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Current Notes

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CURRENT NOTES

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Arrest Legislation—The work of Professor Sam Bass Warner, in studying the law of arrest from a practical point of view and in drafting legislation on the subject, is attracting wide attention. It will be recalled that a proposed act, drafted by Professor Warner, was printed in this Section in the Sept.-Oct., 1940, issue (31 J. Crim. L. 317). Now another act has been prepared for the Rhode Island legislature and it should be compared with the former draft. The Rhode Island Act was written in substance by Professor Warner and revised by a number of experts. Mr. Sidney Clifford, Commissioner on Uniform State Laws from Rhode Island, is responsible for the language used. The Act is set out below:

“Section 1. Questioning and Detaining Suspects.

“A peace officer may detain any person abroad whom he has reason to suspect is committing, has committed or is about to commit a crime, and may demand of him his name, address, business abroad and whither he is going; and any such person who fails to identify himself and explain his actions to the satisfaction of such peace officer may be further detained and further questioned and investigated by any peace officer; *Provided*, in no case shall the total period of such detention exceed two hours, and such detention shall not be recorded as an arrest in any official record. At the end of any such detention period the person so detained shall be released unless arrested and charged with a crime.

“Section 2. Searching for Weapons.

“A peace officer may search for a dangerous weapon any person he is questioning or about to question concerning any

crime or suspected crime, whenever he reasonably believes that he is in danger from such person carrying such weapon, and if such person is carrying a dangerous weapon, such officer may take and keep it until the completion of such questioning, when he shall either return it or arrest such person.

“Section 3. Arrest—How Made.

“(1) An arrest is made by the restraint of the person to be arrested or by his submission of his person to the custody of the person making the arrest.

“(2) No greater restraint than is necessary shall be used for the detention of any person, and no unnecessary or unreasonable force shall be used in making an arrest.

“(3) A peace officer may use force dangerous to human life to make a lawful arrest for committing or attempting to commit felony, whenever he reasonably believes that such force is necessary to effect the arrest and that the person to be arrested is aware that a peace officer is attempting to arrest him.

“Section 4. Resisting Illegal Arrest.

“It shall be unlawful for any person to use deadly force or any deadly or dangerous weapon in resisting an illegal arrest by a peace officer, if such person has reasonable ground to believe that he is being arrested and that the arrest is being made by a peace officer.

“Section 5. Arrest Without a Warrant for a Misdemeanor.

“A peace officer may without a warrant arrest a person for a misdemeanor, whenever:

“(a) The officer has reasonable ground to believe that a misdemeanor has been or is being committed in his presence and that the person to be arrested has committed or is committing it.

“(b) The person to be arrested in fact has committed or is committing a misdemeanor in the presence of the officer, and in such case it shall be immaterial that the officer did not believe him guilty or on unreasonable grounds entertained belief in his guilt.

“(c) The officer has reasonable ground to believe that the person to be arrested has committed a misdemeanor and either cannot be arrested later or has fled the scene of the crime; *provided*, an arrest under clauses (a) and (b) must be made within twenty-four hours after the commission of the misdemeanor, but an arrest under clause (c) may be made at any time.

“Section 6. Arrest Without a Warrant for a Felony.

“A peace officer may without a warrant arrest a person for a felony, whenever:

“(a) The officer has reasonable ground to believe that a felony has been or is being committed and that the person to be arrested has committed or is committing it.

“(b) The person to be arrested in fact has committed or is committing a felony, and in such case it shall be immaterial that the officer did not believe him guilty or on unreasonable grounds entertained belief in his guilt.

“Section 7. Arrest on Improper Grounds.

“If a lawful cause of arrest exists, the arrest shall be lawful even though the officer made the arrest on an improper ground.

“Section 8. Arrest by Virtue of Warrant Not in Officer’s Possession.

“A peace officer may without having the warrant therefor in his possession arrest any person for whose arrest a warrant has been issued, but after arrest, if the person arrested so requires, the warrant shall be shown to him, as soon as practicable.

“Section 9. Summons Instead of Arrest.

“In any case in which a peace officer is authorized to arrest without a warrant a

person for a misdemeanor, he may instead issue to him a summons substantially in the following form:

(Summons)

STATE OF RHODE ISLAND and PROVIDENCE PLANTATIONS

To

You are hereby notified to appear before the District Court of the..... Judicial District to be holden at..... in the..... of....., in the State of Rhode Island, on the.... day of....., 19... at..... o’clock in the forenoon to answer to a complaint (to be filed in said court) charging you with..... in violation of the laws of the State of Rhode Island.

Hereof fail not, as you will answer your default under the penalty of the law in that behalf made and provided.

Dated at..... the..... day of..... 19....

Title Department

Wilful failure to appear in answer to such summons may be punished by a fine of not over one hundred dollars or imprisonment for not over 30 days. Upon failure to appear, a warrant of arrest may issue.

“Section 10. Release of Persons Arrested.

“The officer in charge of any police station may release any person in his station who has been arrested without a warrant:

“(a) Without requiring such person to appear in court, when he is satisfied that there is no ground for making a criminal complaint against such person or when such person has been arrested for drunkenness but in the judgment of the officer need not be brought before a magistrate; or

“(b) If the arrest is for a misdemeanor, upon that person signing an agreement to appear in court at a time designated.

“Section 11. Length of Detention.

“Every person arrested shall be released either on bail or as provided in section 10 or shall be arraigned within twenty-four hours from the time of his arrest, Sundays and holidays excepted, unless a judge of the district court of the district where he is de-

tained or of the district court of the district where the crime was committed for good cause shown orders that he be held for a further period of not exceeding forty-eight hours.

"Section 12. Severability (As It Appears in Uniform Acts)."

Wheeler to Gault—A communication from Chas. A. Wheeler, Superintendent of Police, Bridgeport, Connecticut, was sent to the Editor-in-Chief. He says:

"In the May-June, 1940, issue I noted particularly your Editorial, under the title: 'Do the Police Read This Journal?' The anecdote told by Judge Ulman was quite interesting but the title even impressed me the more and I feel beholden to answer the question.

"We not only read it but it is used in our Police Training School and our Probationary Patrolmen absorb the contents, which are educational to the new policeman, as well as to the veteran of the force. Congratulations to you upon this splendid work, which is of untold value to any police department or police officer."

Coming from a Past President of the International Association of Chiefs of Police

this statement was most encouraging. Superintendent Wheeler has recently prepared a monograph on The Police Emergency Defense Program, adopted by the police of his State and City to deal with present Emergency conditions and those that may possibly develop later. It was presented at a recent conference of Chiefs of Police and Law Enforcement Agents (F.B.I.) at Washington, D. C., and approved by that body.

Prison Population—The Bureau of the Census published its summary of prisoners in State and Federal Prisons and reformatories, 1939, on December 23, 1940. Reports had been received from 108 institutions in 46 States and the District of Columbia and from 18 Federal institutions. No reports were received from Alabama or Georgia. The summary shows that of the total 66,024 prisoners received from the courts by these institutions, 62,629, or 94.9 percent, were men and 3,395, or 5.1 percent, were women, a ratio of approximately 18 men to 1 woman. Of the total number, 62,000 were classed as "felony" commitments and 4,024 as "misdemeanor" commitments.

The felony offenses and number of Federal commitments are shown below:

Offense	Total		Federal	
	Number	Percent	Number	Percent
All offenses	62,000	100.0	11,497	100.0
Murder	1,829	3.0	16	0.1
Manslaughter (voluntary)	1,281	2.1	5	—
Manslaughter (negligent)	187	0.3	3	—
Robbery	5,646	9.1	139	1.2
Aggravated assault	3,234	5.2	49	0.4
Burglary	12,669	20.4	149	1.3
Larceny, except auto theft.....	10,975	17.7	681	5.9
Auto theft	3,156	5.1	941	8.2
Embezzlement and fraud	1,948	3.1	749	6.5
Stolen property	761	1.2	305	2.7
Forgery	5,174	8.3	1,103	9.6
Rape	2,030	3.3	12	0.1
Commercialized vice	421	0.7	270	2.3
Other sex offenses	1,661	2.7	14	0.1
Violating drug laws	2,245	3.6	1,862	16.2
Carrying, etc., weapons	297	0.5	7	0.1
Nonsupport or neglect	590	1.0	—	—
Violating liquor laws	5,177	8.4	4,764	41.4
Violating traffic laws	366	0.6	9	0.1
All other offenses	2,353	3.8	419	3.6

The classification by age is shown by the following table:

Age	Total	
	Number	Percent
Total	62,000	—
Not reported	18	—
Total reported	61,982	100.0
Under 15 years.....	31	0.1
15 to 17 years.....	2,573	4.2
18 years	2,998	4.8
19 years	3,557	5.7
20 years	3,310	5.3
21 to 24 years.....	12,286	19.8
25 to 29 years.....	11,839	19.1
30 to 34 years.....	8,334	13.4
35 to 39 years.....	6,269	10.1
40 to 44 years.....	4,103	6.6
45 to 49 years.....	2,820	4.5
50 to 54 years.....	1,821	2.9
55 to 59 years.....	1,036	1.7
60 to 64 years.....	529	0.9
65 to 69 years.....	313	0.5
70 years and over.....	163	0.3
Median age	27.6	—

Hulbert Defines Criminal—The National Safety Council has published in booklet form the lectures given at the 29th National Safety Congress and Exposition, October 7-11, 1940, by Dr. Harold S. Hulbert, an associate editor of this Journal. On p. 26 we find a statement of interest. Dr. Hulbert gives his definition of a "criminal." Would any reader desire to formulate a better definition? "In our editorial meetings I have never heard the wise men define a criminal. You can make your own definition. I think a criminal is a person who is willing to hurt someone else for his own gain. That makes a person a criminal. There is also the super-criminal, a person who desires to hurt, because of his hates."

Va. Jail Committals—In the November, 1940, issue of "Virginia Public Welfare," published by the State Department of Public Welfare, is a summary of committals to Virginia jails for the year ending June 30, 1940. The number was 82,621. The total for juveniles, seventeen years of age or under, was 2,616. The committal rate was high, one in 32 as compared with one in 120 for the nation as a whole. The cost of State prisoners in jail during the year was \$514,151.

Commenting upon Virginia committals the writer, Russell B. DeVine, said:

"Certain inescapable facts inherent in this situation always confront the thought-

ful and informed observer. One is that Virginia has entirely too many jails; another is that far too many people are confined in these jails. It has become almost axiomatic now that where jails exist the courts will fill them up. It is the 'easiest way,' the path of least resistance.

"The starkest and most depressing fact is the supreme futility of it all. Nothing constructive is accomplished by throwing thousands of people into jail each year. More than three-fourths of jail inmates are there because of liquor, vagrancy, or petty larceny. Society does not require any especial protection against these people. Jails obviously do not deter would-be offenders and it is to be seriously doubted if even the most optimistic reformer could claim that jails rehabilitate anyone.

"If the public is not interested in the human and social values involved, it should at least be moved by the tremendous economic wastage of the present system. If people could be aroused from their apathy they would demand that something be done to keep more people out of jail. No special legislation is required to do this. The citizens of every community could surely devise some way of handling juvenile delinquents other than putting them in jail. Steps could be taken to insure transfer of insane persons to State hospitals rather than holding them in jail. The thousands of 'drunks' who clutter up the jails could just as well be left out—no one can point to any purpose that is served by imprisoning them. Other states do not follow this practice. Above all else, that tremendous group 'killing time' in jail because of inability to pay fines could surely be kept out and required to pay these fines on the installment plan. This would not only bring money into the public treasuries but would save the State the cost of supporting the offenders and their families. No sound argument has ever yet been brought forward against the practice of installment fines.

"The people in every community in this State could organize Crime Prevention Units to study their local situations and devise corrective measures. This approach would attack crime at the grass roots and might serve to check it at the source of

infection. And this would not cost anything but hard work and unending zeal!"

Criminals and the Draft—In the December, 1940, issue of "Probation," published by the National Probation Association, the question of drafting probationers and parolees was discussed by the Association's Executive Director, Charles L. Chute. He said, in part:

"Conflicting statements have issued from Washington in regard to enrolment in the draft army of men who have been convicted of crime. Selective Service Regulation No. 362, filed October 4, 1940, reads as follows: 'In Class IV-F (exempt) shall be placed registrants who are found to be physically, mentally, or morally unfit for military service; habitual criminals, or persons convicted of treason or any crime which under the laws of the jurisdiction in which they were convicted is a felony and which the local board determines renders the registrant morally unfit for service.' According to a bulletin issued by James V. Bennett, Director, Bureau of Prisons, Department of Justice, the legal division of the selective service system ruled that 'this regulation leaves it to the discretion of the local registration board as to whether the felony of which an ex-prisoner was convicted renders the registrant morally unfit for service.'

"The War Department, however, according to an Associated Press dispatch dated November 18, 'directed corps area commanders today to bar military service to potential draftees who have been convicted of a felony or who are on parole or probation.'

"In explanation of this regulation, described as based on provisions of the Selective Service Law, an order said that, 'The department feels that its duty to the greater number requires that it insure, as far as possible, that men inducted into service should not be forced in this close intimacy of barracks life to associate with a man who has been convicted.'

"The ruling that all men who have ever been convicted of a felony shall be barred from military service is an arbitrary one. It overlooks the fact that some men will be excluded in one state but not in others because the definition of felony varies in

different states. It also overlooks the fact that many young men who have been so convicted are not real criminals and may be excellent material for military service.

"General Hugh S. Johnson, an Army man, takes the popular, unenlightened view. He says in his column: 'Mothers of these boys wouldn't feel easy without the Army's rule. It works some hardships but its repeal would work more.' On the other hand Professor John B. Waite of the Law School of the University of Michigan points out that such a ruling actually favors criminals or those who have at any time been such, and encourages crime, and that such a ruling 'is a slap in the face to all socially thoughtful persons who have so long been preaching the accepted doctrine that once punished wrongdoers must necessarily revert to crime if their punishment is permitted forever to stigmatize them as unfit for social contact and unemployable wherever others are at work.'

"Undoubtedly a movement will be started to amend the federal law which now bars the enlistment of men in the armed forces who have at any time been convicted of felonies. The War Department will be asked to conform to the ruling of the Selective Service administrator which clearly indicates that each local draft board may exercise its discretion as to whether or not a conviction of felony renders the registrant morally unfit for service. During the first World War the draft boards generally followed this practice."

In this connection it is interesting that the 70th Annual Prison Congress passed the following resolution at its October, 1940, meeting:

"As interpreted by the Legal Division of the Selective Service System, regulations governing the induction of ex-prisoners into the armed forces of the nation under the Selective Service Act leave it to the discretion of the local registration board as to whether the felony committed by any registrant is of such a nature as to render him ineligible for military service. Only habitual criminals and those convicted of treason are arbitrarily barred from such service. This is the most significant recognition of the principle of individualized treatment ever officially an-

nounced by those in charge of recruitment for the armed forces of the country. The American Prison Association endorses such a stand.

"Because it is fundamental to the whole philosophy of modern correctional treatment that ex-prisoners should be restored to the normal functions and responsibilities of normal society, including their rightful place in the home, the church, the school, in industry and leisure time activities, according to their individual merit, we believe it is also right that they should be restored to their place in the program of national defense on the same basis. We do not believe that the Army, the Navy, or the Marine Corps should provide a dumping ground for ex-prisoners or that the military service should be used as the place for disciplining unstable and anti-social persons. We do believe that there are many offenders who have served or are now serving successfully on probation or parole or who may be paroled in the future, who are anxious to contribute their share to national defense and who because they have learned how to live disciplined lives would make excellent soldiers, sailors, or marines. We believe such men should be given an opportunity to enlist in some branch of the military service if their individual record warrants it. At the present time this is not possible because a Federal law, which has stood on the statute books unrevised since 1877, prohibits the enlistment of felons in the military service of the country.

"IT IS THEREFORE RESOLVED, By this Congress, that the President and Executive Committee of this Association take such steps as may be necessary to lay before the Congress of the United States an amendment to this law which will bring it in line with the policy now established under the Selective Service Act, namely, that such cases shall be decided only after a careful examination of the facts in each case presented by competent authorities to a competent board of review, and that no person except an habitual criminal and one convicted of treason shall be arbitrarily barred from enlistment in the military service of the country."

Michigan Situation—The December, 1940, issue of the News Bulletin of the Osborne Association featured Austin H. McCormick's study: "The Michigan Corrections Law and Partisan Politics," an interesting picture of a good system suffering from a policy of political replacements. He made this sage remark:

"It is easy to understand why any political party does not wish a Civil Service law to be passed during the regime of the opposing political party. Any party adopting a sweeping Civil Service law is inevitably accused by its opponents of trying to freeze its constituents into the offices which they hold and to secure them against loss of their positions if their party goes out of power. If Civil Service with all its advantages is ever to be established, however, it is obvious that it must be passed during the regime of some political party and that it will inevitably do what politicians consider an injustice to the party out of power. What Michigan needs with respect to its Department of Corrections, regardless of what may be true of the State departments as a whole, is a moratorium from political manipulation during which both political parties are willing to allow a non-political administration to become established, no matter what party or what individuals may be affected adversely for the time being. With the constant changes in personnel that take place in any correctional department for a variety of reasons and under a non-partisan Civil Service system, a gradual process of equalization is certain to take place and after a few years it will be found that a fair balance of personnel with affiliations in both major parties will be brought about."

Department of Justice Proposal—The proposal of a State Department of Justice for Oregon was discussed in this Department in the last issue of the Journal (31 J. Crim. L. 478—Nov.-Dec. 1940). The Chairman of the Oregon Committee, William L. Gosslin, is continuing his research and will present his findings in the form of an article soon to appear in this Journal. Meanwhile the movement for a State Department of Justice began to develop in Illinois. This was due in part to a change in the state administration (A Republi-

can governor was elected in November). And also it was the result of the wide attention given to a paper read before the Illinois State Bar Association by Karl C. Williams of Rockford, Illinois. In brief Mr. Williams' proposal would amend the attorney general and states attorney acts to create a new state department of investigation under the attorney general. This would have both civil and criminal divisions and would incorporate the present state identification and investigation bureau and the highway police, taking these jobs out of politics and making career jobs of them.

The attorney general would have at his disposal an efficient investigating force that could be sent into any county on application or need. The sheriffs and police of each county would make immediate reports on crimes to this office, and would report all actions taken in each case. This would dispose of many cases never tried, cases dropped without good reason, and unsolved cases.

It would interfere also, according to Williams, with many political prosecutions and cases taken directly to the grand jury without hearing. Under the federal plan the local attorneys must report on why cases are taken directly before the grand jury, without hearing by commissioners. Pending cases also must be listed and all actions reported.

Since the idea of a State Department of Justice seems to be slowly gaining ground in all parts of the country, it is thought that certain parts of Mr. Williams' paper should be reproduced. He said:

"Through our States Attorneys' Association, our state police, our present state bureau of identification, our state police and sheriffs' associations, the existing contacts between the office of the Attorney General and the different states attorney's offices, the increasing cooperation between all state and local agencies and the federal law enforcement agencies, we do have improved and improving relationships and cooperation in the work of crime detection as well as prosecution throughout the state. We still have far to go, however, toward a coordination of these functions on a state-wide basis. There is no broad state policy with respect to most prosecutions. Even

the most zealous states attorneys discharging the duties of their offices without conscious heed to local influence, still concern themselves in the main with the good of their particular community rather than the good of their state as a whole, even as to the violation of important state laws. May it not be said that generally speaking, sheriffs, states attorneys and police are content if they rid *their* community of the transgressor even though he may reappear elsewhere, and are unmindful of the extent to which the rest of the communities in the state may be equipped to apprehend or convict him? Thieves, robbers, pick-pockets and other major offenders are frequently organized on a state-wide basis, but we are none too well organized to apprehend and remove them from state-wide circulation. It does no lasting good to drive them from one county to another.

"As a matter of fact, much of our crime today is 'transient' crime, committed by persons who have no established residence in any community. Someone has pointed out that we have in this country now a floating population of upwards of two million people, tens of thousands of whom are inevitably in the criminal class. The removal of such violators from one community where the authorities are zealous, to another, is effortless; and all too frequently today where a person commits a series of crimes in one community and moves on to another, he is not apprehended for those particular crimes. True, he may be apprehended later, but in all probability it will be because of an offense committed in another community. And were it not for the methods of identification stimulated by the Federal Bureau of Investigation the record of his prior crimes might never be disclosed.

"If for no other reason than the necessity of maintaining adequate and modern records of arrest and prosecution, some measure of supervision over local enforcement agencies and a coordination of their activities might be said to be desirable. There the prosecutor is responsible only to the people who elect him, only instances of the most glaring inefficiencies in the operation of his office are likely ever to be brought to light, just as he is likely to be called upon to answer for only the most

glaring abuses of power. And the same must be said of the operation of our sheriff's offices, the inadequacy of many of which has been disclosed in Illinois by a recent survey of the Bureau of Rural Crime Prevention.

"Proponents of the plan of coordinating our state law enforcement agencies under a State Department of Justice with supervision by the Attorney General tell us that it will go far toward curing the evils exemplified by inadequate office records and the absence of uniform records, the failure to keep data essential to studies of crime and its suppression, the lack of available records on second offenders, carelessness in the preparation of cases, a lack of system in the handling of work and assignment of cases in larger communities, the absence of methods of fixing personal responsibility; all of which insofar as the business of prosecution is concerned tend to lead toward delays, nolle prosequing of cases, suspended sentences, pleas of guilty to lesser offenses, and light or reduced sentences. These are evils of which we have heard much for many years, despite the fact that much of the attention and concern of our bar associations has been devoted to substantive law and procedure rather than to the administration of the laws. If we have at hand a plan for a better administration of the criminal laws of our state and one which eliminates even a part of its deficiencies we may do well to give it the serious consideration it appears to be receiving elsewhere in the nation."

Crime Laws—The Library of Congress publishes each biennium a *State Law Index*—an index and digest to the legislation of the various states enacted during the period. In addition it issues as a special report the criminal laws, the latest being "Crime Control, State Laws, 1935-1938 inclusive." This booklet may be obtained from the Superintendent of Documents for ten cents.

"Crime Control" is a record of four years of state legislation and is arranged to show developments in the following fields: *Combating Organized Crimes*: Federal Consent and Cooperation; Interstate Compacts; Uniform Laws and Model Laws; State Conferences and Surveys; *State*

Enforcement Agencies and Functions: Departments of Justice and Public Safety; State Police and the Militia; Highway Patrols; Identification, Investigation, Statistics, Etc.; Fresh Pursuit and Extradition of criminals; *Local Enforcement*: The Sheriff and Other County Agencies and Functions; Powers of Cities, Towns and Unincorporated Communities; Private Police and Detectives; *Crime Prevention*: General Preventive Measures; The Juvenile Delinquent and Pre-Delinquent; Control of Weapons and Narcotics; *Beginnings in Procedural Reform*: Role of the Attorney General in Criminal Prosecution; Trial Procedure and Supplementary Matters; Evidence and Witnesses; *Prisons and the Prisoner*: Commitment and Institutional Treatment; Convict Labor and Convict Made Goods; Probation and Parole; Pardon, Commutation, Etc.

The Editor has found the compilation to be accurate and extremely useful. The work was done by Elizabeth A. Banks under the direction of Margaret W. Stewart.

English Treachery Act, 1940—The Treachery Act, 1940, became law on the 23rd May last and came into operation on the same day. It is designed to expire "after such day as His Majesty may by Order of Council declare to be the date on which the emergency which was the occasion of the passing of this Act came to an end" (section 6). The Act provides the death penalty for treachery and a simpler form of procedure for the prosecution of many offences which until now could only be dealt with under the law relating to treason. The old law remains but is likely to be superseded by the provisions of the new Act. Section 1 is as follows: "If, with intent to help the enemy, any person does, or attempts or conspires with any other person to do, any act which is designed or likely to give assistance to the naval, military, or air operations of the enemy, to impede such operations of His Majesty's forces, or to endanger life, he shall be guilty of felony and shall on conviction suffer death." Section 2 provides that offences against the Act shall be prosecuted on indictment and that the procedure on conviction shall be the same as in cases of murder.

Philadelphia Prison Report—We receive and examine many state reports from Departments of Correction, wardens, and superintendents, but seldom do we see a report describing minutely the organization and administration of a county or city institution. The recent report of the Board of Inspectors of the Philadelphia County Prison covering the year 1939, prepared under the supervision of Professor Thorsten Sellin, a member of the Board, is an interesting, attractive booklet of 48 pages, containing 24 tables, and thoroughly describing the activities within the Prison. Complete personal data is presented covering age, race, sex, offense, time served and population movement. The part dealing with administration covers: classification, food, health, educational work, library, recreation, visits, correspondence, work, religious and welfare activities, commissary, discipline, discharge. In fact, after reading the Report we could visualize the institution; it was described in such a manner that we could see in our minds the whole prison—appearance, personnel, and daily life of guards and prisoners. The Report is an excellent sociological document.

The Board of Inspectors, 11 in number, are appointed by the Court of Common Pleas. *Since 1856 all vacancies on the Board have been created by deaths or by resignations!* The Board of Inspectors annually elect their own president and other officers, appoint the superintendent of the prison, a matron for the woman's department, the prison physicians and the clerk. They fix the salaries of all employees, supervise the institution through a visiting committee of three members, the membership being changed monthly, make rules and regulations and in general determine the policies of administration. Various committees of the Board supervise the different activities within the institution and stated monthly meetings are held at which the superintendent reports on the problems of management and actions are taken to deal with these problems and others which have arisen.

Policemen Who Do Not Patrol—The Citizens Committee on the Control of Crime in New York recently issued its annual Report, "Crime in New York City in 1940,"

an attractive 40 page booklet packed with pungent criticism, backed up by statistical tables. One interesting observation concerned the assignment of New York policemen to "out of command" tasks,

During the typical month of June, 12,106 "out of command" assignments were made. Each assignment took a patrolman away from his regular work for an eight-hour day. The 12,106 days thus accounted for were the equivalent of taking 404 men off the force for the 30 days of the month. For "labor duty"—with picket lines, at plant elections under the direction of Labor Relations Boards and the like—4,165 assignments were made. The average number of men on such duty daily was 139. There were days when the total reached 160. On "general assignments" were an average of fourteen sergeants and 159 men, for a total of 5,194 days. These men were on duty at public meetings and ceremonies, baseball games, La Guardia Airport, the World's Fair, and Central Park, and in extra details in the 30th (Harlem) Precinct and in districts particularly subject to thefts from pedestrians. On June 6, at the historic Sunday School parade that marks Anniversary Day in Brooklyn, 83 officers and 935 patrolmen were on duty. On June 20, at the Louis-Godoy fight at the Yankee Stadium 144 officers and 1,585 men were on duty—809 in and around the Stadium; 715 on patrol through Harlem, and 205 on reserve. Note: a prize fight resulting in the "out of command" assignment of 1,729 men!

Rural Crime Prevention—Mr. T. P. Sullivan, Superintendent of the Division of Identification and Investigation in the Department of Public Welfare in the State of Illinois, makes an interesting statement on this topic in the latest (1940) annual report of the Department. He says: "Co-ordination of rural efforts in crime prevention has been the goal of this service. The development of farmer organizations to work with sheriffs and state's attorneys, has brought results. Accomplishments of this program are demonstrated by results in St. Clair County.

"For years the rural area of this county was overrun with thieves and swindlers and the local officials aided

by various groups of farmers and representatives of this Division, set up an organization and through these efforts a gang of forty-three swindlers, who had fraudulently obtained approximately \$50,000.00 by selling fake correspondence school courses to young people in the rural community, were apprehended and sent to the Federal Prison. There is a continuing interest on the part of farmers in the protection of farm property, and it is gratifying to state that not a single case of chicken stealing was reported between August 1939 and February 1940, and stealing from farms in St. Clair County has almost entirely ceased. It has been extremely difficult to educate the farmer in the protection of his personal property. However, through the efforts of Prairie Farmer the residents of the rural communities have come to realize the importance of the protection of their property.

"At the beginning of this report it was indicated that modern conditions have enlarged the problems of local officials in protecting the community against criminals; that development of modern local facilities in crime control have not kept pace with the problems. A study of the work of the Illinois sheriffs in crime prevention was made during the current year. The results are interesting.

"The sheriff's office is governed by a seventy-year old constitution and the traditional procedures of that era still guide the operation of this arm of the local government. The study reveals a woeful lack of personnel and modern equipment to cope with the new trends in rural crime."

Typical Modern Rural Crimes — "Pickpockets, swindlers and gypsies are the source of the major losses in rural areas. Pickpockets have left the city where their operations have been cramped by good police work, to work in the country towns where it is estimated two thousand losses occurred from this source in 1939.

"The gypsy problem is complicated by the fact that detected crimes fail to reach prosecution because the complainant is anxious to deal with the offender for a re-

turn of his property. Individual losses from this source reported during 1939 have been as large as \$2,000.00.

"Swindlers of various types obtain more money than all the rest of the criminals combined. It is estimated losses attributed to swindlers in the rural district of the State runs from \$5,000,000 to \$20,000,000 annually. The modern method of swindling on a large scale is to exploit some legitimate business. For instance, the growing of tung oil trees is undoubtedly becoming one of the great industries of the south. Many concerns are conducting a legitimate business, but more than a year ago the Division discovered that eight ex-convicts were selling tung oil grove lots to people in the northern part of the State. The individual investments ran from a few hundred dollars to as high as \$35,000. Investigation revealed that their contracts and leases were evidently drawn for the purpose of evading the Illinois Statutes. The Division secured a number of deeds and leases and appealed to the Security Exchange Commission and the Postal Department of the U. S. Government. The Securities Exchange Commission decided that these tung oil grove deeds and leases came under the Federal Securities Act and an investigation followed. Later the Federal Court held that these deeds and leases were securities and this decision caused sixteen different companies that were dealing in tung oil leases throughout the Middle West to cease offering these securities for sale or to qualify their deeds and leases in compliance with the Federal law. This action will save investors in the rural communities millions of dollars."

Professor Baker's Appointment — When this number of the Journal was about to go to press, Newman F. Baker, of the Editorial Board, received from Chief Justice Charles Evans Hughes, an appointment as a member of a committee to advise the Court on rules of pleading, practice and procedure in respect to proceedings prior to, and including verdict, or finding, in criminal cases in U. S. District Courts. In our next number we expect to give some attention to the problems that will be before the committee. (Ed.)