

Summer 1939

Harmonizing the Delinquency Experts

Walter Webster Argow

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Walter Webster Argow, Harmonizing the Delinquency Experts, 30 *Am. Inst. Crim. L. & Criminology* 204 (1939-1940)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in *Journal of Criminal Law and Criminology* by an authorized editor of Northwestern University School of Law Scholarly Commons.

HARMONIZING THE DELINQUENCY EXPERTS

WALTER WEBSTER ARGOW¹

Once every year in most big cities throughout the land the citizens are treated to a campaign of professionalized begging in order that the private social agencies may continue to fill in the gaps in the nation's social philosophy. Some time ago these agencies discovered that they had to organize and coordinate their pleas and themselves to get a hearing, instead of scrambling like a band of beggars outside the doors of an Old World cathedral for the pennies of the worthy rich.

But not so the "delinquency experts"! Recognized by governmental decree and provided for in definite annual stipends, these treatment agencies—the probation offices, the clinics, the institutions, and the parole offices—have only known the first fight: that of birth. Since then, they may not have grown exactly fat on their providence, but perhaps a bit too contented or lazy. It has not been required of them that they be good business men as well as social welfare agents. Their working procedure and their efficiency have only rarely been challenged. Frequently endowed with a long-time job, they have pursued their individual paths like the cat who walked alone, or else napped comfortably in the warm munificence of the political sunshine. They hear no call; they see no need to organize, to coordinate their programs for the most efficient attainment of their goals.

Now, each of these delinquency agencies is, of course, faced with the peculiarities of its own sphere of operation, and modifies its behavior accordingly. Frequently the Law further complicates the proceedings by definitely limiting their jurisdiction. Thus confined to its own backyard, the agency must wait for the delinquent to pass through the various phases of his career until chance drops him into its lap. Whatever may then go on between the agent-expert and the delinquent is a matter of their own business. Figuratively, it doesn't matter if the first expert decided the delinquent had a bad heart and treated him accordingly. The second

¹ At time of writing, director, Penal Education Project, and consultant in delinquency, Connecticut State WPA Education Program. Now, clinic research associate, Warwick (N. Y.) State Training School for Boys.

expert is a law unto himself and he may then treat said delinquent for high bloodpressure if he so decides. The errors these experts make are eventually all tallied up along with the prison count. If ever a field needed coordination it is that of delinquency treatment.

There are times, however, when attempts at coordination, particularly if they overlook the peculiarities of each job, are a distinct menace to progress, as well as to the agencies at work in the field. Of late "coordination" is notably accented in books, conferences, and discussions on delinquency. It is almost as though it were becoming a fad of the social scientists—as "equality of opportunity" already is of the educators. Indeed the continued stressing of the idea is of itself interesting. It may indicate the presence of an intellectual scape-goat. Unconsciously, these people may feel themselves so vulnerable to accusation on the point that they hasten to protest to and among themselves that they, the social scientists, must "coordinate," or they, the educators, must "equalize." Their obligation to their possible critics they feel is thus discharged, and they lapse back into the ways of complacency.

That there is a need to coordinate delinquency treatment programs is not now our argument. This we must acknowledge and accept as true for the most part. But coordinate for what? For strength? No, not entirely. But instead perhaps for continuity of effort and efficiency in an individualized treatment of Society's offenders. This, therefore, may be considered as an objective, roundly and idealistically stated. How it may be realized involves only in a small part a *plan* of coordination. The greater task lies in gathering those concerned together with a bond of mutual understanding and agreement—the making, if one pleases, of a plan by those who are to participate in it so that they can and will cooperate to make the weld an actuality and not a verbalism.

Presumably, all those people who come before the court accused of some offense against the commonweal are criminals in the eyes of the accusers; and when these people are convicted they are liable to a penalty meted out and mediated only by the wisdom of the judge. It is therefore the Court which determines whether the case before it passes into the hands of an institution or to a probation officer for treatment—and in some states it also determines the time for granting parole. In vesting the Court with these powers, the statutes thereby admit that probation, institutionalization, and parole are parts of a similar, if not a coordinated or con-

tinuous process. Were this process ideally organized, the offender would find himself in the hands of that agency best able to treat him in view of the peculiar aspects of his case. Instead, he arrives in the hands of a designated agency via a devious and oft confused path of reasoning, as a decision of the Court alone. Such a situation effectively confounds those who make any attempt at coordination of the treatment agencies. The concept of these differentiated units must first be broken down, or at least reexamined, in the minds of the administrators of justice.

There are some people who believe that the correctional system could ably be patterned after medical procedure. If it were, the patient (offender) would appear before the practitioner or health officer (court). There, upon examination of his case, he would be advised (ordered) to go to the diagnostic clinic (court clinic) or dismissed after direct treatment. At the clinic a more complete examination would be made and a history compiled; and, as the case warrants, he then would either be discharged into the hands of a local practitioner or specialist (probation officer), or admitted to a hospital (institution) for special treatment until he is sufficiently cured to be released under the care of the out-patient clinic (parole officer).² In the minds of those who treat physical—and mental—disease there exists no strict division of responsibility between the various departments of treatment. What differentiation does exist occurs only as a matter of efficiency and convenience. Progression is left to the decision of those who are treating the case. The burdens of hairsplitting as regards which case is the property of which organization or which department are left to those who wish to busy themselves thus.

But such a procedure as that which has just been outlined—although it is everyday medical practice—would quickly draw the scorn of the hard-boiled penal administrator, who would rightly point out that the treatment of physical disease and of “moral” disease are different things; that while the physician is bound by the code of Aesculapius, the penologist faces the Criminal Code enforced by a vengeful Society; that individualized treatment is too expensive for the purse placed at his disposal; that the public would not stand for the change; and that, behind it all, there is the argument of the *criminal will*, against the problem of a man stricken with a disease. No, our plan of coordination must not be too bizarre or too radical

² It is quite possible also that the clinic would undertake the treatment of those cases treatable by their facilities.

a change from the present mode. Nor can we violate or impinge upon the rights and privileges of the courts. We can still only talk scientific procedure and also call it by that name.

Instead of the medical center, suppose we pattern our plan after the school. Perhaps that is more appropriate anyway, since the offender is before us to *learn* to be a law-abiding citizen, to be *taught* to behave in accordance with the rules of Society, to *acquire the knowledge* necessary if he is to take a useful place in the social milieu. Let the offender, adult or juvenile, felon or misdemeanant, go to school—a special kind of school, to be sure, and not like the one from which he may already have retreated into delinquency. For, serving conveniently nearby every community in the United States, are a school and a jail. (These, of course, will be found to be in a variety of repute and repair, but for the set-up to be suggested here, the average situation will be the model.) One thing only is to be specified as necessary: a certain amount of friendly cooperation between the two institutions and the court, a specification which admittedly may be as difficult to meet as it is necessary for successful coordination.

Now, for the sake of example, let us consider that there are seven different types of cases, from the point of view of treatment, which come before the Bar of Justice:³ the situational case, who became delinquent *predominantly* because of a pathological social situation; the custodial case, like the chronic inebriate or unemployed who needs continual custody; the anti-social case, who is belligerent and needs extensive attitudinal therapy; the medical case, whose first requirement is physical rehabilitation; the personality case, who needs a mental examination and appropriate treatment; the accidental offender, who erred in ignorance or by accident; and the novice, who became delinquent as an experiment. Each of these types is found in varying degrees of seriousness and each requires a treatment to suit his case.

The question now arises as to who is to decide under whose care he shall go and to what treatment he shall be submitted. In all probability the local court will continue to be the arbiter in that it shall determine the presence of guilt.⁴ It may continue to decide, with the aid if possible of a local clinic, whether the case before it is one for it to handle alone, or one for the probation department,

³ Patterned somewhat after the "SCAMP" classification developed at the Norfolk (Mass.) Penal Colony.

⁴ Harrison and Grant recommend, in *Youth in the Toils* (p. 146), that a five to seven man Disposition Board replace the single judge.

or one for the institution. The consideration of the type of case however should rest with the diagnostic clinic, and the treatment itself should be the responsibility of the assigned agency. In other words, to bring in the simile of the school; the teacher (judge) decides if the troublesome pupil should be handled only by himself, or if a visiting teacher (probation officer) should be called in, or if the pupil should be sent to the Child Study Center (clinic) for observation and then sent into a special class (institution) for advanced or retarded pupils as the case may be. The supervisor of this class may later return him to his original classroom although still maintaining his supervision (parole). This, of course, presupposes that the institution is predominantly a training center, and that the probation officer can *actually* play the part of an advisor and educator.

Here again this plan may be greeted in some quarters with cries of "fantastic" or "impossible," but it need not be so. For example, consider a very common case found in the local courts, although a moderately serious one: a case of a drunken automobile driver who has destroyed property for the second time. The first time, he was placed on probation for a year. During that time he reported every two weeks to the officer on his interim behavior. The officer, lacking a traffic school, set him to clipping out all news items on drunken driving accidents, meanwhile periodically admonishing him on the abuse of intoxicants. When the second offense occurred he was straight-away sent to the county jail, there to languish in idleness and boredom for six months. The probation officer, too busy with his now oversize caseload, could see him no more. The offender is discharged eventually little improved by his experience.

The story needs no sequel. Now let us consider what might have been done had the diagnostic and treatment resources been coordinated. "Joe" comes before the judge, who decides the case is one for the probation officer. The officer immediately enrolls Joe in a class (among others) in Highway Safety conducted by the adult education division of the State Department of Education in conjunction with the Department of Motor Vehicles and offered weekly in the local high school.⁵ Periodically the officer sees Joe at various places: his home, his job, etc., anywhere as long as Joe doesn't experience the disgrace of being interviewed before his

⁵ Kenneth Wollan reports, in the 1938 *Probation Yearbook* (p. 240), on his Citizenship Training work in the Boston Juvenile Court, which employs the group approach to this problem.

friends. As no evidence of maladjustment or return to intoxication occurs, the interviews are tapered off, and Joe is eventually discharged, having learned something about safe vehicle operation.

But the second offense occurs and this time the judge requests an examination by the diagnostic clinic. Their report reveals that Joe is emotionally unstable in a minor degree, contributed to by his lack of training for the kind of work he would like to do. His intoxication now stands revealed as a symptom of a deep-lying maladjustment in the home, concealed from the probation officer's less thorough examination.

The judge sends him to the training colony. Here a case conference is held with the probation officer and a diagnostic clinic representative present. Following a preliminary discussion Joe is brought in and the situation, as the diagnosticians see it, is explained to him, along with their recommendations.⁶ Now, as a party to the conference, Joe considers his own case. He elects to take up the study of auto mechanics offered by the school department and help in the colony garage. While he is there the probation officer's contact drops to an occasional exchange of letters (unless it had been decided at the case conference that the probation officer's contact is so good that it should be continued, in which event he serves in lieu of the parole officer). Otherwise the parole officer begins his investigation of the environment into which Joe will eventually emerge, being assisted first by the reports of the probation officer.

When Joe is finally released on parole or conditional release, it is to spend increasingly long and increasingly frequent periods "outside" until he finds a job, or his adjustment is otherwise completed. The burden of the rehabilitation is now placed upon him, and he may see his former probation officer or the later parole officer only as he chooses. In case he does not seem able to find work, the parole officer attempts to help him find a satisfactory substitute in someone who will act as a sponsor and give him a "fill-in" placement for the present. Here again no sequel need be written.⁷

It will be noted that the main difference between the two above

⁶ Some experts maintain that the inmate should not be brought in, as having to face a line of officials puts him on the defensive and makes him too uneasy. The point is well taken; however, much can conceivably be done in his presence, providing a trusted staff member acts as his friend and interlocutor.

⁷ In many ways this procedure just outlined is similar to that in operation now at the Warwick (N. Y.) State Training School, serving, however, a younger group than that in mind in this article.

sketches rests in the attitude of the workers toward the offender and toward each other. There is no bullying of the prisoner; the impartial scientific attitude is far more effective. There is no moralizing or coaxing; cause and effect are clearly stated. There is no squabble over overlapping contacts; the procedure to follow has been arrived at with all those concerned present. There is little confusion in the case record because the treatment is a unified process and each representative has contributed all the material available to the best of his ability. Indeed, the only thing to mar this otherwise pleasing picture is the fact that as long as each agency is responsible to a different supervisor, the coordination will remain discouragingly superficial.

Clearly what is required before any material advance can be made in the treatment of delinquency is the centralization of all correctional or penological responsibility in a ranked bureau of justice—district, state, and country wide. This is actually the first step in the ideal integration, in harmonizing the delinquency machinery.

The tasks which still lie before those who press on toward a more rational and orderly social order are myriad and herculean. There are some, however, who seem driven by a blind, emotional, missionary urge. So it remains for the clear-thinking, responsible, organized body to look ahead, experiment, and report its findings to the lately awakened professional world of correction so that the zealous and the reactionary, the idealistic and the pragmatic can meet on a ground of solid facts, to their mutual gain.