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Editorials

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EDITORIALS

COMING ANNUAL CONFERENCES.

THE ANNUAL MEETING OF THE AMERICAN INSTITUTE OF CRIMINAL LAW AND CRIMINOLOGY, WILL BE HELD ON MONDAY AND TUESDAY, SEPTEMBER 3 AND 4, AT SARATOGA, N. Y.

Monday, September 3rd.

2 P. M. PRESIDENT'S ADDRESS, REPORTS OF COMMITTEES AND GENERAL BUSINESS.

8:30 P. M. ANNUAL ADDRESS AND REPORTS OF COMMITTEES.

Tuesday, September 4th.

2 P. M. ELECTION OF OFFICERS; REPORTS OF COMMITTEES AND GENERAL BUSINESS.

THE CONFERENCE OF THE SOCIETY OF MILITARY LAW WILL BE HELD AT THE SAME PLACE ON TUESDAY, SEPTEMBER 4, AT 3 P. M., WHEN REPORTS OF COMMITTEES AND PAPERS WILL BE PRESENTED AND GENERAL BUSINESS TRANSACTED.

THE ANNUAL CONFERENCE OF THE AMERICAN PRISON ASSOCIATION WILL BE HELD IN NEW ORLEANS EARLY IN OCTOBER.

THE ANNUAL MEETING OF THE NATIONAL CONFERENCE OF CHARITIES AND CORRECTION WILL BE HELD IN PITTSBURGH, JUNE 6-13. A FEATURE OF THIS MEETING WILL BE A CONFERENCE AMONG UNIVERSITY AND COLLEGE PROFESSORS TO DISCUSS PROBLEMS RELATING TO BRINGING STUDENTS IN THE CLASS-ROOM INTO CLOSER TOUCH WITH THE VITAL PROBLEMS OF CHARITIES AND CORRECTION.

SUGGESTED IMPROVEMENTS IN CRIMINAL PROCEDURE

At a meeting of the New York State Bar Association on January 12, 1917, a very interesting and suggestive address was delivered by Justice Harry Olson of the Municipal Court of Chicago under the title of "Efficiency in the Administration of Criminal Justice." Justice Olson offered suggestions for improvements in the organization of Courts, in procedure, in connection with the police and in the study of the individual criminal which he thinks would make for efficiency in the administration of the Criminal law and which are worthy of careful consideration.

With respect to courts Judge Olson referred in some detail to the reorganized municipal courts in many of our largest cities which have been established in recent years beginning with the Municipal Court

of Chicago, of which he is the presiding justice and to the success of which the personality of its presiding officer has contributed in no small degree. The more or less close imitations of the Chicago Municipal Court which have been adopted in a number of our most populous centers seem to indicate that a permanent improvement has been accomplished in the adaptation of Court organization to populous centers and the handling of large volumes of business. It does not, however, follow that the same form of organization would be an improvement outside of the large cities. Judge Olson quotes the model Court Act of the American Judicature Society. This scheme provides for, first, a court of appellate jurisdiction; second, a court of original jurisdiction, either state wide with a common law and a chancery division, or in five territorial divisions organized very much on the plan of the Chicago Municipal Court; third, a county court in each County for the trial of cases involving small amounts and which shall sit in several districts of the county, and, fourth, district county magistrates.

In the opinion of the present reviewer the attempt to construct a scheme which should be universally suitable has resulted in one that is not suitable anywhere. Certainly the scheme is more complex than existing forms in most of the states and than is necessary. One county court of original jurisdiction and an intermediate appellate court, if necessary to promptly dispose of appeals, would probably better suit many localities. In an article on court organization in the January number of the Illinois Law Review, Joseph J. Thompson said: "The ideal system under the present state of our population and advancement would seem to be a single court for each county (with a saving provision with respect to small counties that might be joined) with as many judges as shall from time to time become necessary and a sufficiently elastic system of designation or distribution of the business to secure the best results." In fact it is doubtful if there is any one best system. The form of organization of the Chicago Municipal Court was imitated in other large cities because the conditions in those cities were very similar to those in Chicago. In the country districts, however, in the various states there is a very wide variation in the size of counties and other political divisions and in their functions, in the geographical conditions, in the facilities of transportation and other means of communication and what not. A rigid system for all localities may very well not be desirable.

With respect to procedure Judge Olson declares for prosecution by information instead of by indictment. He would have a preliminary

examination before a law judge to take the place of the present preliminary examination by a magistrate and finding of indictment by the grand jury. An information may be easier to draw because the prosecuting attorney may draw as slipshod an information as he likes without the serious consequences of drawing a slipshod indictment. However, the result is quite likely to be that he will be ordered to file a bill of particulars and here again we have the element of delay. Proper pleadings, either civil or criminal, are not difficult if the attorney is only reasonably efficient and careful. To substitute a preliminary hearing before a law judge for the present preliminary hearing before a magistrate would be apt to accentuate rather than decrease delay. There are no complicated legal principles in such cases which require the intervention of a judge before the trial. On the other hand the grand jury being a body of laymen deals with the facts in a common-sense way and eliminates many cases which never should have been brought or in which there is not enough evidence to convict. Thus on the whole much time and expense is saved. As to the present preliminary hearing before a magistrate, it really takes the place of pleadings in criminal cases and in these days of prejudice against pleadings, when to require either party to a law suit to state clearly and unequivocally what is his contention is virtually taboo, serves a useful purpose.

Judge Olson calls attention to the need for greater efficiency in our police departments. The burden of preparing the case for the state is first upon the police. "If they knew what evidence to look for and how to preserve it, a great many cases otherwise lost by the state would be won." He suggests a continuous school in the police department teaching every phase of police work, such as finger prints, identification of mental defectives, methods of collecting evidence, etc. These suggestions are of the highest importance. There can be no question that the development of effort along these lines would yield large returns in the repression of crime.

Finally Judge Olson described the work of the psychopathic laboratory of the Chicago Municipal Court. The laboratory conducts mental examinations of defendants before the court although the defendant is not obliged to submit to the examination. The laboratory has been in operation in connection with the Municipal Court for about three years following the success of the Psychopathic Institute in connection with the Juvenile Court of Chicago, which was organized in 1909. It is manifest that this examination of individuals will result in the accumulation of material of great value for study. It is stated

that in something over 1000 cases of boys of the average age of 18 years passing through the court from 13 to 26 per cent in different groups arranged according to intelligence were found to be suffering from dementia praecox, the highest percentage being in the group of average intelligence. This percentage is astonishing, especially in view of Dr. Healy's finding, in the Juvenile Psychopathic Institute in the same city, not more than 25 cases of dementia praecox in 1000 cases or 2½ per cent. This is adverted to as illustrating the fact that when we have collected our data we still have the question of interpretation which is even more important if we are to arrive at correct conclusions. By all means let us have our laboratories and collect all the data we can, but let us not be hasty in drawing conclusions until we are sure we fully understand all the factors involved.

EDWARD LINDSEY.

STATE CRIMINOLOGIST IN ILLINOIS

The State of Illinois, let it be here recorded, is the first state in the Union to create, by legislative enactment, the position of State Criminologist. Under the new Consolidation Act, which provides a Department of Public Welfare, to have charge of all correctional and charitable institutions of the state, the Criminologist is named as one of the officials.

It will apparently be the duty of this new official, who is granted a salary of \$5,000, to organize his department as a Bureau of the Department of Public Welfare; to call to his aid such assistants as he may need; to formulate a program of action; to promulgate the principles for which the new office shall stand; to secure public co-operation in his activities; and in general to blaze a trail in a field heretofore discussed but as yet uncharted and untraversed.

Singularly enough, a striking forecast of the Criminologist's work, or a goodly portion of it, is set forth in the Parole Law of Illinois, adopted nearly twenty years ago. After stating that when any prisoner is committed to serve his sentence, and a record is taken of his name, nativity, nationality, offense committed, etc., a further provision has heretofore remained obscure and unfulfilled. The text of the law adds that the records shall contain: "such other facts as can be ascertained of parentage, education, occupation and early social influences as seem to indicate the constitutional and acquired defects and tendencies of the prisoner, and based upon these, an

estimate of the present condition of the prisoner, and the best probable plan of treatment."

As a matter of fact, these provisions of the law have been a dead letter, or at least observed in a most perfunctory manner. Such information as has been secured, has been chiefly from the statements of the men themselves; not from any thorough or scientific investigation into the family and personal history of the prisoner.

Yet there is here contained an important part of the program of work for the State Criminologist. Indeed, here is perhaps the first, if not the most significant part of his undertaking, since an intelligent following out of these provisions of the law will necessarily lead him back into the more fundamental study of defendants in the courts, with the view to their better classification and treatment.

The success of this pioneer field depends entirely upon the man chosen to fill it; upon his ability to comprehend its immense possibilities, and to carry them into effect. That he should have both thorough training and practical experience in dealing with the crime problem goes without saying. He should have some aptitude for research, while not being primarily occupied in academic theorizing about the criminal. The position calls for familiarity with present processes of dealing with offenders from the human rather than the legal standpoint. He must have well defined standards derived from wide observation of the best methods applied in all states and all countries. He will need to exercise careful discrimination in judging policies and be able to put them to the test of scientific soundness. He must not be carried away by fads or yield to the suggestions of sentiment, or the adoption of superficial measures, usually exploded experiments of the past, in dealing with offenders.

At the same time this new Criminologist, it has been suggested, "should have some genius for originating and popularizing new measures—be the statesman of the new era in handling crime in Illinois."

The social and civic side of the crime problem will doubtless have a prominent place in this new department. The control of crime from the legal standpoint has already been overworked, besides the machinery of the courts and the Superintendent of Pardons and Paroles will meet all necessities in this regard. The social factors, both in the causes and cure of crime, on the other hand, have only fairly begun to be seriously considered.

To a Criminologist with a vision to see the important bearings of the social factors, there will be wide opportunity to secure the co-operation of many agencies heretofore unused or apathetic in deal-

ing with the offender. Many resources are at hand to the leader who shall discover and utilize them. The individual citizen, indifferent until now; social workers who have awaited direction in a comprehensive scheme of action; employers and industrial agencies, willing but uncertain as to whom and how to help the weak and wavering to the best advantage, all may find new hope and inspiration from this center of wise counsel.

Ultimately, the effectiveness of this department will doubtless rest upon the Criminologist's ability to secure the co-operation of the Judges. The preventive aspects of his service to the state will be in proportion to the response of the Judges and their willingness to see the extra-legal factors that enter into every case before them. The sentence they prescribe will be with an understanding of the physical, mental and moral limitations of the defendant, if they shall come to understand the modern conception of the individualization of treatment for the offender. The incumbent of the position should be given every facility for constructive work by public officials and the courts, and the cordial support of all interested citizens, to the end that Illinois' new enterprise in the field of penology may serve as a worthy example to be emulated by many other states.

F. EMORY LYON.

ERRATUM

In the published report of the Institute Committee on Insanity and Criminal Responsibility we omitted to say that the bill relative to the criminal responsibility of the insane was approved by the last annual meeting of the Institute. Sections 1, 3 and 4 of the expert testimony bill were approved independently of the other two sections. The entire expert testimony bill had been approved at the previous annual meeting.

ROBERT H. GAULT.