

Summer 1963

## Reader Comment

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almost every one of the reports presented by participants from various countries were the following:

a) Poverty, illiteracy, superstition, and political conflicts are the main causes of crime, delinquency, and recidivism;

b) People migrate to urban and industrial centers because of lack of modern facilities in the villages. Such migrations have weakened the family structure, and more than migration itself, the breakdown of the family structure and other primary control units leads to crime. In the planning of programs for rural and urban community developments, consideration must be given to the specific problems of crime prevention;

c) There is a lack of reliable statistics upon which detailed analysis and reliable interpretation can be predicated;

d) The media of mass communication should be utilized to create a positive awareness of social problems, because conditions deteriorate rapidly in the face of indifference;

e) Penal codes must keep pace with social changes, to meet the need for individualization of justice;

f) Police must be oriented more and more towards crime prevention rather than towards mere crime repression; and

g) Because the prison system has proved ineffective in well-developed countries, the possibilities must be explored of implementing non-institutional programs, and other methods of crime prevention must be evaluated.

Although as a rule, Resolutions are not adopted at International Courses in Criminology, at this Course the participants were so eager to express their wishes that an exception was made and Resolutions were adopted. One of these dealt with the problems of "Teaching and Research." After acknowledging "the high technical level already

attained by the Hebrew University of Jerusalem for the training of its students," the Resolution expressed "the hope that the Institute of Criminology of this University, with appropriate external assistance, and under the auspices of the International Society of Criminology, will be able to expand its activities so as to provide training and field experience to students from other developing countries seeking it. And, to this end, suggests that this Institute, through the usual Israeli channels, explore with the United Nations, the International Society of Criminology and other international organizations, as appropriate, the avenues possible for expanding its programme and facilities to meet these expressed needs."

The Institute of Criminology is already trying to comply with this Resolution, in hopes that these wishes and aspirations may be fulfilled. Meanwhile *verba volant, scripta manent*, so we are just now preparing the volumes of the proceedings of this Course. In doing so we are also trying to keep in their pages something of the substance if not the spirit of the unforgettable atmosphere of agreeable companionship that prevailed during the entire Course.

Should this Course contribute, even in a small degree, in helping the new and developing countries to avoid the ordeal of trial and error of the long established societies, in matters concerning penal and criminological problems; and should the Course aid these countries in choosing only the best systems and adapting them to their own needs, then the efforts and energies devoted to this Course will have been successful.

ISRAEL DRAPKIN S.

Director, Twelfth International Course in Criminology, and

Director, Institute of Criminology, Hebrew University of Jerusalem

## READER COMMENT

January 9, 1963

Dear Editor:

I read with interest a recent article published in your *Journal*, Vol. 53, No. 4, December 1962, entitled "What To Do With the Psychopath?" I found that the author, Mr. James J. Graham, was well informed in his exposition of the Maryland

Defective Delinquent Law [MD. ANN. CODE art. 31B (1961 Cum. Supp.)]. However, I did find some items which require some correction.

Mr. Graham states, on page 452, that "... the statute provides for a possible detention in excess of, but never less than, the original sentence. . . ." He did not clarify this point when he mentioned

the *Eggleston* case (121 A.2d 698). This case referred to the diagnostic period rather than to the commitment period for a patient. The Appellate Court ruled that Patuxent Institution has the right to hold a man beyond his sentence for purposes of diagnosis. However, if diagnosis is completed before the original sentence expires, and the man is considered not to be a Defective Delinquent, he must be returned to the institution to which he was originally sentenced.

A second point requiring clarification also occurs on page 452 in the conclusion section. In the next to last paragraph Mr. Graham states:

"Some lawyers, and others, will object that the statute apparently makes no provision for a return to society of the rehabilitated psychopath whose original sentence has not yet expired. Instead, he must leave Patuxent and finish his sentence in a penitentiary. But as a practical matter it is quite likely that his medical records furnished by Patuxent to the penal authorities will weigh heavily in the prisoner's favor in questions of parole and pardon."

Section 13, paragraphs d, e, and f of Article 31B, delineating the duties of the Board of Review, clearly indicate the power of the Board to return a rehabilitated patient to society on varied forms of parole, ranging from one day to one year. The period of parole may also be extended or terminated by the Board of Review. These paragraphs also empower the Board of Review to petition the court to completely release the patient if in its review of a paroled patient, they consider him to be sufficiently rehabilitated to return to society without benefit of parole. The courts then make a final decision as to the disposition of the patient. In fact, the courts generally follow the recommendation of the Board of Review despite the sentence originally imposed.

The above-mentioned powers of the Board of Review are independent of the patient's original sentence. Parole, to any degree, may be granted while a patient's original sentence has not expired, or after the original sentence has expired.

Thus, a rehabilitated patient may, but need not, be returned to the penal institution to which he was originally sentenced.

If the courts decide that the rehabilitated patient should be returned to a penal institution to complete his original sentence, although Patuxent Institution considers him to be sufficiently rehabilitated to return to society, it is hoped that,

as Mr. Graham states, "... The medical records will weigh heavily in the prisoner's favor on questions of parole and probation." Our experience, however, has been that the courts usually accept the Institution's recommendations, and we have not had occasion to have a patient considered rehabilitated by Patuxent reviewed by the Board of Parole and Probation.

In conclusion, I should like to thank Mr. Graham for his article, and would like to extend to him and to any other reader of the *Journal* the opportunity of visiting the institution and examining it at first hand.

Sincerely yours,  
Harold M. Boslow, M.D.  
Director  
Patuxent Institution  
Jessup, Maryland

January 28, 1963

Dear Editor:

I am grateful to Doctor Boslow for his kind comments and also for quite properly clarifying my discussion of Patuxent Institution with reference to the statutory powers of the Board of Review.

I must confess, however, that I am curious concerning the extent to which the Board exercises its discretionary powers in regard to long-term offenders. In view of the difficulties involved in categorizing and treating the "so-called" psychopath, I would assume that the point of complete rehabilitation must be rather hazy in most cases. It would seem, therefore, that the length of an inmate's unexpired original sentence, as in the usual penal-parole situation, must, of necessity, be a large factor in the decision of the Board of Review to parole a patient from Patuxent or to petition the Court for complete release.

To be more specific, it is conceivable that a defective delinquent originally sentenced to a ten or twenty year term could be considered rehabilitated, in the usual sense, after a total period of confinement of one or two years. But will the Board, at that time, exercise its discretionary powers? If such action is not uncommon, have the courts generally followed the Board's recommendations for release in those cases?

I hope I haven't unnecessarily enlarged the scope of this discussion. An institution as unique and as progressive as Patuxent certainly deserves a much more complete exposition than was possible in my article. The above questions, however, may