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PROBATION FOR WOMEN

ELVA M. FORNCROOK¹

The Probation Department is rapidly becoming a social agency with a comprehensive social program. Probably the drafters of the Model Probation Law² had no conception of its present development. Its purport was evidently leniency, and it has usually been interpreted as referring to the young and first offender, as only such an individual is considered "not likely again to engage in an offensive or criminal course of conduct." But judges and probation officers found themselves confronted by social situations which had to be remedied if future offenses were to be avoided. Mere reporting at the office was found to be inadequate for the needs of all cases on probation. These cases are individuals requiring various forms of treatment. Therefore we have developed a social corrective procedure, which we usually call supervising, which differs for each individual and by which we expect to help the individual to make better social adjustments. Probation cases are, therefore, chosen according to the need of this supervision. Supervision versus other forms of sentence is the determining factor. For the individual whose arrest is largely accidental, or whose court experience seems to be sufficiently disciplinary to deter from other offenses, suspended sentence is granted.

It is easy for a probation department to make an excellent record if it receives on probation only the individuals who are quite sure never to come again before the court. But such cases do not need the probation department. It seems wiser to give the woman who seems to have no special social problem a chance to right herself, and if she cannot do so, give her supervision when it proves necessary. But it is a temptation to recommend probation for the safe type, and probation officers like a good percentage of such cases which can be diagnosed as "affording no problem" and can be closed as "improved"

¹Director, Women's Division, Probation Department, the Recorder's Court, Detroit.

²Compiled Laws of Michigan, 1915—Section 2029-2031, Section 1. "In all prosecutions for crimes or misdemeanors, except murder and treason, where the defendant has been found guilty, upon verdict or plea, and where the court has power to sentence such defendant to fine or imprisonment, and where it appears to the satisfaction of the court that the defendant is not likely again to engage in an offensive or criminal course of conduct, and that the public good does not require that the defendant shall suffer the penalty imposed by law, said court shall have the power to place the defendant on probation under the charge and supervision of a probation officer."

cases. The development of a wider program has been made possible by a more general interest in the problems of crime, a more humane feeling toward offenders and a more intelligent and scientific point of view contributed by the psychiatrists.

If a more difficult program is to be effected, probation officers must have experience in handling social problems, insight, ingenuity and energy. No type is too difficult to try on probation if we have some knowledge of what our problem will be and some idea of how we can solve it. This department, therefore, bases its recommendations not on age, previous record or intelligence rating, but rather on whether there is a social situation which seems to contribute to delinquency and which we may be able to change.

That more difficult and varied types can be taken on probation successfully could scarcely be argued if we could not show a good percentage of cases handled successfully. Of our cases closed during the last year, 303, 81 per cent, were closed as improved cases. ("Improved" is the term required in our reports to the state board.) This percentage is above the percentage usually rated as satisfactory, even for the young and the first offenders, and compares well with statistics of women's divisions in other cities. It is not to be confused with the percentage of women not convicted again during the probation period, which is 95 per cent, or committed on new charges, which is 98 per cent. Such a classification as the latter does not include cases considered unimproved because of other forms of violation, such as absconsions, failure to report as requested, failure to fulfill requirements laid down by the judge, such as employment, care and support of children, or refusal to accept treatment for infectious disease. We have closed as "unimproved" some cases when women had not had new convictions and had reported regularly, but when their attitude was so unsatisfactory and their social situation so inducive to further offense that we did not feel justified in closing as "improved."

A study of the 682 court cases supervised (we supervised besides a few volunteer cases and a few transferred from other cities) during the year December 1, 1922, to December 1, 1923, gives the following facts regarding types:

Felonies	214 or 31%
Misdemeanors	468 or 69%

The distinction between felonies and misdemeanors is legal. But an individual convicted of a misdemeanor may have a much more difficult social situation than an individual convicted of a felony. Hence, as a social organization, we assign to a probation officer according to

the social problem indicated. The social problem of a woman who steals under the amount of twenty-five dollars, a misdemeanor, may be much more difficult of adjustment than the woman who steals a little over twenty-five dollars, a felony.

The terms of probation range from two months to five years. The term at which the greatest number occurs is one year and the average is one year.

CHARGES

Felonies:

Abandonment	1
Assault with intent to do great bodily harm.....	1
Bigamy	5
Breaking and entering.....	1
Carrying concealed weapons.....	1
Concealing stolen property.....	1
Embezzlement	1
Felonious assault	2
Forgery	4
Indecent exposure	1
Grand larceny	28
Larceny from person.....	4
Larceny by trick.....	1
Larceny attempted by trick.....	1
Larceny of property.....	5
Larceny from store in daytime.....	9
Lewd and lascivious co-hab.....	25
Manslaughter	1
Second degree murder.....	1
Pandering	2
Perjury	5
Uttering and publishing.....	8
Robbery, armed	1
Robbery, not armed.....	2
Violation drug law.....	4
Violation food law.....	1
Violation medical law.....	2
Violation prohibition law.....	96

214

Misdemeanors:

Assault and battery.....	13
Begging	1
Common prostitution	97
Disturbing the peace.....	80
Drunk	64
Reckless driving	1
Speeding	2
Vagrancy	5
Violation of public acts.....	1
Simple larceny	198
Larceny by trick.....	3
Contributing to delinquency of a minor.....	2
Malicious destruction of property.....	1

468

As will be seen from the above list of charges, the use of probationary supervision as a method of treatment is conceived to be applicable to almost every manner of crime.

The number who have previous police records is 137, or 20 per cent, and this number includes 32, or 5 per cent, who have been on probation before. We feel that a previous record does not bar from probation, if supervision has not been tried or has been tried successfully, and if the woman's attitude is favorable toward a corrective program. Moreover, the department may have new data or additional facilities for supervising which makes probation more practical than at the time of the first offense. Social conditions and attitude of mind are so variable that it seems unwise to make any set rule against placing on probation because of previous offenses. That 5 per cent of our women have been on probation before only proves that they should have had a longer term of probation, or should be supervised constantly. These women improved in conduct while on probation, but got into trouble when released from supervision.

AGES			
	<i>Felonies</i>	<i>Misdemeanors</i>	<i>Total</i>
17-21 years	45	140	185
22-31 years	76	194	270
32-41 years	62	101	163
42 years and over.....	31	32	63
Unknown		1	1
			682

The largest group coming through the court is of the 22 to 31 year group, and hence probation figures are largest for this age. Of this group of 682 women, 111, or 16 per cent, are colored. No discrimination is made in selecting colored girls for probation. In fact our difficulty is that we are taking the same type colored girl as white without the same facilities in the community to help us, which makes supervision for the colored girl more difficult. For example, a young colored girl, with infectious venereal disease, had to be held in the County Jail for treatments, as there was no other place for her. Another colored girl, who had been living with an aunt who was a prostitute, should have been placed in a home for girls, where special supervision would have been given her, but this arrangement was impossible. A colored woman with two little children had to be separated from them before placement in a home could be made. The community should be better equipped to care for the colored girl.

DIAGNOSES OF THE PSYCHOPATHIC CLINIC

Subnormal	101
Psychopathic personality	44
Psychoneurosis	8
Alcohol and drug addiction.....	13
General paresis and other forms of neuro-syphilis.....	6
Dementia praecox	3
Manic depressive psychosis.....	2
Reactionary depression	2
Paraphrenia systematica	1
Unclassified—disordered but not sufficient data upon which to base a diagnosis	6
No deviation from the average.....	46
	232

The above figures show that 232, or 34 per cent, of the cases carried during the year have been examined in the Psychopathic Clinic. Of these 186 or 27 per cent of the entire group, 682, are abnormal. We feel that these difficult cases are suitable for probationary supervision. The possibility of frequent conferences with the clinic regarding behavior problems, which arise during the probation period, has contributed largely to our success. The probation officer who handles the most difficult of these cases has had special training in psychiatric social work.

We frequently have taken on probation a woman in order to secure admission to the Michigan School for the Feeble-Minded, and to supervise her until she is actually placed there. Until recently the delay has been as long as a year or two. There have been instances supervised over such a long period and with social conditions and conduct so improved that placement was not necessary when a vacancy occurred at the School for the Feeble-Minded.

Most of the subnormal type we find docile and willing to work with us, and our problem becomes largely one of a simple, protected environment and suitable work. This type requires a probation officer who not only suggests, but actually helps carry out a plan. A probation officer who suggests to a feeble-minded girl that she get a certain kind of position, but doesn't go with her and see that she is actually employed in such a position, will not usually accomplish much.

We also have taken on probation a few insane cases with a program of aiding relatives to admit to a hospital for the insane for treatment.

If supervision is to be successful, probation officers must have special training and experience. Also, because of inadequate staff and facilities, it is better to keep the functions of investigation and supervision distinct. Investigation requires a special technique and ability which probation officers often lack, and if a supervisory officer has to

make court investigations, little time or energy is left for supervision.

The percentage of investigations is gradually growing, as judges prefer to know social factors before sentencing. Of the 682 court cases carried this year, 421, or 62 per cent, had been previously investigated. This year we investigated at the request of the judges 420 cases (30 in addition for outside agencies); 82 were felonies and 338 misdemeanors. We made recommendations on 366 cases, all but 8 per cent of which were accepted by the judges. This small percentage of unaccepted recommendations may be gratifying to both judges and the department, as it shows the close relationship existing between the judges and the department. We realize of course that the primary function of investigation is to give to the judge social factors which may aid him in determining sentence. We do not use it merely as a means of choosing probation cases. Our recommendations this year on 366 cases were for:

Commitment	56
Fines	48
Suspended sentence	23
Deportation	2
Not probation	18
Probation	219 or 60%
	366

However, investigation previous to sentence tends to eliminate cases unsuited to probation and makes a more efficient department organization. Of 182 cases suspended this year which had been previously investigated, only 13 per cent were closed as "not improved."

It seems wise that all information possible be gathered before sentence, so that when a woman is placed on probation her attention may at once be directed toward changes in her situation and her co-operation secured. It is the best time to gain such co-operation. We find no difficulty in transferring a woman from the investigator to the supervisory officer. The material is given the probation officer, who is asked to read it over before conferring with her new probationer. The investigation material given her is the result of the following procedure:

- I—Registration with the social bureau and conference with agencies registered.
- II—Police record and conference with officers if the case was not heard in court by a probation officer.
- III—Social history according to the following outline:
 - 1—Impression and description.
 - 2—Family history.

3—Personal history—

- Birthplace.
- Early home life and environment.
- Education.
- Occupational training.
- Occupational history.
- Economic situation.
- Marital history.
- Health.
- Habits and interests.
- Religion.
- Story of previous trouble.
- Story of present trouble.

IV—Examinations—

- Psychopathic (when advisable).
- Medical (when advisable).

V—Verification—

- Home call always.
- Employment.
- Economic situation.
- Conference with relatives usually.
- Medical history.

Our investigation covers these various points because we believe that all information possible is none too much upon which to base conclusions regarding a woman and the causes of her conduct. Often causes lie in some point of our outline which at first would not seem to have any connection with the offense. In a case of uttering and publishing the direct contributing factor was an unusual marital situation, which resulted in estrangement from the woman's family and from anyone capable of advising her wisely. In a case of larceny the family history and the home environment were the most important factors. The parents, who were foreign born, provided no place where the girl could entertain her friends, she was ashamed of her home, her father drank and was quarrelsome and the girl's pay check was turned over to her family. Without companionship, a normal home life or independence, the girl developed an attitude of mind conducive to anti-social conduct.

Since cases are individuals with very complex social situations, the best that we can do is to study the individual as intensely as possible. When we know an individual, her background, her motives and standards of conduct, what to do with her by means of sentencing and what can be done for her by means of supervision, can be easily determined.

Verification is variable according to social factors. If the judge has not already referred to the Psychopathic Clinic and our social history shows a need of such an examination, we refer, submitting a copy of our case history. During the last year we have referred 199 cases.

Two weeks after the assignment to a probation officer, if possible, and not later than a month, the probation officer is asked to submit a diagnosis and plan. This plan becomes a part of the case record. Plans differ for each individual and probation officers use various outlines and terms. The following three are typical and show three different problems.

No. 1

SOCIAL FACTORS

Disease:

None.

Educational deficiencies:

Unwholesome early environment.
Impractical education.

Vices and bad habits:

Sex delinquency
Neglect of children.
Marital discord.
Unadjustment to economic social status.
Egotism.
Lack of pertinacity.
Irresponsibility.
Restlessness.
Day dreaming.

Legal entanglements:

Stealing.
Prostitution.

Resourcelessness:

Inadequate income.
Lack of economy.
Inefficiency.

SOCIAL DIAGNOSIS

A girl whose unwholesome, early environment, supplemented by an impractical education, makes it difficult for her to make an adjustment to her present social situation and results in anti-social behavior.

Plan

Marital:

Better understanding between husband and wife.
Proper care of her children.

Economic:

Install a budget system.
Secure training for her and work which will give her additional income.

Attitude:

Secure training and work which will satisfy her interests.
Endeavor to give her a more practical viewpoint and some obtainable ambitions.

No. 2

SOCIAL FACTORS

Unfavorable

Favorable

Physical:	Tuberculosis.	
Mental:		Average intelligence (mental age 13 yrs. 3½ mos., I. Q. 83).
Background:	Mother died when woman was 5. Father not interested in child. Raised by different relatives who were unkind to her. Worked on a farm after school hours. Illness. Bad companionship.	Second year high school. Good work record.
Delinquent Acts:	Stealing.	

SOCIAL DIAGNOSIS

A girl with incipient tuberculosis, living alone except for a few undesirable companions, who has had a fair education and shows ambition to work beyond her strength.

Plan

Medical care.
Separation from old companions.
Home in happy environment.
Better companionship and new interests.
Suitable, light work.

No. 3

SOCIAL FACTORS

Disease:

Inferior intelligence.
Evidence of beginning organic brain disease of parietic type.
Syphilis.

Educational deficiencies:

Seventh grade at fifteen.
No training for occupation.

Vices:

Drinking of woman and her husband.
Marital discord.

SOCIAL DIAGNOSIS

A woman of inferior intelligence, who has an organic disease. The situation is complicated by a drinking husband. Dissatisfaction over her marital situation probably leads to her drinking.

Plan

Medical treatment.
Try to adjust marital situation.
Hospitalization later if necessary.

These plans are taken up in weekly conferences, parts of plans already accomplished are checked and probation officers are urged to put special attention and time on points not yet accomplished. Of course, often new social factors are discovered which necessitate an alteration in the plan. Often when we can make no progress in the plan, if the woman has not had a thorough medical examination or a psychopathic examination, we refer for such examinations and change our plan accordingly. We expect to be able to make a survey of our various diagnoses and plans, group our women according to social programs evolved and to determine what plans or parts of plans have proved feasible. We find that a supervision plan may involve the following factors:

Health	Recreation and new interests.
Employment.	Religious influences.
Economic condition.	Better companionship.
Education (including occupational training).	Institutional care.
Environment.	Advice, friendship, encouragement, discipline.

Reporting is not used as a form of treatment for a probationer, unless there is special indication for the need of it. Other "reporting" is used only as a means of conference. Some women report twice a week and others are asked never to come to the office. There are instances when reporting defeats the purpose of probation. For instance, a woman of inferior intelligence who has had two convictions for larceny is ordered never to shop in the downtown stores and never to come into the downtown district unaccompanied by someone acceptable to this department. Another woman who works steadily in a protected environment was found to drink only when she came into the downtown district to report. Reporting was therefore abandoned. Another woman, who considered reporting a disgrace because "thieves

report here also," became so irritable in the office that no constructive plan could be carried out, and home calls by the probation officer were therefore substituted for reporting.

Such a system requires visits of the probation officer to the home. Visits are made as the case requires. Our visits, supervisory only, this year numbered 4,362, or an average of 363 a month. Active cases upon whom calls must be made are 280. We are attempting to increase our visits and decrease office interviews. Our supervisory office interviews this year were 7,610.

By non-active cases are considered cases out-of-town, in institutions, home supervision given by other agencies, or cases against whom we hold warrants. Judges are increasing constantly the practice of placing on probation women from other cities and transferring to the probation department or a social agency there. We have for the most part gotten splendid co-operation. In cities where there is not a probation department we are using various social agencies, Associated Charities, Red Cross County Nurses and Women's Police Division.

The following statistics gathered regarding 682 cases supervised this year give interesting social data:

<i>Social State</i>		<i>Owning Property</i>	
Married	318	Yes	120
Divorced	40	No or unknown.....	562
Separated	102		682
Widows	43	<i>Legal Residence</i>	
C. L. wife.....	9	Detroit	544
Single	168	Elsewhere	126
Unknown	2	Unknown	12
	682		682
<i>Children</i>		<i>Citizenship</i>	
Number having children.....	313	Yes	545
Number not having children.....	369	No	77
	682	Unknown	60
Number of children.....	804		682
Number children under 17.....	628	<i>Nativity</i>	
<i>Living Condition</i>		U. S.	472
At home	387	Foreign	208
Boarding	249	Unknown	2
In institutions	14		682
Unknown	32	<i>Nativity of Parents</i>	
	682	U. S.	337
<i>Religion</i>		Foreign	323
Protestant	350	Unknown	22
Catholic	251		682
Jewish	16		
None	8		
Unknown	57		
	682		

OCCUPATIONS

	<i>Felonies</i>	<i>Misdemeanors</i>	<i>Total</i>
Housewife	116	193	309
Maid	23	45	68
Restaurant	11	27	38
Agent	0	1	1
Clerk	8	26	34
Day work	8	27	35
Nursing	2	2	4
Actress	0	1	1
Factory	10	47	57
Laundry	0	1	1
Dressmaker or tailor's helper.....	4	7	11
Saleswoman	1	6	7
Cook	1	1	2
Printing	0	1	1
Rooming house.....	5	6	11
Stock girl.....	0	2	2
Usher	1	0	1
Floral shop	0	1	1
Nurse girl.....	1	0	1
Elevator operator.....	0	1	1
Housewife and storekeeper.....	4	0	4
Janitress	0	2	2
Dancer or show girl.....	2	2	4
Telephone operator.....	1	7	8
Storekeeper	2	0	2
Typist	0	1	1
In institutions.....	2	2	4
Librarian (speeding)	0	1	1
None	11	47	58
Unknown	1	11	12
	<u>214</u>	<u>468</u>	<u>682</u>

EDUCATION

	<i>Felonies</i>	<i>Misdemeanors</i>	<i>Total</i>
College	0	1*	1
Business college	4	13	17
Normal school	0	5	5
Nurse's training	2	0	2
High school graduate.....	0	14	14
High school, third year.....	0	24	24
High school, second year.....	9	21	30
High school, first year.....	8	72	80
Eighth grade	38	81	119
Seventh grade	23	56	79
Sixth grade	18	46	64
Fifth grade	21	42	63
Fourth grade	19	20	39
Third grade	12	11	23
Second grade	5	12	17
First grade	11	3	14
Country school	1	20	21
None	41	17	58
Unknown	2	10	12
	<u>214</u>	<u>468</u>	<u>682</u>

*Two years—charge, speeding.

Physical Condition:

Offering no complaints.....	505
Partially incapacitated	172
Totally incapacitated	5

682

Drug Addicts:

Yes	12
No or undetermined.....	670

682

Veneral Diseases:

Positive	86
Negative	111
Unexamined	485

682

Veneral Disease, Sex Offenses:

Positive	45
Negative	54
Unexamined	30

129

Earnings for the year.....\$85,011.20
 (Does not include any estimation of work of housewives, 309 in number.)

None of these factors alone can be noted as a cause of offenses, but causes lie rather in combinations of factors plus individual reactions. The most striking single feature is the lack of education. Further education for the adult woman is difficult, as she is sensitive about entering classes, or feels unable to do so. Also, it is difficult to fit her into the educational system.

From these statistics it is noted that the largest number of women are married, live at home and have children. This situation of court women is probably not realized by the community. From the economic viewpoint the value of keeping women in their homes to care for children is large. The number of children under seventeen is 628. From the social viewpoint the question arises as to the value of such motherhood as these women offer. Some of these women have had children taken from them and some of them are supporting their children in boarding homes. On the other hand, private boarding homes and children's homes are often precarious and it seems wise to attempt to educate the woman in the care of her children. If we see that we are failing to do this, we refer the situation of the children to a children's agency and accept their decision.

Statistics regarding church membership are of little value unless we can determine what the church means to the individual. We feel that there are many more than 8 who either have no religious faith, or to whom religion means practically nothing. That there are 57 cases

tabulated as religion unknown indicates that in many instances the department has neglected to consider this important phase of social treatment. Religious stimulation is difficult to give. It is especially difficult to get an honest, favorable reaction when an effort is made in connection with legal work. It seems better to get the help of a church worker for this purpose. If this is done there is need for a very definite program, so that work will not be duplicated.

Employment is fairly easy to accomplish. But to get higher type positions with better salaries and thereby lessen economic stress is difficult because of lack in education. A woman whose English is inadequate, writing poor and knowledge of mathematics of the simplest sort almost lacking, cannot qualify for any position except the most ordinary.

The legal residence of the majority of women is Detroit, which indicates that they are not a transient type. Practically two-thirds of the group with legal residence "elsewhere" have been returned to their home towns and are supervised by probation departments there.

The largest number of women are citizens and are native born. The number of women of foreign parentage is slightly larger than the number of native parentage. These factors cannot be used to prove anything regarding causes of crime in general, as the probation group is a selected group. Many women are taken on probation because of their ignorance of American standards of living. Such data regarding nativity and citizenship is of especial value to a probation officer, as it indicates the need for a program in education.

Data on the physical condition of women indicates that there is a health problem in only 26 per cent of the cases. When illness, however, results in an abnormal mental attitude, or interferes with earning capacity, it is dangerous and becomes the most important step in a constructive plan. For example, a girl convicted of larceny was entirely incapacitated for work. A medical program was given first consideration. After a long period of recuperation the girl was given special training in telegraphy, in which she was especially interested, and now she holds a good telegraphy position.

The data on venereal disease indicates that this problem is one related not only to charges against morality. Exclusive of the group convicted on sex or moral charges, seventy cases were examined and 59 per cent found to be venereally diseased. The frequent admission of sex promiscuity in relationship to all varieties of charges and the large number of cases unexamined indicates the need of improved

facilities for medical examination, and the greater use of such facilities by the department.

No statistics on recreation are offered, but we note that recreation consists usually of only cheap grade dance halls, movies and automobiles. It is difficult to provide recreation to the adult, as her standards are usually low, her habits fixed, and if they are not, the community offers little for her and seldom wants her, as her influence is feared. This form of treatment for the adult woman is most important, but extremely difficult to effect.

No statistics are offered on environment and companionship. A change in the former is often achievable, but to better companionship is difficult because of low standards and impossibility of placing in better groups.

From the various factors discussed previously, it is manifest that we have a variety of personalities, each with a complex problem. Each individual needs intelligent and patient treatment if a social adjustment is to be made. It is necessary that probation officers study and know the best that is offered regarding behavior problems, if progress is to be made.

A Probation Department affords an excellent laboratory for the study of the adult woman offender. As we learn more regarding her problems we should be able to help educate the community to higher standards of child-life and training, and a specific, preventive program.