Detention Power and No-Knock Warrants Used Little in Capital; Other Steps Effective

By ROBERT M. SMITH

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WASHINGTON, Sept. 26-In the nation's first experiment day, "the easy way." no-knock police warrants, prosecutors, judges and police officials here are making scant use of either one of the control versial crime control machine.

the words of someone who is jury. involved in the system every

The single most important

use of either one of the controversial crime control measures. But other less widely discussed changes—an increase in judges, an extension of felony jurisdiction, a shift of some juvenile cases to adult court, the "decriminalization" of some family offenses—are having a major impact.

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Among other things, the law has extended the Superior Court's jurisdiction to include some felonies, increased the number of judges on the court by 10 to 37, and created the job of court administrator to handle the budget, hire non-judicial personnel, and schedule staff and supplies for court sessions.

Chief Judge Harold H. Greene

It has been seven months since the comprehensive law providing for those changes went into effect, over strong constitutionalist objections, but with the Nixon Administration's hope that it would serve as a model for the nation.

In that period three no-knock warrants have been issued and seven individuals have been held under preventive detention.

Sions.

Chief Judge Harold H. Greene is proud of the results. "Felony indictments are doubling this year," he said. "For the last 20 years, there have been about 2,000 cases. What happened was the District Court was not capable of trying more than 2,000 felonies, so the others were broken down to misdemeanors."

Backlog Cleared

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Since taking over jurisdiction in some juvenile cases, Superior and important cases. But preventive detention has been found to involve so complex case, Subge free and time-consuming a process that it is being widely avoided. In its place magistrates appear to be detaining defendants they consider dangerous by setting high money bail, an expedient that is not uncommon elsewhere but that here deprives the accused of precisely the due process hearing that preventive detention would call for.

Finding the 'Easy Way'

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dicial Disabilities, heartening those critics who think that judicial laziness and irresponsibility have reached scandalous

dicial Disabilities, heartening to the police and prosecutors since February.

Other Reasons Cited

sibility have reached scandarous proportions.

The commission, made up of a Federal judge, two lawyers and two laymen, investigates complaints of misconduct by judges and can impose a range of punishments up to removal, subject to higher review. It has already taken a number of complaints under consideration.

The lawyer for the D.C.

Aside from the fact that preventive detention hearings sometimes take as long as the trial itself would, there are a number of other reasons why the Government has not sought preventive detention:

The lawyer for the D.C.

Gerald M.

The lawyer for the D.C. police department, Gerald M. Caplan, explained the value of

bond of \$10,000 or more is, in juveniles need not be tried by a the crime bill passed. The President signed the bill last July, The crime control act also and no knock and preventive created a Commission on Ju-detention have been available

for five days anyone on parole or probation while the authorities decide if the new charge The lawyer for the D.C. police department, Gerald M. Caplan, explained the value of the commission this way:

Shift on Family Offenses

"We have judges that feel like playing golf on Friday or come into court at 11 o'clock instead of 9:30. And sometimes a policeman avoids making an arrest to avoid getting into some crazy judge's court. This is important symbolically, and because it will temper intemperate judges."

Another important provision of the court reorganization allows intra-family offenses to be handled by social workers or through a civil relief order telling the husband to stay away from the wife.

There have been an average of 200 such cases a month since the law went into effect. Of those, more than 350 either have been or will be before full court hearings, with the rest handled by social workes.

Despite the wide impact of such court changes, by far the most attention was devoted to the new law's preventive detention and no-knock warrant provisions as it was progressing.

The lawyer for revocation wite decide if the new charge against him warrants revocation of his freedom. Mr. Rudy explained that "generally when we get a person we would consider for preventive detention, he is on probation or parole saginst him warrants revocation. The first perventive detention of his freedom. Mr. Rudy explained that "generally when we get a person we would consider for preventive detention, he is on probation or parole against him warrants revocation. The first perventive detention of his freedom. Mr. Rudy explained that "generally when we get a person we would consider for preventive detention, he is on probation or parole against him warrants revocation. The probation of his freedom. Mr. Rudy explained that "generally when we get a person we would consider for preventive detention, he is on probation or parole saginst him warrants revocation. The probation of his freedom. Mr. Rudy explained that "generally when we get a person we would consider for preventive detention, he is on probation of probation of the

he new law's preventive denetion and no-knock warrant provisions as it was progressing through Congress.

When the omnibus crime control bill was introduced, Attorney General John N. Mitchell aid it would "point the way or the entire nation at a time when crime and fear of crime tre forcing us to alter the pattern of our lives."

Senator Sam J. Ervin, a lorth Carolina Democrat and livil libertarian, said the bill was "as full of unconstitutional, injust and unwise provisions as mangy hound dog is full of leas."

Despite Mr. Ervin's protests,

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The New York Times/George Tames

COMMENTS ON STATUTE: Judge Harold H. Greene in his chambers in Washington. He called the no-knock statute "the antiperjury bill of 1970-it excuses the officers from saying they knocked. Statue of Justice is at the left.

"the antiperjury bill of 1970—it excuses the officers from saving they knocked. Statue of Justice is at the left."

It apply in Federal courts in all the states?

According to Donald E. Santarelli, an associate deputy attraction of claimed "captain" of the Government's preventive detention team, "because we hadn't enough experience with it before we put it in again."

Mr. Santarelli blames the police said they needed to the limited use of preventive detention. "In this jurisdiction," In this jurisdiction, in the said, "they want to take six days to do it. In other jurisdictions," in the second case, the man it toesn't need to be. The needs six hours. It's treated too complexly and it doesn't need to be. The needs to knock deared to states Court of Appeals sets the tone and it's clearly a liberal court."

Use of No-Knock Clause The nockock statute, under which the police may apply to a magistrate for a warrant that lets them enter a house without announcing their authority and purpose, has not been stymide by the courts, however, for Caplan, the lawyer for the D.C. police department, explained why it has been so sparingly used this way:

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lets them enter a house without announcing their authority and purpose, has not been stymied by the courts, however. Mr. Caplan, the lawyer for the D.C. police department, explained why it has been so sparingly used this way:

"We've been reserving it for only the most important cases. Everything the police is given is subject to abuse. We never intended to use it routinely. It was always viewed as an extraordinary law enforcement need."

To try to make sure it stays extraordinary, Jerry V. Wilson the chief of the D.C. police, has issued an order requiring

pistol.

'Creature of the Press'

"Creature of the Press'

Mr. Caplan contends the noknock issue was "a creature of
the press."

"Every jurisdiction has noknock," he said. "We've always
had no-knock. The law never
says how long a policeman has
to wait after knocking—what,
five second? ten seconds?"

Judge Greene calls the noknock statute "the anti-perjury
bill of 1970—it excuses the officers from saying they knocked."

In the end, Mr. Santarelli and
his colleagues in the Justice Department argue that it is not
any one of these specific provisions that really count.

"The biggest significance of

"The biggest significance of the act," Mr. Santarelli said, 'is that it has focused public