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FINES AND COMMUNITY PROTECTION IN SPRINGFIELD, ILLINOIS.

ZENAS L. POTTER.¹

[Early in 1914 a "social survey" of Springfield, Illinois, was undertaken at the request of citizens of that city by the Department of Surveys and Exhibits of the Russell Sage Foundation. Among the nine reports on civic and social problems resulting from the survey is one by Zenas L. Potter on the city's correctional system. This report analyzes the different methods used in disposing of offenders and endeavors to tell how well they are designed to protect the community from law breakers and how well they have succeeded in doing so. The section on fines is an interesting and severe indictment of their general use. It is here reproduced by permission of the publishers.—Ed.]

Fines, as we have seen, were in 1913 by far the most usual method of disposing of Springfield offenders. Indeed, of the 152 persons found guilty by the county and circuit courts out of a considerable variety of sentences, 70, or 46 per cent, were fined, many of them, however, receiving jail sentences also. Of the 1,119 sentences imposed on persons coming before justices of the peace and the city magistrate, 791, or 71 per cent, were fines. Moreover, most of the fines were for small amounts. Of the county and circuit court fines, 43 per cent were for \$10 or less, 76 per cent for \$25 or less, while of the fines assessed by the justices of the peace and city magistrate 60 per cent were for \$3.00 or less, 71 per cent for \$10 or less, and 84 per cent for \$25 or less. Considering only the fines of these lower courts which were paid, as shown in the complete report,² 79 per cent of those fined were assessed \$3.00 or less, 89 per cent \$10 or less, and 96 per cent \$25 or less. The important part which fines played in Springfield correctional work and the extensive use of small fines are thus seen.

There are three ways in which the treatment to which offenders are subjected may serve to protect the community: First, by deterring people through fear from breaking the law; second, by regenerating through upbuilding treatment those who break the law; third, by per-

¹Special investigator, Department of Surveys and Exhibits, Russell Sage Foundation, New York City.

²See "The Correctional System of Springfield, Illinois"—Table 6, p. 17, Russell Sage Foundation, N. Y. Cy.

manent removal of confirmed criminals from society. Fines, of course, do not accomplish the last named purpose. The extent to which they protect the community will be measured, therefore, by their effect, first, as a deterring influence from law breaking, and second, as a means for offenders' reformation. Let us consider their use in Springfield from these points of view.

FINES AS A DETERRENT FROM LAW BREAKING.

Undoubtedly the reason fines have been given such prominent place as a means for dealing with offenders is that they are generally believed to be effective in deterring people from crime. The facts regarding the rearrest and reconviction of persons fined in 1913 indicate, however, that as imposed in Springfield they have not in many cases had this result. The record shows, for instance, that of the 791 fines assessed in 1913, 252, or practically one-third, were levied against persons who during the year were arrested two or more times, these persons contributing in all 481 arrests in the year. One hundred and eighty-five of these were made after the offender had been fined once; and of these 185 arrests, 103 led to convictions. Thus 23 per cent of all fines levied during the year were assessed against persons who were again arrested before the year was up, while 13 per cent were assessed against persons who were not only rearrested, but were again convicted. These figures, moreover, understate the failure of fines to prevent law breaking, for many persons fined during the latter months of the year were not likely to be rearrested or again convicted before the year was up. The figures for the one year in themselves, however, are highly significant. They show that against repeated offenses by the large group of persons of the repeater type, fines as assessed in Springfield have not been reasonably effective in protecting the community.

How far short they have sometimes fallen is well illustrated by several examples from Springfield's 1913 records. The first case is that of W— K—, a white man, whose record in brief is shown.

POLICE RECORD OF W— K—, SPRINGFIELD, 1913.

Date of arrest	Charge	Sentence	Date of release	Days held
May 31	Drunk and disorderly	Fined \$3.00	June 12	13
June 29	Drunk	No prosecution	June 30	2
July 1	Drunk	Fined \$25	July 26	26
July 27	Disorderly	No prosecution	July 29	3
July 31	Drunk	No prosecution	Aug. 4	5
Aug. 8	Drunk and disorderly	Fined \$10 but sentence suspended after four days pending good behavior	Aug. 12	5
Aug. 21	Violation of conditions of suspended sentence	Fined \$10	Sept. 8	19

Sept. 21	Drunk	No prosecution	Sept. 22	2
Oct. 12	Drunk	No prosecution	Oct. 13	2
Nov. 8	Drunk	No prosecution	Nov. 10	3
Nov. 11	Vagrancy	Fined \$25	Dec. 31	51
Total days held				131

Another case, that of E— S—, a white woman, is also illustrative.

POLICE RECORD OF E— S—, SPRINGFIELD, 1913.

Date of arrest	Charge	Sentence	Date of release	Days held
Aug. 31	Disorderly	Fined \$3.00	Aug. 31	1
Sept. 31	Keeper house of ill-fame	Fined \$10	Sept. 31	1
Nov. 20	Disorderly	Fined \$25	Nov. 20	1

It is noted, incidentally, that W— K—, a drunkard, was unable to pay his fines and was forced to serve terms in jail, but that E— S—, a disorderly woman, always was able to raise the required amount. In neither instance, however, was the assessment of a fine sufficient to prevent further law breaking. The woman was arrested and fined twice within a period of three months after being fined the first time, while the man was fined four times and arrested 10 times within six months after his first fine for the year was recorded.

Detailed examination of the use of fines reveals some of the reasons for their failure as an effective deterrent. Most of the fines assessed, as has been seen, were for small amounts, 60 per cent of those levied by the lower courts and 79 per cent of those paid being for \$3.00 or less. Except to the unskilled laborer such fines are not a very serious penalty, even though costs of 60 cents or \$1.35 are added. To the man earning \$5.00 a day they mean little or nothing. He goes away unimpressed as to any serious necessity for obeying the law. The very pettiness of the majority of the fines assessed would seem, therefore, to be one reason why they were not more effective as a deterrent from law breaking. There are, however, other important reasons for their failure.

A number of fines were levied for offenses in the commission of which the offender probably made more than the amount of the fine. Nine women, for instance, were fined for being inmates of houses of ill-fame; four \$3.00 each, three \$25 each, two \$100 each. It is the estimate of one who should know that the earnings of such a woman in Springfield will average \$25 a week. It seems hardly likely, therefore, that she will give up such a life through fear of having occasionally to pay a fine of \$3.00 or even \$25. Indeed, fines in such cases may even serve to promote law breaking, for one of the ways the "madams" in charge of disorderly houses keep their hold upon girls is by having them always

in debt. When, therefore, an inmate is arrested and the madam pays her fine, even more than before is she bound to a life of immorality. If she is to leave that life she must increase her trade to pay her debt to the madam, a condition which the court would hardly care to encourage.

Four persons were fined for keeping disorderly houses; one \$3.00, one \$10, one \$25, and one \$100. One man was fined \$3.00 for running a gambling house. The profits to be made from these illicit activities are such as to hardly warrant a hope that even \$25 fines will serve to drive people to give them up.

A second group of offenses against the commission of which fines are not commonly effective as a deterrent is that composed of law violations by persons with well grounded delinquent tendencies, in which class for the most part the many violations by repeaters belong. The offenses which most obviously fall within this group are those wherein some clinging habit of which the offender is the victim is the immediate cause of his delinquency. Most numerous of these are, of course, offenses due to the liquor habit. It is not possible to number them accurately, but there are indications that probably half the arrests in Springfield are made either for drunkenness or some other offense in the commission of which drunkenness was the immediate contributory cause. The 869 arrests in 1903 in which drunkenness was specifically charged formed 26 per cent of all police arrests on definite charges. Other arrests in which drunkenness was not charged but in which it was probably very often a direct contributory cause were: assault and battery, 118; disorderly conduct, 842; fighting, 102; language and conduct, 43; and vagrancy, 84; total, 1,189. These do not, however, include offenses against property, such for instance as petty thieving, sometimes resorted to by drunkards to get funds to satisfy a craving for liquor.

The deterrent effect of fines or other punishment is dependent upon a controllable will, and therein lies their weakness in dealing with offenses of this character. Control over will power does not exist when a man is intoxicated, and is often weak in men seriously subject to the liquor habit even when sober. The ineffectiveness of fines in these cases is demonstrated by the fact that in 1913, of the 93 fines assessed for drunkenness or drunkenness and disorderly conduct, 36, or nearly 40 per cent, were levied against persons who during the year were arrested two or more times for intoxication or other offenses in the commission of which drunkenness was probably a factor. Indeed, the 93 persons fined for drunkenness or drunkenness and disorderly conduct contributed in all 163 arrests during the

year, in 121 of which drunkenness was specifically charged. The case of W— K—, cited on page 678, who was fined five times during 1913 for drunkenness, disorderly conduct, or vagrancy, is only one of many examples of the failure of fines to deter individuals from getting drunk, or from other more serious offenses committed while under the influence of liquor. Springfield's experience indicates, then, that the reliance placed on fines as a means for deterring confirmed alcoholics from law breaking is largely misplaced. The best way to gain real protection from offenses due to alcohol is as far as possible to prevent the sale of liquor, especially to drunkards, and to give treatment to those whom alcoholism has made a nuisance to the community.

In the same class with crimes due to the liquor habit are those wherein habit-forming drugs are a factor. Sufficient attention has not been given to the influence of habit-forming drugs in undermining character and contributing to law breaking. It is not even illegal under the Illinois law to sell opium, morphine, heroin, or laudanum, some of the drugs which are used most commonly by drug victims. In police circles, however, the effect of drugs, especially in leading to larceny, is being more and more recognized. The drug habit grows on its victims, larger and larger supplies of drugs being demanded, with the result often that users soon exhaust their available resources. But the habit does not end then; and the victims, with a craving for more drugs, often resort to trickery, forgery, larceny, or other illegal means to secure a supply. It is estimated by those in control of New York City correctional institutions, where the matter recently has received much attention, that fully one-third of all inmates there are drug users. The per cent of prisoners addicted to drugs is probably less in Springfield, but the keeper of the city prison informs us that many of the prisoners of the "crook" class are victims of the habit. There are no Springfield data showing the crimes wherein habit-forming drugs have been a factor, but whatever the number, it needs to be noted that against the craving desire for drugs, even large fines are not likely to be effective. A fine for petty larceny, for instance, against a morphine user who has stolen in order to get money to buy the drug, is a useless effort to protect the community. The only way protection from offenses committed under such circumstances can be secured, unless drug victims are permanently segregated from society, is through the enactment of stringent laws restricting the sale of habit-forming drugs, and by giving treatment to those of the victims who are law breakers.

Gambling possibly may also be classed with offenses stimulated

by some kind of habit; in fact, gambling itself appears with many people to be a habit with a psychological hold on its victims. In the case of 38 men who in Springfield in 1913 were fined \$3.00 each for gambling, it seems hardly probable that the fear of repetition of such penalty would be sufficient to lead them to give up the practice, or that others learning that three-dollar fines were being assessed in such cases, would be to do likewise. Some more fundamental action needs to be taken.

Besides the persons who are influenced toward law breaking because of the grip of some habit, there are, however, other types of offenders in this large group having confirmed delinquency tendencies on whom petty fines have but little deterrent effect. These, for instance, include persons so much below normal mentally as to be classed as mental defectives.

Dr. Henry H. Goddard, director of the research laboratory of the training school for feeble-minded boys and girls at Vineland, New Jersey, who has given the study of the feeble-minded probably more careful attention than any other authority, estimates that from 25 to 50 per cent of the persons in prisons are mentally defective and incapable of managing their affairs with ordinary prudence.³ The statement is based upon the facts presented in the following table, from which it appears that the estimate is a very conservative one.

Could a study of the mental status of Springfield offenders be made it would undoubtedly show that these offenders are not exceptional in the proportion of defectives. Dr. Treadway in his mental hygiene investigation in Springfield found that even among the children in three fairly typical public schools of the city 3.8 per cent of the pupils were mentally defective.⁴ Many of the offenders, for instance, would probably be unable to compass the mental processes necessary to understand the reason for laws and why, for the good of society, they should be observed. A few would probably be of such low mentality as to be unable to connect clearly the offense with the punishment they were made to suffer. Others would not have wills to resist the slightest temptation. Some would have uncontrollable tempers which when excited precluded the possibility of any thought of penalty. Many would be found unable to keep up continuous mental processes—a fact which had prevented their holding a job for any length of time, and forced them into vagrancy. Of such stuff is much of the delinquency problem composed and against such people pen-

³Goddard, Henry H., M. D.: *Feeble-mindedness: Its Causes and Consequences*. New York, Macmillan, 1914.

⁴Treadway, Walter L., M. D.: *Care of Mental Defectives, the Insane and Alcoholics*, pp. 1-10. (The Springfield Survey.)

alties, which are not wholly effective even for normal people, can hardly be expected to act as a satisfactory deterrent.

PROPORTION OF INMATES OF CORRECTIONAL INSTITUTIONS OR OF JUVENILE COURT CHARGES CLASSED AS MENTAL DEFECTIVES. (a)

Institution or Court	Per cent defective
St. Cloud Reformatory, Minn.	54
Rahway Reformatory, N. J. (b)	46
Bedford Reformatory, N. Y. (c)	80
Lancaster Girls Reformatory, Mass.	60
Lancaster Girls Reformatory, Mass. (50 girls paroled)	82
Lyman School for Boys, Mass.	28
Pentonville, Ill. (juveniles)	40
Concord Reformatory, Mass.	52
Newark, N. J., Juvenile Court	66
Elmira Reformatory, N. Y.	70
Geneva School for Girls, Ill. (b)	89
Ohio Boys School (b)	70
Ohio Girls School (b)	70
Virginia (3 reformatories) (b)	79
New Jersey State Home for Girls	75
Glen Mills Schools, Penn. (girls' department)	72 (d)

(a) Dr. Henry M. Goddard says that the difference in percentages in many cases is undoubtedly due to different standards for classification.

(b) Classified by Binet test.

(c) Under eleven years in mentality.

(d) Approximate figure.

There are, too, besides the mental defectives, probably a few bold crooks—more than likely the product of misdirected “gang” spirit when they were boys—who regard the life of crime as a game to which the possibilities of being caught and made to suffer only adds zest. Fines in these cases and those previously cited are not likely to prevent further law breaking.

FINES AS A REFORMATIVE INFLUENCE.

Much that has been said about the relatively small influence of fines in deterring from crime applies equally to fines as an upbuilding influence. They cannot change the offender's desires, his abilities, or his environment, and these are important factors in any program of reclaiming law breakers. Suppose the offender is one of the 548 persons who were repeaters in Springfield in 1913 and whose everyday habits and environment seem to favor occasional law breaking; can it with reason be expected that the mere levying of a fine will fit such a person to lead the life of a normal law-abiding citizen? It may be that he has, as is frequently the case, through lack of trade training, drifted into the group of casual laborers until repeated enforced idleness has led him to become a vagrant, perhaps a thief. The mere assessment of a fine will not teach him a trade or get him employment.

Again, suppose a man like W— K— has developed the liquor habit until finally he has become a chronic public nuisance. The court assesses a fine; but the liquor habit which makes him a nuisance remains. The fine does not and cannot fit him for normal life. Forty-eight persons were fined in Springfield in 1913 for assault and battery, 42 for fighting. These involved the question of self-control, which fines are little likely to supply. Thirty-eight gamblers are fined \$3.00 each. They will hardly wish to gamble the less for that. Four women, like E— S—, were fined for keeping disorderly houses. The payment of relatively small fines could hardly instill in them the desire to change the whole course of their lives. Nine persons were fined for being inmates of disorderly houses. It is hard to see how the levying of fines could help them to become established in legitimate occupations. It is, in fact, altogether self-evident that fines cannot alter people's points of view toward life, or their habits, or abilities, or surroundings. The truth is that fines were never intended to reform offenders, but to act as a deterrent from law breaking, a matter in which, as we have seen, they are likewise often ineffective.

FINES FROM THE STANDPOINT OF JUSTICE.

As a means, however, for providing just punishment as between offenders, the fining system is also open to attack. Where petty fines are much used, as in Springfield, the general tendency is to assess them in large or small amounts in proportion to the seriousness of the offense and not taking into account also the ability of the offender to pay. Speeding, for instance, will usually bring a fine of one size, carrying concealed weapons another, vagrancy still another. The offense, not the means of the offender, commonly becomes the measure of the fine. The result is that as a means for punishment, fines are extremely unjust. To a man of some means a fine of \$3.00, or even \$25, is slight punishment. But on the laborer making \$1.75 a day, and perhaps still more on his family, which is already a sufferer, even a fine of \$3.00 falls heavily. The offense may be the same and the fine the same in two cases, and yet in the payment the poor man may suffer the rich man's penalty many times over. One hundred and thirty-eight persons in Springfield went to jail in 1913 because they were not able to pay their fines in whole or in part, 44 being unable to meet even a fine of \$3.00 plus \$1.35 of costs. Many of the largest fines were assessed against vagrants who had no money at all. In such cases fines result in nothing less than sending people to jail for being poor.

WHERE FINES ARE USEFUL.

Yet fines, in spite of their weakness as a general means for dealing with offenders, are not without their uses in preventing the repetition of minor and technical offenses in which compliance with the law is largely a matter of taking pains, as for instance, violating the dog ordinance, obstructing the street, speeding, violating the school law or the traffic ordinances. They may in such cases serve to call attention to the law in a forceful way and so be a deterring influence, especially if the amounts are adjusted according to the means of the offenders. In no case in 1913 was a person fined twice for such offenses, which suggests that the fine was all that was necessary to secure observance of the law. It needs to be noted, however, that this class of offenses does not include acts which show tendencies likely to lead the offender into habitual delinquent ways.

Fines may also serve a useful purpose, especially when they are large, if execution is suspended pending good behavior. This sets the offender free with the knowledge that any further law breaking will make him liable without the necessity of proving a second offense in court. But while recognizing the usefulness of fines when combined with suspended sentence, it should also be pointed out that they are nevertheless not superior to jail sentences, which by a certain class of offenders, at least, are more dreaded.

The conclusion, therefore, is that as a means for protecting the community from law breaking, fines, especially as administered in Springfield, are not very successful and that, when other provisions recommended in later sections of this report have been made, the use of fines should be restricted to offenses of a minor and technical nature which do not indicate a likelihood of further law breaking on the part of offenders.