation into an organized ring which bought and sold illegitimate babies, and an investigation into embezzlements and frauds by employees of the former office of the Receiver of Taxes.

Law enforcement is a local problem and every community must bear that responsibility. I have no sympathy with prosecutors who claim that organized crime has become so large and so highly organized on a national scale that the law enforcement agencies of individual communities can no longer cope with it.

A prosecutor who surrounds himself with an able staff and who has the cooperation of the police department has no excuse for failing to enforce the law and keeping the criminal elements in his community under control.

Every community can itself stamp out organized crime within its own boundaries if it has the will to do so.