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DETROIT SUCCEEDS UNDER A NEW ORGANIZATION¹

PLINY W. MARSH²

For eight years the people of Detroit educated themselves to a knowledge of efficient self-government. They reformed their election methods, doing away with repeating, faking and ballot box stuffing, resulting in a breakup of the precinct boss system.

They abolished the old ward-elected, forty-two man council, and substituted a council of nine men elected at large. They made their election of city officials non-partisan. They abolished the big ward-elected board of education and substituted a school board of seven members elected at large.

Finally, they took two separate courts, which together had jurisdiction of all state and city law violations in Detroit, and made them into one court, with seven judges, elected on a non-partisan ballot.

The law creating the new court provides the following features absent under the old dual organization:

1. A unified criminal court with seven judges of equal powers and jurisdiction instead of five judges with individual authority and divided jurisdiction. The new judges were given the following powers:

(a) To select a presiding judge for such term as is agreed upon, who shall be charged with the general supervision and superintendence of the work of the court; have power to assign judges to the various branches of the court, and compel acceptance of such assignments.

(b) Power to establish and maintain such specialized branches or divisions of the court as may be deemed proper and expedient by a majority of the judges.

(c) To make provision for a psychopathic department of the court and have medical and psychopathic investigations, examinations, and treatment of persons coming before the court.

(d) To appoint a chief clerk, deputy clerks, probation officers, stenographers and such other clerks and deputy clerks, assistants and other employees as may be necessary to carry on the work of the court.

The new court began to function April 20, 1920, at which time

¹Address delivered at a meeting of the National Municipal League and the Philadelphia City Club in Philadelphia, Pa., November 23, 1922.

²Judge of the Recorder's Court, Detroit.

certain definite objectives were decided upon. Among these may be mentioned:

1. To eliminate unnecessary delay in disposing of cases. That this was achieved is effectively proven by the following facts:

(a) On April 20, 1922, there were thirty-two untried cases on the felony docket as against 2,200 when the court started functioning on April 20, 1920.

(b) Two-thirds of the felonies are tried within seven days after arraignment on warrant.

At this point it may be well for me to explain briefly Michigan procedure. We have no grand jury. The prisoner is first arraigned on warrant. If a plea of "guilty" is entered, an information is filed and a plea is taken on information. If the plea is "guilty" on information, the prisoner is remanded or sentenced, the entire proceeding being completed in one day. If at the time of plea on warrant the plea is "not guilty," an examination to establish probable cause is had (unless waived), and the prisoner is bound over when an information is filed. At the time of arraignment on information, if the plea is "not guilty," a date for trial is set.

The promptness with which felony cases are brought to trial is shown by the following analysis of 3,338 cases that were tried in the year under consideration:

No. Weeks	—1921—		—1919—		—Cumulative—	
	Cases	Per Cent	Cases	Per Cent	1921	1919
1	2,189	66	21	2	66	2
2	203	6	61	3	72	5
3	154	5	95	5	77	10
4	252	7	105	5	84	15
5	197	6	114	6	90	21
6	138	4	123	6	94	27
7	64	2	132	7	96	34
8	42	1	128	6	97	40
9	31	1	371	19	98	59
65-90 days.....	53	1½	137	7	99½	66
90-270 days.....	15	½	265	14	100	80
270-610 days.....	386	20	...	100
	<u>3,338</u>	<u>100</u>	<u>1,948</u>	<u>100</u>		

The above figures show that at the end of twenty-eight days the present court disposed of 84 per cent of the cases after arraignment on a warrant, while under the old organization in 1919 only 15 per cent were disposed of within 28 days. By the end of 65 days, 98 per cent were disposed of in 1921, while in 1919, 59 per cent were disposed of

within the same period. In other words, in 1921, only 2 per cent of the cases analyzed were in court over 65 days; in 1919, 41 per cent of felonies were in court over 65 days before being disposed of.

The benefits of the unified court are particularly apparent in those cases where the defendant pleads guilty to a felony upon arraignment on a warrant.

The records show that of the 3,338 cases analyzed, 1,539, or 46 per cent, were such cases, and accordingly were disposed of the same day that the arraignment on the warrant was made. Under the old dual court system this would have been impossible because, even after a plea of guilty to a felony upon arraignment in the Police Court, the defendant would be bound over for disposition during the succeeding term of the Recorder's Court.

Promptness in disposing of cases is reflected in the number of prisoners in jail and in the length of time such prisoners spend in jail before their cases are disposed of. In this connection, it is interesting to note that on March 31, 1920, a few days before the new court took effect, there were 173 offenders in jail awaiting trial. Of this number, 82, or 47 per cent—practically half of them—had been in jail over 25 days; a few 150 days. On March 31, 1922, there were 83 prisoners in jail awaiting trial in the Recorder's Court and of this number only 7, or 9 per cent, were in jail over 25 days.

2. The second objective of the new court was certain conviction of the guilty. Approximately 85 per cent of those against whom informations are filed in felony cases are convicted. This includes pleas of "guilty," as well as conviction by a jury. Under the old system, juries were drawn for a period of two months. Under the new, the term is two weeks. The result of this change of time of service has been to secure the best citizens for jury duty. It is not uncommon to see the president of an automobile plant and one of his foremen sitting on the same jury. Nearly every clergyman has been drawn and has served. Only in the most extreme cases will a person drawn be excused. The objections to serving are rare and in most instances where a prominent man is compelled to sit, he later thanks the judge for compelling him to act. These juries are fair and just, but exercise most excellent judgment in rendering their verdicts. Rarely, if ever, has there been a freak verdict under the new system.

3. The third objective was severe punishment in serious cases. Major crimes in Detroit have been reduced 64 per cent in two years. We judges gladly give the prosecuting attorney and the police force full credit for their share in making this possible, but we believe the

policies of the court have had their share in the reduction of crime. Well-meaning but mistaken persons and the jitney bar, the precinct politicians, the professional bondsman and their ilk have severely criticized the court for the severity of sentences imposed in some cases. For example, we have made it an almost invariable rule to give sentences of fifteen to twenty years to those guilty of robbery while armed. Penalties in proportion have been imposed upon lesser offenders down to speeders and reckless drivers who are almost without exception given workhouse sentences, together with heavy fines. Figures compiled in a recent issue of the bulletin of the Detroit Police Department on robbery, burglary, and larceny from the person—crimes usually committed by professional criminals—are interesting.

This record is as follows:

	Robbery	Burglary	Larceny from the Person	Total
1919	884	2,681	804	4,639
1920	982	2,111	642	3,735
1921	404	808	357	1,569
	Decrease in 1921 from 1919.....			64%
	Decrease in 1921 from 1920.....			58%

A fourth objective was to deal intelligently with persons convicted of crime. To this end the psychopathic department was established.

It is the function of the clinic to examine offenders charged with the various crimes, to diagnose the personalities of these offenders and to recommend to the judge the necessary treatment, so that these persons may be disposed of in accordance with the best interests of the community and of themselves. The clinic is not interested in the question of responsibility for the crime, but it is interested in finding out what elements in the offender's personality are responsible for the crime, and to recommend such disposition as will meet the needs of the person.

The diagnosis is based upon a thorough examination of the individual—social, mental and physical. This information furnished the judge indicates to him what kind of person he has to deal with and gives him a better idea as to whether a short or long sentence is the best disposition of the case; whether the offender should be sent to prison, to an insane hospital, or to a feeble-minded institution.

SOURCE OF CASES

The clinic receives its cases from two sources: First, those that are referred to it for examination by some department of the court or

other agencies. Of these cases, there were 1,184, 895 males and 289 females. Second, the cases examined for the early session court each day while awaiting trial in that court. Of these, there were 2,055, of whom 1,155 were men and 900 women.

REFERRED CASES

The great majority of these cases, 1,110, were referred to the clinic by the Recorder's Court, police department, prosecutor's office, the Circuit Court, and the House of Correction. From miscellaneous sources, the board of health, the department of public welfare, the board of education, and social agencies, the clinic examined 74 cases. The latter sources furnish an excellent opportunity in the field of crime prevention.

Examinations were conducted at various stages in the course of the trial; some after arrest; others after arraignment; still others after examination; many after trial before sentence, and a few cases after sentence was imposed. A complete record is kept by the clinic of each examination, exactly comparable in every way to the case history records of each patient kept in the hospitals. In every case examined where the defendant was sent to a hospital or committed to a prison, a transcript of the case history was sent to the institution so that the management could be guided in the treatment of the case.

Some of the prison wardens and the superintendents stated that they found the information furnished them by the clinic was helpful in their contacts with the prisoners.

The number of felony cases handled by the clinic during the first year were: Male, 895; female, 289.

In these cases, where a complete study was possible, it was found that about 75 per cent of the men showed evidence of a disorder or defect of the central nervous system. Among the women, this percentage was 89. This higher percentage among the women is due to the group of common prostitutes examined, a class in whom mental disorder or defect is very frequent.

The large variety of abnormal mental states indicates the necessity for very varied and individual forms of treatment for these offenders, if we wish them to return to society, at the expiration of the penalty imposed, in a mental state less menacing to the social welfare than when they were arrested. This individual treatment is, fortunately, available for many cases through the Probation Department, thus allowing great economic saving to the community without endangering the social welfare.

NEED FOR INSTITUTIONAL FACILITIES

There are types of mental abnormality for which no provisions are made at present. In the period covered by this report, the clinic examined 310 of these individuals suffering from "constitutional psychopathic state." This type of abnormality is not regarded as an insanity or as feeble-mindedness; hence, hospital facilities are not available for individuals who belong in that category. For many of them, as for other forms of abnormality not eligible for hospital admission or treatment on probation, the clinic has been recommending a sentence to prison as the most feasible means of treatment to best meet the needs of the community and of the individual.

This "constitutional psychopathic state" occurs in all the offenses with very striking frequency, and here suggests a great opportunity for crime reduction. This class of conditions is one for which there exist the most inadequate facilities for treatment in the community. They constitute by far the greatest proportion of the repeaters in criminal courts. The more marked cases of this disorder require permanent institutional supervision in order to prevent their constant repetition of crime, but there are no means in the state to supply that for them. If space permitted, scores of cases which demonstrate this need might be transcribed from the clinic's files.

During the past year there has been committed to insane hospitals 66 cases, or 5.5 per cent of the total examined. Because of the crowded conditions of the hospitals to which our cases are permitted to go, we have recommended for commitment only the most urgent cases. It has been necessary for a patient to wait in the county jail as long as two months after being committed before a hospital bed was available for him. We find the need for more hospital beds very imperative and we believe that the lack of them contributes very definitely to the incidence of crime to a considerable degree.

EARLY SESSION CASES

Of the individuals awaiting trial before the early sessions court, 1,155 males and 900 females were examined. These cases constitute mainly charges for being drunk, disturbing the peace, vagrancy, begging, common prostitution, violating the drunk motor law, etc.

The examination of these offenders is not as thorough as that given the referred cases, but it is intended merely as an aid to the judge in the intelligent disposition of the cases, and as a means for the selection of those cases who appear to need further study or special care and treatment.

These short examinations also furnish a means of supplying the judge handling these cases with very much more data concerning the accused's past life than would otherwise be available, as well as with the result of a psychopathic examination of the individual.

TYPE OF CASES

A condensed and simplified classification of the cases examined in the clinic shows the following types found:

	Male	Female
Mentally defective (of lower intelligence than the average of the race)	167	94
Actually insane	103	18
Borderline cases (cases of nervous or mental abnormality for whom there is no adequate provision).....	368	136
Average persons	204	30

As examples of the borderline cases may be mentioned two individuals:

The first is a woman, 41 years of age, examined in the psychopathic clinic September 27, 1921, on the occasion of her arrest charged with larceny from the person. The examination showed her to be recovering from the effects of an attack of delirium tremens, with deteriorating effects of long drug addiction and an almost total lack of any appreciation of her duty toward others in what may be called a moral sense. The police department record showed that she had been arrested for larceny in 1919 in Detroit and had received a fine of \$50 upon that occasion. Investigation into her history by correspondence with places where she had lived and institutions in which she had been gave us the following facts:

She began to be sexually promiscuous at the age of ten and to drink excessively at that time. Her first arrest occurred when she was eleven, for which she received a fine. When she was twelve she was arrested as a truant from school, and later, the same year, was arrested for larceny, for which she was sentenced for six months in the Washington jail. One month after discharge from the jail she was arrested again for larceny and this time sent to the reform school for a period of two years. When she was fifteen she committed her first robbery and for this was sentenced to prison for five years in New York. About two months after her discharge from prison she was arrested in New York in a stabbing affray and sent to Mattewan Hospital, where she remained for about a month and a half. At twenty-two she was again sentenced to prison for stealing and from

that time until she was thirty-nine years of age she was constantly in prison or in insane hospitals. At St. Elizabeth's Hospital she was regarded as not insane, and was returned to prison. In prison she killed another inmate and was returned to the hospital. She came to Detroit when she was thirty-nine years of age and married here. Shortly after her arrival she was arrested for larceny and fined as above noted.

This case presents, we think, rather graphic evidence of the need of examinations of these individuals early in life. Had this case been thoroughly studied when she was ten or twelve years of age, we venture to say that much of the disaster due to institutional experience which followed in her life would have been avoided. At the time of her arrest in Detroit in 1919 she was unknown to Detroit authorities and in the routine course of events she was regarded as in no way different from any other case of stealing. Had she been disposed of properly at that time her next offense in Detroit would not have occurred. This woman's life has been a repetition of offenses against society, ranging from truancy to murder, and each time she has been released from institutional supervision she has almost immediately committed another offense. A proper classification and institution of the proper treatment for this type of individual early in life will, of course, reduce crime very materially.

The second case represents a slightly different type of person, but almost as costly a one from the community standpoint. She is a woman 46 years of age, who was examined October 19, 1921. Her history indicates that during the last ten years she has been arrested sixty times. Forty times her sentence has been suspended, four times the case has been dismissed, and she has served two sentences in the House of Correction. She has paid fines aggregating \$190. The charges under which these arrests were made have always been drunkenness, disorderly person, or begging. Prior to ten years ago her parents, who were then alive, looked after her, supplied her with the support which she needs, and thus she caused no trouble. When this support and supervising agency in the form of her parents was withdrawn by their deaths, she launched into a very pronounced alcoholic habit with the arrest record above noted. Examination showed her to be suffering from the deteriorating effects of alcoholism and a very definite unstable emotional makeup. She is a type of person who will drink periodically whenever alcohol is accessible, and I think an individual who, had she been properly studied ten years ago and supplied

with the necessary treatment, would have avoided the long line of frequent appearances in court.

Many other instances might be cited from the clinic's files which demonstrate how the crimes committed by individuals are the direct and natural result of qualities of their personality and how it is unreasonable to expect these individuals to cease committing crime until those qualities in their personality have been corrected or changed. The first step in this process is naturally the examination of the individual to determine just what is needed in that direction.

GREAT AID TO THE COURT

Although in existence only one year, the psychopathic clinic has proven itself a great aid to the court in the handling of offenders. With the gradual accumulation of exact and accurate information regarding criminals, the clinic will become of increasing value to the court and to the community.

5. A fifth objective was an honest, sincere use of probation as a corrective for criminal tendencies.

The increased use of probation is shown in the following figures:

Number placed on Probation for year ending	Number under Supervision for year ending	Number under Supervision for year ending
June 30, 1919..... 750	June 30, 1919..... 2,035	
June 30, 1920..... 893	June 30, 1920..... 2,069	
June 30, 1921..... 1,888	June 30, 1921..... 3,448	
June 30, 1922..... 2,896	June 30, 1922..... 5,440	
	Year ending	Year ending
	June 30, 1921	June 30, 1922
Cases investigated	2,042	4,027
Discharged	1,057	2,344

Note: Prior to 1921 cases were rarely investigated prior to probation.

In addition to these cases, there were 4,262 domestic cases brought before the complaint division, and of these 2,983 were settled after investigation without being brought into court.

The Honorable A. C. Backus, judge of the Municipal Court of Milwaukee, Wis., President of the National Probation Association, states that only three out of every one hundred offenders whom he has placed on probation appear before him again for sentence. This fact might be interpreted to mean either that the judge uses exceedingly good judgment in determining which of the offenders have to be committed and which may be safely released under supervision, or it may mean that the probation office in Milwaukee is exceedingly efficient in its work, more probably both.

In Detroit from January 1 to September 30, 1922, only ten men who had been placed on probation on felony charges were brought back before the judge by the probation officers for failing to keep the terms of their probation. Twenty-four men were sentenced for having committed another offense after having been placed on probation. That is, thirty-four men out of a total of 1,151 became parole violators and were institutionalized. *This is not quite three per cent, and it should be noted in particular that this is three per cent of male adults who had committed state's prison offenses.* These figures do not include any of the women on probation or the men on probation for misdemeanors and violations of city ordinances.

During the year ending June 30, 1922, 2,825 men and boys above the age of seventeen were handled in the misdemeanor division. Of that number, thirteen were brought before the judge for failing to keep the terms of their probation and eighty-four had been arrested on some other offense subsequent to their being placed on probation, making a total of ninety-seven out of 2,825, which is less than three and one-half per cent.

During the first nine months of 1922, men on probation for offenses against property, in which they were ordered by the judge to make *restitution for articles stolen or damaged or embezzlement, etc.*, had made restitution during the nine months in the sum of \$10,572.98. During the same period these men, instead of being a charge upon the state in some one of our overcrowded institutions, and their families perhaps being a charge upon the city of Detroit, either in whole or in part, made the astonishing good showing of a *total earning capacity of \$463,818.55.*

For the year ending June 30, 1922, men on probation to the misdemeanor division *paid through the probation office for family support, \$27,672.59; restitution, \$588.14.*

9. The old court had one woman probation officer. The new court has sixteen. The total number of probationers in the woman's division is 778. Of this number 371 are women convicted of prostitution, drunk, shoplifting, etc. All women prisoners are physically examined by the City Health Department and are personally interviewed by a probation officer before coming into court. The facts thus secured, as well as the prisoner's criminal record, if any, is placed before the judge at the time of trial. With first offenders sentence is suspended and the prisoner returned to her friends wherever possible. This frequently involves the cost of transportation to another city which is provided by the City Welfare Department upon an order from the trial

judge. No prisoner is thus sent away, however, until communication is established with some official or responsible social agency at the point of destination.

In all cases involving the home, such as assault and battery between husband and wife, non-support, etc., where the evidence warrants conviction, the prisoner is remanded and a complete social history secured by a field investigation. When the facts gained from such investigation warrant, probation rather than imprisonment is universally applied. There are now 407 domestic relation cases in the woman's division. This division has been in operation only ten months.

Finally, after all has been said that can be said for or against probation, the real test is whether or not anti-social individuals are being adjusted to their true relation to society and are assuming their responsibilities in an adequate manner. To that end, and in conclusion, I desire to read three typical reports of cases involving the home:

Case No. 646 Subject: S., Frank Docket No. 5994

Hon. Pliny W. Marsh,
Recorder's Court,
Detroit, Mich.

The defendant was placed on probation on June 29, 1922, for six months on the charge of non-support. The case has been especially interesting on account of the youth of the man and wife (20 and 19), and of the fact that the man had left his wife and baby apparently finally.

The probation office took direct supervision of the home, having the man and woman live together. We succeeded in getting the man at work immediately at his trade as a baker. The probation officer each week budgeted the money and assisted the couple to bank a part of the man's pay.

This supervision has resulted in over \$200 being saved and apparently a perfectly normal life being established. The probation officer is no longer fixing budgets, as the wife has learned how to do it. Recently the couple moved out of furnished rooms into an apartment, which they have furnished with some of their savings, although money is still going into the bank each week.

We believe that by the time the man's probation ends, he will have learned to like steady work and to enjoy family responsibility to

the point where we may reasonably expect a permanent reconciliation.

Respectfully,

(Signed) R. H. FERRIS,
Dir. Domestic Relations Bureau.

Case No. 513 Name, D....., George Docket No. 32117

November 17, 1922.

Hon. Pliny W. Marsh,
Judge, Recorder's Court,
Detroit, Michigan.

The defendant was placed on probation on December 1, 1921, for six months on the charge of non-support. This is a psychopathic personality of the grandiose type. The situation was complicated by the fact of the wife being, according to Dr. Jacoby, of an irresponsible type.

In view of the man's grandiose tendencies and history of neglect of family responsibility, it did not appear probable that probation would result in much good. However, close supervision by the psychopathic clinic and by this department has been maintained. At one time the director of the clinic believed that the man should be committed to Pontiac insane asylum because he could not respond to supervision.

For a long time the man did not respond to supervision. It seemed impossible to get him to work at all or do anything for his family. In May the court extended his probation for an additional half year in order to give us further opportunity to force some response.

Since that time the department has succeeded in arousing the man to a small sense of responsibility, at least to the extent of making reasonably continuous efforts to contribute something toward family support. The director of the psychopathic clinic now believes that it is not necessary to begin commitment proceedings at present in view of the temporary improvement.

We do not expect permanent improvement in this case; but the case is interesting as showing that under adequate supervision even so serious a psychopath can be made to respond and assume certain responsibilities. While the family will never be adequately cared for

ly the man, probationary supervision has saved the state considerable expense and may for some time to come.

Respectfully,
(Signed) R. H. FERRIS,
Dir. Domestic Relations Bureau.

Case No. 576 Name, B., Frank Docket No. 3000

Hon. Pliny W. Marsh, November 11, 1922.
Judge, Recorder's Court, Detroit.

TERMINATION OF PROBATION

The defendant was placed on probation on May 12, 1922, for six months for disturbing the peace. Prior to this he had served two sentences in the House of Correction for assault and battery, 90 days in 1918, and 30 days in 1921. What commitment was unable to accomplish, probation seems to have accomplished.

For the first two months of probation, it seemed impossible to get the man to work and the family became dependent on the Department of Public Welfare. Then the probation officer forced the man to take a position as barber, his old trade. Since early in July the man has worked steadily at his trade, earning from \$25 to \$35 a week. He is content in his work and manifests ambition to advance.

The adjustment of the domestic situation proved more difficult than the economic. The temperamental differences of the man and wife grew so acute that on July 28 the man left the woman by mutual consent and the man paid family support through our office. After six weeks an apparently permanent reconciliation was effected. Since September 13 the reunited family have gotten along very well together. Both show gratitude for the services of the probation office.

Probation in this case gave us an opportunity to work out a constructive solution, which we hope will prove permanent; therefore we recommend that the defendant be discharged improved with suspended sentence.

Respectfully,
ELVA M. FORNCROOK,
Chief Woman's Division.

RECOMMENDATION APPROVED

Judge, Recorder's Court.

The Magna Charta declares: "To no one will we refuse or delay right or justice." Chief Justice Taft, speaking before the Virginia Bar Association, said: "Of all the questions which are before the American people, I regard no one as more important than the improvement of the administration of justice. We must make it so that the poor man will have as nearly as possible an equal opportunity in litigating as the rich man, and, under present conditions, ashamed as we may be of it, this is not the fact."

Justice Nolan of the New York Magistrates Court, in a personal conversation with me on Monday of this week, said: "Your court is a complete answer to socialism. You offer the same tribunal to rich and poor, to the highest and the lowest. On the other hand, by giving your courts felony jurisdiction, you make a position on the bench attractive to your best legal talent, and thereby make their services available to that class of cases which is less attractive to the lawyer, but more important to the community."