A Warden’s Views on Delinquency and Correctional Problems—Juvenile delinquency should not be regarded as a totally new problem in war time. True there is a statistical increase of about ten per cent among the boys and regrettably, some thirty-five per cent among the girls. The war has simply served to intensify the reactions of our young people to conditions which have existed for some time and which we have not as yet solved in their more harmful phases. Our average youngster today is undoubtedly receiving less parental care and affection than formerly and also receiving less moral and spiritual guidance. His home life is not always as it should be with the result that there is some justification for referring to the problem as one of adult delinquency instead of juvenile delinquency.

The war has brought an uncontrolled independence into the lives of many youngsters, especially into the lives of young girls who have left rural areas for the freedom and glamour of city life and undoubtedly the increase in delinquency has arisen largely out of the opportunities found in the new prosperity of these youngsters who now have lots of money to spend on the luxuries of life. With them it is “Eat, drink, and be merry today for tomorrow you may die.”

However this problem as it relates to “teen” age girls is a rather new problem in our national life and in many cases it is the result of war hysteria and worship of the man in uniform, since the boys they normally would be dating are away from home. Perhaps they can be best described as “Khaki-wacky.” It seems to me that the pendulum perhaps will swing rather definitely in the opposite direction when the war is won and our families settle down once more to the normal way of life in a peaceful world. But of course there are those who will have to be disciplined . . . and speaking of discipline it is well established in the field of penology that in the vast majority of cases mere punishment does not deter crime and in my observation from dealing with the problem causes me to endorse that view 100 per cent. I think that we should not be so much interested in the making of good inmates as of good citizens and in order to effect this it is necessary to abandon the antiquated theory of retribution and retaliation and adopt a constructive plan of guidance and correction. If these offenders are not treated constructively and intelligently as distinct individuals with individual problems during their period of incarceration, we shall have these same individuals back upon our hands again and again as bitter, antagonistic, hostile, social units. Only in institutions manned by trained professional staffs free from petty political domination will we succeed. And only through adequate segregation of the different types of offenders in various institutions and through intelligent classification leading to proper vocational training and the development of personality and character will we be able to handle effectively the rehabilitative aspects of the crime problem. Yet, even so, in my estimation and experience, the most important single activity which can serve the greatest value and purpose in the suppression of crime is proper prevention.

We must endeavor to educate society to receive back these persons who have been social outcasts and thus have a more effective parole system. I feel that it is altogether unfair and un-Christian to damn an otherwise worthwhile, well administered parole system because of a few sensational failures when that system obviously can not publicize its much more numerous successes.

There is another problem in connection with the handling of strictly
juvenile offenders which should be noted. This relates to the identification records which are taken in these cases. I realize that this is one of the most controversial subjects between the police groups and “social workers.” It would seem to me that a solution of this problem would be for the inauguration of an arrangement with each juvenile court whereby the court would agree to the finger printing of the juveniles whose records and characters indicate that they are probably incorrigibles and potentially dangerous to society. This arrangement would fit in with legislation in the majority of states along these lines as the law making bodies tend to view the strictly juvenile delinquent more as a ward of the state than as a professional criminal.

Let us in our every day life and work try to have a broad understanding of the functions of all phases of our social endeavors in treating with the law violators. Let us have faith that we can improve the operation of our existing agencies and also that people want to improve themselves.—From L. Clark, Schilder, Warden, Federal Reformatory, El Reno, Oklahoma.

Youth Authority Created—In 1941 the state legislature of California created the Youth Authority, which follows closely the plan presented by the American Law Institute. A small budget was made available for two years to study the delinquency problem in the state and to make plans for improving facilities for handling delinquent children. When this report was submitted to the 1943 legislature, two things were apparent: (1) that the correctional facilities of the state had not kept pace with the increase in population or the needs of the courts, and (2) that there was not an adequate program of delinquency prevention being carried on in the state. With these two points in mind the legislature launched the present Youth Authority, to direct the policies of the organization. The Members of the Youth Authority are Karl Holton, Director; O. Ii. Close, Chairman, and Harold A. Slane.

The state correctional schools, Ventura, Preston, and Fred C. Nelles (Whittier), were transferred to the Authority for operation. At the request of the courts a new school for 100 girls was opened near Santa Rosa. Also, a camp for 100 boys was established at Calaveras Big Trees State Park. In addition to these facilities the Authority will establish a farm type institution for younger boys and one or more camps, as the need will determine.

A diagnostic clinic has been set up in connection with these institutions and eventually every youth committed will have the benefit of a proper diagnosis before his treatment program begins. In connection with this program traveling clinics will be made available to communities throughout the state where local child guidance programs are not available.

The state correction school placement (parole) departments have been combined with the State Department of Probation under the Youth Authority Division of Probation and Placement. Not only will there be a unified and consolidated placement system, but this division will assist in setting up standards and programs to assist probation officers throughout the state.

A strong institutional diagnostic and placement program must become the keystone to any well organized delinquency prevention program since the courts and probation departments must be able to remove delinquent children from the community when all community resources have failed to meet the needs for adjustment of the individual in his community environment.—From Crime Digest, State Bar of California, Jan.-Mar., 1944.
The New Spirit in Italy—"It is gratifying to record that, in spite of all the difficulties with which it is beset, the new Italian Government has been able to consider the harsh penal laws adopted under Fascism. The Minister of Justice in the new Cabinet has stated that Capital Punishment in Italy will be abolished after the war. A decision has been reached, he has announced, that "all those articles in the penal and civil codes in disagreement with the spiritual and legal traditions of Italy will be eliminated."

"If, and when this decision is carried out Italy will revert to the position she occupied when she had a democratic system, of being an abolition country. Capital Punishment was originally abolished there in 1889 and, in the thirty following years right down to 1920 for which statistics were issued by the Italian Ministry of Justice, the figures of homicides, per 100,000 of population, fell steadily from 9.25 in 1889 to 3.48 in 1920. "The death penalty was restored in the new Fascist Penal Code about ten years ago for the worst crimes of murder, not because of any increase in this kind of crime but, as was stated in the Report of the Select Committee on Capital Punishment, for the following reasons:—

(1) "There had been an attack on the Prime Minister and there was fear of further political and military offenses.
(2) "The growing influence of the Positive School of criminologists.
(3) "As the logical application of Fascist principle and policy."—

Central States Probation and Parole Conference—The tenth annual meeting of this Conference will be held in Chicago April 30-May 3, 1944. Mr. Harvey L. Long, Superintendent of Supervision of Delinquents in the Illinois Department of Public Welfare is Chairman of the Program Committee. He has announced that there will be not more than two formal addresses. The program will be built around 300 questions that have been submitted from persons in the nine central states and these questions will provide opportunity for all attendants to participate in the discussions.

The following questions and topics will be discussed from the floor:
What Larger Part Can Religion Play in the Rehabilitation of the Offender?
Release and Supervisory Procedures in the Administration of the Parolee.
Fundamental Considerations in the Treatment Program for Probationers and Parolees.
The Supervision of Women and Girl Offenders under War Time Conditions.
Streamlining Inter-State Relations in War Time.
Probation, Parole and the Penal Program — Their Role in the War Effort.
Planning the Program of the Future.
Probation and Parole and the Larger Community.
Visiting Governors will be honored at a luncheon. It is expected that some of the participating states will make this Conference a part of their in-service training program for field workers and supervisors.
Mr. William J. Smith Jr. of the Illinois State Department of Safety is Chairman of the Conference. He and Mr. Long, the Program Chairman, are making it a working Conference.

The Right to Maintain Silence—In a recent English court case, in which a verdict of murder was quashed on appeal, a judgment of great importance
was given by the Lord Chief Justice, Lord Caldecote. Counsel for the condemned man stated that the trial Judge, in his summing-up, commented on the fact that when cautioned by the police the appellant did not deny the charge but said that he would take advice. This, he held, was tantamount to saying, "If a man says 'I reserve my defence' then you may rely on that as evidence against him as showing that he is the man responsible for the crime charged."

In giving the judgment of the Appeal Court, the Lord Chief Justice said that:

"... three times the trial Judge seemed to put to the jury the consideration that they might infer the appellant's guilt or find it by considering the fact of his silence after being cautioned. But a man was entitled to remain silent. If that were not so, it must be obvious that a caution might be a trap instead of being the means of finding out the truth in the interests of innocent persons as in the interests of justice against guilty persons.

"An innocent person might well decline to say anything from excessive caution or for some other reason, and, if it were to be held out to a jury that that was a ground on which he might be found guilty, innocent persons might be in great peril.

"The Court of Criminal Appeal had power, however, by the proviso to section 4 of the Criminal Appeal Act, 1907, to dismiss an appeal if they considered that no substantial miscarriage of justice had occurred. To do so the Court had to find, that, if the jury had been properly directed, they would inevitably have come to the same conclusion.

"In the present case the Court was unable to say that the jury, on a proper direction, would inevitably have come to the same conclusion as they did.

"The appeal would accordingly be allowed and the conviction quashed."