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Citizens' Groups and Penal Progress

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From a therapeutic standpoint, the study required in every case and the composition of the disposition court provides a better system for determining the disposition of cases than exists at present. Under the system in force at this time, it is discretionary with the juvenile court whether or not it will order a complete study of the child before it; under this proposal, the personnel of the Youth Service Board Facility would determine what kind of study is necessary in each case. Under the present system, if a child is committed to the Youth Service Board, the decision as to liberty or confinement is made by a single three-man board, which must pass upon all cases committed from every court in the state. Under the proposed system, on the other hand, the regional dispositions court would make the preliminary decision on this important question. If a change in status were made subsequently, it would be subject to the approval of this body. The task presently performed on a state-wide basis by the Youth Service Board would be performed by this regional court, which would have a smaller case load, and hence, be able to give closer attention to each case that comes before it.

Therefore, both from the point of view of the therapist and from that of the lawyer, it would seem that this system is an improvement over the one presently in force.

IX. Appeals

1. All appeals from findings of the juvenile court and the Court for the Disposition of Juvenile Cases shall be taken to the Court of Juvenile Appeals.
2. Appeals shall be allowed from a preliminary finding of probable cause for adjudication of delinquency or waywardness by the juvenile court.

Such appeals shall be limited to questions of law.

3. Appeals shall be allowed from a final order of the Court for the Disposition of Juvenile Cases.
 - A. Such appeals shall be limited to questions of law.
 - B. For purposes of this subsection, a "question of law" is defined as relating to a matter in which the decision of the Court for the Disposition of Juvenile Cases is rendered by the Chief Judge alone.

Comment: This section exists for the reasons given in the comment to Section VI. (See ante, p. 34.)

B—II

A proposal has been made to replace the present system in Massachusetts with one that separates adjudication from treatment, and integrates the disposition function. Court hearings have been divided into two stages. In the first stage, the judge, sitting alone in the juvenile court, finds the facts and applies the law to the case before him. In the second stage, the judge and two clinicians, sitting as the Court for the Disposition of Juvenile Cases, determine upon the disposition of the case before them. The disposition is made in terms of a choice between permitting the child to remain at liberty, and ordering him into confinement. The determination is based in part upon "behavior circumstance." The court is divided into two stages so that the judge alone will perform the purely legal function, and to permit the clinician to participate with the judge in taking responsibility for disposition. The treatment function, however, is taken away from the court entirely. A state-wide administrative agency, with certain discretionary powers, is established to carry out treatment. The agency is organized on a regional basis. The court system is set up in a corresponding way. Provisions have been included to bring about cooperation between court and agency. Care has been taken, however, to avoid a fusion between the two organs.

The theory of the proposal is that there are three separate functions to be performed in the case of a delinquent before the court. The first, determining "behavior circumstance," is legal. The second, disposition, combines legal and clinical considerations. The third, treatment, is clinical. The proposal, therefore, is designed to provide a method whereby these three functions may be carried out separately. The purpose is to avoid slighting any one of them, and thereby to provide a system of delinquency control in which all three functions are adequately performed.

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CITIZENS' GROUPS AND PENAL PROGRESS

VERNON FOX

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The material for this article was collected by the author's seminar in Social Action during the spring semester, 1956. Participating members of the seminar were: Mary Almore, Leslie Bauer, Frank Beauchamp, Gustav Bischoff, Worth Conn, John Connell, Sherman Goss, John Kilkeary, Glenn McClellan, Paul Murchek, Odessa Steyerman, and Elinor Welbes Gerston.—EDITOR.

Citizens' groups and private citizens have long been active in social reforms in America in the fields of mental health, labor relations, and other areas. Corrections, within the field of criminology, is the last broad area to be affected by social reforms as we know them. Penology, concerning itself as it does with jails and prisons, traditionally has been a low prestige area of social endeavor. It has been relegated to the entertainment world where crime does not pay, neglected by those helping and therapeutic professions that refuse to work wholeheartedly in an authoritative setting and researchers who do not have to tolerate apparent impediments to inaccessible and inaccurate data when more favorable attitudes are found elsewhere.

Further, society needs to punish the offender in order to righteously drain off accumulated aggressions against an out-group even though it intensifies the offender's problems. The long-range rehabilitative objectives of corrections is defeated by this process, however, and resulting anti-social attitudes make the offender more dangerous than before. At the other extreme, the sentimental kindness and "coddling" approach to corrections does not attack the problems of the individual offender, either, does not drain off aggression, though some satisfaction might be found in a masochistic sort of way through society's acceptance of responsibility for the situation and consequent dissipation of guilt.

The optimum approach to corrections appears to be the treatment approach, neither punishing nor sentimental, but a clinical attack on the problem of the individual offender. The social sciences have pointed this out over the past

century. In the area of corrections, these principles were formulated in 1870 at Cincinnati during the first meeting of the American Prison Association (now the American Correctional Association). Yet, American prisons have remained for nearly a century often largely without implementation of these principles, nor do they exhibit any predisposition for them. Only in a few places is administrative policy actively directed toward a correctional philosophy in the prison system.

PRESSURE FUNCTION OF CITIZENS' ASSOCIATIONS

The reasons for this lag appear to be obvious. Voting society does not understand the dynamics of human behavior that motivated criminal behavior nor the therapeutic processes that rehabilitate the offender. Politically appointed wardens and prison personnel desire or are generally satisfied with the status quo. The majority of prisoners come from a socio-economic strata in society with a low voting turnout and, in most States, are themselves disenfranchised by reason of the felony of which they had been convicted. Few other persons have any particular interest in prisons. Consequently, there is no obvious political advantage in prison reform. As a matter of fact, penal reform in some constituencies might well prove to be a political handicap.

The function of citizens' groups and private citizens, then, obviously becomes one of providing political advantage to penal reform programs. As soon as political advantage can be seen in penal reform, there will be legislators, governors, and other political leaders and candidates who will press for laws, appropriations, and social action in

the direction of improvement in correctional programs.

Private organizations interested in improving correctional services apparently began before the modern prisons. The Philadelphia Society for Alleviating the Miseries of Public Prisons was organized in 1787¹. Through the activity of this organization, the Quakers modified the old Walnut Street Jail and, in 1790, established the first modern prison in America under the famous Pennsylvania prison system of solitary confinement at hard labor where offenders could "meditate on the evil of thy ways". Pennsylvania has had a private prison society ever since, though perhaps not as spectacularly effective as that early Society.

METHODS OF GAINING POLITICAL ADVANTAGES FOR PENAL REFORM

There are several methods by which political advantage can be given to penal reforms, and all of them involve the development of an enlightened electorate, citizens of voting age, residence and qualification. One of the most effective, though slow, methods of developing an enlightened citizenry is to build in the State's universities and colleges an interesting, progressive, and dynamic course or curriculum in criminology and corrections. Within a few years after their building, progressive activity has been observed in the State's correctional systems. California, for example, first developed a corrections program in its universities². Subsequently, the present State organization of corrections went into effect. By consensus of corrections people, California now enjoys the most progressive prison system in the country. Whether it is causal in relationship or by coincidence, the same progression between the presence of university programs and progressive activity in the corrections system has been observed in Ohio, Wisconsin, and Minnesota. In Utah, the School of Social Welfare of the University of Utah developed sufficient interest so that it was permitted to make recommendations for improvement of the corrections program. These recommendations were enacted into law by the Utah legislature.

¹ Now the Pennsylvania Prison Society.

² California has no less than a dozen colleges and universities with active programs in corrections and/or law enforcement. The University of California at Berkeley has one of the better curricula in corrections in the nation, and includes the services of Professor Austin H. MacCormick.

Another method that has been successful in some areas and unsuccessful in others, apparently depending upon exigencies in the socio-political structure, is for newspapers or newsmen to carry out a campaign to enlist the sympathy of the electorate in behalf of penal reform. One of the more successful of these approaches occurred in Louisiana in 1952. The *Saturday Evening Post* carried an article depicting that State's prison system as "America's worst". Louisiana newspapers and commentators campaigned for improvement. Shreveport's radio station announcer and commentator, VanSickle, was particularly active, corresponded with "authorities" and made use of their replies on his programs. Louisiana borrowed Reed Cozart from the U. S. Bureau of Prisons, constructed a new prison, and revolutionized its correctional system.

Organizations seem to be more steadily effective than individuals in lending political advantage to prison reform. There are several types of citizens' organizations. The professional organizations, made up of persons working in the corrections field, serve the function of solidifying and crystallizing present gains while they seldom, but sometimes, make recommendations for future progress. Such organizations as the American Correctional Association and the National Probation and Parole Association and their counterparts on the State level function as vehicles of communication between persons engaged in corrections work, rather than as pressure groups for social action, even though resolutions are occasionally passed for the latter purpose.

Prisoner aid societies and organizations with prisoner aid programs comprise another type of organization, primarily designed to assist discharged prisoners with financial relief and employment. The prisoner aid society generally has no particular interest in the reform of the prison systems. Because of their primary purpose, prisoner aid societies do not provide political advantage for prison reform.

In some instances, pressure groups with broad interests have been instrumental in providing political advantage to improvement in the specific area of corrections. An outstanding example is in the progress made by the State of Georgia following some national publicity that aroused the Georgia League of Women Voters. Using the media within their organization and the distribution of pamphlets aimed at legislative action in the

area of corrections, the Georgia League of Women Voters in the past decade was partially instrumental in providing some political advantage to penal reform in their State. Religious groups, similarly, have occasionally interested themselves in penal reform, such as the South Dakota Council of Churches in Huron, S. D. and the Committee on Institutions of the Louisville (Kentucky) Council of Churches.

The citizens' group or association made up of lay citizens, the majority not connected in any way with corrections work, is the type of group generally most given to pressure functions. The membership of these groups are "socially-minded" citizens not hampered by vested interest in the status quo nor motivated by material gain in the event of change. Called various names from various viewpoints from "do-gooders" and "meddlers" to "broad-minded visionaries" and "social idealists", their interest is motivated by social concerns, their satisfaction the accomplishment of social improvement, with all the social and psychological elements of a meaningful crusade. Whatever their motivation, this type of citizens' organization appears to be most effective in lending political advantage to penal reform action.

In order to learn of the existence, activity, and results of such citizens' organizations and groups in the United States, letters of inquiry were sent to the governors' offices in all the States. Information was requested regarding "any private organization interested in the improvement of correctional services" within the State. Follow-up letters were sent to other sources in the States when it appeared that further information might possibly be available. The results of these letters, combined with printed reports from the various States, furnish the information provided in this report.

RESULTS OF THE SURVEY

No organizations of any sort were reported from Arizona, Arkansas, Colorado, Idaho, Indiana, Kansas, Louisiana, Maine, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming, a total of thirty-one States³. While this

³ Several reported organizations that did not meet the definition of "private organization interested in the improvement of correctional services" in the State. Nebraska and Florida reported a tax-supported youth

group constitutes a majority of the States in the union, only New Jersey has a correctional system considered by consensus among corrections people to be outstanding and that State is one most influenced by the Osborne Association, a national organization with headquarters just across the Hudson River. Further, Sanford Bates, New Jersey's long-time recent Commissioner of Institutions and Agencies was active in national and international penal reform organizations. With the notable exception of New Jersey, none of the above States enjoys an outstanding reputation in the field of corrections.

Jurisdictions which reported "prisoner aid" societies were Connecticut, Iowa, Maryland, Pennsylvania, Wisconsin, and the District of Columbia. The primary function of these prisoner aid societies is the assistance of prisoners and their families in their adjustment at release and during the parole period. In the District of Columbia, the Bureau of Rehabilitation established volunteer supervisors for parolees. The Connecticut Prison Association, originally a prisoner aid group, has supervised probation services in that State since 1903. The prisoner aid societies in several States, particularly Connecticut, Maryland, and Pennsylvania, consider themselves to have "watch-dog" functions in maintaining an improved corrections system.

Reporting the existence of "private organizations interested in the improvement of correctional services" were Alabama⁴, California⁵, Connecticut⁶, Florida⁷, Georgia⁸, Illinois⁹, Kentucky¹⁰, Maryland¹¹, Massachusetts¹², Michigan¹³, Missouri¹⁴,

commission type of organization. Several others reported groups interested in visiting prisoners and performing volunteer services such as are explained in LEON T. STERN; *Report of the Committee on Citizen Participation*, PROCEEDINGS OF THE AMERICAN PRISON ASSOCIATION, 1954, pp. 37-40.

⁴ Alabama Correctional Research Association, University of Alabama, University, Alabama.

⁵ Northern California Service League, 353 Kearny St., San Francisco, California.

⁶ Connecticut Prison Association, Room 205, 165 Capitol Ave., Hartford.

⁷ Florida Correctional Research Association, School of Social Welfare, Florida State University, Tallahassee.

⁸ Georgia League of Women Voters, Atlanta.

⁹ John Howard Association, Suite 2258, 608 S. Dearborn St., Chicago, Illinois.

¹⁰ Committee on Institutions, Louisville Council of Churches, Louisville, Ky.

¹¹ Prisoner's Aid Society of Maryland, Room 109, Old Town Bank Bldg, Gay Street at Fallsway, Baltimore, Maryland.

¹² United Prison Association of Massachusetts, 33 Mt. Vernon, Boston, Mass.

¹³ Michigan Correctional Association, a fluid organi-