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Digest of Papers on Probation

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have likewise furnished them with forms and envelopes for the forwarding of prints to the National Bureau. We have also supplied them with equipment for the taking of finger prints, and we have visited all the sheriff's offices in the state, and the police departments in towns of 5,000 and over in population, and instructed them in the art of taking finger prints. This is a very simple operation, and a person of average intelligence should learn it in a few minutes. It is the classifying of the prints that is the real study, and we do not expect the inexperienced officer to classify the prints, as these will be classified after they reach the Bureau. It is obvious that the greater number of prints and records we have on file, the greater the value of the Bureau will be to the departments. In this regard it is a satisfaction to state that we have completed negotiations whereby a copy of *all* of the records in our State penal institutions are being transferred to the Bureau. This is requiring a tremendous amount of clerical work, as it is necessary to re-classify all of these prints and make indexes for right name and alias, and the reason for the re-classification is that the Bureau file will be much larger than the files in the institutions.

We have at present about 50,000 finger print records in the Bureau. For a comparison it may be stated that the Indiana State Bureau, which has been operating for five years, has approximately 100,000 prints on record. We are also receiving prints daily from the institutions and police departments throughout the State, and we feel certain that the Illinois Bureau in a few years, will rank with the largest Bureaus in the United States, and this success depends on the

cooperation of the departments throughout the State.

June 1, 1932, the Bureau commenced the issuance of a monthly bulletin, the purpose of which is for the effective distribution of criminal information between the law enforcing agencies of the State. We feel that we can be justly proud of this bulletin for at the recent Convention of the International Association for Identification, which was held at New Orleans, Edward A. Parker, President of that organization, said in speaking to the delegates assembled there that the bulletin issued by the Illinois State Bureau is the finest and most complete thing of its kind that had ever come to his attention and suggested that other bureaus of identification copy our work.

DIGEST OF PAPERS ON PROBATION¹

CHARLES L. CHUTE

The 26th Annual Conference of the National Probation Association which met in Philadelphia, May 12th, to 14th, marked the 25th anniversary of the founding of the Association.

Charles Evans Hughes, Jr., former Solicitor General of the United States and President of the Association, presided during the conference sessions. His address in full is published elsewhere in this number.

In a paper on the Criminal Treatment of the Juvenile Offenders in the United States, Dr. Miriam Van Waters, Superintendent of the Women's Reformatory, Framing-

¹Twenty-sixth Annual Conference, National Probation Association, Bellevue-Stratford, Philadelphia, Pa. May 12-14, 1932

ham, Mass., whose study on the Child Offender in the Federal System of Justice, was one of the outstanding achievements of the Wickersham Commission, gave advance material on a study soon to be published.

"Victorian ideals of conduct, unsuited to the machine age and to the age of mental hygiene, have dominated our relationships with the delinquent child," stated Dr. Van Waters. "Industrial schools have been built and forgotten. In the institutions petty vested interests have become entrenched. Politics have interfered with progressive tendencies, by discrediting appointees to whom the interests of the children come first, rather than political common sense. In some instances politicians have virtually controlled the situation.

"There is a growing tendency to use the adult prison more and more. In 1910 the census listed 24,974 juvenile delinquents in the various federal and state institutions in the county and 111,498 adult prisoners in penitentiaries and reformatories. Our study of the current population of 78 adult penal institutions who had been admitted before they were 21 years of age, with an aggregate population of 97,246, or roughly 77 per cent of the total prisons and penitentiaries population of the United States, showed 18,397 boys and 986 girls to have been admitted before they were 21 years of age. This is approximately 20 per cent of the total population of these institutions. Boys 16 years old were committed to all reporting reformatories and to all but 10 of the prisons; girls 16 and under were committed to women's prisons. Eleven boys and 2 girls were committed to state prisons before they were 14 years old.

"The spectacular cases of a six-year old boy in Georgia, tried for murder and the case of Fred Nichols sentenced to a life term in the state penitentiary in Washington," were viewed by Dr. Van Waters, as striking examples of public opinion which demands the criminal handling of children as a matter of course.

"Of deeper social significance," she stated, "is the large number of commitments for trivial offenses similar to those handled daily in juvenile courts which exists side by side with the criminal courts in identical areas. The task of the National Probation Association and its sponsors is to foster juvenile court care of offending children in every American community."

Speaking on Crime and the Modern Age, at the opening session of the conference, Harry Elmer Barnes, writer and penologist, stated that severe punishment had never succeeded in preventing people from committing crime, and that the examination of convicts reveals three broad classes of criminals: In the first class are those for whom there is no hope of reformation. In this group is the feeble-minded, and paretic criminals, the hopelessly diseased and degenerate criminals and those so hardened by a life-long criminal career as to make their rehabilitation out of the question. Types in this class should be segregated from society forever, regardless of the crimes committed. In the second class of criminals he places, a large number of offenders, most of whom are young, who do not need institutional treatment. "These," stated Mr. Barnes, "can be best handled through suspended sentence and probation."

In the third group he included those for whom there is some hope

of reformation, but who require prolonged institutional treatment and training. "These are the people, who constitute the real prison problem," said Mr. Barnes.

Two things must be taken into consideration in criminal treatment in America, first the importance of protecting society from criminals and secondly the prevention of crime. "Crime or prison riots cannot be ended by demanding more of the very procedure which has produced our present high crime rate and incited riots and fires in our penitentiaries. Punishment does not reform men or protect society. The old slogan of making a punishment fit a crime must be abandoned and the new scientific ideal of finding a type of treatment which will fit the particular offender must be adopted."

Dr. Harry A. Overstreet of the College of the City of New York, under the heading, "Influencing Human Behavior," brought out the fact that as long as children are surrounded by examples of vulgarity, commercial deceit, "getting by" and lawbreaking, there is little reason to hope that they will rise above the level of their environment.

"The present situation in America is a serious challenge to every citizen," stated Dr. Overstreet. "Much has been done in bettering family relationships and educational techniques, have improved our attitude toward the juvenile offender, but we have as yet done little to bring wholesomeness and high-mindedness into the business world. Unless we can influence human behavior, every home in America is threatened with the same fate that overtook the Lindberg family."

Parents were charged with being the most influential factor in causing delinquency and establishing behavior difficulties among children,

by Dr. David M. Levy of the Institute for Child Guidance of New York City. Of the parents the mother was described by Dr. Levy as the one who contributed most to the delinquency of children. "Excessive mother love, indulgence, over-protection and rejection of the child produce personality traits which lead to much delinquency behavior among children."

Dr. Manfred S. Guttmacher, psychiatrist of the Supreme Bench of Baltimore, Maryland, charged the courts of today with administering justice by the laws of the Renaissance. In recommendations for improvement of the treatment of criminals, Dr. Guttmacher advocated a special department or sub-department of the state department of mental hygiene whose duty it shall be to administer the psychiatric work of the courts and penal institutions. He stated also that magistrates should know the trends of psychiatry and that psychiatric work is indispensable in juvenile courts. Communities which are willing to begin with an adequate general program should make this start in the juvenile courts. "There is more hope of permanent accomplishment in the juvenile courts, than in all the other courts put together," according to Dr. Guttmacher.

Judge Thomas J. S. Waxter of the Juvenile Court of Baltimore, stated that the philosophy behind the juvenile court has changed greatly and is becoming more and more liberal. The work of the efficient juvenile court today, according to Judge Waxter, represents a division of labor between the judge, psychiatrist, the physician and the probation officers. If human behavior is a science or a pseudo-science, then education and training

in social work, medicine, and psychiatry give better equipment for the solution of the problems of human behavior than technical education in the law, stated Judge Waxter. "It is of greater importance to the whole field of child care for the judge of a juvenile court to understand his proper place as an executive and not as an expert in human behavior."

"Relationship between school and the juvenile court were especially stressed at the conference. Neither the school nor the juvenile court," said Dr. Leroy Jackson of the University of North Carolina, "is as yet sure of its status or functions. Both, however, have much in common in that they are working with American children and are institutions created by the state to function in a program of what appears to be an ever increasing control over the individual. Throughout the country we find school systems in varying stages of development. They are, however, all subject to the same general forces and are moving in the same general direction. In spite of the shifting conditions there are three definite ways in which the schools can help the courts: first, through educational research, second, through the prevention of delinquency and third, through assistance given to court probation staffs in corrective work."

In discussing the same subject, William J. Harper, Director of Probation of Westchester County, New York, recommended that when the school problem child is brought to the juvenile court, the school should bring his case to the court. If a child is adjudged guilty, he should be placed on probation to an attendance officer, who should have full control of supervision and full responsibility for securing results.

If the child is returned to the court despite the efforts of an efficient attendance and visiting teacher department, then the court should cooperate by following the recommendations presented by the school. The benefits of this policy as described by Mr. Harper, are that the school continues to control its problems after court hearings and that responsibility for court adjustment is placed with one agency, the school. The plan if followed relieves the probation staff of the responsibility of readjusting school behavior problems and as a result gives it an opportunity to give better service to the cases which belong to it.

Speaking on "Vocational Factors and Delinquency," Dr. Joseph V. Hanna, Assistant Professor of Psychology, New York University, stated, that if young people were assisted in finding work for which their aptitudes and interests best fit them, they would be happy, contented and for the most part good.

"Our youthful delinquents need social guidance. Probation cannot perform miracles single-handed, unless it is equipped with adequate resources which will enable it to salvage the failures."

The same viewpoint was taken by Abraham Nicholls Jones, Chief Probation Officer of the Monroe County Court, Rochester, N. Y. "Men on probation," stated Mr. Jones, "are apt to develop bad industrial habits unless given proper guidance. If their work or lack of work has caused them to be offenders, it must be changed. Two factors must be kept in mind in placing a probationer at work: first, the improvement in his economic status and earning capacity, and second, the ultimate reaction of the job on the man on probation. What might be

desirable, steady employment for a married man with a family to support, may prove detrimental to an adolescent youth with unstable habits, weak morals and little education. Vocational guidance will result in a much higher percentage of cases being rehabilitated. Busy men and boys don't commit crime as a rule."

Under the title, "Public Opinion and Judges' Attitudes," Judge Joseph N. Ulman of the Supreme Bench of Baltimore made the following comments: "Society cannot lock a man away in prison for less than \$200 a year. While a man is held in prison he is deterred from the commission of crime. While he is in prison society pays the bill without a murmur. If anyone is bold enough to suggest a thoroughgoing probation system, adequately manned, liberally supported at a total cost in dollars of not more than one-third the cost of locking a man up, he is told that his idea may be a good one in theory, but that experience makes it impracticable. The state is rich enough to crush out the manhood of a man in prison, but it is too poor to spend a much lesser amount to bring him into a law-abiding and useful citizen outside prison walls. The whole situation would be funny if it were not so tragic. It makes one wonder how Americans ever got the reputation of being sound business men."

The following suggestions were given by Judge Ulman as to ways in which judges can educate public opinion.

1. "Every judge who is not absolutely certain that the probation department attached to his court is perfect in personnel, in methods and in achievement should have a survey of the probation department

of his court made by the National Probation Association. A survey conducted by trained observers reveals weak points which need to be strengthened and focuses attention upon strong points that deserve greater emphasis.

2. "Judges in cities which control or influence the selection and retention in office of chief probation officers should strive to bring to this office men well trained in the technique of probation who possess broad social vision."

3. "In cities where the judges exercise control they should see to it that the entire personnel of their probation department is selected and retained upon the sole basis of merit. When new officers are to be appointed their selection should be made upon the basis of a practical civil service test. A probation officer ought to be the equal of the best social worker in his community. His work demands the highest degree of technical skill as well as great human sympathy and understanding. He deserves to be paid an adequate salary.

4. "Judges in their daily work on the bench should demonstrate that they use probation carefully, wisely, scientifically and constructively. They should dispel any remnant of belief that the granting of probation is a soft-hearted, soft-headed act of sentimentality.

5. "In exceptional cases which have caught the public eye, judges should explain their action in a carefully worded, concisely expressed written opinion.

6. "Judges should sponsor public meetings and take part in those in which the subject of probation is given a thoughtful and thorough presentation."

A plan to take the family court out of the criminal court system and

consolidate it with the children's court, was advocated by Judge Jonah J. Goldstein of the City Magistrates' Court of New York City. Judge Goldstein stated in support of the theory, that the family of a child who comes into conflict with the law should be studied. In cases where parents are not living together peacefully and not creating a wholesome home environment, the child requires supervision and care by others. By treating the family as a unit, it is possible to serve its members much better than if the family is divided and sent to different courts.

Group meetings on Statistics and Reports, State Assistance to Probation, Problems of Judges and Referees, Adult Probation Problems, Staff Supervision and Training, and Problems of the Smaller cities, brought forth many excellent papers and much worth while discussion. A paper on evaluating the result of probation treatment by Bennet Mead, Statistician of Bureau of Prisons of the Department of Justice, Washington, D. C., showed the need for statistical and research services in our courts and resulted in the recommendation for a special committee on research and statistics.

Five members of the Board of Trustees were re-elected. They were—Henry De Forest Baldwin, of New York, Percy S. Straus of New York, and Herbert C. Parsons of Boston, each for three year terms; Professor Henry Pratt Fairchild, New York, and Judge Herbert C. Cochran of Norfolk, Va., were elected for a two year term each.

The by-laws of the association were revised at the business ses-

sion held in connection with the conference and it was voted to change the name of directors of the association to trustees and the title of "general secretary" to "executive director." The other changes in the by-laws include, election of the president, one or more vice-presidents and treasurer, annually by the Board of Trustees, instead of by ballot at the annual meeting.

Two important resolutions were passed at the business meeting which resulted in the appointment of a committee on research and statistics, whose duty it shall be to prepare more complete useable statistics of probation work, and carry on intensive research work in the probation field, by the case study method for the purpose of evaluating results of probation treatment. The second resolution provided for the appointment by the President of the Association, Mr. Hughes, of a representative advisory committee on Federal Juvenile Offender. "The juvenile offender," declares the resolution, "is a product of and the responsibility of his home community. According to an announcement of the Attorney General of the United States, a definite policy for dealing with the juvenile offender has been adopted, to which the Children's Bureau of the Department of Labor and the Prison Bureau of the Department of Justice are committed. This policy and program," states the resolution, "are in harmony with the aims and ideals of the National Probation Association and are endorsed by the 26th Annual Conference of this Association. All probation officers, judges, and state officers are urged to cooperate in making this policy effective."