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Lowell S. Selling

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THE SHORT TERM PRISONER¹

Lowell S. Selling²

It has never been clear in the minds of many criminologists what exactly is meant by a "short" term prisoner. How long is a "short" term? If it is meant by this that a two or three day sentence which would be what the minor traffic violator would get who has been sentenced to a County Jail, that length of time certainly constitutes a short term. Or, does one mean in the forensic sense, a sentence of only a few years as compared to the life term or a term of ten years or more?

The picture presented by each type of sentence from both the standpoint of what type of case would be given such a sentence, and the results expected from such a sentence varies with various types of crimes, offenders and psychological traits and mechanisms. It is the opinion of psychiatrists, particularly psychiatrists who work in the Courts where probation is possible, that there does not seem to be a possibility of differentiating between the two important schools of thought on the subject and making a generalization. The first school is represented by the expert who thinks that each sentence should be highly individualized so that the treatment would seem to fit the disease which caused the offense. The other school of thought has the opinion that

the sentence should be made as broad as possible, should be highly indeterminate so that the treatment, particularly from the standpoint of releasing a man at the optimum point, should be made highly adaptable so that, with a change of mood and point of view of the offender, he might be released.

For purposes of psychiatric consideration, we might classify the sentences according to the type of institution to which the individual might be sentenced. There is a very short sentence of one day up to a few weeks, or perhaps three months, which is usually served in the County Jail, an institution which is not really a maximum security establishment and which provides none of the strictly penal and corrective approaches which one finds in the penitentiary.

There is a second type of institution where a short term sentence might be served and that is the so-called House of Correction or, as it is known in some cities, the Bridewell. There is usually more security afforded here, particularly due to the fact that some of the inmates are not being kept in this institution awaiting trial. This latter class is a disturbing element in the County Jail.

The third type of short sentence is

¹ From the Psychopathic Clinic of Recorder's Court, Detroit, Michigan. Series C 19.

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² Director of the Psychopathic Clinic, Recorder's Court, Detroit, Michigan.

the short sentence which is served in the penitentiary, which permits the offender to be discharged after serving ten months, a year, or perhaps a few months over a year. Among many criminals two or three years is considered short in comparison to the sentences of ten, fifteen, twenty, thirty and, in one notorious case, ninety-nine years. The type of offenders who would be under such a sentence would be highly variegated.

In checking over some of our Clinic records, we find that *from the penal standpoint there seems to be almost no connection between the type of crime actually committed and the sentence:* for instance, I was able to find that a man who had committed Robbery Armed and was permitted by the Prosecuting Attorney to plead to a lesser charge, was given a thirty-day jail sentence. This is not at all out of keeping with modern psychiatry. If the complex material which caused the crime was resolved by the commission of the crime or by the individual spontaneously during trial, or up to the time that he was sentenced—and this does happen—it would seem that it would be rather foolish to sentence a man who was cured of his criminal tendencies to a penal institution for a long period of time—if he should be sentenced at all.

The rationale of the very short sentence does not seem to justify its existence except in some rather unusual cases. During the time that I have set about obtaining material for this paper, I have interviewed several hundred offenders. Many of them had served

long sentences and any information that they could give me about their reactions to earlier short sentences was highly colored by the later longer sentence which they served. However, I was able to draw the following conclusions from the group in general:

First of all, the short sentence comes very definitely in the plan of thinking of the criminal. He considers it as one of the steps in his criminal career. Perhaps it may be the one which he actually decides will stop his antisocial behavior. It is not unusual, in such a case, to find a man, motivated by an Oedipus reaction of some sort, with marked guilt feelings because of his incestuous attitude toward his mother, having the feeling that if he could just be punished for a short time he would expiate and would be able to go about his business and commit no further criminal acts. There have been several cases which we have seen of this sort, where the desire to expiate was the cause of their actual criminal behavior, and where a short sentence served the purpose. Occasionally this catharsis acts in a reverse fashion and the offender, having learned that he can expiate, continues his antisocial activities in order to punish himself further.

Another type of case which we have found a short sentence to help to adjust, is the alcoholic or the drug user who is not a confirmed addict. Of course, such a condition is not necessarily ameliorated by a short jail term. The chronic alcoholic who has been drinking for thirty or forty years is not going to get enough of the effects of alcohol out of his system in ninety days or six months

to readjust his personality. It is quite doubtful whether it is at all possible to take the long standing chronic alcoholic and adjust him, but it is my belief that the man who is just beginning his career of chronic alcoholism can be given a short term sentence in an institution, breaking his connection with some of the etiological factors particularly if they lie in his home or in his recreational adjustment. The critical element in success or failure in such cases after a short sentence would be whether he can obtain proper psychiatric help inside or outside the prison to correct the intrinsic mental errors from which he suffers.

It has not been my experience that short term institutionalization with the superficial purpose of "discipline" has proved to be highly adequate. I think the difficulty in treating the predatory or assaultive criminal by means of short periods of institutionalization lies on two grounds depending on the type of institution to which the individual is sent: First of all, if he is sent to a jail or to a house of correction, except for the actual confinement, his life is not particularly unpleasant. In the usual county jail there is too little activity, perhaps, to occupy the inmate's time. Time nevertheless, might drag but there are liberties by which he can compensate. In contradistinction to penitentiary time, he is allowed to get magazines, literature, and other materials which he can use to amuse himself and in some jails he is even allowed to have games, cards, and other paraphernalia of the same sort sent in.

The ten days to thirty days which the individual would spend for "disciplinary" purposes has, in my experience, proved to be rather fruitless. Upon interviewing men who have spent short periods in jail, the chief complaint seems to be among those who have an occupation and this, of course, is particularly true among traffic offenders, that they lose their earnings for that period of time and the hardship rests not on them but on their families.

If they are conscientious (and there are some who have to spend a short time in jail in these days of jailing traffic offenders and alcoholics), men of this sort do fret and do desire to be out in order to help their families. If their attitude is such that they want to be of assistance to their families, it is questionable whether the five or ten days that they spend in jail can do anything more than cause a certain amount of rancor.

It has been only occasionally that, in interviewing cases of this kind, I have found that they felt that jail did them any good. Those of you who are familiar with the lip service given to any observer by the criminal will realize, of course, that almost a hundred per cent of these offenders will say, on coming out, that their short term in jail has been a "lesson to them."

Nevertheless, these short-term-punishment inmates seem to fall into two distinct groups from my clinical experience: First—here are largely traffic offenders—those who did not need to go to jail at all. The experience of going to Court, possibly with accompanying newspaper publicity and being re-

quired to make restitution for damage that they have done often causes a desirable change in attitude toward their traffic behavior. The same change in attitude has been produced just as well by a lengthy interview in the Clinic. The patient has to miss a day or two from work, his mechanisms are gone into thoroughly, he becomes aware of the significance of his offense so that we have concluded from the small number of repeaters who have returned that even if they were sent originally only for diagnosis and not for treatment, the examination is therapeutically effective.

As a general rule, interviews with minor misdemeanants reveal that they are not particularly resentful in having to serve time, they do not feel that any great damage has been done, and, in a number of cases, their attitude is to take the whole matter as a joke. They go home to their wives—I know of two cases at least where this happened—and say, “Well, here is your jail-bird back home.” If the wives are not trouble makers they probably will meet them half way in their joking attitude and the whole matter is forgotten except that it may prove a topic for discussion at the dinner table or lunch table for a day or two.

The second class of individuals, those who are given from a ten to ninety day sentence in either a jail or a house of correction, are the chronic incorrigibles who are not particularly dangerous. Classic examples of these are: the chronic alcoholic, who as soon as he

gets out of jail resumes his drinking, and the chronic wife beater, or, at least, the man who has friction with his family.

The offender who commits Simple Larceny on repeated occasions; the type called kleptomaniac by the layman, is also a short term offender in this group. In the courts of Detroit, prostitutes, alcoholics, and vagrants constitute the majority of cases who have been given brief sentences in jail or in a house of correction. It is permissible under our law to cumulate the misdemeanor records of “Disorderly Persons” so that every three misdemeanors constitute a felony.³ In view of the vast number of—as many as ten thousand—cases like this a year, it would be necessary to build new institutions to take care of them if their records were compiled and they were sentenced to long terms.

The short term in the penitentiary deserves a few words. Most of those who receive a short term from the felony courts of our larger cities are first offenders. Although their offenses might be quite serious there are only two major conditions under which they are penalized by short sentences.

The first condition is when, upon conviction, probation cannot be granted but the offender appears to be promising. In Michigan, offenses of Robbery Armed, Murder first degree, Treason, Breaking and Entering an Occupied Dwelling in the Night Time, carry with them institutionalizing sentences so that in the case of a young offender, one who can have his conflicts resolved and is susceptible to training, a minimum term is often given and, since the

³ Michigan Public Acts, 1931. No. 328. Michigan Penal Code, page 167-8.

minimum is one year with the possibility of several months off for good time, the actual time spent in the penitentiary may not be any longer than an equivalent sentence to a house of correction.

Penitentiary treatment, however, is characterized by a number of advantages and disadvantages. One advantage of penitentiary care for these young offenders lies in the possibility of their getting ten months specific occupational therapy. Most penitentiaries today are not run sufficiently well so that a large number of inmates can be put in shops where they can actually learn a trade, and the educational systems which have been set up only in the last few years in most states cannot interdigitate with the actual occupational training. Nevertheless, in many instances these first offenders do not get into trouble after their release, indicating that occupational training has served a purpose—it has kept the man with his hand on machinery and, while he does not usually secure work operating similar machinery, he has learned better habits of work. He has not, of course, learned how to hunt for a job and that is an important thing in these days of disorganized industrial placement.

A number of offenders, both severe and mild, pass through the Clinic, who do not know how to go about looking for a job and a term in the penitentiary does not train them how to seek employment. As a matter of fact, there are many who suffer from such feelings of inferiority because of the prison records which hang over them, that

their ability to approach a prospective employer is modified and they are definitely handicapped. In the case of those with adequate or nearly adequate intelligence, the prison educational system in many states is able to provide educational possibilities which will counteract feelings of inferiority. Several offenders in the group which I have recently checked reported that the one year of high school which they had had in prison gave them the feeling that they were somewhat above those who had only had a grammar school education. From the standpoint of giving the inmate ego-satisfaction which will help him make later adjustment, this type of therapy seems to have value.

With a good psychiatric department—I am afraid that the number of these is extremely limited—it is possible that the mechanisms involved in the commission of a crime can be broken down. The protest against authority due to father hatred, which expresses itself in an altercation with the police, and the desire to outwit the police, has, in several cases I know, been resolved during a period of time served in a penitentiary under psychiatric care.

The disadvantages of a penitentiary sentence, of course, are those which are well known. Even with modern methods of classification and segregation, the first offender, or the short time offender, who has not much of a record behind him, definitely becomes tagged as a felon when he enters the gates of the penitentiary. The depressed outlook which is gained by many of these individuals as they feel the doors clang

behind them, the tendency towards claustrophobia and the accentuation of other neurotic mechanisms which may have been partially responsible for the crime are definitely to be noted after the individuals are released. In addition, it is extremely difficult to segregate real first offenders.

The first offender whom we see today usually has a criminal record expressed in the form of a juvenile court folio. While he has not been fingerprinted and an attempt to find out what his record is through the Federal Bureau of Investigation in Washington will not reveal his juvenile conviction, nevertheless, his attitudes and interests, particularly in those offenders who have become so because of contact with other more firmly impressed delinquents, are bound to reflect the picture of confirmed delinquency.

The attitude of the short time prisoner is, of course, different from that of the long timer. The same amount of stigma, perhaps, is attached to him as he comes out, and it is an unusual case where the contacts with other offenders has not been more harmful than any other type of contact that we know of.

Nevertheless, the short sentence has certain advantages over the long sentence and the alert, understanding, and treatable offender, who has had a short sentence, understands this. A short sentence has, in some cases, permitted a complete break with an unsavory neighborhood. If the family has moved away and has been away from the neighborhood for a year and the bad companions are serving time in some other institution, a real break may be

made by a man who desires to go right. If, however, he is a married man and his family has been on relief, he has lost commercial contact and a term of ten months to eighteen months is definitely harmful.

There is a difference between the attitudes to be noted. The long term offender is usually hopeless from the simple therapeutic point of view. A short term offender may be cured if he goes back into a society which is properly prepared to receive him in the way of adequate parole supervision which may be able to aid him to some extent.

His attitude is different, too, from that of the probationer. The probationer who goes straight does so because he fully understands that he has made a mistake and can correct it. A short term offender who goes straight is often reacting to fear and apprehension that his jail sentence may repeat itself.

The situation today with the chronic alcoholic who is given a short term is different than it will be in a few years. The chronic alcoholic whom we see in court is a man usually over thirty and, in most cases, a war veteran or one who passed through the war period. The economic demoralization of the last ten years, plus individual conflicts in his sex, marital, recreational and religious life have caused him to accept drinking as an escape. This, of course, is well recognized by the modern psychiatrist in the light of the work which is being done in all clinics to correct these early alcoholics and it is to be anticipated that with our increasing knowledge the same extent of demor-

alization will not occur in the next generation.

Nevertheless, at the present time we are left with a group on our hands who go to an institution, presumably are de-alcoholized if they are unable to get liquor in the institution where they are confined, and are then returned to the street. Most of them, since they have been drinking for so many years, have lost touch with their families. They are hoboes, vagrants and live in "flop-houses" at a low economic level. They have no place to go when they are discharged and there is no parole system for misdemeanants so that the first thing they do is to beg enough money to take them back to their usual "flop-house" where they find a friend with a bottle of something with an alcoholic content which has been bought or stolen and which the friend is quite willing to share with the newly released "penitent." The patient is, therefore, right back where he started.

His continued friendship with the gutter has resulted in tattered and torn clothing. While many of these men carry razors and an occasional blade in their pockets, a scraping of their faces will not make them presentable. They cannot go out and get a job which will stabilize them and it is barely a matter of hours or days before they again appear before the magistrate. Therapy for men such as these in jails or houses of correction is of doubtful value. The sentences are too short to permit of learning a trade, so that those men who have never been skilled workmen have to go back and compete with the general run of citizens in the unskilled

jobs. Often they are still tremulous, even after an extended period in a penal institution and they have an unpleasant, undefinable aura of inadequacy about them which is an additional handicap when attempting to make adjustment. Their lives largely constitute a fantasy within an alcoholic halo punctuated by lucid periods spent in jail. For such as these, therefore, there is no therapy.

The vagrant who does not drink, and we have found a number of these individuals, is helped no more by a short term in the house of correction or county jail than those who do drink. While he may not go to a "flop-house" where a friend will be greeting him, bottle in hand, he must return to some low grade habitat such as a jungle or a mission. In the latter place he may be given some advice, some spiritual help, or perhaps be sent somewhere where he can get a job but an aggressive social service policy does not seem to be available for these cases. These vagrants, particularly those of the hobo type, are able to do a sort of laboring work. They pick up odd jobs, earn a few dollars, and live on that money until it is gone. The younger hoboes, who used to be so predominant before the creation of the Civilian Conservation Corps, have not been coming into the Detroit Clinic. Most of the hoboes whom we see today, who are under thirty-five years of age, are feeble-minded individuals who are brought up in rural communities, where it was possible to overlook their stupidity, or where the social workers were not as alert to the possibilities of commitment,

and these eventually drop to the vagrant level and spend short periods in jail. The psychopathic clinics in our large courts, in those States where there are adequate facilities for institutionalization, eliminate such offenders before they sustain the short sentence which is in keeping with the charge lodged against them by hospitalizing them in an appropriate institution.

To conclude, then, we must admit that under present treatment policies carried out in county jails and houses of correction, there is little hope for active therapy for the short term. The periods are too short to attempt psychotherapy and at present psychiatric help is usually of the sketchiest nature. Occasional cases can be helped by de-alcoholizing them or by withdrawing them from the habitual taking of drugs and cases where guilt mechanisms may expiate in jail. Because of the short time that they are institu-

tionalized, occupational and educational treatment is almost impossible for the general run of violators. The extremely short term usually given to traffic violators is of questionable value and clinical means could more economically do the work. Short terms in a penitentiary seem to have all of the drawbacks of longer terms with the exception of the fact that the inmate does not lose his economic contacts to as great a degree as do the long termers.

Because of the diversity of sentences and diversity of personality types being treated by short sentences, general recommendations cannot be made. Nevertheless, advanced penology would demand a more deliberate use of the short sentence where it is of value, its elimination where it would be harmful, replacing it by clinical treatment or probation and, for the chronic misdemeanant, the use of facilities for permanent or long time segregation.