

1957

Abstracts and 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

Abstracts and Notes, 48 J. Crim. L. Criminology & Police Sci. 315 (1957-1958)

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.

ABSTRACTS AND NOTES

THE PRE-RELEASE TREATMENT OF PERSISTENT OFFENDERS: THE BRISTOL HOSTEL

Among its other provisions the Criminal Justice Act, 1948 created new classes of sentence for persistent offenders. One such classification was established by the sentence of *preventive detention*. It is intended for the older recidivist and is based upon four primary considerations: The sentence is in principle preventive or custodial rather than punitive; it must be, so far as possible, reformatory; it must be passed in a prison situation suitable to the control of large numbers of experienced recidivists, and it should contain some element of indeterminacy.¹

In practice the sentences of men imprisoned in this way have been divided into three stages. The first stage, is passed in a local prison and in the case of a well-behaved prisoner lasts about one year. On transfer to the second stage, the prisoner is moved to one of four central prisons at Chelmsford, Northallerton, Nottingham or Parkhurst. Owing to the length of the sentences, which range from 5 to 14 years, the central prisons have been organised with a view to providing maximal facilities for open-air activity and for employment in association. As most prison buildings in Britain have passed their centennial, the provision of these facilities posed a considerable problem of building and modification.

Entry into the third stage is by selection. The selection is performed by a board under the presidency of a Metropolitan Magistrate, and at the present time about ten per cent of men in the second stage actually enter the third stage. Selection for the third stage brings with it two major privileges. In the first place the prisoner becomes eligible for release after serving two-thirds of his sentence, compared

to five-sixths which would be normal for men who remain in the second stage. The second privilege relates to the transfer to the Bristol Hostel of a chosen group of third stage prisoners.

The hostel has been built in the grounds of Bristol Prison. It is a self-contained building containing sleeping cubicles, a comfortably furnished lounge and a separate bathroom and kitchen. Supervision is in the hands of an Assistant Governor who acts as warden of the hostel and who is responsible for the needs and social welfare of the men. The rationale behind the hostel system is that experience in freedom is necessary in training men for freedom and its responsibilities. This note is struck at the outset for, on arrival, the prisoner is given a small sum of money and told "to go down the road and buy shaving utensils, notepaper and other small articles" which may be needed.²

Once in the hostel, the preventive detention men do not come into contact with the other prisoners at Bristol Prison. Before arrival arrangements are made to secure them employment outside the walls in regular positions in the city of Bristol. This has been achieved with the co-operation of the Ministry of Labor (a government placement service), the Principal Probation Officer for Bristol and the Central After-Care Association. Each man travels to work independently and few, if any, of his fellow-workers are aware that he is serving a prison sentence. From his weekly wage the prisoner is required to pay a fixed charge for board and room. He is allowed a reasonable sum to cover travel to work and meals while there. From the remainder he is required to send an allotment to any dependents who were

¹ Report of the Commissioners of Prisons for the year 1955. Her Majesty's Stationery Office, London, 1956.

² Report of the Commissioners of Prisons for the Year 1954. Her Majesty's Stationery Office, London, 1955.

TABLE 1
DISPOSITION OF PRISONERS RECEIVED INTO
THE BRISTOL HOSTEL⁴
Report to the end of 1955

Received from Parkhurst	32
Number in Hostel	7
Returned to Parkhurst	5
Number absconded	1
Number discharged	19
Number reconvicted	2

previously supported by relief agencies; the balance is placed to the credit of his account with the Post Office Savings Bank.

After working hours the men go to football games, church and the movies; they are free to accept the hospitality of the new friends they have made at work, to attend evening classes in the city and to shop for their own clothes. Many have been granted home leave during national holidays, such as Christmas, paying their own fare and taking a sum for living expenses from their savings account.

It will be apparent that there are unlimited opportunities for abuse of the freedoms offered, including the possibility of escape. While the Prison Commission retain the technical sanction of returning the man to a central prison for misbehavior, the major force operating towards socially acceptable behavior is in the atmosphere of the group itself. One year after the inauguration of the hostel, the Governor of Bristol Prison reported that "It appears now as if we are establishing a tradition and a 'way of life' which should be of incalculable benefit to the man after discharge."³

As the first group arrived in the hostel on November 30, 1953, it is premature to attempt to evaluate the success of this scheme at the present time. However, some interim figures are available and it may be possible to discern a trend from them. By the end of 1955 the following table was reported.

These results may be compared with the figures for reconviction of preventive detention men discharged in the years 1952 and 1953 combined. In the case of second stage men, the relevant percentage is 66 and in the case

³ *Ibid.* (Annual Report 1954).

⁴ *Op. cit.* (Annual Report 1955).

of third stage men the percentage reconvicted is 68. While the selective factor in admission of men to the hostel, and their retention in it, makes comparison difficult against an unselected population of preventive detention men, nevertheless the data suggest that the hostel system may be a valuable prophylactic against further recidivism. Other advantages are self-evident, such as the economic gains created by the removal of dependents from relief rolls, the provision of man-power for industry, the closer maintenance of family ties and the refurbishing of the prisoner's working skills. As a constructive step toward solving the problem of the transition from prison to society, the Bristol experiment will be of considerable interest to all who are concerned in criminal behavior.

BRENDAN A. MAHER

Department of Psychology, Northwestern University, Evanston, Illinois.

Are the Courts Handcuffing the Police?—

The current issue of the Northwestern University Law Review contains a series of articles by eminent authorities discussing the three main aspects of the question: *Arrest—Search and Seizure—Interrogation and Confessions*.

The writers who take the position that the courts do handcuff the police in such matters are:

James Francis Coakley, District Attorney of Alameda County, California

Virgil W. Peterson, Operating Director of the Chicago Crime Commission

Fred E. Inbau, Professor of Law, Northwestern University

The writers who contend that the actions of the courts do not constitute a handcuffing and are actually necessary for the preservation of civil liberties are:

Caleb Foote, Professor of Law, University of Pennsylvania

Monrad G. Paulsen, Professor of Law, Columbia University

Honorable Samuel S. Leibowitz, Kings County Court, Brooklyn, New York

Copies of the Review may be obtained at a cost of \$1.50 by writing to the Northwestern University Law Review, 357 East Chicago Avenue, Chicago 11, Illinois.