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Current Notes

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CURRENT NOTES

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State and Provincial Police Study—A great deal, but yet very little, is known about the state and provincial police departments of the United States and Canada. Volumes have been written on various phases of the subject and articles have appeared from time to time. But no thorough, factual, cross-country picture of state and provincial policing has yet appeared. Such a situation led the International Association of Chiefs of Police to begin early in 1938 an intensive study of the situation. The actual research and preparation of a report of findings became the responsibility of the Safety Division of that organization under the direction of its State and Provincial Section.

The project was launched with the preparation of a 28-page questionnaire, a copy of which was sent to the chiefs or commissioners of all state and provincial police departments. Replies were most encouraging for comprehensive data was received from 50 departments. In addition to the questionnaire, letters were sent to all state and provincial librarians, budget officers and other state officials, asking that copies of all available source materials be forwarded. About 1,200 primary and secondary sources of information were received. The survey is a composite of questionnaire data and the various other materials. The task of directing the research and preparing the survey was given to Dr. David G. Monroe, an authority in the field of police administration and a member of the staff of the Northwestern University Traffic Institute. A summary report was presented by Monroe to the International Association of Chiefs of Police at their Milwaukee convention in September, 1940, and was received with acclaim. An even shorter summary of the study, which will appear in 1941 in book form, is presented below.

The introductory chapter has a two-

fold purpose: to describe the origins of state and provincial departments, and to portray present objectives. The great majority of the departments were organized after the first World War, although several departments, the Texas Rangers and the Royal Canadian Mounted Police, for examples, can look back to a hundred years or more of tradition. Among the principal factors leading to the organization of state or provincial police units were: a serious traffic problem, the almost complete disappearance of community isolation which complicated local enforcement, weakness of the sheriff-constabular system, and a need for coordinating various state agencies. Objectives of the various departments become clear when such factors as powers granted and appropriations made are considered. At present, 38 of the departments have been granted authority to enforce the criminal laws of their respective jurisdictions; 12 others are restricted to the enforcement of traffic laws. In some states, the departments have a mere handful of employees; in others, the number exceeds many hundreds and in one instance reaches 2,842. Appropriations differ as strikingly. One department has an annual appropriation of about \$60,000; another an appropriation of \$4,000,000.

In Chapter II, the title of which is "Authority and Jurisdiction," a study was made of the various authorities and jurisdictions conferred and the extent to which these were utilized. The conclusion was reached that while some 38 departments possess general powers to enforce criminal statutes, only 19 regularly exercise such powers. Thus, the majority of the departments are primarily engaged in enforcing motor vehicle laws. Certain other important limitations further restrict state and provincial police functioning; the majority of agencies are specifically

enjoined from enforcing the laws within the limits of municipalities except when called upon to render assistance by the proper authorities. In nearly all jurisdictions the state police units are enjoined from participating in strikes or similar outbreaks. In the enforcement of motor vehicle laws, the state agencies are usually restricted to the patrol of highways.

A third important aspect of state and provincial police functioning is considered in Chapter III, namely, "organization." Among the conclusions drawn are the following: (1) Almost one-half the state and provincial police departments remain as sub-divisions or bureaus of other departments. (2) Although state enforcement is essentially an executive function, control of the police departments is usually vested in other state officials or boards. (3) Departmentalization of police functioning appears as one of the pronounced characteristics of organization. Patterns of organization differ in striking detail and have little in common, each appearing more or less as the product of expediency, arranged to meet the responsibilities particular to the individual department. (4) The territorial division of states or provinces into posts or districts is characteristic of the various departments. But the combination of large-area posts staffed with a relatively few men is a striking illustration of the extent to which personnel must be "stretched" in order to give state-wide coverage.

Chapter IV, entitled "The Police Executive," describes the various ways and means of selecting and removing this official, and the salary scale. Half a dozen or more selective devices are followed. Some chiefs are appointed by the governor, some by the governor with the consent of council, some by the heads of other departments of the state government. The term is indefinite in most jurisdictions, although in 19 states, a definite term has been provided which ranges from two to six years. Removal with and without cause or both encountered. In 28 of the 50 departments removal may be made without cause and with the preference of charges. Such practices point to the comparatively short term of office

of the chief. The average in office, as of January 1, 1940, was less than two years. Previous police experience is required in some states but in most states the statutes are silent. Salaries are generally too low; in nearly 75% of the departments they are below \$5,000.

"Recruitment" is the subject of Chapter V. The thesis of the chapter is that without well-qualified personnel effective policing if difficult is not impossible. What are the qualifications for recruitment required by a typical state police department? A minimum entrance age of about 22 years; possibly a maximum entrance age of about 40 years; a height of about 5 ft. 8 inches; a weight qualification of about 160 pounds, some schooling, but graduation from highschool not required; residence in state for a year or more; and the general requirements of physical fitness, moral character, and in some instance, intellectual aptitudes. In all departments the applicant must submit a written application which forms the initial basis for weeding out the undesirable. In some departments very few applicants are rejected, in others, from one-half to two-thirds of the applicants are rejected. Physical examinations constitute the third step and are more or less routine, designed to check physical appearance and to satisfy legal requirements as to weight, height, etc. Certain mental and educational tests follow, in some instances being exceptionally rigorous, but in others relatively simple. Character investigations are made only in about one-half of the departments. By and large, present practices weed out the exceptionally unfit, but they do not serve to select the singularly well-qualified.

Chapter VI, entitled "The Training of State and Provincial Policemen," is an analysis of recruit and re-fresher training techniques. Recruit training is a prerequisite to employment in nearly all departments. In some the period is not more than a week or ten days, in others it is a month or more. Usually the recruit spends about a month in training before he is eligible for appointment. The course of instruction leans to the practical rather than the theoretical; the variety of subjects is sufficiently comprehensive as to permit a good back-ground knowledge

of the general police field. Most departments rely upon members of the department to supply the instruction; some budget limitations preclude the employment of additional teachers—particularly “fee” instructors. Training facilities are passable as a rule. Once the recruit has completed the initial training in the classroom, he is usually assigned for additional instruction to patrol cars with older officers. As a rule the recruit is carefully supervised and is not permitted to act independently until some weeks have elapsed after formal school training. Finally, it should be said that to an increasing extent in-service or “refresher” training is becoming obligatory. The length of course varies from a few days to a month or more per year. While some departments have a central headquarters for such training, much of the instruction is given at the various stations or districts. To summarize: Important strides forward have been made in the training of personnel for state and provincial policing. But budget limitations and attitudes antagonistic to such training still retard a more complete adoption of sound training procedures.

This, briefly, is an examination of the first six chapters of the survey. The succeeding four chapters deal with salaries and wages of the rank and file, with such other personnel services as promotion, demotion, discharge, retirement and pensions, and finally with communications systems, and recording practices. Space does not permit a synopsis of these phases of the police process. As may be observed, the intent of the survey is to portray the basic organizational and functional patterns of state and provincial law enforcement and wherever possible to weigh and evaluate them in terms of accepted administrative principles.

Dr. Monroe and his sponsors have done a real service in carrying through a thorough factual study of this growing field of policing. The completed study is bound to attract wide attention and should serve as the “spade-work” for future progress.

English Committee—A recent communication from the noted English scholar, J. W. C. Turner of the University of Cambridge, came to the Editor under the

letter-head “Committee to Consider the Promotion of Research and Teaching in Criminal Science.” Professor Turner wrote:

“I think your Institute may like to know that the Faculty Board of Law in this University have recently set up the above Committee, the members of which are Professor P. H. Winfield (Chairman), Dr. L. Radzinowicz, Dr. R. M. Jackson, and myself (Secretary).

The scheme which the Committee envisages includes the following activities: 1. The prosecution of a series of publications; 2. The promotion of a series of publications; 3. The analysis of the development of Criminal Science in England and in other countries; 4. The submission through the appropriate channels of memoranda on existing and proposed penal legislation; 5. The organization of a regular sequence of lectures in Cambridge by recognized authorities on various branches of Criminal Science; 6. The maintenance of communication, (a) with official and other institutions dealing with the administration of justice, (b) with centres of research and teaching, in England and elsewhere; 7. The transmission to correspondents in other countries of information concerning the achievements and progress of penal reform and of the administration of justice in England.

In regard to the second of the above items, I may say that a volume (being the first of the series “English Studies in Criminal Science”) entitled ‘Penal Reform in England’ is about to appear.”

Crime Prevention Program—Probably the most active committee on Juvenile Crime Prevention in the Nation is that of the California Bar Association. It has encouraged a score of local bar associations throughout the State, cooperated with school authorities, and served Parent-Teacher Associations in presenting its “legal guidance” program. In a recent report to the California Bar Association the Committee Chairman, Harold H. Krowech, described the program as follows:

“During the past year the Committee has continued its work in developing the program, and in coordinating the activi-

ties of the local bar associations engaged in it.

The leading authorities in crime prevention activity recognize that 'legal guidance' is an integral part of any well-planned crime prevention program. One of the crying needs of our day is adequate education and training of youth in the understanding of the law, the reasons for having laws, and the part that law observance plays in a well regulated and peaceful society.

'Legal guidance' is the lawyers' particular contribution to the crime prevention problem. It is essentially an informative process designed to create a proper attitude of law observance on the part of youth.

The legal guidance objectives of the juvenile crime prevention program of the State Bar of California are as follows:

1. To develop respect for law.
2. To give youth a better understanding of the mechanics involved in the administration of justice.
3. To familiarize the child with the duties and problems of law enforcement officers.
4. To explain modern day specialization in apprehension technique employed by law enforcement agencies.
5. To explain and caution youth with respect to criminal involvements.
6. To give youth guides and rules to measure and judge the conduct of those persons seeking to involve them in criminal activities.
7. To demonstrate by the use of actual court cases, the exorbitant price paid for the commission of crime.
8. To bring the law to the child instead of bringing the child to the law.
9. To dispel the idea that a crime can be committed without 'getting caught'.
10. To reconcile imaginative ideas of youth respecting the law in accord with fact.
11. To give youth an appreciation of the duties confronting the Judge, District Attorney, Probation Officer, Policeman, etc.
12. To explain the public policy underlying the law.
13. To develop a concept that violation of law is tantamount to lack of loyalty to our government.

14. To single out those areas in which crimes most frequently occur.

15. To do away with the popular conception that intoxication is considered in mitigation of a public offense.

16. To demonstrate to youth that expediency is not a justification for the commission of crime.

17. To acquaint youth with the pertinent provisions of the California Penal Code regulating their conduct.

18. To encourage a spirit of cooperation on the part of children in law observance.

19. To explain the mysteries of legal terminology.

20. To point out the 'danger signals' of the precipitating causes of crime.

21. To explain the meaning of circumstantial evidence.

22. To interpret human behavior in terms of legal consequences.

23. To give youth an opportunity to 'ask the lawyer' the question troubling him.

24. To demonstrate the idiocy of criminal acts."

Prison Recreation—A composite picture of the average American prison inmate was painted by John C. Burke, warden, Wisconsin State Prison, Waupun, in a paper read October 23 before a conference of the National Probation Association in session at Cincinnati. The probation gathering was being held in cooperation with the seventieth annual congress of the American Prison Association.

The Wisconsin warden stressed the importance of cooperation among the "three major public programs or services that attempt to readjust men after they have been convicted or sentenced—probation, prisons and parole. He also emphasized the importance of recreation as part of a prison system.

"In days of old," Mr. Burke said, "recreation in the prison was considered coddling. Today recreation is a part of the prison training program. If men were not taught how to properly spend their leisure time before they came to prison, they must be so taught before they leave. If athletics and music and dramatics teach fair play, respect for the other man and develop character in the schools and colleges throughout the coun-

try, they should do the same thing inside prison walls.

"A prison that fails to establish a recreational program as part of its prison program has no right to claim that it adequately protects society. Here again, it is certainly evident that a report of the activity and the success, or the failure of the probationer's program on recreation cannot help but be of immeasurable help and guidance to the prison in its recreation program."

The Wisconsin penologist pointed out the importance of vocational adjustment of prisoners.

"The prison receives men from all lines of work and activity," he stated. "The average inmate is not the skilled artisan of his trade or the possessor of a good work record. The prisons of this country are filled with men who have never been taught the habits of industry or have not been taught to take pride in a job well done. . . ."

"Prisons often make the mistake of training a man to be a shoemaker when in reality he should have been made into a tailor. We often try to make laundry workers out of men that on the other hand would make good machinists. We teach typewriting to men who would be far better off in the welding department of the prison. It is not uncommon for a man to float around the prison from job to job, only to find the job that fits him best near the end of his sentence, when it is too late to train him for that job."

Mr. Burke urged that the probation department and the prison "pool their experiences and really work out an effective program.

"We must always remember that unless we fit each inmate into the program properly, we will not develop a well rounded man," he observed. "Unless the program is balanced, our prisoner may become a Hercules of physical health and strength and yet be a perfect dolt. He may be as clever as the devil and yet as wicked."

To "point a moral and adorn a tale" as to the necessity of coordination of the standard and procedures of the probation system and the prison, Mr. Burke related his own experiences in driving his automobile from Wisconsin to Cincinnati.

"In some cities I was forced to drive

past school houses at fifteen miles per hour," he said. "In other cities and states I was allowed to drive thirty miles per hour past schools. In some states there appeared to be nothing wrong in passing cars on the right; in others, such an action was a violation of the law. I found spotlights taboo in some, yet approved in others. I discovered stop and go signs of all shapes and sizes; some flashed from green to red, others from green to amber to red, some located in the center of the intersection, some at one corner, some at two corners, some a few feet from the pavement and some suspended in the air above. It is a mystery to me how I arrived here without a ticket.

"If each county has a separate probation system with its own set of standards and procedures, and each institution in the state has its separate standards and procedures, and each parole department works in its own peculiar way, certainly the confusion resulting will be not much different from that which I encountered on this trip."

Federal Probation—More than 13,000 defendants were placed on probation by the federal courts during the fiscal year ending June 30, 1940. This was a statement made by Henry P. Chandler, Director of the Administrative Office of the United States Courts, in the course of an address given at the National Probation Association in Cincinnati, October 25, 1940. The federal official briefly outlined the history of his office, which was created by act of Congress on November 6, 1939. Under that law the director of the Office has charge of "all administrative matters relating to the administrative personnel of the courts." This language has been held to include federal probation officers, who were formerly under the supervision of the United States Bureau of Prisons. The Administrative Office took over the supervision of probation officers on July 1, 1940.

The number of persons placed on probation during the last fiscal year was 300 greater than in the previous fiscal twelve-month, Mr. Chandler reported.

"This was approximately 35 per cent of the total number of persons found guilty by the courts in the same period and

either placed on probation or committed to institutions," the director stated. "In the fiscal year 1940 more than 57,000 persons were supervised by the federal probation officers, of whom about 42,000 were probationers, something over 5,000 were paroled prisoners and about 10,500 were prisoners on conditional release."

Mr. Chandler announced that the Administrative Office, with the approval of the Judicial Conference, composed of senior United States circuit judges, will include in its estimates for the next fiscal year a request for twenty-five additional federal probation officers. He stated that there are pending requests from federal judges for about fifty additional probation officers. The power of appointment of such officers, however, is in the hands of the judges themselves.

The total number of federal probation officers in service at the end of the fiscal year 1940 was 234 as compared with 206 at the end of the previous year, the administrative director announced.

"The average case load," he pointed out, "although reduced in recent years by the increase in the number of probation officers, is still far too high, namely an average of 148, consisting of 125 persons on probation and 23 persons on parole and conditional release. . . ."

"To my mind the most important element in effective probation service is strong probation officers. Probation is a process of reinforcing a weak or erring person by contact with a strong person who has both the mind and the will to help him. On the part of the probation officer, understanding, skill to draw out the latent powers of the probationer, patience, tact, all are necessary. Both ability and devotion are required and neither alone is sufficient. Hence it seems self-evident that probation officers should be appointed solely on the basis of merit with reference to the special nature of their duties."

Jurors' Legislative Program—The Grand Jurors Association of New York County has formulated a definite legislative program for the next session of the New York Legislature (1941). Some of the 10 objectives listed below have already been sponsored by the association and still

await favorable action at Albany. The program is to secure laws dealing with the following topics:

1. Fingerprinting of grand jurors.
2. Amendment to the Judiciary Law to permit exemption from double service for those who do not wish to serve on both Federal and State juries.
3. Protection of grand jurors from newspaper publicity.
4. Amendment of the Code of Criminal Procedure and the Penal Law in relation to minutes of proceedings before a grand jury.
5. Less than unanimous jury verdicts in all but capital cases.
6. Amendment to Criminal Code to allow comment on defendant's failure to testify.
7. Amendment to Criminal Code to clarify the powers of the trial judge to comment on weight of evidence and credibility of witness.
8. District Attorneys to make periodic reports to grand jury concerning disposition of indictments.
9. Legislation to put into effect recommendations in May 1934 New York County Grand Jury's Presentment of the City and State Parole Systems.
10. Amendment to Code of Criminal Procedure to permit conviction on the uncorroborated testimony of an accomplice.

Census Jail Study—At the request of interested groups, the Bureau of the Census during 1940 is conducting a study of the admissions to the Baltimore City Jail and the District of Columbia Jail, in order to obtain a rough sample of the characteristics of jail populations and in order to test the practicability of expanding the size of the sample and of continuing such a study in future years. Because of the large number of admissions to the two jails of persons who fail to pay fines, an analysis of the characteristics of this particular group was deemed advisable. The data upon which the first release, prepared by C. C. Van Vechten, was based, represent the admissions to the two jails for the first 3 months of 1940, and this release was primarily devoted to the characteristics of those individuals committed for inability to pay fine.

A preliminary to the description of the "fine" group of jail commitments was a brief analysis of the total commitments to the jails of Baltimore and Washington in terms of the method of disposition and the race and sex of the persons committed. A table summarized the distribution of total admissions to these jails by method or type of disposition. A comparison with the jail census of 1933 indicated a very marked change in Washington in 7 years. Considering only incarcerations for offenses and for failure to pay fines, it was found that Washington jailed 4,191 persons in 3 months of 1940 as against 4,307 in 6 months of 1933, an increase of 94.6 per cent per month. Even more striking was the change in the per cent serving for nonpayment of fine, which rose from 6.3 per cent in 1933 to 65.9 per cent in 1940. Comparable figures for Baltimore were not available in the 1933 records. Almost 59 per cent of the total Baltimore admissions were for failure to pay fines. The table indicated that of white males committed, 63.8 per cent in Baltimore and 65.3 per cent in Washington were for nonpayment of fine, while corresponding percentages for Negroes were 53.6 and 54.8. In contrast, jail commitments without option were about 5 per cent higher for the Negro group in each city. It will be noted that a larger percentage of Negroes than of whites were dismissed or found not guilty. Either a tendency to arrest Negroes on less substantial evidence or judicial willingness to overlook certain types of offense on the part of Negroes might explain this fact.

In Baltimore more persons are arrested and later released without action or found not guilty than in Washington. Those found not guilty and those dismissed constituted 6.4 per cent of the total of the Baltimore admissions and only 2.7 per cent of the District of Columbia cases. Also to be noted was the fact that relatively more persons (mainly white) are committed to jail by the U. S. Marshal in Baltimore than in the District of Columbia.

Cook County Report—State's Attorney Thomas J. Courtney of Cook County (Chicago), Illinois, has sent 10,864 men

and women criminals to the penitentiary for crimes they committed in Cook County since he became state's attorney in December, 1932. During that period 31 murderers have paid for their crimes in the electric chair and 674 others are in the penitentiary for terms of not less than 14 years and up to 199 years.

These and other statistics were reported in October, 1940, by Courtney as he made an accounting of the work done by his staff in the Criminal court. The report shows that Courtney and his staff set an all time record of 84 per cent convictions. No exactly comparable figures are available, but Clerk Thomas J. Bowler of the Criminal Court stated that prior to the Courtney administration the average of convictions was never higher than 70 per cent.

The conviction percentage has mounted steadily since Courtney took office. His first year in office it was 77 per cent, and for the first nine months of this year it reached 89 per cent, which means that nearly nine out of every 10 persons brought into the Criminal court for trial are being convicted. In 1938 the conviction rate was 90 per cent. When Courtney took office the Criminal court docket had 1,145 pending indictments. In recent years there are seldom more than 200 cases awaiting trial. On Sept. 1, the start of the new court year, 159 cases were awaiting trial.

Sellin Summary of Probation—De Nordiska Kriminalistföreningarnas Årsbok, 1939, contains an interesting article, "Probation in the United States," by Professor Thorsten Sellin, of the University of Pennsylvania. In this article he describes and explains our systems of probation for the European criminologists. His opening paragraph presents a novel view of American conditions:

"In the field of criminal politics, the United States has of old enjoyed a well-merited reputation. The odd mixture of veneration for tradition and the willingness to experiment with fresh ideas that characterize the American, account perhaps not only for the radical innovations in dealing with offenders that may be found in the United States, but also for the backwardness and the conservatism in penal treatment which may be observed

here and there. Side by side with some of the finest correctional schools in the world, modern and well-equipped juvenile courts, good probation and parole systems, there may be found county jails that shame a civilized nation and penitentiaries full of idle prisoners whose monotonous life without training or correctional influences provides fertile ground for the growth of a completely anti-social attitude which can but lead to further crime when the prisoner is discharged. It is not easy for the foreign observer to reconcile these paradoxical facts, which make it possible for one traveller to see nothing but the dark side and for another to note only the progressive aspects of American penal practices."

He concludes with an equally interesting observation:

"In the foregoing pages only the rough outline of some of the aspects of probation of adults in the United States has been presented. The reader will undoubtedly conclude, as he should, that in most states of the Union probation is more of a pious wish than a reality, but this should not cause him to lose sight of the fact that in a few states and counties probation has reached a truly high if not ideal level and that the experience of these administrative units with probation, and the standards they have developed, are well worthy of study. In recent years, furthermore, a considerable amount of research has been conducted in the United States on the success or failure of probation and these studies are not only revealing to the administrator, but are evidence of the willingness of the American to subject judicial administration to the keenest scrutiny and criticism. No people in the world are more aware than the

American that government is administered by men and that human ignorance, weaknesses and errors are as likely to express themselves in public administration as in any other activity of life."

Bates Appointment—Sanford Bates resigned September first as executive director of the Boys' Clubs of America to accept appointment by Governor Herbert H. Lehman of New York as a member of the State Board of Parole. The appointment is for a regular term of six years. Mr. Bates was appointed head of the Federal Prison system in 1929 by President Hoover. He resigned as Director of the Bureau of Prisons in 1937 to work with the Boys' Clubs. He is a member or officer of many criminological associations and has already had a outstanding career in the field of penology. He may be expected to become a national leader in his new work.

R. I. Statistics—Are criminal trials possible in Rhode Island, or have they been abandoned? Note the remarkable fact that evidently a felony trial has not been held in that state since 1937! In 1938 and 1939 all cases not dismissed resulted in pleas of guilty. The Census figures must be accurate but if they are the great American institution—the criminal trial—is outmoded in Rhode Island.

There were 632 defendants charged with major offenses who are disposed of by the superior courts of Rhode Island during the calendar year 1939, according to data reported by the Department of Social Welfare at Providence to the Bureau of the Census. The table shows the disposition of these defendants for each of the last 4 years. In 1939, 98.9 per cent of all defendants disposed of were convicted.

DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1939		1938		1937		1936	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of....	632	100.0	651	100.0	568	100.0	560	100.0
Eliminated without conviction.	7	1.1	26	4.0	8	1.4	22	3.9
Dismissed	7	1.1	26	4.0	4	0.7	17	3.0
Acquitted by court (jury waived) .....	...	...	...	...	...	...	...	...
Acquitted by jury.....	...	...	...	...	4	0.7	2	0.4
Other no-penalty disposition	...	...	...	...	...	...	3	0.5
Convicted	625	98.9	625	96.0	560	98.6	538	96.1
Plea of guilty.....	625	98.9	625	96.0	557	98.1	534	95.4
Court finds guilty.....	...	...	...	...	...	...	...	...
Jury verdict guilty.....	...	...	...	...	3	0.5	4	0.7

Statistics—New York—The New York State Department of Correction reported to the Bureau of the Census concerning the disposition by the trial courts of New York of 11,824 defendants charged with major

offenses during the calendar year 1939. The Table shows the disposition of these defendants for each of the last 3 years. In 1939 over three-fourths (78.0 per cent) of all defendants disposed of were convicted.

DISPOSITION OF DEFENDANTS CHARGED WITH MAJOR OFFENSES

Disposition	1939		1938		1937	
	Number	Percent	Number	Percent	Number	Percent
Defendants disposed of.....	10,153	100.0	10,687	100.0	10,316	100.0
Eliminated without conviction.....	2,229	22.0	2,884	27.0	2,556	24.8
Dismissed	1,332	13.1	1,986	18.6	1,659	16.1
Acquitted by court (jury waived).....	....	....	....	....	....	....
Acquitted by jury.....	573	5.6	765	7.2	897	8.7
Other no-penalty disposition.....	324	3.2	133	1.2	....	....
Convicted	7,924	78.0	7,803	73.0	7,760	75.2
Plea of guilty.....	7,121	70.1	6,955	65.1	6,904	66.9
Court finds guilty.....	....	....	....	....	....	....
Jury verdict guilty.....	803	7.9	848	7.9	856	8.3

Seventieth Prison Congress—Returning to the place of its birth in Cincinnati, the American Prison Association met for its Seventieth Annual Congress on October 21, 1940.

The first meeting and organization of this body convened October 12, 1870, with Governor Rutherford B. Hayes presiding, and Rev. Albert G. Byers as a pioneer figure among others in the enterprise. The latter had previously awakened widespread interest in reform by exposing frightful conditions in some prisons, and especially in County Jails, while serving as unpaid Secretary of the State Board of Charities. Later, ex-president Hayes served as President of the Prison Association from 1884 to 1893. The attendance at that first Congress was 274, while 1,000 or more Wardens, Superintendents, Doctors, Parole and Probation Officials, Judges and Psychiatrists were registered for the recent assembly.

As evidence of the far-seeing vision of these founders, the Association's "Declaration of Principles" then proclaimed have, even yet, been only partially realized. To one who has observed its discussions for forty years, as this writer has done, there is a marked change, to be sure, in the subject matter of the program, and the trend of the discussions. Whereas most of the earlier papers dealt with problems of custody, diet, prison discipline and the evils of contract prison labor, the prevailing

topics now have to do with recreation and educational programs, prison libraries and prevention, penal farms, dormitories, in-service training of prison officers, and the study, treatment and rehabilitation of the individual offender. In short, less attention is given to iron bars and more to administrative brains, and increasing emphasis upon classification instead of clubs.

This observation was borne out by the principal paper at the opening session by Wm. J. Ellis Director of Correctional Institutions in New Jersey. His subject was: "Practical Results of the Classification Program," in which he said: "The greatest single contribution to penology and correctional efforts (in 25 years) is the classification program—that process through which the background and social history of the offender are studied." This process was shown to be of value as a guide to custody; to facilitate transfer; helpful in employment and educational activities; essential in pre-parole requirements; as a contribution to research, and as a sound device for improving standards in prison management.

James V. Bennett, Director of the Federal Bureau of Prisons, and this year's President of the Congress, likewise stressed the increasing importance of individual treatment of the offender as the inescapable factor in a democracy. "For democracy so values the individual as to conserve even the anti-social in the hope of

re-adjusting him to its objectives. We know that all prisoners must be treated with equal justice and according to his individual need." Mr. Bennett pointed to the trend toward smaller prisons for differing types of inmates, saying that, in 30 years, no state would be regarded as having a sound correctional program unless it has a well established and financed Probation and Parole System. Furthermore, all community resources will be developed to deal more constructively with the annual output of released prisoners.

Social responsibility for crime and its prevention was stressed throughout the program of the conference. Prof. E. W. Burgess asked the pertinent question: "If community conditions are largely responsible for delinquency and crime, how can we expect probation, prison experience and parole to be more successful than they now are?"

The same note was struck by Sanford Bates, newly appointed member of the New York Parole Board, who cited his interview with a prisoner who had stolen 250 automobiles. "What kind of a community is it," Mr. Bates asked, "in which can be found 250 people willing to buy stolen automobiles?"

Mr. Joseph P. Byers, former Secretary of the Prison Association, reviewed its history through the years. He raised the question as to how far its "Declaration of Principles" have been realized after seventy years. He said: "The right to challenge I assume through a father who played a large part in laying the foundations and a wide personal experience of many years in prison administration." He pointed to the deplorable condition of county and city prisons, which have not been appreciably improved; to the unwholesome overcrowding of many prisons and of building big prisons, making proper personal service to inmates impossible, and to the still prevailing politics in their administration. He credited some improvement, however, in the selection of personnel, and felt that increasing classification measures were all to the good, so far as they are based on character as the most important criteria.

Other speakers said the prison of the

future must look more and more to the prisoners' future. Treatment in the prison should be a process of training today for parole tomorrow. Its function should be the protection of both the individual and of society. What the prison needs is more case records and fewer clubs, more adequate physical and mental care, and less frustration. The training of the prisoner is more important than the profits of industry. The preparation for a prisoner's release should begin on his arrival in prison if a prisoner is to be an asset instead of a liability.

The one special new note of the Conference was a description of the "Youth Correction Authority Act" as presented in excellent papers by Edward R. Cass and John R. Waite, Professor of Law, University of Michigan. This proposed measure, sponsored by the American Law Institute, is frankly experimental, but far-reaching in its implications. It provides for a special, independent Authority to prescribe penalties or treatment of the offender, after the Court has determined guilt. The adoption of this preventive measure will doubtless depend largely upon Judges' reluctance to lose their coveted authority to fix penalties. Its success will depend upon the high character of personnel selected for its administration.

The next meeting of the Prison Congress will be held in San Francisco, possibly in August, 1941. Warden James A. Johnston, of Alcatraz Prison, was chosen as President, and Mr. E. R. Cass was re-elected Secretary. (F. EMORY LYON.)

Court and Correctional System Handbook—A Handbook and Directory which has been prepared by the Pennsylvania Committee on Penal Affairs of the Public Charities Association describes the organization and functions of the courts and the penal system of the State of Pennsylvania, and outlines the processes for dealing with adult offenders and children, based on the Pennsylvania Statutes. It was written by Leon Stern, Secretary of the organization. Part Two is a Directory of judges, probation and parole officers, and penal officials; State Departments, State-wide private agencies, prisons and

institutions for detention, and for correctional and protective care.

This Directory follows the general style and method of similar directories issued by the Committee in the past, which are out of print and out of date. The present Directory contains the Federal services in Pennsylvania, both court and correctional services; brief statements of the provisions of the Public Assistance Law, the Institution District Law and the Support Law, insofar as they relate to the work of the county courts; and the provisions of the amended juvenile court law. Copies can be procured from Pennsylvania Committee on Penal Affairs, Room 607, 311 S. Juniper Street, Philadelphia, Pennsylvania.

State Department of Justice—Should the state of Oregon inaugurate a department of justice—modeled along federal lines—which would serve as a coordinating and administrative agency of law enforcement, superseding the present system of an elected attorney-general and district attorneys? The answer is yes, according to the report of an Oregon state bar committee—Henry M. Tomlinson, Edwin D. Hicks and William L. Goslin, chairman—appointed to study the question. The report, which is a comprehensive yet concisely worded document, considers every phase of the problem, weighs the merits and demerits of each system, and arrives at the conclusion that a state department of justice would be a desirable innovation, from the standpoint both of economy and of efficiency.

It is pointed out that while the constitution of the state of Oregon charges the governor to "take care that the laws be faithfully executed," he must, under the present system, share responsibility—and authority—with another elective official, the attorney-general. If, as so often happens, the two men are political foes, their enmity or jealousy can seriously impair the administration of justice.

Would it not be better, therefore, to per-

mit the governor to appoint his own attorney-general? The status of the latter official would then be clearly defined, that of a subordinate exercising delegated authority, while responsibility for the administration of justice would be placed squarely on the shoulders of the governor.

Under the proposed department of justice organization, county prosecutors or district attorneys would be superseded by deputy attorney-generals who would, as a general rule, be better fitted for the task of prosecuting criminals. Too often, the local prosecutor is a legal hack or a boy just out of law school. Inexperience, incompetence and political fence building, together with the lack of trained assistants, adequate facilities and laboratory equipment, which would be available under a centralized administration, frequently make easy the path of the transgressor so far as the district attorney's office is concerned.

In some of Oregon's rural counties, these gentlemen do not average one case a month, although the lowest salary paid is \$1,200 a year. If the office of district attorney in Oregon's thirty-six counties were abolished, a tremendous and wasteful duplication of effort would be eliminated, and the savings effected would go far toward financing an efficient and coordinated administration of criminal law under a state department of justice.

The attorney-general and his deputies would all be expert prosecutors, and they would have at their command the advice and assistance of expert criminologists, laboratory workers, investigators and other highly trained personnel. Another advantage of the system would be that the burden of prosecuting a complicated and long-drawn out case would not fall on a single county but on the state as a whole. As the bar association report points out, it is entirely reasonable to ask that the state—rather than the county—assume the responsibility for enforcing the laws of the state.