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Current Notes

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CURRENT NOTES

V. A. Leonard (Editor)

Fred E. Inbau—Professor of Law.—Fred E. Inbau has accepted appointment as Professor of Law in Northwestern University. He entered upon his new duties on February 1.

At that time he was made Managing Director of this Journal to succeed the late Professor Newman Baker. In this capacity he will be responsible for the business management of the Journal and for its promotion. He has entered upon this aspect of his work with characteristic vigor.

From 1932 to 1933 Mr. Inbau was a Raymond Fellow in Criminal Law at Northwestern University School of Law, for which studies he received his Master of Laws degree. Immediately thereafter he became a research assistant at the Scientific Crime Detection Laboratory, which was then (and until 1938) a part of Northwestern's Law School. In 1934 he became an Instructor of Police Science, and in 1936 an Assistant Professor of Law. He was associated with the Law School and its Laboratory until 1938 when the University sold the Laboratory to the Chicago Police Department. From 1938 to 1941 Mr. Inbau served as Director of the Chicago Police Scientific Crime Detection Laboratory, a position he resigned in 1941 to enter the private practice of Law which engaged his attention until February of this year, when he accepted his present appointment as Professor of Law at Northwestern University.

From 1934 to 1941 Mr. Inbau edited the Police Science section of the *Journal of Criminal Law and Criminology*, and has continuously served, since 1934, as an Associate Editor of the *Journal* itself. He is the author of "*Lie Detection and Criminal Interrogation*" (1942)—a reliable statement of the uses and limitations of the so-called "lie detector", and a guide to the tactics and techniques of criminal interrogations generally. Mr. Inbau's editorial associates and other friends congratulate him and wish him a great measure of success.

Research Project Into the Causes and Treatment of Juvenile Delinquency.

—Since 1925 Professor Sheldon Glueck and Dr. Eleanor T. Glueck have been carrying on a series of pioneer researches in criminology and penology under the auspices of Harvard University. Until some five years ago these studies dealt largely with determining the effectiveness of various forms of peno-correctional treatment. Since 1939, emphasis in the criminologic researches at Harvard University is on crime *causation, treatment and prevention*. A systematic and intensive attack on the problem of the causes of delinquency, its treatment and prevention is being made in a research in which 500 delinquent boys ranging in age from eleven to seventeen years are being compared with 500 non-delinquents matched by age, nationality, intelligence and socio-economic status, to discover what combination of forces and influences made the first group delinquent and the second non-delinquent. Each boy is given a careful medical and psychological examination and is photographed for measurement and classification into type of physique. Intensive investigations are being made of their family and personal history, and as each boy arrives at the age of 21 a further study and comparison of the two series will be made.

In addition to the study of crime causation, a contemporaneous follow-up of the delinquents is being made. Their behavior during various forms of peno-correctional treatment to which they are subjected in the course of their delinquent careers is being observed and recorded. This material, carefully assembled over the years, will furnish the basis for

determining what specific type of peno-correctional treatment is most suitable for each particular class of offender. At the present time there is no consistent practice on the part of courts to give an offender the kind of treatment to which he is best suited. This is due not only to certain deficiencies in criminal law and procedure, but to insufficient knowledge of the true psychologic characteristics of different offenders and how each type of personality is likely to respond to any specific treatment. In connection with the follow-up study of the offenders, careful investigation into the onset of their delinquent careers is being made, including the circumstances and apparent motives surrounding the commission of their offenses. These data may serve as the basis for practical means of predicting the origins and modifications of types of delinquent and criminal careers and for the redesign of preventive and treatment programs.

In the course of their researches, Professor and Mrs. Glueck have already constructed a series of prediction tables from which can be determined the probable subsequent behavior of various types of offenders during and following peno-correctional treatment. Their present research is providing the opportunity for checking and validating these tables, and for constructing new ones. Already, however, one of their series of prediction tables has been tested and validated by Army authorities on a group of men in the armed forces who were delinquents in civil life.

Thus far, Professor and Mrs. Glueck have deliberately refrained from formulating preventive and treatment programs on the ground that effective results cannot be achieved until the facts and forces involved in the origin and continuance of delinquency have been determined by carefully designed research. The entire series of investigations which they have been conducting since 1925 is pointing to an experimental program in which their findings concerning the results of various forms of correction and the causes, treatment and prevention of delinquency can be applied and tested.—*(Statement released by Harvard Law School, November, 1944.)*

Recommendations of the New York Prison Association.— On February 5, 1945, the Prison Association of New York presented the following recommendations to the State Legislature, as part of the 100th Annual Report of the Association:

1. *Review of Correctional Procedures.* It is recommended that there be a continued examination of the strong and weak points of the various activities relating to crime prevention, court procedures, probation systems, institutional administration, parole and aftercare, with a view to being prepared for the almost certain increase in crime following the war.

2. *Continued Use of the Manpower and Facilities of the Correctional Institutions of the State for War Needs.* It is strongly recommended that the Legislature assist in every way possible to maintain and increase the industrial output of our institutions for war needs. Further, there should be a definite planning for the future, taking advantage of as much of the demonstration as possible that the war has provided to prove the usefulness of prison labor for state or national government benefit.

3. *Rehabilitation of Persons Convicted of Crimes.* The penalties of a "record" continue no matter how good the inmate's subsequent behavior following release. In many cases rehabilitation is seriously impeded and both the individual and the community are injured. It is suggested that the restraints and disabilities imposed by law upon released felons be made mandatory only for a fixed period (five years) and that thereafter upon the showing of sufficient rehabilitation and by the unanimous vote of the Parole Board, these disabilities should cease to be effective.

4. *Crime Prevention.* The Association recommended that the Legislature act favorably on a proposal to create a New York State Youth Service Commission, stating that the problem of the young offender continues to be serious, regardless of how one interprets statistics, and is likely to be more challenging in the future. It is not anticipated that the proposed Commission will solve the problem of juvenile or adult crime over night, but it is believed that it will serve to broaden the sources of knowledge and facilitate the projection of experience into those communities seeking advice and guidance in the solution of their youth problems.

5. *Commitment and Distribution of Prisoners.* Commit to the Department of Correction for a comprehensive classification program, and for distribution of prisoners.

6. *Five year Maximum Sentence for the Elmira Reformatory.* It is contended that institutional routine with its intensive educational course and military drill is too much to expect inmates to bear for a long period of years. Further, an inmate who is unable to profit from the benefits of the program in five years is not likely to be helped by a longer stay.

7. *Constitutional Amendment for Veterans' Preference in Civil Service Appointments and Promotions.* The amendment passed during the 1944 session of the New York Legislature was regarded as untenable and its revocation was recommended. The Association considered the amendment unfair to most war veterans, the younger generation, most women, Red Cross workers, labor and agriculture, and civil service employes. The opinion was held that it made career service impossible. Further, it appears that the regulation was concerned primarily with competitive positions and did not include those positions which do not require competitive examinations. The Association submitted proposals designed to eliminate objections to the present amendment and provide a more reasonable method of giving preference to veterans.

8. *Retention and Expansion of Psychiatric, Educational and Other Professional Services for the Institutions of the State Department of Correction.* It is recommended that budget items providing for the professional services, including psychiatric, psychological, medical, educational and other allied fields, be approved, and all these services be restored to their former strength and expanded as time and conditions permit.

Other recommendations included: extension of farm activities through rent or purchase of additional farm land; extension of the authority of the State Division of Parole; improved probation services; restoration of the Central Guard Training School and mandatory appointment of Matrons in County Jails and Penitentiaries. The Association also recommended the enactment of a Sexual Psychopath Law which would make it possible to continue the confinement of sex offenders even after the expiration of their sentence, if in the judgment of competent authorities they are not reasonably safe to be at large.—*One Hundredth Annual Report of the Prison Association of New York, 1945.*

Sexual Psychopath Laws Upheld.—A recent decision of the Illinois Supreme Court upholds a 1938 statute regarding criminal, sexual, psychopathic persons. The statute defines such persons as those suffering from a mental disorder (not insane or feeble-minded) which has existed for not less than a year, coupled with criminal propensity to the commission of sex offenses. The law provides that the court may appoint two psychiatrists to report as to the defendant's condition with recommendations; and that before the criminal trial a hearing on petition shall be had, after notice, with a jury to ascertain whether the person charged is a criminal, sexual,

psychopathic person. In such hearing it shall be competent to introduce evidence of the commission by the said person of any number of crimes, together with whatever punishments, if any, were inflicted. The Illinois Supreme Court stated that it is within the power of the legislature to make a classification covering criminal, sexual, psychopathic persons and to apply it only to persons charged with a crime. It was the court's opinion that the statute was enacted to prevent persons suffering from such mental disorder from being punished for crimes committed during such periods, and that it is not unlike the statutes providing for an inquiry, before trial on indictment, into the sanity of one charged with crime.

Minnesota has a similar law but it is not a criminal statute. In that state a proceeding may be brought against an individual as a "psychopathic personality," which is defined generally as a behavioral difficulty rendering a person irresponsible sexually and therefore dangerous. Both the Minnesota Supreme Court and the United States Supreme Court have upheld that law.—(*Probation, April, 1944.*)

The State and Delinquency.—Reviewing the achievements of Michigan's youth guidance program for the past year, F. F. Fauri, acting director of the Michigan State Social Welfare Commission, directs attention to the fact that during the 1944 session of the Legislature, more laws for the welfare of children were enacted than were passed during the preceding twenty-five years. Preliminary to this session, a Youth Guidance Committee was appointed to conduct statewide planning and coordinate the work of state and county welfare officials. Supplementing the Youth Guidance Committee, which was made up of executives of six state departments and of local officials, was a Youth Guidance Advisory Council representing volunteer youth serving organizations. County committees were organized and a state legislative survey committee created which made important contributions. A preliminary review of existing services for children in Michigan was made, and a survey report, *Services for Children in Michigan*, prepared. The legislative committee proposed revision of the juvenile code governing the operation of the juvenile courts. Legislation that was finally enacted eliminated labeling of children as dependent, neglected or delinquent; authorized juvenile courts to handle cases unofficially; provided limited jurisdiction over parents; provided for an appeal to the circuit court from a decision in the juvenile court; and for commitment of youths up to twenty-one to the Michigan Corrections Commission on indeterminate sentence for correctional treatment and vocational training. A visiting teacher program was enacted into law to be financed half-and-half out of state and local funds. Not enacted into law was a provision in the proposed code establishing a state certification board to set standards for, and pass upon qualifications for county agents who are, except in the larger Michigan counties, workers in the children's courts.—(*Professional Council News Letter of the National Probation Association, November, 1944.*)

Whipping Post As an Instrument of Crime Control.—Someone has at long last made a study of the efficacy of the whipping post which for many years has been a disgrace to Delaware, and in a less conspicuous way to Maryland, where it is still used occasionally for wife beating. This form of punishment has been lauded as retributive justice of the right sort, particularly for wife beating and other offenses involving brutality. In an analysis by Robert G. Caldwell of the University of Delaware, it is revealed that public whippings may be inflicted in that state for no less

than 24 separate offenses at the discretion of the court. These offenses include poisoning with intent to murder (60 lashes), perjury (40 lashes), burglary, larceny, arson, embezzlement, counterfeiting, obstructing railway tracks, even "tampering, altering or destroying legislative bills or acts." The criminal code in Delaware reads that whipping shall be "inflicted publicly by strokes well laid on the bare back," the total number of lashes not to exceed 60.

Mr. Caldwell took as his original data 1604 cases of whipping from 1900 to 1942 inclusive. Of this number 68 per cent were Negro and 66 per cent were in the age range from 17 to 35. The use of the whipping post has declined, for in 1900 approximately 70 per cent of the prisoners convicted of crimes for which they might have been whipped were actually whipped, while in 1942 only about 7 per cent of such prisoners received lashes (57 in 1900 and 8 in 1942). Mr. Caldwell summarizes his findings of a follow-up study of later records of men who were publicly whipped in New Castle county (Washington) between 1920 and 1939. He concluded that the whipping of criminals did not effectively deter them from again committing a crime. Sixty-two per cent who were whipped once were convicted a second time, 49 per cent being found guilty of major offenses. Moreover, 42 per cent were convicted of crimes for which the laws of Delaware *prescribed whipping as a penalty*. Nor is a second whipping effective. After receiving at least two, 65 per cent of these offenders were again convicted of crimes, 57 per cent of these convictions involving major crime. The amount of recidivism was found to be greater among those who had been whipped than among those who were eligible for such punishment and did not receive it.

Mr. Caldwell's findings could have been predicted by any competent penologist. Regardless of the obvious objections to such a relic of medievalism as a form of crime treatment, it simply will not work. No man who brutally beats his wife becomes a gentle and considerate husband because he has been publicly whipped. Nor does it work any better for other offenses.

(Editor's note—The report of Mr. Caldwell is reminiscent of an account of a hanging in England during the period when capital punishment was assessed for a wide variety of criminal offenses. Five pick-pockets were paying the supreme penalty one afternoon before a large crowd of onlookers. Executions were public affairs in those days, presumably to exploit to the limit the deterrent value of capital punishment. At the conclusion of this multiple hanging, seven individuals reported that their pockets had been picked during this gruesome ceremony!—(*Professional Council Newsletter, National Probation Association.*)

Changing Concepts in Crime Control.—Chief John J. O'Connell, Chief Inspector, New York City Police Department, and Chairman of the Committee on Juvenile Delinquency and Crime prevention of the International Association of Chiefs of Police, has reported the results of a nation-wide survey made by this committee since May, 1944, of municipalities with a population of 25,000 and upward. Prevention programs are directly operated by police departments in fifty-seven cities ranging in population from 28,012 to 7,454,995, with from one to one hundred sixty-four police employes assigned to preventive work exclusively. Joint programs by police departments in collaboration with other agencies were found in twenty-two cities representing a range in population from 15,270 to 3,396,808. Police personnel assigned exclusively to the prevention project varied from one to one hundred twenty employes. Programs by courts and proba-

tion departments, and court programs conducted jointly with other agencies, were in operation in twenty-six municipalities with a population of from 23,652 to 587,472, and with police personnel assignments of from two to as many as twenty-four employes. Twenty-one cities ranging in population from 25,523 to 399,178 reported programs operated by various agencies of the city, state and county, in addition to programs of a community nature. Departments of welfare and education were found to be active. Community programs included organized activity on the part of councils of social agencies, and programs of civic organizations. Attempts at individual treatment, consisting of case study and effort to secure proper adjustment appear to be common to all programs. There is evident an increasing use of community resources for various types of therapy. Group treatment provided for by special programs, including recreation, is frequently mentioned.

Summarizing the results of this survey, the committee emphasized that the problem of juvenile delinquency requires a total effort by national, state and municipal agencies. It requires and will require leadership, cooperation and coordination—leadership in the community to stimulate interest in the problem, to gather and collate the facts, and to coordinate the work of public and private agencies upon an agreed pattern of action. An important contribution in the furtherance of this effort can be made by each agency, whether social, welfare, health, education, church, police, civic, industrial, business or labor. The prevention of juvenile delinquency requires a total community effort, to be participated in by parents, social workers, educators, clergymen, police, industrialists, labor leaders, business men and civic workers. The committee recommended that police departments without a program focused specifically toward the prevention of juvenile delinquency should make provision for this deficiency without delay. Police departments with such a program can cooperate with and coordinate other agencies of the community in working for the physical and moral welfare of youth. It was further recommended that police departments conduct in-service training programs for personnel assigned to this work.—(*Report to the 51st Annual and 3rd War Conference of the International Association of Chiefs of Police.*)

The Prison Journal One Hundred Years Old.—Those who are close to the activities of the *Pennsylvania Prison Society* are reminded that some phase of its long distinguished history has reached a milestone that calls for comment, if not for special celebration. In 1937 the Society paused to recognize its sesqui-centennial and now, in this year of 1945, it finds that the *Journal*, which it has been publishing, is one hundred years old.

So far as we can ascertain, the *Prison Journal* is the oldest publication dealing with the prisoner or with penal affairs, in this country, if not in the world. And, despite financial hardships, it has appeared uninterruptedly through all the years, although on occasions a little behind schedule.

For the first sixty-five years of the Society's existence, that is, from 1787 on, the pioneers and their successors translated its opinions and data to the public through its famous Memorials, a few pamphlets, letters, and an occasional editorial in the local papers. Into these public channels were poured the aims and policies of the *Philadelphia Society for Alleviating the Miseries of Public Prisons*, which was the title of the Society until 1887 when the name was shortened and modified as it stands at present. The effect of this propaganda was tremendous. The Society's first pub-

lication dates from February 25, 1790, and outlines its views on what a good prison should accomplish. In April of that same year the Pennsylvania Assembly designated the old Walnut Street Jail as a state penitentiary and provided for services recommended by the Society in this famous pamphlet.

But by 1845, after the organization had seen the failure of Walnut Street Jail and after it had sponsored the "dream prison" at Philadelphia where the system of separate confinement would be afforded a fair trial, it was apparently found necessary to unify and co-ordinate its propaganda and education. There was already in existence a propaganda organization that cast aspersions on the Philadelphia Society and its cherished system. This was the *Boston Prison Discipline Society*, whose doughty secretary, the Rev. Louis Dwight, was proving a barb to the convictions of the members. Dwight's reports following 1826 were flowery panegyrics for the Auburn System, rival to what is known as the Pennsylvania System which had taken root in the Eastern Pennsylvania prison. It is quite possible that the *Journal* came into being to meet this growing opposition.

Regardless of the reasons, about none of which we can be sure since none is recorded in the Minutes of the Society, it was suggested in the meeting of September 13, 1844 that a "Quarterly Journal might be issued . . . that would be calculated to convey useful information to the Public on the subject of Prisons and Prison Discipline."

The project was underwritten by Townsend Sharpless, prominent dry-goods merchant of the city and a faithful member of the Philadelphia Society. The first editor was Dr. Frederick Adolphus Packard, secretary of the Sunday School Union and an outstanding pamphleteer of his day. The initial issue of the *Journal of Prison Discipline and Philanthropy* appeared in January, 1845, as a quarterly publication.

This first issue consisted of 96 pages—quite a sizable publication for those days. Its contents are of some interest. The first article is entitled "Brief History of Penal Legislation of Pennsylvania," fourteen pages; then a paper "On the Influence of Separate Imprisonment on the Reason of Convicts" which was a reprint of a memoir read before the French Academy of Moral and Political Science, at its sitting on March 23, 1844. It ran into ten pages; the "Nineteenth Annual Report of the Boston Prison Discipline Society," six pages; the "First Report of the Prison Association of New York" twenty pages; a short article on prison reform in Italy; then follows a series of articles on county prisons, hospitals or asylums for the insane poor, on the Vermont and Ohio Asylums for the insane, and finally a list of miscellaneous notices. It is in this last section that the famous report on the Eastern Penitentiary of Pennsylvania made by Charles Dickens in his *American Notes* is reprinted, as well as the Society's rebuttal.

The *Journal* appeared as a quarterly until 1861 when, due to a rift in the *Society*, it was changed to an annual. This internal quarrel occurred over the appearance of an article in the *Journal* by the distinguished penal lawyer, William Parker Foulke, on the alleged unconstitutionality of a law passed by the legislature dealing with commutation of sentence of prisoners. He later was proved correct in his analysis but since the Society had interest in the bill, Foulke was denounced by many of the members. Dr. Packard, the editor, was censured also for permitting the article to appear. Both Foulke and Packard resigned from the organization.

On looking over the early volumes of the *Journal* one is not too favorably impressed with the type of material used by the editors. But they

doubtless had great meaning in their day. A few samples are: "Mortality Among the Coloured Population of Philadelphia," "On the Effects of Secluded and Gloomy Imprisonment on Individuals of the African Variety of Mankind, in the Production of Disease;" "On the Ventilation and Warming of Prisons and Other Buildings," and "How the Celestials Deal With Rogues." Reports from the workhouses of London and sentimental stories of delinquency in the British capital are gushingly related. Little, if anything, about Auburn or the Eastern Penitentiary at Philadelphia appears, although reports of the Board of Directors of the latter institution were frequently published.

But the *Journal* persisted although it was frequently starved financially. From 1862 to 1921 it appeared only as an annual. But during the regime of Albert H. Votaw it was renewed as a quarterly and has remained so up to the present.

As we scan the names of those who have edited the *Journal* we realize what brilliant talents were the heritage of the Philadelphia Society. Men who made their reputations in law, journalism and business shared the responsibility of preparing the publication for its small clientele, even now no more than 1,700. Among these, in addition to Dr. Packard, are Joseph H. Chandler, long editor of the *United States Gazette*, James J. Barclay, prominent attorney of half a century ago, Alfred H. Love, felt merchant and fanatical peace advocate, Edward Townsend, one-time warden of the Eastern Penitentiary, and later, John J. Lytle. Lytle was associated with the Society for over fifty years. He was succeeded by Albert Votaw and he, in turn, by the present secretary, Albert G. Fraser.

Since 1925, the Philadelphia Society, now known as the Pennsylvania Prison Society, has been a social case-work agency. Still dedicated to the purpose of assisting discharged prisoners as well as those who are serving their sentences, the Society remains a pioneer in its field. The *Journal* continues to interpret the policies and convictions of the organization and, in its modest way, carries considerable influence. This anniversary year the editorial committee has decided to present the four issues as an integrated whole, presenting a review of the progress during the past century in those special areas of penology in which the Society has been active.

The first number traces the development of ideas on the treatment of offenders as reflected in criminal procedure and its penal administration; the second number will follow the course of prison reform in institutional planning and construction, classification and education of prisoners and the problem of prison labor; the third issue will deal with the basic rights of the offender including the violation of those rights by police, jails and court, as well as a review of the loss of civil rights upon conviction; the final issue will deal with the subject, "The Offender as Part of Society." This will be presented in the form of a symposium on the relation of private agencies to society as well as the latter's stake in the re-adaptation of the prisoner.—(From *Negley K. Teeters, Professor of Criminology, Temple University, Philadelphia, Pennsylvania and Vice-President of the Pennsylvania Prison Society.*)
