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## Editorials

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## EDITORIALS

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### FESTIVAL PUBLICATION IN HONOR OF JOHN H. WIGMORE

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The ILLINOIS LAW REVIEW in November published its Nos. 3 to 4 of Volume XIII under one cover in honor of the 25th year of John H. Wigmore's service as Professor of Law in Northwestern University. The volume contains contributions from the world's most eminent jurists. In Part 1, under the title "Theory and Philosophy of Law" are contributions by Sir Frederick Pollock, W. Jethrow Brown, and Alejandro Alvarez. In Part 2, entitled "Comparative Law" are contributions by J. W. Brodie-Innes, C. Van Vollenhoven, and Frederick P. Walton. Two chapters on Criminology appear in Part 3, one by Chung-Hui Wang and Ugo Conti. In Part 4, on Legal Education, is an article by Chief Justice John Bradley Winslow. Professor Ernst Freund contributes to Part 5, on Legislation. In Part 6, entitled "Analytical Jurisprudence" are chapters by Henry Goudy, Rene Demogue and Henry T. Terry.

Other contributions have appeared in the LAW REVIEW Nos. 5 to 6, December, 1918, and January, 1919, in two parts, 7 and 8. Part 7 contains articles on International Law, by Th. Baty and Ernest G. Lorenzen. In Part 8, entitled Public Law, are contributions by William G. Hastings and John M. Zane, on the Theory of Public Law and by H. J. Randall and Angus J. McGillivray on Constitutional Law.

These numbers will ultimately be bound together in a single volume.

ROBERT H. GAULT.

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### PSYCHIATRIC CLINICS FOR THE PREVENTION OF DELINQUENCY

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The Board of Charities of New York State is publishing a most useful series of bulletins through its Bureau of Analysis and Investigation. One of the most recent of these is *Eugenics and Social Welfare Bulletin No. 13*, by Dr. Chester Lee Carlisle, Superintendent of the Division of Mental Defect and Delinquency of the State Board of Charities, and Director of the Bureau of Analysis and Investigation. The title of this bulletin is "The Problem of the Mental Defective and Delinquent."

Under the sub-topic "Clinics" Dr. Carlisle makes some suggestions that appeal to the writer as being of great constructive value. Numerous surveys have appeared to demonstrate the large percentage of feeble mindedness and morosity in the general population. Over and above these, no doubt, there is a considerable proportion of the population who are suffering from mental and nervous instability. This, says Dr. Carlisle, need not alarm us too greatly. Obviously a large proportion of this group will never see institutional walls and should never see them. A great number of them can, no doubt, be safely tolerated in the communities in which they have grown up, provided only that the state will supply the needful machinery for giving them advice, education, and other treatment suitable to their several cases. This leads Dr. Carlisle to make the suggestion that has again and again been made in the JOURNAL in different forms, that the state should create clinics which should be responsible for looking after the mental hygienic conditions in their several localities. No doubt it will occur to many that the people who would most need the ministrations of the clinic would not go to get it. This, we believe, is incorrect. Certainly it is not true if the clinics can be manned by a personnel that is adequate to the service it is expected to perform. If the parents of children in a large city can, in the course of time, be so educated that they will take their own children to a Chief of Police to get his counsel with respect to the bringing up of the youngsters, surely they may just as readily, nay, more so, be got into an attitude favorable to patronizing the clinic. Such clinics would be something very definite in the minds of the public. They would be of service daily: First, to the potential patients who need advice and treatment in matters of mental defect and disorder; Secondly, to the public who, as the parents or friends of patients, need education and advice on topics of mental hygiene in general; Thirdly, the state and its institutions could look upon the clinic as a clearing house for the diagnosis and registration of those cases which come before it on the one hand and as a way station for those patients who have been in the institutions and who are now trying to get along in the outside world on a parole system. Such patients could be required to report to these institutions as often as necessary, as one of the conditions of parole. The clinics would be in constant touch with poor officers, social service societies, boards of health, health officers, officers of general hospitals, penal or police officials, criminal courts, domestic relations courts, children's courts, city or rural magistrates' courts, physicians, orphan asylums, federal officers and agents, state officials,

and departments of education in the matter of retarded pupils, incorrigibility, etc.

The whole enterprise would fit in nicely with the aims of modern-day criminologists as well as of those whose primary interest is in the direction of public and personal hygiene. It seems probable, furthermore, that when the scheme is examined in detail and especially after being tested, the cost of its operation would reduce that of hospitals and other such institutions as are maintained at present.

ROBERT H. GAULT.

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#### CALIFORNIA STATE BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION.

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The California legislature created a state bureau of criminal identification in 1905. The bureau fulfilled all the promises made by its promoters, and furnished an inspiration for the present State Bureau of Criminal Identification and Investigation, located at Sacramento, California.

Recognizing the importance of record centralization, representatives of the California Sheriff's Association and the California Association of Chiefs of Police, met in San Francisco and drafted an act which provided for a central clearing house for all criminal and crime records.

A delegation was sent to the state capital to further the cause of the bill, and though it failed of passage many times, each legislative session found the peace officers delegation as determined as ever in their purpose to secure its adoption.

The fight attracted the attention of the California District Attorney's Association and the California Association of Identification Experts, and in the 1917 legislative session the combined forces of the peace officers convinced the legislators and Governor Stephens that the bill had merits. Thus the first battle for better police methods in California was won.

The act provides that the Governor shall appoint a Board of Managers consisting of one chief of police, one sheriff, and one district attorney, who shall serve without compensation. Absolute control and management is placed in their hands, with the exception that all employes must be selected from the eligible list, provided by the Civil Service Commission. It is made the duty of the Board of Managers to procure the records of all well known habitual criminals from wherever possible, and to furnish information concerning them

to duly authorized peace officers. Sections 8, 9 and 10 of the act, which are given below, distinguish the California bureau from all pre-existing organizations.

Section 8. "It is hereby made the duty of the sheriffs of the several counties of the State of California, the chief of police of incorporated cities therein and marshals of incorporated cities and towns therein to furnish to the said bureau, daily copies of finger-prints on standardized eight by eight inch cards, and descriptions of all such persons arrested who in the best judgment of such sheriffs, chiefs of police, or city marshals, are persons wanted for serious crimes, or are fugitives from justice, or of all such persons in whose possession at the time of arrest are found goods or property reasonably believed by such sheriffs, chiefs of police, or city marshals, to have been stolen by them; or of all such persons in whose possession are found, burglar outfits or burglar tools or burglar keys or who have in their possession high power explosives, reasonably believed to be used for unlawful purposes, or who are in possession of infernal machines, bombs, or other contrivances in whole or in part and reasonably believed by said sheriffs, chiefs of police and city marshals, to be used for unlawful purposes, or of all persons who carry concealed firearms or other deadly weapons and reasonably believed to be carried for unlawful purposes, or who have in their possession, inks, dyes, paper or other articles necessary in the making of counterfeit bank notes, or in the alteration of bank notes; or dies, molds, or other articles necessary in the making of counterfeit money, and reasonably to be used by them for such unlawful purposes. This section is by no means intended to include violators of city or county ordinances or of persons arrested for other trifling offenses. It is further made the duty of the aforesaid sheriffs, chiefs of police or city marshals, to furnish said bureau, daily reports of lost, stolen, found, pledged, or pawned property received into their respective offices

Section 9. "In order to assist in the recovery of said property and in the arrest and prosecution of criminals, it is hereby made the duty of the said Board of Managers, of said bureau, to keep a complete record of all reports filed with the said bureau, of all personal property stolen, lost, found, pledged, or pawned in any city or county of this state.

Section 10. "To provide for the installation of a proper system and file, and cause to be filed therein cards containing an outline of the method of operation employed by criminals in the commission of crime."

In all previous laws providing for identification bureaus the matter of sending records of arrests to the bureaus was optional with peace officers. In section 8 of the California law, it is made the duty of sheriffs, chiefs of police and marshals, to furnish to the bureau, daily copies of all criminal records of delinquents, and no peace officer will knowingly testify to his bad judgment by failing to send the information which should be forwarded. In addition to the classification and indexing of all finger-prints, the bureau at present, brings together in one central clearing house, all records of stolen property, pawned

articles, and all property bought by second-hand dealers throughout the entire state.

Lastly, and most important to my mind from the standpoint of crime prevention, is the provision for a "Modus Operandi" system, contained in section 10 of the act.

Before taking any steps toward the establishment of the bureau, the Board of Managers consulted identification experts in this and other countries concerning modern systems of identification of persons and property, with the result that the bureau is splendidly equipped to perform the work that the bureau was created for.

Finger-print files are maintained, in which are filed finger-print records of every criminal arrested in California, as well as finger-print records of professional criminals arrested in other states and countries.

Bertillon files contain the Bertillon descriptions of all felons arrested in California, and records of felons wanted in this and other states. Photographs and descriptions of persons wanted for crimes where no finger-print or Bertillon record is given are filed in a cabinet and segregated according to the crimes and English description of the fugitive wanted. By elaborate indices every mark, scar, mole, missing or deformed member is made useful in an anatomical file for the identification of criminals. The name and aliases of every criminal are filed in the alphabetical file according to the directory system of indexing.

Whenever it is possible to secure detailed information of the method employed by the professional criminal in plying his trade, a card containing the description of the criminal as well as his method of operation is filed. The "Findex System" is used for this purpose, and at the present writing is giving satisfaction.

An important adjunct of the bureau is the property file. Here are kept records of articles pledged or sold in pawn-shops or sold to second-hand dealers, engine number of all automobiles registered in California, and records of miscellaneous stolen property, indexed and filed according to the number and kind of article. Over a quarter of a million cards are filed in the property file annually.

Criminal history, correspondence, newspaper clippings and crime complaint files complete the record system.

The equipment also includes photographic apparatus with an up-to-date dark room and accessories.

The purpose of the bureau is to assist in the suppression of crime, by furnishing to the peace officers information leading to the appre-

hension or identification of criminals. How well the bureau succeeded in the purpose for which it was created is best illustrated by a few interesting facts gathered from the annual report. During the first year of its existence nearly 600 criminals have been identified by the bureau as previous offenders, and over \$47,000 worth of stolen property has been recovered, which would not have been located without the aid of the clearing house. During the next year even better results are predicted.

It is the opinion of the Board of Managers that the activities of the bureau should be extended. Accordingly they have recommended in their first annual report that experts in microscopy, chemical analysis and hand-writing be regularly appointed and attached to the bureau. Whenever requested by peace officials, these specialists could be sent to assist in the solution of crime problems without cost to the particular community, save expenses incident to traveling.

Rapid transportation has changed crime conditions all over the world. Professional criminals no longer confine their operations to a particular locality, but travel from one end of the country to another and from one country to another. If we hope to reduce the extent of their operations, central bureaus must be located in every state, and a national clearing house in each country. Clearing houses for criminal records are no longer an experiment; they are a necessity, as has been well demonstrated by the California bureau.

AUGUST VOLLMER.

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#### THE TRUTH ABOUT THE PAROLE LAW IN ILLINOIS

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With the so-called "crime wave," which seems to be an inevitable accompaniment of the winter season in every large city, there is coupled the periodical talk about the Parole Law as a supposed cause. One would conclude there were no more apparent causes for increased crime at this time, and that the Parole Law was operative only in the winter.

The fact that the chief causes have been pointed out many times, and that the truth about the Parole Law as a preventive of crime has been written many times, has not proven a preventive of the unfounded criticisms and biased conclusions based upon insufficient facts. Unfortunately, the average reader sees the sensational attacks and fails to read the more informed and constructive replies.

Again and again the writer has found well-meaning people astonished to learn that what they have been reading as to the results of

parole and probation does not in the least accord with the well-authenticated facts.

The statement has often been made, for example, that most crimes are committed by old offenders under parole. All the facts plainly show that the great majority of offenses are committed either by boys who have not yet served in a state penal institution, or by old offenders who have been discharged outright, or who have long since completed their parole.

It is supposed that the Parole Law is a measure of clemency, rather than a well tested method of keeping released prisoners under supervision. The facts are, that the average sentence in Illinois and elsewhere, is more than one year longer than under the old, definite sentence law.

Claims are made that the majority of paroled men violate their parole. The carefully kept records clearly show the facts to be, that about fifteen per cent of paroled men commit other offenses, while not to exceed an additional ten per cent fail to report or leave the state.

The exact figures to substantiate these statements have been published repeatedly in this JOURNAL, and by the various State Boards of Corrections and Boards of Parole. They may be found also in any library.

The best results have been obtained in such states as New York, Massachusetts, Indiana and Illinois, where the Parole Law has been in operation for twenty years or more, and where the most systematic supervision of paroled men obtains.

Figures compiled by the Illinois Division of Paroles, clearly show that under the parole system, men found guilty of burglary, larceny, and robbery, are much more severely punished under the indeterminate sentence than they were during the period when definite sentences were the rule.

The same good results are shown in Canada as in the states. Out of 11,097 prisoners released during the nineteen years of the Canadian Parole Act, ninety-four per cent at least, received great benefit, and 9,647 have successfully completed their parole, while 773 are still reporting. Of the above number, 510 men had volunteered and were sent to the front in the Canadian Army. Several have won distinction for bravery and good conduct.

Serious objection is made to paroling any, excepting first offenders. The fact is that even the old offender might better be under parole supervision than to be turned loose, as he must be at the end of his

term, without any clew to his whereabouts, or any power to return him without the expense of a further trial.

It is sometimes claimed in Chicago that that city is made a "dumping ground for criminals," as a result of the Parole Law. The facts are that many more discharged prisoners would come here from adjacent states, except that most of these states require paroles to be served in those states.

It is charged that too great leniency is shown by the Parole Board, in granting conditional release. The facts not only show that definite sentences were shorter previous to the Parole Law, but that many judges still send young men for serious offenses, either to the Reformatory on short definite sentences (clearly contrary to the intent of the law), or to the House of Correction, with no provision for after care.

Recently the chief of detectives in Chicago, was quoted in the press as stating his belief that ninety per cent of the men who had been given a special Industrial Parole in Illinois, were now in Chicago, engaged "at their old trade." The facts are that 692 of these men were sent to the Government Arsenal for war work. They are about 200 miles from Chicago, and of the whole number, precisely 57 men failed to maintain satisfactory conduct in any way. Less than 20 were charged with felonies. The remainder were accused of being intoxicated or of failing to report.

Frequently Grand Juries, at the suggestion or dictation of the State's Attorney, have recommended the repeal of the Parole Law. In each case where investigation has been made, it was found that only a small per cent of the men indicted were actually under parole. The great majority had either never been paroled, or had long since completed their parole, and would have been at large just the same if no Parole Law existed.

The repeal of the Parole Law has been discussed and demanded many times, by the few. As a matter of fact, there are parole laws in some thirty-five states, but not one has ever been repealed.

It would be much more to the point if we could have fewer critics of the Parole Law, and more publicity as to the fundamental causes of crime. These are easily found in ignorance and poverty in the home, frequently as a result of low wages; in the inefficiency of the police and the machinery of the courts; and in the political influences dominating many correctional institutions. Let these conditions be recognized and remedied, and such constructive and preventive measures as the Parole Law will be even more effective, and more fully understood by all.

F. EMORY LYON.