

1943

## Current Notes

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## CURRENT NOTES

Parole in New York, 1942—With the greater availability of employment and the increase of work offered to prisoners eligible for parole there was a rise in the number of prisoners released to state parole supervision in 1942 as compared with 1941, according to the annual report of the New York State Division of Parole, lately made public by Frederick A. Moran, Chairman of the State Parole Board.

The Board paroled 3,232 indeterminate sentence prisoners in 1942 from State Prisons and Elmira Reformatory, an increase of 617 over the previous year.

The total number of men and women the State Parole Division had under supervision living and working in communities in this State and out of State during the year was 11,316, of whom 10,414 were parolees on indeterminate sentences and 902 definite sentence prisoners released by statute and not by the Parole Board. (The definite sentence prisoner automatically comes out of prison at the conclusion of his sentence, but is under the supervision of the Parole Division for the period which he has earned off his original sentence by good behavior in prison. The allowance for good behavior in prison is now set by the legislature at four months of each year of the term).

In addition to this number the State Parole Division also had under its jurisdiction during the year 526 released prisoners who had been deported or were in the process of being deported or who had voluntarily returned to their native lands but had not completed their maximum sentences. Also 329 who had been released to meet warrants on charges of crimes committed prior to their incarceration.

As of December 31, 1942, there were still under supervision, 8,421 men and women, in addition to 327 who were deportees still responsible to the Parole Division, 87 repatriation cases, and 134 warrant cases. During the course of the year 2,246 had completed their maximum term while on parole, 910 had been declared delinquent because they had not lived up to parole conditions, and 46 had died.

### *Annual Crime Rate*

Of the 10,414 indeterminate sentence parolees under active supervision in this country during the year, only 77 were convicted of committing, during the year, new felonies, the more serious degree of crime and the category punishable by State imprisonment. Only another 77 were convicted of committing misdemeanors, the minor degree of law infraction. The total 154 convicted of any degree of law breaking was less than 2 per cent of the 10,414 cases.

The Parole Board, however, found delinquent and ordered returned to prison an additional number, less than 4 per cent, of those on parole for indications they were lapsing or about to lapse back into crime. This action of the Parole Board is based on reports from parole officers supervising the parolees, followed by special study and decision by the Parole Board. Altogether 374 were ordered returned for such violations of parole which did not include conviction for misdemeanor or felony.

The 902 State definite sentence men under active supervision in this country showed a higher rate of crime and infraction of supervision regulations than the parolees. The fact they had flat sentences indicated they had at least one previous felony conviction to the one from which they were being released. While under supervision, during the year, 30 or more than 3 per cent of the total number under supervision were convicted of major

or minor law infraction. While the Parole Board has nothing to say about their release, it can return them to prison if they commit infractions of the supervision agreement they sign on leaving prison.

The Parole Board found violations of supervision agreement on the part of 98, or over 10 per cent of these definite sentence men, including those who were convicted of new law infractions while under supervision.

During the year, the State Parole Board held 7,504 formal hearings in the prisons and Elmira Reformatory with all three Board members present, of which 5,555 were for indeterminate sentence prisoners whose sentences had made them eligible for parole consideration. The other hearings were for definite sentence cases and for consideration of the cases of parole violators, either for determination of what amount of time parole violators should be required to serve or consideration of reparable after they had served a stipulated amount of time for parole violation.

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Criminal Justice in England—In *A Short Guide to Great Britain*, issued by the War Department to United States troops going abroad, there is a paragraph on British justice which reads: "He [the Briton] is also the most law-abiding citizen in the world, because the British system of justice is just about the best there is. There are fewer murders, robberies, and burglaries in the whole of Great Britain in a year than in a single large American city."

How accurate this statement is can be shown by giving a few figures from the Criminal Statistics for England and Wales, 1938, which are the last issued by the Home Office. In that year the total number of persons found guilty of offences of all kinds was 787,482, but 709,019 of these were for non-indictable offences, i.e. comparatively minor infractions of the law. Traffic offences accounted for over 60 per cent of all prosecutions, leaving 312,358 for all other offences. The number of indictable offences (serious crimes) was 78,463, of which about half were committed by adults. Only 8,612 of these were sufficiently serious to be tried by a jury, the remainder being dealt with summarily by the magistrates.

The murder figures are of particular interest. In 1938 only 84 cases of murder were known to the police. In 30 cases the murderer committed suicide. 50 persons were arrested, 47 being committed for trial. Of these 10 were acquitted, 18 were found insane, 1 was ordered to be detained under the Children Act, 1933, and 18 were sentenced to death but 9 of these had their sentences commuted to penal servitude. During prohibition days Chicago alone had nearly five times as many murders as all England and Wales combined.

Many reasons have been advanced for the law-abidingness of the English people, such as the homogeneity of the population, the small size of the country, the influence of the churches, etc., but I can only deal here with the machinery of justice on which so much depends, viz., the police and the Courts. Machinery cannot by itself guarantee order if the people are not prepared to work it properly, but it must function in an efficient manner if the criminal elements, which exist in all countries, are to be suppressed.

#### *The Police*

It is correct to begin any study of British justice with the police, for, as the Lord Chancellor said in a recent debate, "Most important in the British system is the British policeman." It is on his efficiency and integrity that the proper administration of the law is based. Until the middle of the 18th century there was no police force in England, peace being kept

by petty constables appointed by the justices. Their reputation was not high, as is shown by Shakespeare's Dogberry in *Much Ado About Nothing*.

The first step to improve matters was taken about 1750 when Henry Fielding, the famous novelist, who was magistrate at the Bow Street police court, employed regularly paid officers who were nicknamed the Bow Street Runners. In 1829 Sir Robert Peel as Home Secretary created the Metropolitan Police in London with headquarters at Scotland Yard. They were at first ridiculed and abused, being called "Bobbies" after their founder, but they soon proved their worth. In 1835 all borough councils and in 1856 all counties were required to establish similar forces.

Today there are about 60,000 police in England and Wales, including a few hundred women police who have been appointed since 1938. The chief constables are usually retired Army Officers, but in recent years promotion within the force itself has become more frequent. The standard for admission is high and the discipline strict; cases of corruption or of oppression are rare.

There is no "third degree" in England, and any charge that a confession has been extorted by force is always investigated with the greatest care by the Judges. In 1912 the Judges, at the request of the Home Secretary, drew up some rules as guides for police officers in which it was emphasized that the fundamental constitutional principle that a person should not be forced to give evidence against himself must be respected by the police. Experience has shown that obedience to these rules has not handicapped the police in the due enforcement of the law; it may be said that it has helped them because the general public and, especially the juries have confidence in their fairness and honesty.—From the *American Outpost*, London, May, 1943. The above is by the President of the *Outpost*, Arthur L. Goodhart, Professor of Jurisprudence in University College, Oxford.

The Herbert C. Parsons Memorial Award—Austin H. MacCormick, Executive Director of the Osborne Association of New York, was presented with the Herbert C. Parsons Memorial Award for "outstanding achievement in the treatment and prevention of crime" at the Fourth Annual Dinner of the United Prison Association of Massachusetts held at the Hotel Vendome on May 25. The presentation was made by Dr. Samuel A. Eliot, President of the John Howard Society of Boston, in the presence of 250 correctional officials and interested laymen. MacCormick, former Assistant Director of the U. S. Bureau of Prisons and one-time Commissioner of Correction of New York City, has been President of the American Prison Association and has long held leadership in progressive penal affairs. The Award, in the form of an illuminated scroll, commemorates the United Prison Association's late Honorary President Herbert C. Parsons, a former Massachusetts probation pioneer and administrator. A year ago, when the Award was first established, Sanford Bates, New York parole administrator, was named as the first recipient.

Arthur T. Lyman, State Commissioner of Correction who served as Chairman and James V. Bennett, Director of the U. S. Bureau of Prisons who came from Washington to give the principal address, both cited significant contributions being made by prison inmates everywhere to the war effort. Bennett appealed for added public support for the utilization of prisoner man power, and pointed out that many former inmates of penal institutions have already demonstrated their worth in the armed forces, in the maritime service, and in industry.

The Rev. C. P. Trowbridge, President of the United Prison Association, served as Toastmaster.