

1942

Current Notes

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

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

Recommended Citation

Current Notes, 32 J. Crim. L. & Criminology 561 (1941-1942)

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

CURRENT NOTES

English Penal Reform—R. S. W. Pollard writes as follows in the current number of the *Howard Journal* (Oxford):

"Before the war hopes of penal reformers were rising high, but now *inter arma silent leges*. War either lowers or abolishes moral standards in men's minds. Its brutalising influence is felt in every sphere of life. The increasing restrictions on the liberty of the individual affect the penal reformer, who has tried to carry ideas of responsibility based on personal freedom and moral value, into the criminal sphere. The retrograde tendency caused by war has already affected criminal law. The public also are more ready to condone violence and interference with an individual's person. For the first time since the 1820's penal reform is not in the ascendant. It is on the defensive."

India Looks to Probation—The current Annual Number of *The Penal Reformer*, in 99 pages, published in Lucknow, is at hand. It contains more than a score of articles that present the highlights of Penology and Criminology from as many different angles. The Founder-Editor, Gopinath Srivastava, M.L.A., publishes a brief article under the title: "The Story of the Penal Reformer." In it occurs the following interesting paragraph:

"While I hold that our entire prison system should be placed on a systematic and—if I may be permitted to use an oft-repeated and rather loosely-used word—scientific basis, let us not forget the more important aspect of the problem. I refer to measures for prevention of committal to prison, *viz.*, the Probation System. To have a control, for a considerable period of time and under thorough supervision of an offender who is living otherwise his normal life, is a much likelier means of producing reformation than committal to prison. The system has been tried with amazing success in the U. S. A. Its utility is being widely recognized in Great Britain and I have no doubt in my mind that in time to come it will be recognized all over

the world as the most successful factor in the salvage of anti-social human material. It is being tried with commendable success in the seven important districts of the United Provinces and there is no reason why it should not be extended to other parts of the province in due course of time. The argument of financial stringency too should not be allowed to bar its adoption for it can be easily proved that, run on systematic lines, it entails no financial burden on the State; it may even effect a saving."

Work for Parolees—The following is the substance of a letter that has been sent out to employers and others in the State of Illinois:

"There exists in our Illinois penal institutions today an appalling situation which we hope by your assistance to correct or partially alleviate. There are many inmates in our State prisons today who have been granted paroles, men who could leave here, who should leave here, but who are unable to fulfill the parole stipulation requiring adequate employment that will pay a living wage. Will you help us to lessen this grave condition by providing employment for one or more of these men?

"Because of a condition over which these men have no control, there are several hundred thus being held in our State prisons who are familiar with almost every type of business. Available are skilled laborers, semi-skilled laborers, and common laborers. The employer offering a job to be filled by a parolee need only state the qualifications of the men desired. Every possible measure of research will be applied to secure the man best fitted for the job.

"There is no legal or moral responsibility attached to the employment of a parolee, nor at any time is the employer held responsible for the parolee. To return these men to society so that they may re-establish themselves as decent, self-supporting citizens, can be accomplished only through the co-operation of the business men of this State.

"If you will help one or more of these men by offering them a chance to fill a vacancy in your business, kindly address your reply to me as Chaplain and I shall make the necessary arrangements."

The above letter is signed by Edward E. Hastings, Chaplain of the Illinois State Penitentiary.

Dr. F. Emory Lyon, Superintendent of the Central Howard Association in Chicago, and Associate Editor of this Journal has written to the Editor on this situation as follows:

"As a matter of fact, there are 218 such men who have been paroled on merit in the two Joliet prisons, and 255 in all of the Illinois prisons. This Association is constantly contacting relatives, friends and former employers of these men whenever they can give us adequate information. Many of them are without friends and have no tangible work record for years previous to their incarceration."

Crime Reduction in Chicago—Chicago has gained on crime in 1941, according to the annual report of Commissioner of Police Allman to Mayor Kelly. The report discloses that the Police Department succeeded in reducing major crimes for the eighth year in a row.

The reduction in crimes, as compared to the total for 1940, was 2.59 per cent, but the reduction accomplished since eight years ago, in 1933, was 58.36 per cent.

Not all the details of the report show improvements, however. Statutory crimes, larceny and automobile thefts were more numerous in 1941 than in 1940, although fewer by far than in 1933.

The comparative total figures on crimes show 36,703 in 1941, as compared to 88,154 in 1933. Arrests in 1941 totaled 97,323, as against 99,081 in 1940. Among the 1941 arrests were 7,643 for felonies; the 1940 total for the same class of crimes was 7,882.

Commissioner Allman's report makes no mention of police action in gambling cases, even though he was summoned to make two appearances before Cook County grand juries that concentrated their efforts on learning the how and why of the wide-open operation of handbooks and other gambling dives in Chicago.

Comparative figures on crimes reported are shown in the following table:

	1933.	1940.	1941.
Murder	353	231	229
Manslaughter	164	75	69
Statutory Crimes ..	165	134	144
Robbery	15,146	5,399	4,991
Aggravated assault .	2,588	1,501	1,544
Burglary	22,010	10,291	9,826
Larceny	21,068	15,768	16,439
Auto thefts	26,660	2,836	3,462

In its efforts to suppress crime in 1941 the Police Department was helped by the City Council which added 211 recruits to the department to bring its total personnel to 6,587.

An Example of Systematic Police Training—Mr. Carl Ekman, Chief of Police in Evanston, Illinois, has issued an order to the effect that every member of his force shall have training in traffic safety, over a three weeks term in the Northwestern University Traffic Institute. This training will be begun and completed in the month of March.

By the same order it is made compulsory for every member of the Department to complete satisfactorily a course of instruction in first aid, as offered by the Red Cross. This training has already started. Every member must have had instruction in criminal law and procedure. He must also have acquired a familiarity with such fundamentals as are customarily associated with the prevention of delinquency and crime. But Chief Ekman, fortunately, keeps another essential in mind: Training for skill in shooting. He wants his men to know "which end the bullet comes from."

Latin American Congress of Criminology

Following is an abstract of Resolutions adopted at the second Latin American Congress of Criminology that was held at the University in Santiago, 1941. (Translated by Melvin Yocum from *Criminalia*, Mexico City, for September, 1941.)

Article I

The Congress declares that: (1) Reform of the whole penal legislation is necessary; that it should embrace not only the actual laws, but also the rules for procedure and administration necessary for the harmonious functioning of the institutions concerned;

(2) If it is not possible to realize full reform immediately, partial reforms should be initiated.

(3) All reforms should stem from the conclusions reached by wise use of modern technological knowledge; should be adapted to the peculiarities, ideologies and possibilities of each country; should consider amply the personality of the delinquent in all his different aspects, as well as the motives of his anti-social conduct.

(4) The reforms should be in complete harmony with the principles of democracy, providing especially that in the social defense against crime, a perfect balance may be maintained between the rights of the individual and those of society.

(5) It is possible to make the penal legislation in force in the countries of Latin America uniform in respect to some matters; among others, those that refer to defense against habitual delinquents, professionals and dangerous recidivists; recognizing sentences pronounced by the courts of any other country; the struggle against international delinquents; extradition, with respect to nationals, and maintenance of the principle of no extradition of political criminals; the publicity of penal processes.

Article II

In view of the existence in America of activities that stem from the foreigner, which imply hostility to the principles of democracy and liberty, the Congress believes it opportune to formulate the following fundamental declarations:

(1) That immediate action is necessary for the prevention or repression of those activities that conspire against the sovereignty of the American nations and that are aimed at substituting political regimes of force for those based in democracy and liberty.

(2) That those activities should be considered criminal that are directed toward creating foreign or national communities and associations as representatives of systems or regimes contrary politically to those established in the countries respectively.

In respect to political and social crimes the Congress recommends: that in determining the notion of political or social crime a subjective criterion may be used, in the sense of fixing attention on the motive of those deeds that are against the organization or the functioning of the State, or against its foundations.

Article V a

The Congress recommends: to designate by the title "Institute of Criminology" those penitentiary organizations that are charged with the examination of the personality or delinquents.

Article VI

The Congress values but it does not recommend, for the present, any system of classification for convicts.

Article VII

Recognizing the necessity of making uniform terms in penal matters the Congress recommends that as soon as the Executive Committee in charge of the next Congress is organized, a commission be designated to elaborate a plan for definitions in Penal Science, to be presented for the approval of the Congress.

Article VIII

The Congress recommends: (1) The policy of returning violators only on the basis of new criminal acts.

(2) Consideration of habitual offenses in the light of the environment surrounding the delinquent at the time of his crime, and for the removal of the source of the aggravation.

.
(4) Adoption of the indefinite sentence as the only adequate treatment for the dangerous repeating offender.

(5) That dangerous repeating offenders be not favored with indulgence or provisional liberty during their trials.

Article IX

The Congress recommends the suppression of short sentences for which other measures should be substituted, such as subjection to vigilant authority; the reorganization of the individual's economic resources; the conditional sentence; obligation to work.

Article X

The Congress declares: (1) That those who attempt offenses against Public Economy should be considered criminals and punished.

(2) That the following should be held to be economic crimes: (a) Acts of producing artificial change in the prices of articles of prime necessity; (b) The willful destruction of wealth; (c) The exploitation of the media of producing wealth; (d) Usury; (e) The holding of goods to produce personal gain at the expense of the social group.

.

(4) That the governments should take special care to redraft laws that refer to economic crimes, especially in respect to trusts and monopolies.

Article XI

The Congress declares that to procure harmony between the interests of the individual and those of society it advocates the following:

(1) Creation of the Ministry of Individual Interests, or of Defense, as the organ that assumes the defense of the accused in trial in order to guarantee his rights;

(2) Suppression, where it exists, of the practice of uniting the offices of judge, prosecutor, and defense in trials.

(3) Division of the phases of the trial into one of instruction and one of judging, on the basis of the accusation of the Public Minister, both phases to be referred to different courts.

Article XII

The Congress declares that without pronouncing upon the convenience or inconvenience of a classification of mental infirmities, it becomes necessary to reach an agreement between the jurists and the psychiatrists so that the legal texts may be purged of those antiquated terms that they still contain and which are not acceptable to the psychiatrist.

Article XIII

The Congress declares that perverts should be subjected to appropriate treatment.

Article XIV

The Congress declares that since actual biological knowledge is not available at present, it is not possible to promote eugenic methods against a probable criminal descendant.

Article XV

The Congress declares that the conclusions of psycho-analysis should be considered among those modern systems of study of repression of crime.

Article XVI

The Congress declares that the execution of sentences should be entrusted to a regime that assures discipline, work, education, physical and mental hygiene, and that toward this end the necessary establishments should be procured.

Article XVIII

The Congress recommends: (1) Incorporation of conditional liberty in all those

American countries that have not already provided it.

(2) Immediate establishment of Patrons of Liberty, where they do not exist, as an essential complement to conditional liberty.

(3) Examination of the personality of the delinquent before granting Conditional Liberty.

Other Conclusions

The Congress advocates the establishment of a Permanent Office of Criminology to be located in Buenos Aires, to be called "American Union of Criminology".

It advocates the suppression of the death penalty and flogging in the Americas.

It proposes to invite representatives of the United States of North America to attend the next meeting of the Congress in Rio de Janeiro.

"Institutional Statistics" Eliminated—The Budget of the United States as prepared by the Bureau of the Budget reveals that all appropriations for "Institutional Statistics" in the Bureau of the Census have been eliminated in the Fiscal Year 1943. This means that the decennial enumeration of institutions, including jails and juvenile institutions last taken in 1933 and scheduled for 1943, will not be taken. It also means that the annual enumerations of prisoners and of mental patients dating from 1926 and of Judicial criminal cases dating from 1932 will be terminated with little chance of restitution within the foreseeable future. Final decision rests, of course, with the Congress. (From C. C. Van Vechten, Chairman, Committee on Criminal Statistics.)

Thirty-Nine Officers Graduate from Fifteenth Short Course—Thirty-nine police officers, representing 21 municipal and five state police departments, were graduated from the Traffic Institute's 15th semi-annual Traffic Officers' Training School, conducted October 13 to November 1, in Evanston.

Officers who attended the course were: Patrolman Carl C. Alexander, Hampton, Va.; Patrolman Robert L. Baker, Newburg, N. Y.; Sergeants Daniel J. Barrett, Lloyd J. Far, Edward A. Kenney, John E. Kile, George Kingery, Gerald L. Plowman, Harry P. Richelsen and Robert C. Winder of the

Illinois State Highway Maintenance Police; Patrolman James D. Berube, Highland Park, Ill.; Sergt. Charles E. Brantley, Centralia, Ill.; Patrolman T. W. Derrick, South Carolina Highway Patrol; Sergt. John M. Flaherty, Tampa, Fla.; Lieut. Fred P. Hamilton, Charleston, S. C.; Capt. William P. Hancock and Lieut. L. H. Ouellette of the Maine State Police and George I. Shaw, director of the Highway Safety Division, Maine State Police.

Sergt. Myron A. Harris, West Hartford, Conn.; Patrolman DeWayne Haugen, Rice Lake, Wis.; Patrolman C. T. Hembree, Columbia, S. C.; Acting Superintendent John D. Jeffrey and Patrolman George M. Morgan, North Dakota State Highway Police; Chief of Police Roy E. Larson, Orlando, Fla.; Capt. Henry T. Lee, Mississippi Highway Safety Patrol; Patrolman Joseph J. Lundregan, Harvey J. Rumsfield and Sigmund W. Wroblewski, Evanston, Ill.

Patrolman Earl F. Myers, Decatur, Ill.; Capt. David W. Robbins and Patrolman Thomas M. Newton, Greenwich, Conn.; Officer Frank Orzechowski, Manitowoc, Wis.; Chief of Police W. B. Owen, Bluefield, W. Va.; Patrolman Harvey F. Payne, Oak Park, Ill.; Patrolman Harry H. Rasel, Parkersburg, W. Va.; Patrolman Charles W. Sherman, Coldwater, Mich.; Sergt. W. L. Welch, South Bend, Ind.; Patrolman Crawford L. Wright, Battle Creek, Mich.; and Patrolman Warren W. Zimmerman, Alexandria, Va.

Emergency Traffic Law Enforcement Program Inaugurated—With the full cooperation of 10 governmental associations and the Provost Marshal General's Office of the War Department, the International Association of Chiefs of Police on November 14 set in operation an Emergency Traffic Law Enforcement Program designed to bring the rising traffic death rate to a halt.

Traffic Institute cooperation in the emergency plan has resulted in a suggested program for five-day Traffic Officers' Training Conferences. These conferences, emphasizing instruction in emergency traffic control measures, are being scheduled for each state. They are attended by enforcement officials who, in turn, instruct members of their departments in the techniques learned at the state schools.

The emergency program was adopted unanimously by the IACP Board of Directors at a special meeting November 14 in Washington, D. C. The program was concurred in by other governmental associations at a later conference.

Organizations which helped develop the program are: American Bar Association, American Municipal Association, Council of State Governments, Governors' Conference, International City Managers' Association, National Association of Attorneys-General, National Conference on Traffic Law Enforcement, National Conference of Judicial Councils, National Institute of Municipal Law Officers, Office of the Provost Marshal General, War Department, and the U. S. Conference of Mayors.

President Donald S. Leonard, in opening the joint conference, stated that the ETLEP must accomplish the following:

1. Redouble enforcement immediately to secure and hold a maximum reduction in traffic accidents.
2. Maintain such enforcement on a continuing program basis.
3. Concentrate police action on excessive speed, intoxication and other hazardous violations at the places and during the hours of greatest frequency.
4. Enforce traffic regulations on the basis of a reasonable, yet fully effective, interpretation of their intent.
5. Provide uniformity of enforcement procedures.
6. Treat all violators equally with special privilege for none.
7. Invoke appropriate penalties to deter all violators.
8. Relieve congestion through assignment of available personnel.

The national meeting was the start of a campaign which is being carried into every state. Beginning November 25 in New Orleans, a series of six regional meetings was inaugurated in the regions of the IACP State and Provincial Section.

Twenty-seven states and the District of Columbia have approved the ETLEP.

(Report of the Northwestern University Traffic Institute, the quarter ending December 31, 1941.)