



1924

## Criminal Justice

North Dakota State Bar Association

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### CRIMINAL JUSTICE

Criminal justice, the enforcement of the law and kindred subjects are paramount topics of discussion. Some time ago the executive committee of the American Bar Association, the Association of American Law Schools, and the Institute of Criminal Law and Criminology, requested the American Law Institute to undertake the formulation of a model code of criminal procedure.

Chancellor Herbert S. Hadley, chairman of the committee of the Institute which made the investigation, recently stated that in his judgment our system of apprehending and prosecuting those who commit major crimes is only about ten per cent efficient, that as to those apprehended and indicted for major crimes it is only from twenty-five to thirty per cent efficient, and that of those actually tried for major offenses it is only fifty per cent efficient.

He finds as causes of this situation inadequate and inefficient police departments, inefficient prosecuting officers, poor judicial systems, lack of co-ordination between examining magistrates, police, prosecutors and trial courts, indifference of juries to their public duties, easy-going public attitude towards crime, sentimental and emotional pardons and paroles, our division into forty-eight different trial jurisdictions with the attendant opportunities for escape of defendants and witnesses, multiplicity of regulatory laws not supported by strong public opinion, the fact that in most state courts trial judges are merely moderators, and principally "our cumbersome, archaic, inefficient system of criminal procedure, with the glorification of technicality and formalism which it fosters and maintains." He concludes that to secure the desired results we must think of our system of criminal procedure in terms affecting society as a whole and must develop both in public officials and the general public a stern and vigorous sense of justice.