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Current Notes

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CURRENT NOTES

V. A. Leonard, Editor

American Academy of Forensic Sciences—The third annual meeting of the American Academy of Forensic Sciences was held March 1, 2, and 3, 1951, at the Drake Hotel, Chicago, Illinois. D. A. W. Freireich, Chairman of the Program Committee, was in charge of plans for the conference. The program included more than thirty papers.

Swiss Juvenile Courts—As in most penal codes, in that of Switzerland minors are divided into classes according to their ages: 1) small children up to six; 2) children from six to fourteen years; 3) adolescents from fourteen to eighteen; 4) minors from eighteen to twenty. Small children at the upper end of the list are considered outside the Penal Code since they are not held responsible for their acts. Minors from eighteen to twenty years old (a minor according to the Swiss Civil Code is a person who has not yet attained his twentieth year) are subject to the Common Penal Code with two exceptions: a) obligatory or permissible modification of sentence on account of age, and b) separation from adult offenders. Minor offenders therefore come only in classes 2 and 3 above. For them in passing sentence, neither the act is considered nor whether it was committed with discernment. On the contrary, special stress is laid on understanding the personality of the offender, his character, his mental, physical and psychological outlook, and his environment. It is on this basis alone that the measures to be taken by the competent authority are laid down. According to this assessment of the personality, young offenders are classified into one of three categories, the first of which includes children or adolescents morally abandoned, perverted, or in danger thereof, or adolescents who have committed an act showing them to be dangerous. The authority prescribes "educative measures" which are continued until their object has been achieved. Concerning children no minimum is laid down, but treatment may be terminated when the minor reaches his twentieth year. Minors must be held for at least one year but must be released at the latest on reaching twenty-two years of age. For minors who are "morally abandoned, perverted or in danger thereof," the measures must be continued for at least three years but not in excess of ten.

The educative measures are of three main types. One is limited freedom, prescribed when it is not necessary to separate the minor from his family or social environment. The authorities in this case lay down the directive lines and they may also ask the help of private associations for their enforcement. In a second type of corrective measure, minors are separated from their families, but are placed with another trusted family so that the influence of the foster home replaces that of the natural family. The third disposition is commitment to a reformatory. These are the same broad categories familiar in juvenile court procedures in the United States. The competent authority in all these cases is charged with supervision of the education of the minors. The "competent authority" is fixed, according to the Penal Code, by the cantons. In the code the term "competent authority" as against "tribunal" or "judge of minors" was adopted due to the difficulty of the sparsely populated cantons to establish a special court for young offenders. Each canton fixes the authority before whom the charge is made as well as that which will carry out the investigation. The number of institutions necessary according to the Swiss Penal Code is large and therefore the code permits cooperation

between the cantons. For this purpose Switzerland is divided into five penal regions, and the code permits the transfer of the minor from one region to another on payment of a fee. In addition federal subsidies are available to private and public institutions, and the right to place minors with private agencies is granted provided the rules of the code are adhered to. (Thus in Suisse Romande the majority of the reformatories are private institutions established and run by associations.) The authorities can also ask help from such private agencies as the Association for Abandoned Children in placing and supervising minors. The overall supervision of private and public institutions is carried out by the Confederation.—By Helen D. Protopapadakis, Lawyer Supreme Court of Appeals, Athens, Greece. *Focus*, January 1951.

New York Legislature Considers Penal Legislation—The Prison Association of New York recommended to the 1951 N. Y. Legislature changes in procedure which characterize important trends in correctional administration. Included among these recommendations are the following:

Extension of the Youthful Offender Law to Include Offenders 19 and 20 Years of Age. It was recommended that the Code of Criminal Procedure be amended to provide that offenders 19 and 20 years of age may be eligible for consideration as "Youthful Offenders" under the existing provisions of this Title. The existing "Youthful Offender" law provides its facilities to those 16, 17 and 18 years of age. The recommendation extends the age limits to 19 and 20 years of age.

Amendment of the Youthful Offender Law Concerning Determination of Arrest. It was recommended that the Youthful Offender Law, Title VII, Section 913-n of the Code of Criminal Procedure, be amended to provide that offenders so determined may legally deny the element of being taken into custody, in keeping and in harmony with the present legal basis for denial of conviction. The development of the Youthful Offender Law stands out as one of the most notable advances in the Treatment process of adolescent youth brought before the courts. Now that the law has had opportunity for experimentation and extensive usage, and has proven to be a sound and useful technique of treatment, certain revisions appear necessary in order to preserve the original intent of the Legislature at the time the law was enacted in 1943. It would seem that the philosophy of the law is vitiated by the very fact that the taking into custody of a youth later adjudged a youthful offender is noted as an arrest. The original legislative intent was that a cloak of security be thrown around the entire proceedings in order to protect the youthful offender in later life from the stigma of a criminal conviction. If conviction need not be public information, certainly the taking into custody on the instant offense should not have to be disclosed. This feature is particularly important in obtaining employment as well as enlistment in the armed forces. The Association recommends that Section 913-n be amended to read: ". . . and no youth shall be denominated a criminal by reason of such determination, nor shall such determination be deemed a conviction, nor shall the taking into custody of a youth for an offense for which he is subsequently adjudicated a youthful offender be deemed an arrest."

Treatment of Narcotic Addicts. An alarming increase in the use of narcotics by adolescents has been reported by competent authorities in the metropolitan New York area. This has resulted in the formation of study committees by various organizations. The most all-inclusive is that to be conducted

by the Welfare Council of New York City in co-operation with many public and private agencies including those of enforcement, treatment and prevention. It is anticipated that legislative recommendations will be submitted in 1952. In the meantime, it is suggested that this matter be kept in mind with the knowledge that a study is in process leading toward specific recommendations.

Advisory Committee on Correctional Industries. It is again recommended that the legislature authorize the formation of an advisory committee on correctional industries within the Department of Correction to aid in the development of an adequate work program for prisoners. Such an advisory committee is necessary particularly this year in light of increasing demands for production in the interests of the defense and mobilization program. Anticipating the industrial recruitment of prisoners in this and other states the formation of such a committee would assist in the development of this phase of the correctional program on a sound basis.

Extending the Power of the State Board of Parole in Certain Cases. It is recommended that the State Board of Parole be empowered to determine and specify the portion of the remaining maximum term to be served by an offender when the remainder of the previous term is over *five years* in those cases of parolees committing new felonies while on parole. Discretionary power should be given the Board of Parole to permit them to determine the amount of time to be served on the original sentence in the cases of those parolees committing new felonies while on parole. This recommendation would apply *only* to those whose remaining time to be served on the original sentence is more than five years. Present procedure makes necessary the service of the full maximum of the original sentence before the second sentence can be served. Parole, to be of greatest value, should be administered on an individual basis insofar as possible. This recommendation would further that viewpoint.

Re-establishment of Central Guard School. It is recommended that legislative support be given to the reopening of the former Central Guard School of the Department of Correction, which was one of the casualties of the pre-war depression days. Ever since its demise as a result of economy measures, its re-establishment has been urged. It is, of course, a moot question as to whether it was economical in those days to close this valuable training unit. It was a case of robbing Peter to pay Paul in that while funds may have been saved at the moment, more was lost in the failure of the Department of Correction to keep pace with its training of personnel. A competent custodial force can be had only with suitable and adequate professional training. To avoid guards becoming routinized themselves as an inevitable result of institutional life, and to encourage alertness, it is urged that intensive refresher courses become available through a central training unit. This recommendation has the backing of many uniformed men in the correctional service, and was likewise the recommendation of Sub-Committee No. 9—"Study of Jails, Lockups, and County Penitentiaries with Regard to Their Use for Minors"—conducted for the New York State Citizen's Committee for One Hundred for Children and Youth, in 1950, under the chairmanship of the Assistant Secretary of the Prison Association of New York.

Civil Service Status to County and Local Penal Institution Personnel. It is recommended that legislative consideration be given to the proposal that all custodial personnel engaged in the administration of county and local confinement units be under the provisions of civil service. Apart from politi-

cal reasons, which do not seem to be warranted, there is no logical reason why all correctional personnel in locally administered penal institutions should not hold their positions under the provisions of civil service. The personnel of the institutions of the New York City Department of Correction and some of the county penitentiaries have long been under civil service with standards approved by the State Civil Service Commission. County jail personnel, in the main, remain outside the advantages of civil service. The opinion is held that correctional work is of sufficient importance to require the best possible personnel from the point of view of training, experience and personality considerations. This is not possible when appointments are without the provisions and protection of civil service under the general direction of the State Civil Service Commission.

Provision of Internships Within the Division of Parole and the Department of Correction. Authorization of the Legislature is recommended for the provision of qualified internes within the parole and correctional units. The development of professional qualified career personnel is necessary for the leadership of the future. However, the military status of those qualified for appointment to such internships would preclude immediate consideration of this recommendation.

Improvement of Probation. Another recommendation of many years standing concerns the improvement of the various probationary services within the State. This included suggested subsidies by the State for the development of probation in those counties not now utilizing this progressive correctional technique, and extending the authority of the State Probation Commission to the point where its authority will be of greater value than is its present limited advisory powers.—*From a release by the N. Y. Prison Association.*

International Society of Criminology—The Board of Directors, elected at the time of the 2nd International Congress of Criminology in Paris on September 16, 1950, met at the Law School of the University of Paris on November 18-19 to elect officers and transact other business. Present were A. Molinario (Argentina), P. Drapkin (Chile), B. di Tullio, F. Grispigni and C. Erra (Italy), J. Graven and E. Frey (Switzerland), R. Grassberger (Austria), J. M. van Bemmelen (Netherlands), D. Carroll and H. Mannheim (England), Donnedieu de Vabres, J. Pinatel, D. Lagache, P. Piprot d'Alleaume and V. V. Stanciu (France), and T. Sellin (U.S.A.). Represented by proxy were: S. Glueck (U.S.A.), O. Kinberg (Sweden), J. de Benedetti and O. Loudet (Argentina), L. Ribeiro (Brazil) and E. de Greeff (Belgium).

Professors de Greeff, Kinberg and Sellin, who with di Tullio and Carroll had received the largest number of votes in the elections to the Board had given notice that they were not candidates for office. The following officers were then elected:

President—Carroll.

Vice-Presidents—Glueck, Grassberger, Graven and Molinario.

Secretary-General—Pinatel.

Associate Secretaries-General—Erra and van Bemmelen.

Treasurer—Stanciu.

Di Tullio and Piprot d'Alleaume were elected honorary president and honorary secretary-general respectively. It was furthermore decided that officers were to hold office for two-year terms but could be re-elected. A committee was named to revise the constitution (Coordinator: Sellin) and another com-

mittee (Coordinator: Lagache) to assemble nominations for the International Scientific committee created in September. The invitation of the Argentine Government to hold the next Congress in Buenos Aires in 1954 was accepted—*From a report to the editor.*

Prison Changes in Hawaii—On July 1, 1939, the newly created Department of Institutions assumed control of Oahu Prison. Proceeding on the premise that no program of rehabilitation could hope for success with prisoners confined in idleness, or engaged only in jobs on a menial level, a reorganization of Hawaii's prison system seemed in order, to provide an industry program, and a range of training opportunities as a foundation upon which such a program could be built. Toward this end regular psychiatric and psychological service has been established and a part time vocational counselor provided. The physical plant is being reorganized with a master plan in mind. Road construction, a logging enterprise, and an industrial crafts program are being initiated. Hawaiian prison statistics for the last decade reveal that the percentages for the groups from thirty years up have remained fairly constant over the years, showing only a one per cent increase in the ten year period. However, the increase from seven percent to 17 percent for the group under twenty years is highly informative and worthy of greater study. The twenty to thirty year group shows a decrease of 11 percent during the same period. Admission has remained fairly constant over the ten year period. Under Department of Institutions leadership, the old understanding of the prison as a place of punishment and isolation of offenders has given way to the broader and more enlightened concept that a prison should serve as a center of rehabilitation and treatment.—*Poahat Press*, Oahu Prison, Honolulu, reported in *Focus*, January, 1951.