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Current Notes

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CURRENT NOTES

A Prison Library—The Library at the Penitentiary of the City of New York, maintained by the Department of Correction, is administered as a separate unit but it functions as an integral part of the educational program of the school, the several vocational shops, and for the inmate body as a whole. It serves every unit within the penitentiary proper, as well as the men housed in the dormitories, and the inmate patients confined in the large institutional hospital.

One trained professional civilian librarian is able to produce such a record, with one WPB assistant, and thirty inmate assistants. The librarian is responsible for the purchase of selected books, their proper cataloguing, classification, and preparation, and for their effective distribution, and for the purchase of all the necessary library supplies and bookbinding materials needed to keep books and magazines in the best physical condition.

In his dual capacity as Supervising Librarian for the Department of Correction, he attends to the functioning of prison libraries located at Harts Island, The House of Detention, New Hampton, Raymond Street Jail, Seventh District Prison and the "Tombs."

Though the Penitentiary library is not large, it has a collection of 13,500 books, both fiction and non-fiction, much of it gathered through cooperation with the Extension Division of the New York Public Library in particular, and by church periodical clubs, and friends of the library. There is a good reference section of 600 volumes. A special collection of 450 books dealing with criminology, penology, juvenile delinquency, probation, parole, legal psychology, fingerprinting, social case work, and drug addiction is maintained for the exclusive use of professional, technical, and custodial staff members. A pamphlet file of 6,000 catalogued items, a picture collection of 6,000 pieces, 160 magazines, 600 foreign language books, and 12 different newspapers—both English and foreign—interests the inmates.

A catalogue of the books in the library, each described in detail is mimeographed and placed in the hands of all inmates. Request slip forms are provided for each inmate on which he orders any of the books, magazines, or pamphlets listed in the catalogue. Every request is honored on priority, and filled at the earliest possible time. Since it is impossible to have each of the 2,500 men come to the library for their reading material, the library utilizes book trucks for the distribution of books and magazines to them. Each cell block within the institution has a representative who works in the library. An inmate reader may, however, come directly to the library if his request warrants such special consideration. If he wishes to refer to the various encyclopedias to make a special study of some school subject, or to prepare a particular article for the school paper, he comes to the library where he utilizes any of its resources.

Reading is stimulated by direct personal contact with the large inmate body, by school visits of special classes to the library, by the librarian's talks to special groups, by the review notes of books which are printed in the monthly inmate publication. Vocational interests are fostered by special feature articles, by questionnaires and contests, by the splendid exhibits received from the American Museum of Natural History, and by exhibitions of the inmate's art work. The librarian, Herman K. Spector, a favorite among the men, is zealous in encouraging the men to try their hands at poems and stories.

In the past year, this library circulated 17,864 magazines, 70,534 books of fiction, and 29,628 non-fiction. Among these were 2,624 foreign language books, 922 in Spanish, 703 in Italian, 271 in Yiddish and 215 in German. In addition, the library distributed 19,089 current magazines and 955 newspapers which were gifts.

The thirty inmate assistants in the library take a tremendous interest in their part of the work, keeping records, rebinding books and magazines, lettering, repairing, and shipping to other institutional libraries.

The inmates may avail themselves of library service as they wish. There is no compulsion about it. The extent to which the men participate in this informal education is best revealed by the fact that ninety-two per cent of the inmate body enjoy its services and each inmate reads on an average of sixty-five books per year.

Can anyone doubt that the prison benefits greatly from its library? It rightfully provides opportunities for self education and personal improvement, and carries its part of the whole program of rehabilitation.

Youth Correction Authority in New York—The Committee on Criminal Courts Law and Procedure of the Association of the Bar of the City of New York has examined and reported on: "An Act relating to the correction and rehabilitation of persons between the ages of sixteen and twenty-one convicted of violations of law, constituting chapter sixty-seven-a of the consolidated laws." (S., Pr. 1187, Int. 1030—Mr. Desmond) an abstract of the report follows:

This bill seeks to create a Youth Correction Authority composed of three members to be appointed by the Governor for nine year terms. The bill directs the Governor to appoint persons "who, by reason of their character, common sense, administrative ability and knowledge of matters pertaining to youth correction, are specially qualified to direct the work of the youth correction division. Each member of the Authority shall receive a salary of \$12,000 per annum. The Authority is directed to maintain its principal office in the city of Albany and to establish administrative districts with branch offices in other cities of the state. To the Authority shall be committed all youths between the ages of sixteen and twenty-one who have been convicted of any crime, unless the court imposes a fine or places the offender upon probation. When a youth has been committed to the Authority, it shall "examine him and investigate all the pertinent circumstances of his life and the antecedents of the violation of the law because of which he has been committed to it" (sec. 65).

The Authority after making such examination must determine the treatment that will be given to the convicted youth, which may be (1) liberty on probation, (2) confinement under such conditions as it believes in the public interest, (3) restoration to liberty on parole under such supervision and upon such conditions as it believes conducive to law-abiding conduct (sec. 66). The Authority may, however, order the discharge of a youth "as soon as in its judgment further control of such youth is no longer required in the public interest."

A youth committed to the Authority who was less than eighteen years of age at the time of commitment shall be discharged before he attains the age of twenty-one, if the crime for which he was convicted carries a maximum penalty of sixty days imprisonment. If the youth is over eighteen years of age in such a case, he must be discharged from the custody of the Authority within three years from the time of commitment. However, where the youth has been convicted of a crime carrying a maximum punish-

ment of sixty days imprisonment, the court may commit him to the Authority for a period not exceeding sixty days.

If the crime of which the youth was convicted carries a penalty of more than sixty days imprisonment (but less than death or life imprisonment), then the youth may be retained in the custody of the Authority until he attains the age of twenty-five years.

He may be kept in the custody of the Authority during two of five years more, by court order, in case he is a victim of "mental deficiency, disorder or abnormality." Applications for further extensions of control can also be made at the expiration of these periods.

To carry out its functions, the Authority is given power to make use of existing institutions and agencies and to enter into agreements with private institutions and agencies for the use of their services in the supervision, training and treatment of youths. It may also establish new types of training and detention facilities. The Act, however, does not give the Authority control over existing facilities, institutions and agencies.

The goal of the Authority is laudable and there can be no doubt that there is considerable justice in the charges which the sponsors of this bill make against the existing methods of dealing with youthful offenders.

"It is admitted by responsible public officials that Elmira holds many boys who should not be there. Why, then, are they sent to Elmira? Why are those who are needlessly so committed kept there? Is it the fault of the sentencing judges, of the Correction Department officials, of the Parole Board? It is not the fault of any of them but of an impersonal, legally circumscribed system. The judge pronounces sentence in accordance with the law defining the sentencing power. Upon sentence he sets the mold of treatment, designating the place and limits of time. He has nothing to do with providing adequate treatment facilities at institutions, or with creating new places of detention or with organizing training camps or farms for prisoners. The reformatory officials have to accept a youth who is committed to them and do the best they can for him even though they may soon discover that he, and society, would be better served outside of prison walls. They have nothing to do with altering the sentences. The Parole Board cannot release him until a minimum portion of the sentence has been served regardless of sound reasons for removing him from the unwholesome environment of a prison. The Board is not empowered to create new places of confinement or semi-confinement which could be used to advantage during the pre-parole period.

"In distributing authority and responsibility among different units of government for carrying out what should be a unified task of correctional treatment, the state blocks itself in its principal endeavor to rehabilitate offenders. Owing to lack of integration the system often cannot make a decisive change in treatment at the precious moment when an offender's favorable trends create the opportunity." (pp. 11-12, "Preventing Criminal Careers.")

These criticisms make it apparent that there must be changes in our methods of dealing with criminal youth in order to realize more effectively the promise of rehabilitation which they present. Should the needed reforms take the form of adopting the Youth Correction Authority proposal? There are many serious objections to it.

1. The estimate of the proponents of the Authority plan is that \$2,400,000 will be required to set up an adequately staffed Youth Correction Authority in this State. While it is argued that this cost will be largely offset by corresponding savings, the savings are more theoretical than real.

2. There is danger that in adopting the Youth Correction Authority the Legislature will simply make another "underfinanced moral gesture" in the correctional field. The treatment of offenders is only one of the

public services performed by the State. Agencies engaged in the treatment of offenders must compete for public funds with other public services . . . existing correctional agencies and other state departments. The Youth Correction Authority has no sounder arguments to justify its appeal for funds than other agencies. Scientific data is just as lacking for the Youth Correction Authority as for the claims of other correctional agencies. It is doubtful whether the budget-making authorities will be more receptive to the demands of the Youth Correction Authority than to the claims of other correctional agencies, Therefore,

3. It is questionable whether what funds may be available should not be used for the improvement of existing services and for the extension of facilities of existing agencies rather than for the creation of a new administrative organization. There is not a conscientious prison warden, probation officer, parole officer in the State who does not believe that his function is to re-educate and to rehabilitate rather than to punish. They will be further crippled to the extent that State funds are turned over to a new agency.

4. It is doubtful whether in view of the size of the task proposed for the Authority it can adequately perform all these functions. According to the estimates of the sponsors of this bill, a yearly total of 4,624 youths are now committed to institutions under the State Department of Correction or to county jails and penitentiaries. The Authority will have a daily calendar of approximately nineteen youths for whom it would have to prescribe the length of confinement and the form of treatment. These hearings take considerable time. In addition to sentencing in these new cases, the Authority would have old cases on its calendar which would come up for review. But the Authority must not only decide on matters of sentencing, it must also establish new types of correctional treatment and new institutions to carry them out. It is also required to keep under constant observation thousands of youths so that their release is not too long delayed. The working day of members of a Youth Correction Authority is just as long as that of any other public official.

5. The Authority's hearings would mean that witnesses, police, prosecutors and all interested agencies will be inconvenienced and taken from their duties and employment to appear before another tribunal far removed from the judicial tribunal where they probably have already once testified.

6. Serious questions of constitutionality are raised. A man twenty-one years of age may receive a maximum sentence for petit larceny outside New York City of one year imprisonment. A youth of sixteen may be held in confinement until his twenty-fifth birthday for the commission of the same offense, and may be kept in confinement even longer if a Supreme Court judge is of the opinion that his discharge is against the public interest. There is a limit to which reliance can be placed upon the fiction that confinement for the purpose of rehabilitation is quite a different thing from confinement for the purpose of punishment. Yet, only some such fiction makes it constitutionally possible to imprison one man for one year for a misdemeanor and another man for nine years or longer. No other provision of law makes it possible to retain in custody, after the maximum provided by law, an offender who is considered "abnormal" by a court. The categories of abnormality and the prerequisites of what is against the public interest cannot be marked out so clearly, objectively and scientifically as to justify an order which may call for the retention in custody of an individual for an additional five years.

7. The sound and progressive purposes underlying the bill can be at-

tained by measures which will be less upsetting to existing correctional arrangements and which will be less costly to the State.

(a) The state correctional system needs an adequately staffed diagnostic center and classification unit which determine types of treatment and particular institutions to which individual prisoners may be sent. This need exists for offenders over twenty-one as well as for youthful offenders covered by this bill.

(b) There is need for more diversified types of institutions to which youthful offenders should be sent. Other states and countries, particularly England, have experimented with a variety of informal types of institutions. Such new types of institutions as have proven their value should be established in this State.

(c) The law should be changed so that after an offender is sentenced by a judge, the Department of Correction shall decide the institution to which the offender shall be sent. With a diversified set of institutions and an adequate diagnostic and classification set-up in the Department of Correction, it will be possible for the officials of the Department of Correction to decide intelligently which institution fits the offender's needs, as under the Federal system, an offender is sentenced to the custody of the Attorney-General and he decides, through the Bureau of Prisons, the institution in which the offender shall serve his sentence.

(d) The law should be changed so that judges should not impose fixed sentences but should impose instead indeterminate sentences, between limits fixed by law, leaving the exact time of release to be fixed by the Parole Board after the case has been carefully studied in the diagnostic and classification center. An indeterminate sentence law is basic to any scheme which provides for rehabilitative methods for criminal youth.

(e) The present Parole Board might be enlarged so as to create a division for dealing with youthful offenders and which would work closely with the Department of Correction. The creation of a separate unit within the Parole Board to deal with youthful offenders would provide the specialized treatment of the problems of youthful offenders which is desired by the bill.

8. It is evident from the entire discussion that changes should be made in our correctional methods of dealing with youthful offenders. The Youth Correction Authority plan of the bill makes a radical break with the existing correctional organization and existing practices by setting up a new administrative organization to deal with criminal youth. We have proposed a program which will make it possible to carry out the progressive purposes of the Youth Correction Authority plan by incorporating them into the existing correctional organization of the State. It is recommended that the entire subject of the correction of criminal youth be objectively and scientifically studied.

The bill is disapproved.

Congress of Correction—The 73rd Congress of Correction, sponsored by the American Prison Association, was held in New York City, November 20-22, 1943. The Program Committee centered attention upon philosophy and practice in correctional treatment in a modern state; practical problems of administration projected by the war, and preparation for the post-war period.

The only formal paper was delivered by the retiring president of the A.P.A.—Richard A. McGee. All meetings were conducted according to pre-arranged panel discussions. Thus considerable opportunity was provided to obtain thorough consideration and provocative thinking. Well

directed group meetings and creative thinking—direct from the floor—smacked of the typical “town-meeting” spirit. The end result was a crystallization of policies, procedures, and programs in regard to all aspects of correctional problems as particularly affected by this war.

The disturbing practical problems engendered by the war were considered in the light of present actualities as well as ultimate end policies. Hence a reconsideration of the purposes of penal institutions was had. “. . . Is society best protected by a savage punitive philosophy under which the prison merely becomes a time capsule, or by a humane philosophy which recognizes the true function of correctional institutions to be the preparation of the offender for return to the free world by a program of training and treatment. . . ?”

Well directed discussions centered around the vexing problems of parole and selective service classifications. A strong and reasoned plea for the greatest use of our prison man power was made by an Army official who reminded us that “there never was a time in the history of the country when this manpower was needed more.”

Much attention was given to preventive measures. Can improved medical techniques and more extensive psychiatric services relieve our large prison populations? If society at large is to receive greater benefits from more intelligent prison administration, to what extent should we encourage inmate participation in formulating administrative policies?

Spirited discussion was given to the problems of the induction and enlistment of employees, probationers, inmates, and parolees. Is it possible, desirable, or feasible to close or consolidate penal institutions because of their declining populations?

To effect a larger number and more rapid release of inmates, how soon should the release preparation begin? Every administrator is perplexed by the problems of decreased personnel. Practical and provocative discussions centered about these questions: Which positions are really essential? How is a replacement to be made? Should correctional employees receive draft deferment?

The delegates were not satisfied with their industrial achievements. Though one official declared he himself observed “the destruction of a myth that employment of inmate labor is detrimental to our economic life”, others immediately took account of the problems still demanding clarification: how best to dispose of their products; how best to continue to extend rehabilitative efforts towards inmates; how best to continue to maintain cooperation among the states. What study will best reveal the extent and character of the future prison population? How will discarded war equipment and facilities be used? What measures must we now put into effect to offset and compensate for the inevitable let-down in prison activity and morale?

Now is the time to consider proper Congressional action which will assure the continuation of the splendid vocational training programs. What, however, can we do to have employers accept ex-prisoners after the war? Numerous other and related problems demanded that consideration be given to the creation of a committee on post-war planning. This group, to exercise its proper leadership, must have clearly defined duties and long-range objectives.

In light of the possibility that the prison population will increase seven times as fast as the general population, what plans for physical construction and rehabilitative programs must we *now* have on hand?

Careful consideration was given to the ensuing problems of the returned soldier—whether he be the staff member, probationer, parolee, or the discharged prisoner. How can he be properly rewarded for his “services”? Shall honorable discharge of a prisoner—if he was paroled or released from the Army service—effect a complete discharge of all his obligations to the state?

One of the most fruitful and engaging discussions evolved around this over-all problem: How can we demonstrate now that with many prisoners, an opportunity to render service in requital for their crimes is a more effective disciplinary experience and consequently a greater protection of society than the mere imposition of punishment?

Quite naturally, the theme of juvenile delinquency and its prevention involved considerable discussion. Due emphasis was placed upon the proper understanding of present statistical records and of their proper interpretation in light of the war situation. The recalling of the experiences of 1917-1918 clarified the picture. If a new wave of delinquency appears after this war, how well prepared are we to tackle such a problem intelligently and effectively?

If now we are determined to center our attention on its prevention, what course shall we follow in ameliorating the environmental conditions? How “spot” the potential offender? What can organized group effort do to combat this appalling problem? Has not the time come when we must all look at juvenile delinquency as a *total community problem*? Does too much dissection and “isolation” of this problem render our understanding too meager, and hence our prophylaxis too weak?

Since an increasing number of present offenders are below the military age what plan can we effect to insure their real participation in the war-effort? Must not the community itself—as a total organic system—provide and effect programs for the greater protection of youth so that they will not falter from their cherished place in society?

A vigorously constructive statement was made by Chief Probation Officer Joseph P. Murphy who reminded us that “today is the time to plan for changes which should include the integration of correctional services, extension and training of personnel, and readjustment of returning probationers to their natural setting.”

Separate committee meetings stressed the special contributions that each was making towards maintaining active support of the war effort in particular. Many new and vitally essential courses were added to the educational and vocational curricula of prison schools. Special book lists and a directory were prepared to help personnel and inmates know and feel that this war is essentially a struggle for the preservation of democratic ideals.

Classification procedures were scrutinized so that more qualified men could be made available for training and release. The general policy still remains: center all efforts around individualized treatment. Prisoners aid societies are determined to maintain their special achievements; yet as a measure of foresight, they are now stressing closer cooperation and integration of their work—both within prison departments proper and amongst outside agencies.

The Wardens' Association gave unqualified support to the principles of the A.P.A. They are revising their constitution and amongst other things they are holding each member responsible to fulfill his share in promoting the program of this Association.

The governors of 21 states sent messages commending prison war industries as a fine example of patriotism. Federal, state and city prisons placed

on exhibit a revealing series of some of the \$30,000,000 prison-made war and lease-lend goods.

The American Parole Association gave consideration to "revision or at least a re-thinking of our parole regulations and conditions"; and the problem of conserving the beneficial gains made as a result of the war".

The Association, after having made a field survey, adopted a definite program for leadership and technical services. It now issues a *News Bulletin* regularly. It made wide distribution of its report on parole legislation; it also published a directory which includes a digest of current pardon and parole laws.

Sanford Bates described the significance of this Congress in these words: "This meeting may be one of the great turning points in our long continued study and attempts to improve penal treatment in America. If this Congress has helped us to put even farther back in our consciousness, the word *revenge* and bring into more ready acceptance and more general application that higher and nobler concept of *requit*, it will be a Congress which neither we nor the world will soon forget".—Herman K. Spector, Chief Librarian, Department of Correction, New York City.