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Current Notes

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CURRENT NOTES

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Missouri Reforms Proposed—The Criminal Law Committee of the Missouri Bar Association, Albert Miller, Esq., Chairman, has proposed four “must” changes as “initial steps in the modernization of the Missouri Criminal Code.” In making its report to the Missouri Bar Association at the Autumn Meeting the statement was made:

“For many years your Criminal Law Committee has diligently labored at each session of the Missouri Legislature to improve the sorry condition of the criminal law code of this State. Every effort of your Committee and of your Association has met with almost complete failure. Those persons who guide the policies of our Legislature have either had no interest in the improvement of our criminal code, or they have been openly antagonistic to the work of your Committee. While there has been a small number of legislators who have attempted to enact the recommendations of your Committee into law, this small group has not been able to make any appreciable impression upon their fellow law makers. With this situation confronting your Committee, it was our view that your Association should present only a minimum program to the 1939 Legislature upon the most essential and pressing problems provided we could receive the announced and active support of the Governor.”

The approval of the Governor having been received, the Committee drafted four bills to introduce in the Legislature: (a) To grant discretion to the Court to grant or refuse severances to defendants jointly indicted or informed against for a felony; (b) to repeal the provision which makes changes of venue in criminal causes mandatory upon the Court in counties of less than 75,000 population; (c) To permit the Court to grant or refuse bail to persons convicted of a felony who have previously been convicted of a felony either within or without the State; (d) To provide for summary judgment on bail bonds where the defendant fails to appear in Court at such time as he may be required to do so.

Jury Improvement—The State Bar of California recently received the report of the Conference Committee on Jury Selection headed by Lester W. Roth. The report made numerous recommendations for improvement of the methods used in the selection of jurors and also suggestions to improve the standards of jury personnel. As to the latter the report stated

“(1) Physical Examination. All too frequently persons with impaired hearing and vision and who are otherwise ill or incapacitated, serve upon trial juries. . . . Trial judges and lawyers have some-

times experienced the feeling that jurors are dozing, and sometimes jurors have actually been found asleep in the course of a trial. It is not infrequent for trial counsel to observe jurors leaning forward in an effort to hear what is audible to other people in the court room. . . . There are other physical defects which are not at all obvious and which may nevertheless incapacitate a person from acting as a proper juror. It is therefore strongly urged that each prospective juror be given a physical examination, testing eyes (for color blindness as well as vision), hearing, smell, touch, and taste, and that in addition the general physical condition of such jurors be determined. . . .

“(2) Exemptions from Service. The Committee feels that the exemptions from jury duty as set up by Section 200 of the Code of Civil Procedure are too broad, but has not sufficiently studied this phase of the problem to make specific recommendations thereon.

“(3) Reduction of Time of Service. The Committee feels that the time of actual trial service should be reduced to fifteen days actual service unless said period must be extended by an actual trial and in no event more than twenty days, whether the juror be used or not, and further that no one should be called for jury service more than once in five years. . . .

“(4) Volunteer Jurors. No volunteer jurors should be accepted, nor should judges or other public officials be allowed to suggest names to the Jury Commissioners. . . .

“(5) Pay of Jurors. The Commit-

tee feels that the present rate of pay for trial jurors in civil and criminal cases is too low and that there is no reason for difference in the rate of pay to a civil juror and a criminal juror. The Committee recommends that the rate of pay for civil jurors and criminal jurors be equal and that all jurors be paid five dollars a day, two dollars of which should be borne by the litigant in civil cases, as is now the practice, and the balance paid by the State.

“(6) Misconduct of Jurors. Instances have been noted of jurors who have used intoxicating liquors, and in some instances who have been actually inebriated while serving upon juries.

“There have been other cases where jurors have allowed themselves to be addressed with reference to an action by strangers, and who have otherwise misconducted themselves.

“The Committee feels that all of these matters can be adequately coped with by a vigilant, conscientious Judge. Any misconduct on the part of a juror is contempt of court. The contempt process of the court should be used vigorously and summarily in such cases in which jurors abuse their duty and violate their oath. . . .

“(7) Excuses of Prospective Jurors. Too many persons with connections get themselves excused from jury duty. This practice should not be tolerated and should be eliminated. In this respect, the Committee recommends that it be made a misdemeanor for any attorney (except in a court proceeding) or other person to intercede with the court on behalf of a prospective trial juror. . . .

"(8) Intelligence Test. The report of Judge Bowron indicates that in Los Angeles County jurors are required to answer a questionnaire and are also given a right and wrong test. The Committee recommends that this practice be continued and in addition suggests and recommends that each prospective juror, when he has satisfied the requirements in other particulars, be given a printed statement which will give him information as to the nature of civil and criminal trials and inform him on some of the more important phases thereof."

In addition the Committee had some interesting recommendations for the Judges. It suggested:

"There is a growing tendency upon the part of the bench to act upon the feeling that instructions which are read to the jury do not mean anything. This tendency is to be deplored, and in this connection it is suggested with deference that the Judges who sit in jury departments can materially assist the jury in arriving at an intelligent, logical, and legal verdict by the giving of proper instructions in a clear and audible manner.

"(1) Reading of Instructions. Too often instructions are read hurriedly and in a mumbling manner. Instructions should be read slowly, clearly, audibly, and in consonance with the thought contained in the instructions.

"(2) Instructions Should Be Concise. Too often instructions read are inflated, redundant, and verbose. The Committee feels that it is the duty of the trial Judge in a Jury Department to eliminate all inflations and redundancies and to

make instructions as short and clear as possible, even though the lawyers for the respective litigants have, by indiscriminate requests for instructions, complicated the task.

"(3) Segregation of Instructions. Instructions should be segregated by the trial court so that they are delivered in logical sequence. Thus, for the sake of illustration, the court in a personal injury case might make the following segregation of instructions:

"(a) Instructions of general law applicable to any civil case.

"(b) What constitutes negligence.

"(c) What constitutes contributory negligence.

"(d) What ordinances or specific statutes are involved.

"(e) Other specific matters, with an attempt at sequence.

"(f) Damages."

Psychiatric Service—The Prison Association of New York released the following resolutions in October, 1939, recommending the restoration of psychiatric and classification service in institutions of the State Department of Correction.

The Executive Committee of the Prison Association of New York, at a meeting held on October 5, 1939, adopted the following resolution:

WHEREAS the Prison Association of New York since its beginning has consistently held that in order to make for a maximum of protection for society, reformatories and prisons must do more than keep their inmates behind bars, and

WHEREAS the Association realizes that any intelligent program of custody and treatment of inmates requires that there must be a better understanding of those factors,

community and individual, contributing toward crime, and

WHEREAS the Association, in harmony with this viewpoint, supported the idea of establishing a psychiatric clinic at Sing Sing Prison nearly thirty years ago, and conspicuously worked toward making it an integral part of the prison system in 1916 when legislation was enacted to create a new prison at Sing Sing, to serve mainly as a classification and distribution center, and

WHEREAS the Association, with the aid of the late Commissioner of Correction, Dr. Walter N. Thayer, and the late Mrs. Henry Moskowitz, won the support of former Governor Alfred E. Smith, and thereby obtained funds to begin the operation of the clinic in a building especially provided in the new layout at Sing Sing;

THEREFORE, Be It Resolved, that the Association continue its protest, made during the 1939 session of the Legislature and subsequently, against those limitations placed upon the State budget by the Legislature, which made necessary, in order to give preference to custodial needs, the omission of amounts formerly allowed for the operation of the psychiatric clinic at Sing Sing Prison and the sub units at the various other institutions in the Department of Correction.

BE IT FURTHER RESOLVED, that in the opinion of the Association this action has resulted in a setback of the experimentation and progress of more than a quarter of a century, and has made the State of New York, widely regarded as a progressive leader in the field of penology, appear reactionary in the eyes of the public generally.

THEREFORE, the Association strongly urges that Governor Herbert H. Lehman, Director of the Budget Abraham S. Weber, and Commissioner of Correction John A. Lyons renew their request for the restoration of the psychiatric and classification service for the Department of Correction, and that the Legislature provide the necessary money in the budget for the fiscal year 1940-41, so as to make for a rebirth and stimulation of the psychiatric service at Sing Sing Prison and other institutions in the Department of Correction, and also extend its usefulness in the process of the scientific study and treatment of the inmates of institutions.

E. R. CASS,
General Secretary.

Installment Fines and Sentences—
In the September-October, 1939, Jail Association Journal are two interesting articles dealing with installment fines and sentences. Judge Jacob Gitelman of the City Court, Rochester, New York, who imprisons all drunken drivers but arranges the sentences so as not to cause a loss of position or working time gave, as an illustration of his practice, the following story:

"When I took office, one of the most serious problems that confronted me was what to do with drunken drivers. From my study of it, I learned that most offenders were ordinary respectable people, who, otherwise, were law abiding citizens. I became convinced that the certainty of a jail sentence would act as a deterrent to this type of person and I announced at a trial of a drunken driver that I would impose a jail sentence on everyone convicted of this offense. Shortly thereafter I had a case of

a defendant who earned his livelihood by driving a bakery wagon that catered to a house-to-house trade and if sent to jail for even ten days would lose his job. He had a family of six or seven children and supported his mother as well. The loss of his job would have resulted in the community supporting his family—just as you predicted what would happen to your client's family if he were sent to jail. Unfortunately too many people are on relief now, and were then, when I first started these sentences in 1934. And, of course, I didn't want to see any more people placed on relief. There was only one way of keeping my word that I would send each drunken driver to jail and at the same time not deprive the defendant of his job and that was by committing him to the penitentiary when he wasn't working. This was Sundays, and was immediately called a 'week-end sentence.' Some people think that jailing a man week-ends isn't sufficient punishment. I think it is. It not only imprisons him but it deprives him of what he considers his most valued time—his leisure time. The ordinary fellow who works all week looks forward to the time that he can call his own. The prospect of spending that time in a penitentiary for several weeks is anything but inviting. A week-end sentence punishes the defendant only. It takes away the argument that the imposition of any sentence in reality would punish his family rather than him. It does more than nullify that old stand-by. It permits me to impose a jail sentence in each case. And you know that the certainty of punishment is a real deterrent to crime, particularly those offenses involving carelessness. Drunken

driving is one offense that can be minimized by the certainty of punishment because usually it does involve indifference and carelessness."

Judge W. Francis Binford, Trial Justice Court, Prince George County, Virginia, describes his system of installment fines. He said:

"During the early part of 1932 after the trial of petit offenders, and court had adjourned, there was a steady stream of helpless, poverty stricken defendants going to jail, not because they were criminals but because they were poor and lacked the fifteen or twenty dollars that stood between them and freedom. Many of these men were out of jobs and through their ignorance had run afoul of the law and due to the economic conditions then existing could not possibly pay the most meager fine.

"It occurred to me that this system was not only impractical and illogical but its absurdity was axiomatic. If a poor man did not have the money to pay a small fine, we locked him up in a cage where all social intercourse with the outside world was severed, where he could entertain slight hope of paying his pecuniary debt to society, and where he had little chance to contact his financially harried friends who might succor him in time of distress. . . .

"The thought occurred to me that millions of American people today are paying for their furniture, automobiles, radio, insurance, education and practically all of the necessities of life on the installment plan. In view of these facts, I felt that a person with a meager income who had a small fine to pay could pay this fine in small installments. Whereupon, we had

made up a regular installment fine card, which is made much on the order of a trunk check, being perforated in the center, carrying duplicate case numbers with the defendant's name, address, amount of fine and cost, time given to pay, and when to report. After court those who are able to pay their fines in full, pay same to the clerk and usually there are a certain number who do not have the funds to pay in full. After a very rigid cross examination as to the history of the family, the earnings of the defendant, his place of residence, and any other pertinent facts with reference to the defendant is obtained, the Court explains to the defendant what will be required of him and the amount that he is able to pay is determined by the court from his earnings."

In answer to the question, "Does the System work," Judge Binford stated:

"This procedure has probably sounded juvenile in its application, yet the question paramount in your mind is does this system work? I can only say that the results have far exceeded my fondest expectations, and that our records show that even without a probation officer, that we have to commit ultimately to jail for the non-payment of the fine and disobeying the court order only about five per cent of those who have been given this opportunity to pay. I believe that if we had sufficient probation officers that this system would be 99 per cent effective."

The Judge was careful to point out that the cooperation of the court clerk and the sheriff were essential to the scheme and it is employed only after careful investigation of each offender and then is used only in special cases and

never when the offender is incorrigible or shows a bad record. He concludes by declaring that the system is successful financially, as a deterrent, to their families, as a health factor, and morally.

Here are two interesting ideas. Unfortunately, most of such schemes of judicial "individual" treatment of criminals are illegal. And is it desirable to make the judicial function less rigid? Admitting that Judges Gitelman and Binford are successful, would we trust our own judges to make "special arrangements" for the offenders who come into our courts?

Prisoners, 1938—Director William L. Austin of the Bureau of the Census, Department of Commerce, announced in October, 1939, that the number of prisoners in the prisons and reformatories of 46 States, the District of Columbia, and the Federal government increased during the calendar year 1938 from 152,654 at the beginning of the year to 159,818 at the end of the year, an increase of 4.7 per cent. Reports on the admission and discharge of prisoners were received from 107 State prisons and reformatories and from 17 Federal institutions. No reports were received from the prisons in Alabama and Georgia. There were 4,774 more prisoners received from the courts by the prisons and reformatories in 1938 than in 1937. Part of this increase results from the fact that the Mississippi Penitentiary is included in the 1938 data but not in the 1937. Excluding the figures for this institution, it is found that there was an increase of 6.1 per cent in prisoners received from the courts in 1938 as compared with 1937. The increase for male prisoners was 6.4

per cent and for females 0.1 per cent.

There is very little difference to be found in the relationship between unconditional and conditional releases in 1938 as compared with 1937. In 1937 there were 153.3 conditional releases for each 100 unconditional releases. In 1938 this ratio was 152.5 to 100. Very few prisoners receive unconditional releases as a result of executive clemency. Only 152 left prison in 1938 as a result of full pardons and only 258 as a result of commutations.

It must be remembered that only a portion of the total defendants finally convicted in the courts are sentenced to prisons and reformatories. The individual States differ widely in the use that is made of probation, jail sentences, and fines as penalties after conviction for criminal offenses. The variations in sentencing practices, as well as the institutional differences from State to State noted above, make it impossible to use these figures as an index either of the amount of crime or the number of convictions among the States.

Probation Legislation—In the October, 1939, issue of "Probation," published by the National Probation Association—now appearing in "pocket-size" form—a summary was made of new legislation in the field. It has been pointed out, again and again, that probation usually is a county matter, while parole is a state concern: that there results an unnecessary duplication of officers and case workers. It is of interest to find the statement:

"The most notable development in adult probation legislation has been the continued trend toward state administration of probation

and the combining of probation and parole services. State departments of adult probation and parole were created in Alabama, Maryland, Oregon and West Virginia in 1939, and were approved by the legislatures but vetoed by the governors in Florida and Pennsylvania. A state administered adult probation system was approved by the joint judicial committee in Connecticut, and failed chiefly on grounds of too great expense, with the governor committed to a balanced budget. Somewhat similar bills were introduced in Colorado, Maine and South Carolina.

"Alabama, following a survey by the Prison Industries Reorganization Administration in which the field director of the Association took part, adopted a constitutional amendment authorizing the courts to use probation. Following this action of the electorate the legislature passed a probation and parole law, created a state board to administer adult probation and parole throughout the state, and appropriated \$75,000 for each of the next four years. All employees of the board are to be selected under the new state merit system.

"In Oregon the state board of three, provided by the new statute, has been appointed and has selected for its director of adult probation and parole Fred Finsley of The Dalles, a graduate of the University of Oregon and a former district attorney of Wheeler county. Other members of the staff, including a deputy director and four field officers, will be selected later. The Oregon legislation followed a report by the Prison Industries Reorganization Administration of which our field director wrote the chapter on probation and parole. Our western representa-

tive, Mr. Wales, has been in close touch with developments there.

"In Maryland William L. Stuckert, chief probation officer of the Baltimore City probation department, is ex-officio a member of the new state Board of Parole and Probation.

"In West Virginia Henry S. Dadisman, former pardon attorney, has been appointed by the governor to be state director of adult probation and parole and a staff of probation-parole officers is to be appointed. There is no board but the director has power to order paroles upon approval by the governor. West Virginia also broadened the scope of its adult probation law, making it applicable to felonies instead of misdemeanors only, as formerly."

The activity of the Association may be seen from the following statement:

"Juvenile court or adult probation laws were also strengthened in California, Florida, Iowa, Minnesota, Montana, North Dakota, Oklahoma, Vermont and Washington. Altogether there has been much legislative activity in our field. Our staff members have appeared at legislative hearings in Colorado, Connecticut and Pennsylvania, and we have aided in the preparation of bills for Alabama, California, Colorado, Connecticut, Florida, Maine, Missouri, Oregon, Pennsylvania and Rhode Island."

The Association should be congratulated for its success in its efforts to secure such legislation.

Quinn on Parole—At the National Parole Conference, Washington, D. C., 1939, an address was presented by William J. Quinn, President of the International Association of Chiefs of Police and Chief

of Police of San Francisco. His subject was "Parole and Law Enforcement." He said:

"I have come here so that you may know of the problems parole presents to peace officers and to learn from you how we can better cooperate with you in working out this tremendous social problem which concerns all of us. It is our contention that the parole system will never work 100 per cent efficiently unless law enforcement units are permitted to play some part in it. When the police departments, through training, can be given a better understanding of the entire prison and parole problems, and when prison officials and those who are in charge of parole systems have been taught a better understanding of the police and their problems, we are sure a more workable and efficient system of paroling prisoners will be effected."

Chief Quinn's statement, advocating the law-enforcement-units participation in parole is of interest. Unfortunately, no concrete plan has been proposed. Can one be formulated? Too often the police confine their efforts to apprehension and arrest; then they oppose the parole of the persons whom they have apprehended and arrested and whose convictions are largely due to police evidence. On the other hand parole boards are too often unsympathetic to the problems of the police. Usually, parole boards are too far removed from the environment of the criminal and the police. We agree that policing and paroling should be brought closer together. But how shall it be done? Policemen are city employees, hired to arrest criminals and to patrol and protect their local communities. Parole officers are state employees

hired to release state offenders when they are found to be ready to return to society. In the present state of local government how can these governmental units be brought into closer cooperation?

Pennsylvania School—During the first week in January, 1940, the Public Service Institute of the Pennsylvania Department of Public Instruction will open in-service training courses for probation and parole officers and custodial officers in penal and correctional institutions. The courses will be open to employees of State and county penal and correctional institution, probation departments and parole departments. Instruction will be without cost to participants and teaching will be done by practical men who have administered services in the probation, parole and correctional fields. Judges, medical and other experts will also give lectures. The classes will be in the late afternoon or evening for the convenience of students.

For the present, courses will be given only in Philadelphia and Pittsburgh. As there is demand for them, courses in other suitable places throughout the State will be added later.

The School, which is made possible in part through a Federal appropriation provided under the George Dean Fund for vocational training, has been welcomed heartily by judges and penal administrators throughout the State. The courses will be conducted under the general supervision of a Technical Advisory Committee consisting of: Stanley P. Ashe, Theodor W. Broecker, Dr. J. W. Claudy, Miss Helen Easterwood, Chesley A. Gall, Hadley Rountree, Howard Rowland, Judge Paul N. Schaeffer,

Dr. Thorsten Sellin, Maurice Snyder, and Leon T. Stern. Miss Helen Pigeon has been engaged to prepare a manual for the use of teachers and students.

Safety Division Services Available—Traffic fatalities on rural highways decreased 1 per cent during the first eight months of 1939 as compared with a 7 per cent reduction in urban fatalities. Thus the major accident problem remains the rural problem. To cope with it more and more state enforcement agencies are turning to the Safety Division of the International Association of Chiefs of Police for assistance. During the past year the Safety Division has completed the reorganization of the traffic work of the Indiana State Police Department and is now assisting state enforcement agencies in Washington, Utah, Maryland and Ohio. Several other state police or highway patrol units are negotiating for service.

A description of the service rendered in Indiana will indicate the type of assistance which the Safety Division offers. In 1938, Don F. Stiver, Superintendent of the Indiana State Police, invited the Safety Division to assist in reorganizing the traffic work of the department. Upon its receipt the Safety Division sent a field representative, who had long experience in state police work, to Indianapolis. He made an exhaustive study of the traffic work of the department. On the basis of the findings the field representative prepared a series of specific recommendations which provided for the training of the entire personnel in accident investigation, the purchase of adequate equipment, the installation of a standard accident prevention

bureau and the setting up of a proper records system. All of the recommendations were accepted and have been acted upon.

The survey disclosed that only about 20 per cent of all rural accidents in the state were being investigated by the state police. Today, 50 per cent of rural accidents are being thoroughly investigated. The survey also revealed that more than 33 per cent of the enforcement officer's time was being devoted to truck violations, although truck violations contributed to less than 5 per cent of the rural accidents. It was recommended that the enforcement effort be applied to those violations which were causing rural accidents and this has been done.

This survey also disclosed that in the past it had been the policy of the department to assign men to counties to achieve geographical coverage without regard to accident experience. There was a need for the reassignment of personnel on the basis of accident experience. Fifty recruits who were added to the department after the survey was made were assigned on this basis. Follow-up service in Indiana has included repeated visits by a Safety Division field representative and a two-weeks re-training school in accident investigation for the entire personnel of the department. Thus far in 1939 the death rate in Indiana is down 7 per cent from the rate of 1938, the year the reorganization and training program began. Three surrounding states, Ohio, Michigan and Illinois, show an increase in traffic fatalities.

Safety Division field service is available to state police departments for short periods without cost. The staff will advise with commanding officers, instruct in

training schools, and assist in the installation of record systems. But where complete service is requested, such as that rendered in Indiana, it is necessary that the state share the cost. This policy was adopted by the Executive Committee, I. A. C. P., last year. Under this plan, the Safety Division will pay the salary and overhead expenses of its field representatives while the state (or city) will pay his travel and living expenses.

Surveys preliminary to reorganizational projects are now scheduled in Maryland, Ohio and Utah. The entire personnel of the Utah Highway Patrol recently received two weeks of training in an accident investigation school conducted by the Safety Division. Members of the Washington State Patrol are now receiving similar training. In both of those states the Safety Division is assisting in revising the records system.

At the present time there are three specialists in state wide enforcement on the field staff of the Safety Division. Robert E. Raleigh, director of field service, was a Maryland State Police lieutenant before joining the Safety Division in 1937. Captain James H. Hayes was executive and commanding officer of the New Hampshire State Police before he resigned to accept a position with the Safety Division. Sergeant Theodore Loveless secured a leave of absence from the Indiana State Police to join the Safety Division staff.

State enforcement units desiring further information on Safety Division services should address their requests to Lieutenant F. M. Kreml, director of the Safety Division, International Association of Chiefs of Police, 1827 Orrington Avenue, Evanston, Illinois.

New York Crime—In "Crime in New York City in 1939," a report by the Citizens Committee on the Control of Crime in New York, Inc., there was a section entitled "Change For The Better" which indicates improvement in the administration of criminal justice for New York City. One interesting statement in the Report follows:

"The city has reason for pride in the performance of the police in connection with the World's Fair. No influx of evildoers attended it; a single arrest for a felony was made on the grounds and the infrequency of arrests for petty offenses, not their frequency, was the notable circumstance; a huge volume of traffic was handled with efficiency and good humor. Never be-

fore, perhaps, did nearly twenty million people come and go within four months and suffer fewer discomforts and face fewer hazards."

Judicial Statistics—The Bureau of Census, Department of Commerce, continues its interesting compilation of Judicial Criminal Statistics. Why is there such a variance between states? Specifically, though Indiana has decreased the number of cases dismissed, why is the percentage so much higher than in Wisconsin? Again, why did the number of charges of major offenses in Indiana decline from 5,068 in 1937 to 3,932 in 1938. Perhaps, answers cannot be given, but comparisons between states is of interest. Note the following:

INDIANA DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	— 1938 —		— 1937 —	
	Number	%	Number	%
Defendants disposed of.....	3,932	100.0	5,068	100.0
Eliminated without conviction.....	1,417	36.0	2,163	42.7
Dismissed	1,210	30.8	1,774	35.0
Jury waived, acquitted by court.....	100	2.5	185	3.7
Acquitted by jury.....	39	1.0	86	1.7
Other no-penalty dispositions.....	68	1.7	118	2.3
Convicted	2,515	64.0	2,905	57.3
Plea of guilty.....	2,110	53.7	2,103	41.5
Court finds guilty.....	288	7.3	629	12.4
Jury verdict guilty.....	117	3.0	173	3.4

WISCONSIN. DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	— 1938 —		— 1937 —	
	Number	%	Number	%
Defendants disposed of.....	3,430	100.0	3,024	100.0
Eliminated without conviction.....	472	13.8	476	15.7
Dismissed	335	9.8	332	11.0
Jury waived, acquitted by court.....	71	2.1	41	1.4
Acquitted by jury.....	34	1.0	39	1.3
Other no-penalty dispositions.....	32	0.9	64	2.1
Convicted	2,958	86.2	2,548	84.3
Plea of guilty.....	2,585	75.4	2,275	75.2
Court finds guilty.....	290	8.5	190	6.3
Jury verdict guilty.....	83	2.4	83	2.7