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Editorial

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EDITORIALS

HANS GROSS

It was announced by way of London, on December 11th, that Professor Hans Gross is dead. For many years Professor Gross has been one of the most eminent European leaders in the movement for a scientific attitude toward the problems of Criminology. He was born on December 26th, 1847, at Gratz, Austria, where he died. He pursued his University studies at Vienna and Gratz, and in 1869 he was qualified for the law. He served as *Untersuchungsrichter* (examining magistrate) and in other capacities, and received his first academic appointment as Professor of Criminal Law at the University of Cernowitz. Later, he was attached to the German University at Prague, and finally to the University at Gratz, where he died.

Professor Gross was the author of a wide range of works bearing upon the administration of criminal law and upon the theoretical foundations of criminology. In 1893, he published his *Handbuch fur Untersuchungsrichter, als System fur Kriminalistik* (Handbook for Examining Magistrates as a System for Criminalistics). By 1908, this work had reached its fifth edition and had been translated into eight languages. Since 1898 Professor Gross had been Editor of the *Archiv fur Kriminalanthropologie und Kriminalistik*. The *Archiv* is regularly exchanged for this JOURNAL and one or more of its articles may be found reviewed or abstracted in each of our numbers. In 1897 Professor Gross published his *Kriminal Psychologie* which was translated in 1910 by Horace M. Kallen Ph. D., of the University of Wisconsin and in the following year was published under the auspices of the American Institute of Criminal Law and Criminology as the second number in the Modern Criminal Science Series. One of the three best known books on the detection of crime is Professor Gross' *System der Kriminalistik*, an English translation of which has been published in Madras. This contains a bibliography of more than 1,200 titles of books and pamphlets.

His Museum of Criminology at the University of Gratz, attracts a great deal of attention from travelers. It is a remarkable collection of weapons and other tools that have been used by a host of criminals in pursuit of their occupation, but more important than this, it

concretely illustrates, from many angles, the modus operandi of scientific detection.

We hope that in the near future we may be able to publish an extended critical review of Professor Gross' life and work.

ROBERT H. GAULT

THE REAL JAIL PROBLEM.

Under the auspices of the Juvenile Protective Association of Chicago there has been recently issued a pamphlet under the above title, the text of which is by Miss Edith Abbott. The real jail problem is not how a new jail should be built; to care best for the more than 8,000 men and boys who in Cook County, Ill., are each year locked up in its steel cages for longer or shorter periods of time, but how many of the 8,000 could and should be spared the suffering and the humiliation of serving a term of imprisonment in the jail.

At present three classes of persons are confined in the Cook County jail:

1. Those who are merely waiting to be tried and who, until they have been tried and found guilty, are presumed under the law to be innocent persons. The report of the Chicago Crime Committee showed that about 90 per cent of all the "prisoners" sent to the jail during a year are sent there, not under sentence, but to be held awaiting trial.

2. Those who have been tried and found guilty and sentenced to a term of imprisonment in the County Jail. The Crime Committee's report showed that only about five per cent of the "prisoners" are persons who have been tried, found guilty and given a jail sentence.

3. The remaining five per cent of the jail population is a rather miscellaneous group including persons held after conviction pending transfer to some other penal institution, those held as witnesses, or on order of the United States Courts, on writs of *ne exeat*, etc.

The greater part of the 8,600 persons who were confined in the Cook County Jail during the last year were there, not because they were guilty of crime, but because they could not provide bail during the period the law was taking its course. The jail problem, therefore, is largely a problem of poverty. There were last year only 219 persons arrested on the charge of murder. Since the law of Illinois provides that any person awaiting trial may be released on bail unless he be charged with capital offense where the proof is evident or presumption great, it is evident, therefore, that more than 7,000 of those who were in the jail last year could have been released if they had only been financially able. What method, therefore, can be devised to meet the situation?

Again, it is assumed that the person who is confined in jail is suffering deserved punishment. That is not necessarily true. He is waiting for a trial; and the report of the Crime Committee in Chicago last year showed that the great mass of those who are waiting for trial are not sentenced but discharged. They are either found not guilty or they are found guilty of an offense that is punishable only by a small fine. Again, of the 8,600 persons who were sent to jail last year only 1,100 were found guilty of offenses which were serious enough to be given any kind of sentence of imprisonment. Of these 1,100, 260 were sent to Joliet Penitentiary, 78 boys were sent to the State Reformatory at Pontiac, and 764 men or boys were sent to the House of Correction, the majority of this last group being sent, not because they deserved punishment, but because they were too poor to pay the small fines which the court imposed.

Obviously the building of a jail does not go far toward meeting the real problem. To be sure, a fit jail may reduce the probability of moral and physical contagion, which too often goes along with the idleness and congestion of cell life, but the only real substitute for the present system lies in an extension of the probation system. A probation officer could be ordered by the judge to make inquiry concerning the means of men and their habits. Then in nearly all instances Cook County could trust the alleged offender to appear for trial just as fully as the rich man who has given a money bond can be trusted to appear for trial. If necessary, the probation officer could be assigned to keep in communication with him, and the cost of the probation service would not be so great as the cost of maintaining the same persons in jail. The cost of the County Jail in Cook County last year, according to the Comptroller's report, was \$133,285.86. The County appropriated \$64,698.40 for the salaries of jail guards, making the total jail salaries \$87,681.37, in contrast to the \$9,585 appropriated for the salaries of probation officers.

This is the real jail problem wherever there is a jail. The Chicago Crime Report sets it forth most explicitly for Cook County, Illinois.

In the present number of this JOURNAL we publish an article by Prof. J. L. Gillin, of the University of Wisconsin, in which it is shown how the State of Wisconsin is attempting to meet one phase of the problem. The Sheriff of each county is empowered to find employment for his jail prisoners, and to collect and distribute their wages. This, of course, is aimed only at the correction of idleness and the evils that follow in its train, both to the prisoner himself and to his family. It does not touch the problem that is presented by the fact that many

are in jail who might better be enjoying such limited freedom as that of one who has otherwise guaranteed his appearance in court when called for.

It is a question how far the Wisconsin idea could be of service in a large city with its greatly congested population but it is at any rate worth some consideration, and as to the rural community, the report from Wisconsin is convincing. We hope to see the day when the use of such a plan as that in Wisconsin may be widely extended. Then with improved jail architecture such as that described by Mr. W. Carby Zimmerman in the present number we shall be making real progress in the solution of a difficult and complex problem. Movements along such a broad front must of necessity be slow. They must wait on the education of officials and of the general public.

ROBERT H. GAULT.

EFFICIENT PROBATION WORK IN SMALL COMMUNITIES.

In Mr. E. W. Burgess' article, entitled "Juvenile Delinquency in a Small City," in this number of the JOURNAL, it is maintained that "The compensation for the probation officer is so inadequate that only incompetent service can be secured"

It is undoubtedly true that the probation officers in most small communities are inefficient, but it is just as true that in several such communities there is highly efficient probation service, and that the plans which have been worked out there can be applied everywhere.

For example, eight years ago the city government of Evanston, Illinois, (a city of approximately 30,000 inhabitants) and the two Township Boards of Education in Evanston co-operated in employing the same person to attend to truancy and probation cases in that city. As Evanston covers a good deal of territory private individuals supplied an automobile to be used jointly by the probation-truant officer and the visitor for the Evanston Association of Charities. The person who took the position of truant-probation officer at that time held the office for five years and then took an examination for assistant probation officer of the Juvenile Court of Cook County. She stood at the head of the list of the eighty, who, out of the 800 candidates, passed the examination, and now she occupies an executive position in the Cook County Juvenile Court.

Another example of small towns securing efficient service is found in what has been done in the towns between Evanston and Highland Park (including five suburban villages extending along Lake Michigan for a distance of about eight miles). In these towns at once the same person acts as supervisor of the poor, truant officer and probation

officer. The present incumbent of the position made a satisfactory record for several years as probation officer and truant officer, and then was elected by the progressive element in the community as supervisor of the poor.

A remarkable example in Illinois of civic co-operation is found in La Salle, Peru and Oglesby. The story of a part of what has been accomplished there is told by the Federal Bureau of Education in "Rural School Letter, Number 1," under the title "A Township Community Center in Illinois." Dr. Graham Taylor also writes about these towns in the *Survey* of October 17, 1914.

There are other instances than the above of the way that efficiency in probation work has been obtained in small communities simply by co-operation; co-operation of private individuals with public officials and *vice versa*; co-operation of the public officials in the different branches of the government in the same community, and the co-operation of the public officials of neighboring communities.

Concerning the accomplishments of Peru, La Salle and Oglesby Dr. Graham Taylor writes: "All these undertakings have been attempted and achieved in private co-operation, with and under the final authority of the public administration of the township high school and the city councils."

In conclusion, may we say that the cost of divided responsibility for child welfare in any given community is inefficiency unless there is whole hearted co-operation between public and private agencies and between the various public agencies.

JOEL D. HUNTER.

INTERNATIONAL PRISON COMMISSIONER

Mr. John Koren of Boston, has been appointed as International Prison Commissioner for the United States, to succeed the late Professor Charles Richmond Henderson of the University of Chicago. He has been known for many years as a statistician and has been identified with the Bureau of the Census at Washington. In 1891, he was sent abroad as a special agent of the United States Government to study labor conditions.

Mr. Koren's address is 25 Pemberton Square, Boston, Mass.

ROBERT H. GAULT

THE PAROLE SYSTEM AND CRIME

In view of the agitation versus parole in Illinois that threatens a formal recommendation to the next session of the state legislature for the repeal of the parole law, it is pertinent to recall that this agitation is an annual event. There is no reason to believe that the situation today is different from that which obtained a year ago. At that time a few Cook County officials hysterically leaped at the conclusion that the crime wave of a year ago was traceable to paroled prisoners. This was based upon a few isolated facts which judicially minded States Attorneys and Judges would not accept as evidence sufficient to justify condemnation of the whole system of parole. It is not enough to point to two or three or a half dozen paroled prisoners who are disturbing our peace. Evidence must be as comprehensive as the system of parole itself.

In our editorial published in this JOURNAL in March, 1915, we showed that the parole system, wherever adopted (in more than 32 states and in other nations besides), had *never been set aside*. The mean average number who have made good on parole is 84% of the total number. Most of those who failed were shortcoming on minor points. They had failed to report punctually to their officers; had left their employment or had moved away from the county or the state in which they were paroled. Those who actually committed new crimes while on parole were:

- In Cal., during 1893-1913, 74, or 2.9% of the total paroled.
- In Canada during 1899-1913, 145, or 2.6% of the total paroled.
- In Canada during 1912, 21, or 2.5% of the total paroled.
- In Canada during 1913, 45, or 4.9% of the total paroled.
- In Ill. (Joliet) during 1895-1912, 404, or 6.4 %of the total paroled.
- In Michigan during 1911-1912, 72, or 6.8% of the total paroled.
- In N. Y. (Elmira) during 1909-1912, 4, or 0.2% of the total paroled.

The foregoing figures are a very strong indication that the charges of inefficiency so frequently made against the parole system are irresponsible statements. They will not go far with thoughtful people.

In the editorial referred to above we showed that the length of term actually spent in prison has, on the average, increased rather than diminished since the adoption of parole. The new penology is not a case of namby-pambyism.

Really the wonder is that the parole system works as well as it does. Let me suggest that if we will but look into our expenditures

for the maintenance of jails and other penal institutions we may find that we can cut off large expenditures here and so, without increasing the total cost on account of our criminals, greatly increase the number of parole officers. It is absurd to expect the best results when one parole officer is responsible for several hundred charges.

ROBERT H. GAULT.

OSBORNE AT SING SING

Dr. Rudolf Diedling who "investigated" Sing Sing for the Albany prison authorities is reported to have said: "I've got Warden Osborne where I want him, I've got him on the hip." Such a comment on this, if it is correctly reported, leaves nothing to be said of the character of the "investigation." It was determined by the spirit in which it was undertaken. The case was two evidently prejudged for the sake of filthy politics. Since Warden Osborne is not a God he must have made some mistakes, but those who have observed Sing Sing with an unprejudiced eye and who have compared the new with the old, will be convinced that the recent indictments of Mr. Osborne have not sprung from a passion for the scientific management of prisons. Already there is a strong feeling abroad that in their zeal for unrighteousness the "investigators" have prejudiced their own case by overstating it.

Mr. Osborne has abolished graft in the Sing Sing prison; never before his administration has the treatment of prisoners there been so well adapted to putting them upon their feet as self-respecting and healthy men. From the beginning his efforts to introduce sane methods have been hampered by officials who lack the vision that distinguishes the public servant from the self-serving politician, and now Mr. Osborne is out of office, temporarily at least. Nevertheless there has been great gain.

The problems of prison administration have been brought to the fore and we will never return quite to former levels.

We expect to publish later in this JOURNAL an analysis of the situation at Sing Sing prison.

ROBERT H. GAULT.