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# N. Y. COURT REQUESTS PSYCHIATRIC SERVICE CLINIC FOR CRIMINALS SUPPLEMENTAL MEMORANDUM

CORNELIUS F. COLLINS<sup>1</sup>

About a week subsequent to the submission of the original Memorandum herein, the Committee of the Board of Estimate, consisting of the mayor, comptroller, and Dr. Linsly R. Williams, of the Academy of Medicine, appointed to consider the municipal hospital situation and the advisability of consolidating under one head all hospitals owned and maintained by the City of New York, to which Committee the application of the Court of General Sessions, with all of the submitted material, was referred, reported a general plan and system of hospital consolidation, embracing in its scope a reconstruction of the Department of Health and the hospital system in New York City. The Committee, in its report, without passing directly on the application of General Sessions, suggested the establishment of a "Psychopathic Division" in the hospital system in manner as stated in a proposed charter amendment, among others to be submitted to the municipal assembly, providing as follows:

"Section 692n. Psychopathic Division. The commissioner of hospitals shall establish a separate psychopathic division, consisting of such hospitals and wards, as he shall determine; and shall appoint a director to be the head of such division. Such division shall supply such psychiatrists or alienists as may be required for mental and psychiatric examinations to the department of correction and to the probation officers of the courts in accordance with sec. 939 of the Code of Crim. Proc., as added by Ch. 460 of the Laws of 1928."

The report of the Committee was approved by the Board of Estimate on June 14, 1928, and the proposed municipal law was introduced by the Mayor on the same date.

## GENERAL PLAN COMMENDED

With the general scope, plan and purpose of the proposed scheme of health and hospital administration there could be no reaction other than enthusiastic commendation. It marks a progressive achievement

<sup>1</sup>Judge, Court of General Sessions; Chairman, Probation Committee.

in administrative health welfare of the highest order and is a splendid consummation of a long sought for improvement.

#### DIFFERENT PROBLEM IN GENERAL SESSIONS

The Judges of the Court of General Sessions, however, respectfully insist that the plan proposed to supply psychiatrists by "such division" to the probation officers of the courts, should not be made applicable to the Court of General Sessions.

As has been pointed out in the original Memorandum, the intention of the Legislature was to make the clinic, at least, if practicable, a functioning part of the administration of justice. This is the end so eagerly sought by all authorities and scientists having to do with criminology and intelligent effort in dealing with the crime problem, an end sought because it is now an accepted truth and not open to question, and that a psychiatric clinic in the scope and sense here used is an indispensable necessity to the humane and intelligent administration of justice.

We feel, as judges of the oldest and perhaps most important criminal court of record in the country, that we should not be handicapped in the performance of our duty, by interference, in availing ourselves of the highest standards and most improved methods in aid of criminal jurisprudence, by any specious consideration of economy or appointive power.

Your attention is respectfully called to the original Memorandum and material submitted for argument as to the necessity for a clinic in our court, and on our contention that the law, Chapter 460 of the Laws of 1928, is mandatory, at least so far as it relates to General Sessions, which mandatory force, it is submitted, would not be lost by municipal enactment.

It may be permissible, however, in view of the changed situation resulting from the hospital consolidation plan, to reiterate some phases of previous argument.

#### FULL TIME AND HIGH GRADE PSYCHIATRIST NECESSARY

It is absolutely necessary for the court to have as a psychiatrist, a full-time man. There is an average of 2,700 individuals a year convicted in our court on plea and trial. This number must be examined and studied by the psychiatrist, and the number is likely to be increased by about 300, examined before trial on pleas of insanity.

There can be no question, therefore, the psychiatrist would have to be in attendance the whole court day.

The law imposes a duty on the court as to the clinic—"to adopt necessary rules for the use thereof, for such physical, mental and psychiatric examinations and reports as may be within the required scope of efficient probation investigation and supervision." As has been heretofore stated, this fixes the obligation and responsibility on the court. What situation would the court be in if we were to try to govern by rules and regulations, one, who was not our subordinate but was responsive only to the control of a division director or hospital commissioner? *Limited only by professional advice, opinion and conclusion, we must have information on what we want to know and not run the danger of being told the extent of what we will get.* We must provide forms and methods of report and control their scope, use and disposition in the performance of duty, and there would be grave danger of conflict if the "specialist" were not a part of the court staff. Anything that interferes with healthy co-operation seriously interferes with progress in the direction sought. It is conflict of a professional nature of this type that has been such a baneful check upon true progress in the application of the sciences to the crime problem.

Then, of course, the calibre and capacity of the particular psychiatrist, and the continuance of his service is all important. We must in the very nature of things have a "high class" man and his service must not be subject to precarious shifting or duty assignment.

To resume, we must have a high grade, full-time psychiatrist subject to reasonable and lawful rules and regulations, and not liable to precarious transfer or assignment, and he must be amenable to the reasonable orders of the court.

#### DEMONSTRATION VALUES OF CLINIC

Attention is called again to the fact that a successfully operating clinic in our Court, would be serviceable as a demonstrating center. The court is willing and co-operation, by scientists through voluntary service, and by welfare organizations, is assured. Thus would the good accomplished be, not alone direct, in duty to those individuals within our jurisdiction, but in resultant benefits to other jurisdictions.

#### PRACTICABILITY OF CLINIC

Could we get what is of necessity desirable by the method suggested in the consolidation hospital plan? We fear we could not.

It was pointed out that the words "when practicable" as used in the statute did not include the "fiscal authorities" so far as the Court of General Sessions was concerned, but if "when practicable" did include "fiscal authorities" is not practicability affirmatively disposed of by the fact that the plan suggested would require a psychiatrist to be sent to us. Does not this clinch the practicability of our clinic operation? We would still have as the law permits and directs, the power to appoint a psychologist and all necessary stenographic and clerical help and the right to require necessary appropriation for equipment.

We appreciate that this line of reasoning may be applicable in this city, only to our Court. No other criminal court of record has the same volume of business. Our court has approximately three times the volume of the court disposing of the next largest aggregate number of cases, and part time service very likely would suffice the other courts of record. While the inferior criminal courts present a problem which of necessity would be best served by central psychiatric service.

#### NATIONAL COMMITTEE FOR MENTAL HYGIENE

The soundness of the position of General Sessions in its advocacy of a separate clinic for the court, is not without scientific support, *made manifest since the city hospital plan was announced.* George K. Pratt, M. D., medical director of the National Committee for Mental Hygiene, in a communication to Comptroller Berry, June 22, 1928, states in part,

"Your letter to Dr. Frankwood E. Williams of June 18th arrived on the eve of his departure for Europe. He regretted very much that he could not make a personal reply before sailing, but has discussed with me the matters involved. It would seem that to send you a description of the functions and methods pursued by a psychiatrist attached to a court, would be a repetitive task in view of the statements concerning these activities that already have appeared in the 'memorandum in behalf of the judges of the Court of General Sessions—requesting an appropriation for a psychiatric clinic,' and also in the yellow colored document prepared by the Probation Department of the Court of General Sessions and entitled 'The Need of a Psychiatric Clinic,' with both of which documents you are familiar.

"The point of view regarding the principles of function and methodology, as set forth in these publications, is so accurately in line with approved and modern psychiatric practice, and it echoes so directly the opinions of the many capable and up-to-date psychiatrists, whose experience was called upon for its formulation, that except for the possibility of undue emphasis being focussed in the memorandum on the incidence of

gross 'insanity,' to be met with in the courts, I am sure that little improvement could be made on it. . . .

"May I repeat that the members of the Executive Committee of the National Committee for Mental Hygiene, for whom I speak regret deeply the action that has been taken in rejecting the original proposal regarding the establishment of a psychiatric clinic in the Court of General Sessions in favor of another proposal that we feel is far inferior in almost its every aspect. The full benefits of a psychiatric clinic in a criminal court can only be obtained when complete advantage is taken of modern developments in the technical field it is proposed to enter, and when assurance is given that the highest possible standards of modern training and experience on the part of clinic personnel will be attained—and retained. May I express consequently, the hope that before the present decision has been made irrevocably final, a reconsideration of the many factors at issue be taken?"

#### CITY COMMITTEE FOR MENTAL HYGIENE

Another communication addressed by C. Floyd Haviland, M. D., Superintendent of Manhattan State Hospital and Chairman of the New York City Committee for Mental Hygiene, to the Chairman of the Probation Committee of the Court of General Sessions, June 19, 1928, is so apposite, that its contents are respectfully submitted:

"Having learned that it has been proposed to establish the Psychiatric Clinic in connection with the Court of General Sessions as a subsidiary bureau of the Division of Psychiatry of the recently recommended Department of Hospitals, I am writing to state that it is my earnest hope the proposed plan of administration will not in any way limit the authority of the Court of General Sessions with respect to the appointment of the psychiatrist who is to be chief of the Psychiatric Clinic or with respect to the functioning of what I am sure will prove to be a most valuable agency in the administration of justice in your court.

"I am able to understand the theoretical desirability of centralizing control of the New York City hospitals and believe that many administrative advantages will thus be secured. Furthermore, I know of no reason to exclude the general routine psychiatric service of the New York City hospital system from the proposed reorganization, but I do not believe that such a Psychiatric Clinic as has been planned in the Court of General Sessions can function successfully except as the court itself has full authority over all its activities.

"I am inclined to think that there has been some misconception with respect to the type of work which should be done by such a clinic as has been proposed for the Court of General Sessions. The identification of psychotic cases in your court would, in my judgment, prove but a negligible part of such work; rather should such a clinic seek to study the individual offender even when he is technically in a normal mental state for the purpose of determining the actual dynamic factors finding expression in criminal conduct, all to the end of aiding the court in disposing of the individ-

ual case in a manner which shall be for the best interests of the criminal and society. To insure concrete results from intensive study of the individual offender it is necessary to have the highest type of psychiatrist in charge of the work who can be obtained, and hence my desire, as indicated, to see the power of appointment remain with the court.

"I am quite sure the psychiatric service for your court carried on in a routine manner as a part of the general psychiatric service of the New York City hospital system would fail to be of material advantage and in my opinion would not justify the cost. At the same time I thoroughly believe that the higher cost of a specialized Psychiatric Clinic for the Court of General Sessions would produce concrete results fully justifying its undeniable higher cost."

#### APPOINTIVE POWER

Taking into consideration the whole of the foregoing, it would seem that the question largely resolves itself, especially if the salient facts be conceded, into the subject of the appointive power, and perhaps the calibre, standing and salary, of the psychiatrist. The hospital plan contemplates the designation of the psychiatrist by a director of the "Psychopathic Division," appointed by either such director or the commissioner of hospitals. *This is not of itself an absolute obstacle to successful operation of a clinic by the court if the other controlling elements of the court's obligation and duty in the premises be not impeded or interfered with.*

But why, under the circumstances, should such appointive power be insisted upon? Certainly the integrity of a court of nine members, elected by the people, could with at least equal reliance be depended upon, and theirs is the statutory responsibility. Then, too, there is the State Civil Service protection, which is binding on the court. The capacity of a psychiatrist of the type required with the salary fixed would demand so high a standard of minimum qualifications as to practically assure the selection of no one but of the highest qualified ability; in fact the standard would be such as to appeal to a type that would not be attracted for the salary involved, but rather for the opportunity afforded.

#### MINIMUM QUALIFICATIONS FOR PSYCHIATRIST

The qualifications submitted herewith are held to be the minimum which should be required of a psychiatrist qualified to do the work required in the Court of General Sessions:

1. He must be a graduate of a Class-A medical school. (There are three classes of schools.)

2. He must have had two years of research in psychiatry in a recognized institute for Psychiatric Research.
3. He must have had at least three years of actual experience in directing a Psychiatric Clinic.
4. He must have had at least six months experience in an institution for the study and treatment of defective delinquents.
5. He must have had one year (full-time) on a staff of a hospital for the insane.

#### CONCLUSION

It is respectfully submitted that the situation could be met by amending the proposed municipal law, excepting the Court of General Sessions from its provisions, and making the necessary appropriation. Or, perhaps, the appropriation can be made before the enactment of the proposed municipal law on the theory that the proposed law is not intended to apply to the Court of General Sessions.

It is respectfully suggested that this is a subject of such importance, the court being "charged" with a "duty" in precise language, by statute, that an opportunity should be afforded the court, looking to a solution of the difficulty, for a conference, and on behalf of the judges of the court, the writer respectfully requests such a conference be had between the Probation Committee of the court and the Special Committee, the Mayor, the Comptroller, and Dr. Linsly R. Williams, or with either of them, or with such others as His Honor the Mayor may be pleased to name.