CURRENT NOTES

Newman F. Baker [Ed.]
Northwestern University Law School
Chicago, Illinois

Interstate Handbook—The Interstate Commission on Crime has prepared a Handbook on Interstate Crime Control in the form of an attractive book of 142 pages. It is hoped that the distribution of this Handbook will be wide enough to make it accessible to law enforcement officials throughout the Country. The chart, listing the States which operate under the co-operative crime control legislation or compacts, shows a steady increase of adoptions. This is a tribute to the efforts of the officers and directors of the Commission.

The Handbook contains more than a discussion of the four acts originally sponsored: Fresh Pursuit, Extradition, Rendition of Witnesses and Interstate Parole and Probation. Found therein are materials dealing with legal forms for their proper enforcement and the additional topics: Firearms, Narcotic Drugs, Expansion of Federal Criminal Law, Crime Prevention, Criminal Statistics and State and Local Crime Commissions. It is a veritable reference book on interstate crime control.

In the Foreword an acknowledgment of the co-operation of the National Conference of Commissioners on Uniform State Laws, this book could not have recorded all the advances made to date. The uniform commissioners drafted the original uniform extradition act, the uniform witnesses act, the uniform firearms act, and the uniform narcotic drug act. The acts on such subjects, as they appear in this book, are based on these original acts, but embody important changes made in the light of actual experience throughout the United States since their original drafting. The cooperation of the Commissioners on Uniform State Laws and their generous attitude in accepting amendments to their basic legislation is but further evidence of the unselfishness of their service to the public during the past forty years.”

[Ed. Note: We are pleased to be able to draw attention to the Commission’s Model Extradition Act because the leading article on “Interstate Rendition” which appeared in the September-October, 1938, issue of the Journal of Criminal Law and Criminology did not refer to the work of the Interstate Commission on Crime in this field. The Pennsylvania case mentioned in the article, where rendition was refused to one forcibly brought into the state of asylum to serve a Federal sentence, is covered expressly by Section 5 of the Commission’s Model Extradition Act set forth on page 21 of the Handbook. In view of the great interest of the readers of the Journal in interstate rendition, students of the subject cannot ignore the valuable contributions of the Interstate Commission on Crime.]
Public Defenders—Mayer C. Goldman is known throughout the United States for his unceasing advocacy of the public defender system. For many years he had devoted his time and energy to the promotion of this cause. A recent communication to this Journal succinctly states his views upon the subject.

"U. S. Attorney Gregory F. Noonan, in revealing recently, that some lawyers assigned to represent accused poor persons, were guilty of 'chiseling' fees, endorsed the New York County Lawyers Association's suggestion, that a list of so-called 'public defenders' be compiled from lawyers recommended by various bar groups, to furnish volunteer lawyers, to serve without pay.

"This proposed plan is neither new, nor workable. It is fundamentally unsound. It will not now solve the problem of justice to the poor, any more than it has done elsewhere, where tested. The voluntary unpaid counsel system, always wholly fails, after the first enthusiasm wears off. It substitutes a desire to occasionally serve, for the definite duty and responsibility of said counsel to defend.

"Defense is a right—not a favor. It is based on justice—not charity. The proposed so-called 'public defender' is a misnomer. He would not in any sense, be a public defender, which means an official defender, who would defend whenever the spirit moved him—there being no compulsion on him to do so. The defense of accused poor persons, is a public function, if our so-called 'presumption of innocence' and 'equality before the law' are vital.

"Our present 'assigned counsel' system, is a dismal failure. It is farcical, if indeed, not tragic. It is as unfair to the accused, as it is to counsel.

"The real solution is a system of official defenders for indigents, having the same power and resources, to protect the accused, as the prosecutor has, to convict. Society owes a duty to the accused, to protect his right to a fair trial through competent counsel. It cannot be shifted, to volunteer unpaid counsel. Official public defenders have amply justified themselves in our country, as efficient and economical. Chief Justice Hughes and the 9 Senior U. S. Circuit Court Judges, former Attorney General Cummings, former Dean Clark of Yale Law School and numerous bar and civic groups, have approved that principle.

"Charitable, legal aid and other voluntary agencies, lack the funds to protect adequately, accused poor persons. Their existence proves conclusively, the imperative need for better defense, but they merely point the way inevitably, toward public defense. That alone, will prevent the present inequality between accused poor persons, possibly innocent, and gangsters and racketeers, probably guilty. It means the democracy of justice."

Prison Association Recommendation—The Prison Association of New York is authorized by law to make recommendations to the Legislature and each year we find the Association presenting concrete and progressive recommendations to that body. While not always successful the Association's increasing efforts have resulted in much new legislation making possible a better administration of justice and a more satisfactory treatment of N.
Y. prisoners. On the 1939 list are 19 proposals. Space prevents discussion of them all, and some are of local interest primarily. However the Association’s attitude toward the proposed Crime Prevention Bureau is worthy of reprinting here. It reads:

"Crime Prevention Bureau. Legislation should be enacted to establish a Bureau of Crime Prevention in the Executive Department, as recommended in Governor Lehman’s special message (January, 1936) on the improvement of criminal law enforcement. The old adage, an ‘ounce of prevention is worth a pound of cure,’ still holds. The Governor states, ‘This bureau should: (a) Stimulate State departments to develop their facilities and methods to control the factors entering into delinquency and crime. (b) Visit, study and evaluate conditions in communities throughout the State and advise local agencies as to the organization and development of needed programs. (c) Collate, interpret, and publicize statistics and reports relating to the problem of juvenile delinquency and crime. (d) As need arises, prepare and sponsor legislation bearing upon the many specific problems incident to crime prevention.’ This Association, although heartily in accord with the idea of a Crime Prevention Bureau and its functions as outlined by the Governor, desires to emphasize that one of the important functions of this bureau should be the development of a plan of crime prevention, setting forth not only the objectives but the technique of operation, to serve as a guide in the various communities. There also is need for an evaluation of the work that is being done by various crime prevention organizations. While the phrase, ‘crime prevention among our young people,’ is popular, it is true that there is a variety of opinion as to the various methods of approach and technique generally, with the result that the different agencies are proceeding without the necessary co-ordination of effort. In other words, there seem to be too many separate undertakings which well might be combined in the interest of economy and teamwork administration.”

Concerning parole, note the following: "It is recommended that additional parole officers be appointed in order to bring about close adherence with this section, which reads as follows: ‘... a staff of parole officers for investigation for the purpose of selection for release on parole or otherwise and for supervision upon release (be appointed), sufficient in number so that no such officer shall be required to supervise more than seventy-five persons at one time.’ The provision for an adequate and qualified personnel is the first step in the establishment of scientific and protective parole procedure.”

The Association advocates a state subsidy for probation. While the following may be a local proposal it is thought that it will be of great interest in those states where probation activities are handicapped because of insufficient local support. Probably this is true almost everywhere. At least the recommendation may be a way out. “State Subsidy for Probation. Although probation has been used as a method of dealing with those convicted of a crime in this State for more than thirty years, and regardless of the stimulation given by the State Division of Probation and the State Probation Commission, fourteen counties still have no probation
service, and five additional counties have no probation service for adults. With about three possible exceptions no community in the State has an adequate number of properly trained probation officers, and some of the large communities have as many as eight separate probation departments attached to the various courts, which function entirely independent of one another, and with no uniformity as to personnel standards or quality of work. The State Division of Probation does not have the authority to require local communities to establish probation services, to maintain minimum standards, to raise standards of existing departments, or to enforce its recommendations. Its powers are limited to inspection and supervision. The State has assumed full responsibility for the development of two forms of treatment for offenders, institutional care and parole, but has not assumed the same measure of responsibility for the development of probation, even though it is much less expensive and is proving effective in rehabilitating selected groups of offenders. Therefore, some additional impetus from the State is needed to further the development of probation throughout the State. This should be in the form of State subsidy to local communities, as follows: (a) This subsidy could be based upon the percentage of local expenditure for probation, possibly 25 per cent, provided the local service meets the standards established by the State Division of Probation. (b) These standards would necessarily be flexible, starting with the minimum agreed upon at the time the subsidy system was established and improving as time went on. (c) It was estimated in 1938 that the total cost for probation service throughout the State was $1,639,632.47. The additional cost of organizing and maintaining probation service in those counties now without probation service would not exceed $150,000 annually, which sum would have to be provided by the counties. The total annual expenditure for all probation service in the State would then be approximately $1,800,000. (d) Since there are many probation services which fall below the minimum standards now recommended by the State Division of Probation, the State would not have to expend 25 per cent of the total probation budgets as soon as legislation establishing the State subsidy was passed. In view of the above, for the first year or two the State subsidy probably would not exceed more than $300,000.”

New Probation and Parole Chief—

The following item, which appeared in the February, 1939, “News Bulletin” of the Osborne Association, Inc., will be of interest to our readers: “On December 17th, Dr. F. Lovel Bixby, Field Secretary of the Osborne Association, tendered his resignation, to become Chief of Probation and Parole, Bureau of Prisons, Department of Justice, Washington, D. C. The Association has been very fortunate in obtaining as his successor, Dr. George C. Minard, Professor of Education, New York University. Dr. Minard is also President of the National Conference of Juvenile Agencies and Educational Adviser to the Children’s Village, Dobbs Ferry, New York. Dr. Minard, while retaining his post at New York University will devote the major portion of his time to the survey of
institutions for juvenile delinquents
for the next year.”

Parole Conference—At the request
of the President of the United
States, Attorney General Frank
Murphy has announced a National
Parole Conference to be held at
Washington, D. C., April 17 and 18.
Every phase of the subject is to be
discussed. All groups—parole, law
enforcement, and judiciary will
present their views. The President's letter was as follows:

"January 25, 1939.

My Dear Mr. Attorney General:

I have long been of the opinion
that the effective administration of
parole in all jurisdictions would
promote our national well being
and for that reason I have recently
been concerned to observe wide-
spread misconceptions of the true
nature and purpose of parole on the
part of the public.

This suggests the calling of a
National Parole Conference in
Washington, D. C., as a means of
presenting the facts about parole,
reaching agreement as to desirable
standards and procedures in its ad-
ministration, and pointing the way
to closer co-operation between the
Federal Government and the gov-
ernments of the several states.

I shall appreciate it if you will
make the necessary arrangements
to take charge of such a conference
to be held during the middle of
April, 1939. I am sure that a large
number of our citizens as well as
legislators, public officials, the judi-
diciary, members of the bar, police
authorities, and prison and parole
administrators will welcome an op-
portunity to discuss the many dif-
cult aspects of parole administra-
tion and I believe that the findings
of the Attorney General's Survey
of Release Procedures, which is
about to be published, will provide
an excellent basis for such a dis-
cussion.

I shall be glad to give my support
to such an undertaking and to dis-
cuss the details with you at a con-
venient time.

Very sincerely yours,
FRANKLIN D. ROOSEVELT."

Crime Commission Meeting—For
the first time since its organization
the Chicago Crime Commission
held its annual meeting in public,
attended not only by the members
of the Commission but by 250 lead-
ing Chicago citizens. The meeting
was held at the Union League Club,
February 16, preceded by a dinner.
The following were elected to serve
as officers for the ensuing year:
President, Bertram J. Cahn; Vice-
President, Gerhardt F. Meyne;
Vice-President, Charles W. Berg-
quist; Vice-President, George W.
Rossetter; Secretary, Nathaniel
Leverone; Assistant Secretary,
Newman F. Baker; Treasurer, Wil-
liam Bartholomay, Jr.; Assistant
Treasurer, John D. Swigart.

Probation Progress—Partisan pol-
itics and lack of public under-
standing are two of the greatest
obstacles to the progress of proba-
tion, according to Charles L. Chute,
nexecutive director of the National
Probation Association. Mr. Chute's
statement appears in his article on
"Ideals and Realities in the Probation Field" in "The Offender in the Community," the Association's 1938 Yearbook. The publication is ed-
ited by Marjorie Bell, assistant di-
rector of the National Probation
Association.

"Some of the greatest difficulties
we have met are a lack of public understanding of the real nature and importance of probation resulting in limited laws and meager appropriations which in turn spell low salaries and inadequate staffs," Mr. Chute writes. "Secondly, we have encountered an evil faced by all public work in a democratic country—namely, the constant interference of partisan politics, especially in the appointment of probation officers. These are our greatest problems. Years ago at a national probation conference, Raymond Moley summed up these handicaps in the two words, 'parsimony and politics,' and the New York Times in an editorial once characterized probation as 'an underfinanced moral gesture.' With law standards in the community as to the qualifications of good probation officers, and the attractiveness of the position to many persons, it has been a hard struggle to remove the job of probation officer from the 'spoils' class and get it into the professional service class."

Despite these handicaps, however, there is a brighter side to the probation picture, Mr. Chute continues. He pointed out that, according to the latest census made by the association, there are 4920 probation officers now serving throughout the United States and Canada, an increase of 725 in three years. Of the 3972 counties in the United States, 2139 or 69 per cent have probation service of some sort. Many of the officers are part time officers or are paid by other agencies.

Juvenile Courts of Japan—Pursuant to a law passed for the protection and reform of minors "in moral jeopardy or those having committed offenses," juvenile courts have been set up in Tokio, Osaka, and Nagoya. The Japanese juvenile court is a special independent institution, subject solely to the supervision of the Minister of Justice. It consists of magistrates, welfare officers and clerks. The magistrate alone renders decisions; if there are several magistrates, they divide up the cases, and the senior magistrate acts as president. The welfare officers assist the magistrates in the investigation of the case and help the delinquent under the magistrate's supervision.

The juvenile court is competent to deal with young persons between 14 and 18 who have committed or shown tendencies toward committing infringements of the Penal Code.

The following, however, are excluded from its jurisdiction:

a. Young persons who have committed high treason and those attempting to destroy the independence of the State;

b. Young persons liable to punishment under the code of criminal procedure;

c. Young persons who have committed a crime involving the death penalty, hard labor or imprisonment for life or for not less than three years.

At the special request of the prefectural governors, the juvenile court also tries delinquent children under 14. The court investigates the offense and the child's entire history. The inquiry is carried out by a welfare officer and such other persons as he may summon to his assistance.

Pending final decision the court may order the minor to be entrusted to a protector, a temple (Buddhist), or church, or a wel-
fare institution, or to be placed under the supervision of a probation officer or in a reformatory or penitentiary.

As a rule the public is excluded from sessions of the juvenile court, but such persons whose presence the court considers advisable may be admitted. The publication of the proceedings is forbidden under penalty of imprisonment up to one year or a fine up to 1,000 yen.

Minors' cases are dealt with separately as far as possible, even if adults are implicated. For the sake of protecting minors from the influence of a criminal atmosphere the court may even have the minor removed during the depositions of witnesses and the pleadings of counsel, to safeguard the moral interest of the minor.

The court may adopt the following measures:

(a) Reprimand the minor;
(b) Instruct a school teacher to reprimand him;
(c) Require the minor to take a written oath that he will mend his ways;
(d) Return him under certain conditions to his guardian;
(e) Entrust him to a temple or church, to some welfare institution or an individual capable of reforming him;
(f) Place him under the supervision of a probation officer;
(g) Place him in a reformatory or a house of correction.

The last three methods of procedure may be prolonged until the delinquent reaches the age of 23. [Cf. the report of Dr. S. Motoji and M. Matsui to the International Penal and Penitentiary Commission.]

S. W. D.

Conference on Criminal Statistics—

A special conference on criminal statistics, which was arranged by the Committee on Statistics of Delinquents and Criminals of the American Statistical Association, was held at the recent annual meeting of this Association on December 27 in Detroit, Michigan.

Dr. Thorsten Sellin, Chairman of the Committee, presided at the first session of this conference which was devoted to the problem of collecting and compiling State criminal statistics. Dr. C. C. Van Vechten discussed the question of central State bureaus for the collection of criminal statistics and Dr. Philip M. Hauser of the Bureau of the Census discussed the need for State planning for uniform criminal statistics. Considerable attention was given to the Uniform Criminal Statistics Act which has been prepared by the Commissioners on Uniform State Laws. The question was raised as to whether or not the centralized collection of criminal statistics should be placed in an agency which was primarily engaged in the work of criminal identification and investigation, and the consensus of opinion seemed to be that criminal statistics would be of necessity subordinated to the more pressing work of identification and investigation where the two were combined in the same organization. The lack of any uniform plan or pattern of operation which could be followed by a State bureau in collecting criminal statistics was pointed out and the need for such a plan was expressed on the part of several of the State representatives.

The second session of this conference, at which presided Mr. R. H. Beattie of the Census Bureau, was devoted to a discussion of the
standard classifications used in criminal statistics. Mr. R. T. Harbo of the Federal Bureau of Investigation introduced the discussion of standard offense classifications. Mr. B. O. Odegard of the Wisconsin State Board of Control introduced the discussion of classifications of court dispositions and sentences. Mr. Bennet Mead of the Federal Bureau of Prisons introduced the discussion of classifications of methods of release from penal institutions.

At the close of the conference a unanimous resolution was adopted to the effect that the Committee on Statistics of Delinquents and Criminals of the American Statistical Association commence work during the next year on the formulation of a uniform plan of procedure which could be used by the various States in the collection of criminal statistics; further, that at the next annual session of the American Statistical Association another conference on criminal statistics be held, at which at least a preliminary report of the Committee be presented.

Among those participating in this round table conference were the following: Mr. Howard Hill of the Illinois Department of Public Welfare, Mr. Frank H. Leonard of the New York Department of Correction, Mr. James F. Wright of Syracuse University, Mr. Nelson Grills of the Indiana Judicial Council, Mr. Thomas G. Hutton and Mr. John M. McCaslin of the Indiana Department of Public Welfare, Mr. Allan Corthell of the U. S. Department of Justice, Mr. Seymour J. Gilman of the Michigan Department of Corrections, Mr. Gilbert R. Haigh of the Michigan State Welfare Department, Prof. George B. Vold of Minnesota, Prof. E. W. Burgess of Chicago, Prof. Donald R. Taft of Illinois, and Dr. Barkev S. Sanders of the Social Security Board.

California Report—In making its recent 40-page report to the Governor, the California Board of Prison Terms and Paroles urged that special attention be devoted to its treatment of the topics, Crime Prevention and Rehabilitation. Its figures show that in California, at least, the crime committed by parolees is of small importance. The Report reads:

"NEW APPROACH TO PROBLEM NECESSARY"

"It is the function of this Board to fix sentences and pass upon applications for parole of male offenders committed to State Prison. In the first discharge of these responsibilities we hear first-hand from the lips of these offenders their own versions of their crimes and their evaluations of the factors which have contributed to or determined the pattern of their conduct.

"After hearing thousands of these personal histories, and more specifically, after listening to an almost unvarying repetition of the same story of difficulties and delinquency in childhood, lack of satisfactory home conditions, supervision and training, it is the growing conviction of the Board, as we have stated in previous reports, that almost no real progress will be made until facilities for some new attacks upon the problem are made available.

"PREVENTION OF FIRST IMPORTANCE"

"The entire crime problem cannot be solved by sending a man to prison. This fact is brought forci-
bly to our attention when we realize that only an insignificant proportion of all those persons arrested for the commission of felonies ever reach a penal institution. The following table shows the prevailing situation in this regard in California:

<table>
<thead>
<tr>
<th>Fiscal Years</th>
<th>Reported Felonies</th>
<th>Arrests to Prison</th>
<th>Released Felonies</th>
</tr>
</thead>
<tbody>
<tr>
<td>1933-34</td>
<td>35,901</td>
<td>24,364</td>
<td>2550</td>
</tr>
<tr>
<td>1934-35</td>
<td>33,701</td>
<td>23,519</td>
<td>2124</td>
</tr>
<tr>
<td>1935-36</td>
<td>32,635</td>
<td>25,054</td>
<td>1958</td>
</tr>
<tr>
<td>1936-37</td>
<td>35,812</td>
<td>28,230</td>
<td>2156</td>
</tr>
<tr>
<td>1937-38</td>
<td>42,197</td>
<td>30,640</td>
<td>2230</td>
</tr>
</tbody>
</table>

"The above table shows clearly that there is an important need for emphasis on crime prevention.

"Except for the occasional or accidental offender, it is almost always true that there is an early record of delinquency, truancy or incorrigibility in the lives of the men who come before us.

"A warning signal is given but adequate corrective or preventive measures are not available or applied. The time and place to deal with an adult criminal is most often when these early evidences of potential or actual delinquency appear.

"We propose, therefore, and urge that the resources of the State be used to develop an adequate program of crime prevention which will reach into the home, school, and leisure time environments of these children and supply the facilities for guidance and training which now are certainly lacking. While we realize there is much to be learned about human behavior and the factors which control and influence it, much more is known than has yet been applied.

"The Board believes that a Crime Problems Committee should be established to conduct a survey of the whole field of crime prevention, punishment, and treatment; and to determine what existing agencies of the state have facilities which can be brought to bear on this problem, and at the same time, determine what essential facilities for a sound crime prevention and penal programs are lacking and how they should be applied."

The Criminal Justice Bill—This important bill was introduced into the House of Commons by the Home Secretary and embodies a wide measure of penal reform for England. The English "Journal of Criminal Law" states: "It seems to aim at the prevention of crime by the reformation of offenders rather than by their punishment, and judging by the reception of the bill in the House of Commons and by the public there is little doubt that it will in due course become law." A description of the new Bill was presented in the January-March, 1939, issue—pp. 123-136. Also the Bill was thoroughly discussed in the January, 1939, "The Penal Reformer," the entire issue being devoted to it. W. A. Elkin summarized the Bill as follows (p. 3-6):

**Probation**

The Bill consolidates the existing law and introduces certain changes affecting both the organization of
the probation service and the working of the probation system.

1. **Organization of the Probation Service.**

A case committee is to be formed in every petty sessional division to review the work of the probation officers in individual cases.

In every probation area there must be at least one male probation officer and one woman probation officer. (There are at present some areas with no woman officer.)

A State grant may be given to any body approved by the Secretary of State for the training of Probation Officers.

2. **Probation and Conviction.**

Under the present law, when an offender is put on probation by a Court of Summary Jurisdiction, no conviction is recorded; the Court makes an order "without proceeding to conviction." In the Bill, the words "in lieu of sentencing him" are substituted for this phrase. This applies equally to binding over without supervision or to dismissal after the charge is proved. The offender, that is to say, will be convicted, but provision is made for ensuring that this conviction shall be disregarded in connection with any disabilities imposed upon convicted persons, or in connection with any enactment which provides for a different penalty for any second or subsequent offense.

3. **Probation and Recognizances.**

No recognizances are required of persons placed on probation.

4. **Length of Probation.**

The minimum period for a probation order is fixed at one year (instead of six months). The maximum period of three years is left unaltered.

5. **Conditions of Probation:**

(a) **Residence.**

Where any order placing a person under the supervision of a probation officer contains a provision as to residence, the probation committee may contribute towards his maintenance. (This clause refers to "any order" without specifying a probation order. It would therefore apply also to supervision orders in respect of children or young persons in moral danger or beyond control.)

(b) **Mental Treatment.**

Where a Court considers that an offender, who is not certifiable under the Lunacy or Mental Treatment Acts, needs mental treatment, it may order him to submit to treatment as a condition of probation. Treatment may be given to him as a non-resident patient under a qualified medical practitioner, or as a resident patient in any institution within the meaning of the Mental Treatment Act, 1930.

The probation committee shall pay the expenses incurred, but the local authority may recover any part of the cost as may be agreed or ordered by the Court.

**Institutions Other Than Prison or Borstal**

1. **Remand Centres.**

The Secretary of State may provide Remand Centres for persons of 14 to 23 years of age who have been remanded or committed for trial without bail. Use of the Remand Centre instead of prison will be compulsory as soon as a Court is notified that such a centre is available. Facilities for observation must be provided in these centres to assist the Court where desirable in determining the most
suitable method of dealing with the offender.

2. State Remand Homes.

One or more State Remand Homes may be provided in addition to the present remand homes under the local authorities for Children and Young Persons under 17. Facilities for observation on any inmate on whose medical condition a report is considered desirable must be provided in the State Remand Homes and may be provided in those under the local authorities.

Where a young person between 14 and 17 is remanded or committed for trial without bail and is certified as being too depraved or unruly to be sent to the local remand home, he will be detained in the State Remand Home instead of in prison.

3. Compulsory Attendance Centres.

Compulsory Attendance Centres may be provided by the Secretary of State for offenders between 17 and 21, and Juvenile Attendance Centres for offenders between 12 and 17 by the local authorities. As soon as a Court has been notified that a Centre is available for a person of the sex and age of the offender, attendance at such a Centre may be ordered when any offense is proved for which the Court has power to pass a sentence of imprisonment or to impose a fine or when the offender is proved to have failed to comply with any of the provisions of a probation order.

The maximum number of hours specified in the order may not exceed 60 hours in the aggregate. The times of attendance shall be so arranged as to avoid interference, as far as is practicable, with school or working hours. No offender shall be required to attend on more than one occasion, or for more than three hours, on any day, or after the expiration of six months from the date of the order.

Failure to attend a Centre, or any breach of the rules that cannot be dealt with under the rules, will be regarded as an offense, punishable by any sentence that can be passed by a Court of Summary Jurisdiction on an offender of the age concerned, or, subject to the provisions of the Bill, to imprisonment for a term not exceeding six months.

4. Howard Houses.

Places to be known as “Howard Houses” may be provided by the Secretary of State. Offenders between the ages of 16 and 21, convicted of an offense for which the Court has power to pass a sentence of imprisonment, may be required to reside in a Howard House under disciplinary conditions which permit of their leaving the House for employment, such employment to be paid at a rate not lower, and on conditions not less favorable, than those generally recognized in the district by good employers.

Subject to release on license, which may take place after one month, an offender sentenced to residential control shall be required to reside in a Howard House for six months and shall be under supervision for a further six months. If there is any breach of a condition of the license the offender will be recalled to serve the remainder of the period of supervision in a Howard House. Any person absconding from a Howard House or committing any breach of the rules that cannot be dealt with under the rules will be liable to any sentence that can be passed on an offender.
of that age or, subject to the provisions of the Bill, to three months' imprisonment.

5. Detention at the Court or in Police Cells.

Continuous detention in police cells up to four days, as is now permitted, will be abolished. If a person is convicted summarily for an offense punishable by imprisonment or a fine, he may be detained in the precincts of the Court or at a Police Station till 8 p.m. or, if he is over 17, he may be detained in police cells for not more than three periods, each period to include a single night's detention. There must be at least four clear days between each period and all the periods must be concluded within two months.

BORSTAL AND PRISON SENTENCES

1. Borstal.

Powers are given to the Prison Commissioners to start a short-term Borstal. Apart from this there are no changes in the administration of the Borstal institutions, though there are important alterations in the powers of the Court to commit to Borstal.

A Borstal sentence may be passed on any offender between the ages of 16 and 23 who is convicted of an offense punishable by imprisonment, if a Court is satisfied that by reason of his character or habits it is expedient for his reformation and the prevention of crime that he should undergo a period of discipline in a Borstal institution. Sentence shall be for three years, subject to release on license.

Courts of Summary Jurisdiction are empowered to commit to Borstal if the offender is between 16 and 21 years of age. If he is between 21 and 23 they must send the case forward to Assizes or Quarter Sessions as at present.


(a) Under 17. At present Juvenile Courts can order imprisonment for a young person under 17 if the offender is certified by the Court as being so depraved or unruly that he cannot be sent to a Remand Home. Under the Bill, this power is abolished so far as young persons under 16 are concerned, but is left in the case of young persons between 16 and 17.

(b) Between 17 and 21. A Court of Summary Jurisdiction is prohibited from imposing a sentence of imprisonment on young persons between 17 and 21 unless it has obtained considered information as to the circumstances, including the character of the offender, and is of the opinion that no other method of dealing with him is appropriate. If it decides to order imprisonment, the Court must state its reasons for so doing in the warrant of commitment.

Provision is made for the eventual abolition, by Order in Council, of imprisonment of all young persons under 21 by Courts of Summary Jurisdiction.

3. Corrective Training.

The clauses dealing with Corrective Training aim at providing something analogous to Borstal training for persons over the Borstal age. A sentence of Corrective Training, for not less than two years and not more than four years, can be ordered in the case of any person between 21 and 30 years of age who is convicted on indictment of an offense for which the Court has power to give a sentence of two years or more, provided he has been previously convicted of an of-
fense for which, on indictment, such a sentence could be passed, and provided the Court is satisfied that, in view of his character and habits, Corrective Training is expedient with a view to his reformation. (It will be noted that the previous offense may have been such that it was in fact tried summarily.)

Sentences of Corrective Training will be served in special prisons, or parts of prisons with suitable methods of training and discipline. A person sentenced to Corrective Training may be released on license after three-quarters of his sentence has expired, but will be under supervision until the expiration of his sentence.

If there is any breach of a condition of a license the offender may be recalled to serve the remainder of his sentence.

4. Preventive Detention.

Preventive Detention can be ordered for persons over 30 years of age if the Court is satisfied that, in view of the offender's criminal antecedents and mode of life, such a sentence is expedient for the protection of the public.

Sentences of Preventive Detention may be ordered for (a) Not less than two or more than four years, for the same type of offenses and with the same conditions as to previous convictions, as in the case of Corrective Training. (See preceding section 3.) (b) Up to ten years, provided that the offense is specified in the first Schedule to the Bill, and that the offender has been previously convicted at least three times of one of the offenses specified, or has been previously sentenced to Corrective Training or Preventive Detention.

The Schedule referred to includes any felony and certain other specified offenses. As in the case of Corrective Training the sentences will be served in special prisons or parts of prisons. License and supervision are the same as for Corrective Training.


The Courts will no longer be empowered to order sentences of Hard Labor, Penal Servitude, or to specify that the sentence shall be served in a particular division.

(The abolition of Hard Labor and Penal Servitude means little more than the cancellation of outworn labels. The only difference that survives between ordinary imprisonment and Hard Labor is that the latter involves sleeping without a mattress for the first fortnight. The distinction between imprisonment and Penal Servitude is a relic of the time when long-term Convict Prisons were under the control of the State, and the short-term prisons under the local authorities. The conditions under which sentences of Penal Servitude and imprisonment are served are purely matters of administration and will be unaffected by the passing of the Bill. The only practical difference made by the abolition of Penal Servitude is that the ticket-of-leave system will automatically cease, but it is proposed to replace it by other methods summarized below.)


When a person is convicted of an offense specified in the first Schedule to the Bill (see under Preventive Detention above) and is given a sentence of not less than twelve months, provided he has
been twice previously convicted of one or other of the offenses in the Schedule, and has for at least one of these offenses been sentenced to Borstal Training, Corrective Training, Preventive Detention or imprisonment, it will be necessary for him after discharge to report his address from time to time to a society appointed by the Prison Commissioners. If he fails to comply with this requirement, he will thereafter have to report at monthly intervals to the police. Failure to report to the police will be regarded as an offense punishable with the maximum sentence of six months.

7. Commencement of Sentence.

If a person sentenced to imprisonment for any offense has been detained in a prison or Remand Centre in connection with that offense, the sentence shall be reduced by a period equal to the period of that detention. (The time spent in prison on remand or awaiting trial or awaiting the hearing of an appeal, will therefore count as part of the sentence instead of being additional to it.)

OTHER CLAUSES


All Corporal Punishment by order of the Courts is abolished. Corporal Punishment for breaches of prison discipline remains.

2. Offenses by the Insane.

Courts of Summary Jurisdiction are empowered to make an order for the treatment of a person who is certifiable as insane in the same way as they can at the present make an order for a person who is certified as mentally defective.

The term "State mental patients" will be substituted for the term "criminal lunatics." State Mental Hospitals will take the place of Criminal Lunatic Asylums, and they will be administered by the Board of Control.

Parole Report—William L. Stuckert, Chief Probation Officer, Baltimore, has sent to the Editor a copy of Parole Commissioner J. Cookman Boyd's recent valuable Report to the Governor of Maryland. Mr. Stuckert drew attention to the statement "It goes without saying that any Parole Commissioner who would permit politics to influence him in the slightest degree is not only unfit to hold that office but ought rightfully be classed as an enemy to society."

Mr. Boyd had this reply for critics of parole: "Public criticism sometimes suggests that parole, if to be used at all, should succeed in eradicating crime through the reforming of all criminals. This attitude is based upon a serious misunderstanding, for parole can scarcely be expected to perform so vast an accomplishment. Centuries of wisdom have not found the cure for crime, and it is hardly believed that parole can always succeed where all other human agencies have failed. The simple fact is that parole is not to be regarded as a species of witchcraft that can exorcise criminal impulses; it is not a panacea or sovereign remedy for all penal problems. It is merely a system of penal release, proven to be more effective than any other known method. The failure to grasp this point occasionally has led to many excesses of expression on the part of prejudiced critics. An individual opinion on this subject recently was expressed by a Brooklyn (N. Y.) judge as follows: 'Once a criminal always a criminal.
I have seen it time and again. The only way to be sure that a convicted criminal will not revert to crime again is to abolish the parole system and keep him in prison for his entire term. It is a disgrace that these enemies of society should be allowed their freedom again only to repeat their horrible crimes. Such critical intemperance of opinion frequently ignores the real situation, as for instance: (1) recidivism is no argument against parole; prisoners released in any manner may become recidivists; (2) fixed terms will not prevent confirmed criminality; the overwhelming majority of all inmates are released eventually, in any case; (3) that abolishing parole would prevent reversion to crime is a fallacious idea. Offenders returned to crime for thousands of years before parole ever was heard of.

The newly elected Governor of Maryland, Herbert R. O’Conor has manifested great interest in parole in that State and legislation is being prepared to provide for an adequate state system.

Wisconsin Notes—The 1937 Wisconsin Crime Control Conference authorized a “state-wide conference at least biennially,” and by resolution Number 7 definitely pointed to the topics: “burden of juvenile delinquency” and “crime prevention.” Likewise the Committee of the Conference put this subject first at their April 28, 1937, meeting. Pursuant to this action of a statewide conference the committee announces the subject for the 1939 Conference as “Local Organization for the Prevention of Delinquency and Crime.” The tentative program which is now being arranged will provide for a wide consideration and discussion of the maladjustments tending toward crime discernible in (1) the home, (2) the school and (3) the community. The conference program will provide for free discussion so as to include every suggestion that may be presented from any individual or organization.

The Committee on Criminal Law of the State Bar Association has prepared and circulated the first chapter of a new Wisconsin Code of Criminal Procedure. Through this Code the Committee aims “to introduce into our procedure reforms considered to have merit and not yet adopted in Wisconsin.

Professor Alfred Gausewitz, a leading spirit in both projects, is on sabbatical leave in Europe where he is studying European procedures.

Grand Jury Bill—The January, 1939, “Panel,” published by the Grand Jury Association of New York County is sponsoring a bill for the uniform election of jurors. Its main purpose is to remove the selection of jurors and the drawing of panels from the hands of locally elected political officers who may or may not be persons of high integrity and conscientious in performance of duty. The bill would place the direct responsibility for the selection and drawing of jurors upon the justices of the Appellate Division who already exercise regulatory powers over all the courts within the district and over all attorneys practicing within the district.

Section Officers—The Section of Criminal Law, American Bar Association, is served by the following
lawyers. This is the complete roster of the Section:

Chairman—James J. Robinson, 1130 East First Street, Bloomington, Indiana.

Vice-Chairman—Earl Warren, Attorney General, Sacramento, California.

Secretary—Gordon E. Dean, Department of Justice Building, Washington, D. C.

COUNCIL

Ex officio

The Officers, and—

For term ending 1939
Albert J. Harno, University of Illinois Law School, Urbana, Ill.
Herbert R. O'Conor, Office of the Governor, Annapolis, Maryland.

For term ending 1940
George A. Bowman, 231 W. Wisconsin Avenue, Milwaukee, Wisconsin.
Sylvester C. Smith, Jr., Prudential Building, Newark, New Jersey.

For term ending 1941
Arthur J. Freund, 506 Olive Street, St. Louis, Missouri.
Wayne L. Morse, University of Oregon Law School, Eugene, Oregon.

For term ending 1942
Frank T. Cullitan, Criminal Courts Building, Cleveland, Ohio.
Dan W. Jackson, District Attorney, Houston, Texas.

COMMITTEES OF THE SECTION

Education and Practice
Cornelius W. Wickersham, Chairman, 14 Wall Street, New York City.

Edwin R. Keedy, Vice-Chairman, 3400 Chestnut Street, Philadelphia, Pa.
Paul H. Sanders, Secretary, Duke University Law School, Durham, N. C.
Arthur A. Ballantine, 31 Nassau Street, New York City.
Joseph N. Ulman, Court House, Baltimore, Maryland.

Federal Election Laws
Arthur J. Freund, Chairman, 506 Olive Street, St. Louis, Missouri.
George E. Q. Johnson, Vice-Chairman, 105 W. Adams Street, Chicago, Ill.
George R. Jeffrey, Hume-Mansur Building, Indianapolis, Indiana.
John B. Sanborn, Federal Courts Building, St. Paul, Minnesota.
Samuel Seabury, 40 Wall Street, New York City.

William Robert Smith, Jr., Box 1701, San Antonio, Texas.
Frank T. Cullitan, ex officio, 1560 East 21st Street, Cleveland, Ohio.

Magistrates and Traffic Courts
George A. Bowman, Chairman, 231 W. Wisconsin Avenue, Milwaukee, Wisconsin.
Harry H. Porter, Vice-Chairman, 3231 Park Place, Evanston, Illinois.
John Barker Waite, Secretary, University of Michigan, Ann Arbor, Mich.
Pendleton Howard, University of Idaho, Moscow, Idaho.
Charles Evans Hughes, Jr., 1 Wall Street, New York City.
James M. Ogden, State Life Building, Indianapolis, Indiana.
William J. Palmer, 1339 Warner Avenue, Los Angeles, California.
Charles S. Potts, Southern Methodist University Law School, Dallas, Tex.
Police Training and Merit Systems
Curtis Bok, Chairman, City Hall, Philadelphia, Pennsylvania.
Alexander M. Kidd, Vice-Chairman, University of California, School of Jurisprudence, Berkeley, California.
Newman F. Baker, Secretary, Northwestern University School of Law, Chicago, Illinois.
J. Weston Allen, Tremont Building, Boston, Massachusetts.
Daniel Bartlett, Mississippi Valley Trust Building, St. Louis, Mo.
William E. Edwards, 19403 Winslow Road, Shaker Heights, Cleveland, Ohio.
Morris A. Soper, Post Office Building, Baltimore, Maryland.
Don F. Stiver, State House, Indianapolis, Indiana.
Earl Warren, ex officio, State Capitol, Sacramento, California.

Advisory Committee:
O. W. Wilson, Chairman, Wichita, Kansas.
William Wiltberger, Vice-Chairman, San Jose, California.
Hugh H. Clegg, Department of Justice, Washington, D. C.
Franklin M. Kreml, Northwestern University Traffic Institute, Chicago, Ill.
C. E. Mitchell, General Motors Corporation, Detroit, Michigan.
Bruce Smith, 302 East 35th Street, New York City.
Donald C. Stone, 1313 East 60th Street, Chicago, Illinois.
Albert B. Moore, New York State Police, Albany, New York.

Procedure, Prosecution and Defense
W. McKay Skillman, Chairman, Recorder's Office, Detroit, Michigan.
Robert E. Nash, Vice-Chairman, County Building, Rockford, Illinois.

Livingston Hall, Secretary, Harvard Law School, Cambridge, Massachusetts.
John S. Bradway, Duke University, Durham, North Carolina.
La Rue Brown, 15 State Street, Boston, Massachusetts.
Thomas E. Dewey, 120 Broadway, New York City.
Stanley Morrison, Stanford University, Palo Alto, California.
Henry W. Toll, Equitable Building, Denver, Colorado.

Rating Standards and Statistics
Dan W. Jackson, Chairman, District Attorney, Houston, Texas.
Robert A. Leflar, Secretary, University of Arkansas, School of Law, Fayetteville, Arkansas.
Howard D. Brown, United Artists Building, Detroit, Michigan.
Richard Hartshorne, Hall of Records, Newark, New Jersey.
Royce G. Rowe, 4750 Sheridan Road, Chicago, Illinois.

Sentencing, Probation, Prisons and Parole
Wayne L. Morse, Chairman, University of Oregon, Eugene, Oregon.
Henry B. Chamberlin, Vice-Chairman, 300 W. Adams Street, Chicago, Ill.
Sanford Bates, 381 Fourth Avenue, New York City.
Louis S. Cohane, Buhl Building, Detroit, Michigan.
Burt R. Cooper, Rochester Realty Building, Rochester, New Hampshire.
Ambrose B. Kelly, 919 North Michigan Avenue, Chicago, Illinois.
Robert Kingsley, 3660 University Avenue, Los Angeles, California.
Van Buren Perry, Drawer 33, Aberdeen, South Dakota.
Herbert R. O'Conor, ex officio, Office of the Governor, Annapolis, Md.

Supreme Court Rules for Criminal Procedure
Arthur T. Vanderbilt, Chairman, 744 Broad Street, Newark, New Jersey.
Alexander Holtzoff, Vice-Chairman, Department of Justice, Washington, D.C.
Wilbur H. Cherry, University of Minnesota Law School, Minneapolis, Minn.
Homer S. Cummings, 726 Jackson Place, Washington, D.C.

Brien McMahon, Department of Justice, Washington, D.C.
George Z. Medalie, 70 Pine Street, New York City.
Val Nolan, Federal Building, Indianapolis, Indiana.
Everett Sanders, Shoreham Building, Washington, D.C.
Edgar B. Tolman, 30 North LaSalle Street, Chicago, Illinois.
Ernest L. Wilkinson, Earle Building, Washington, D.C.
Gordon E. Dean, ex officio, Department of Justice, Washington, D.C.