

STATE OF NEW YORK

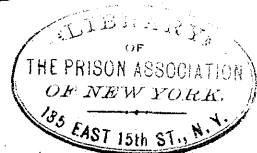
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THE ONE HUNDRED AND FIRST  
ANNUAL REPORT

OF THE

Prison Association of New York  
135 East 15th Street, New York

1945



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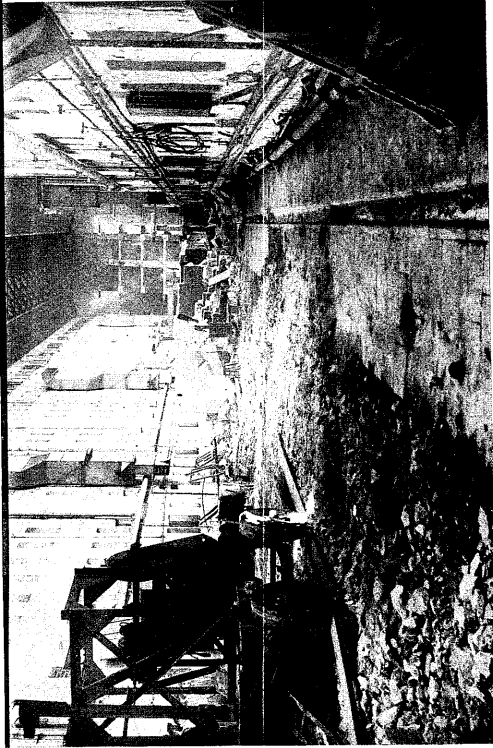
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## PREFACE

This is an official report of the Prison Association of New York to the Legislature of the State of New York, which has been made annually since 1845, and constitutes the one hundred and first of the series.

Paragraph 6 of Article XI of the act incorporating the Prison Association of New York provides that "the said executive committee" (of the Prison Association), "by such committees as they shall from time to time appoint, shall have power, and it shall be their duty to visit, inspect and examine all the prisons of the State, and annually report to the Legislature their state and condition and all such other things in regard to them as may enable the Legislature to perfect their government and discipline."

The State law further provides for the printing of 500 additional copies of this annual report at the expense of the State. Additional copies of the full report are purchased from the State printers, at the expense of the Association, for distribution to its contributors and many others, not only in New York State but in other states and in foreign countries.



**OLD SING SING CELL BLOCK DEMOLISHED**

In 1916 it was "Sing Sing Must Go" but in 1945 it was "Sing Sing Has Gone," as far as the 120 year old cell block is concerned. The photo above, looking north, is graphic proof of the demolition of the dilapidated old cells erected in 1865 and in use until 1943. (See page 25.)

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THE PRISON ASSOCIATION OF NEW YORK

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\* On military leave.

\*\* On leave—Ambassador to Yugoslavia.

† Deceased February 3, 1945.

‡ Resigned January 12, 1945; deceased May 4, 1945.

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\* On leave for duration.

**ONE HUNDRED AND FIRST ANNUAL REPORT OF THE  
PRISON ASSOCIATION OF NEW YORK**

HON. JOE R. HANLEY,

*Lieutenant Governor of New York:*

SIR.—In accordance with Chapter 163 of the Laws of 1846, we have the honor to present the One Hundred and First Annual Report of The Prison Association of New York, and to request that you will lay the same before the Legislature.

Respectfully,

THE PRISON ASSOCIATION OF NEW YORK

By EDWIN O. HOLTER, *President*

E. R. CASS, *General Secretary*

## RECOMMENDATIONS\*

February 4, 1946

To the Honorable Members of the Senate and Assembly:

In accordance with Chapter 163 of the Laws of 1946, we have the honor to present the following recommendations to the Legislature as a part of the 101st Annual Report of The Prison Association of New York, and urge that they receive your serious consideration.

Respectfully submitted,

THE PRISON ASSOCIATION OF NEW YORK

E. O. HOLTER, *President*

E. R. CASS, *General Secretary*

### COMPLACENCY OR PROGRESS?

Combat between nations has ceased and the long-anticipated aftermaths of war now become stark reality. The penalty of war is turmoil and unrest requiring calm judgment and sane planning. National and community problems long dormant and overshadowed by the catastrophes of battle suddenly become of major importance.

Reconversion to some may mean the availability of heretofore scarce items or the return of many luxuries previously dispensed with to further the war effort. To others it may mean the return to civilian pursuits following many months of military life.

Reconversion to those concerned with the welfare of the community means greater emphasis on the combatting of crime and delinquency. While the battle between freedom and servitude has ceased the battle against crime must continue. As so many have prophesied, the rate of crime and juvenile delinquency is on the increase.

In earlier reports we repeatedly emphasized the need for preparation for the time when crime would again be on the upswing. We suggested the need for planning, courage, and vision. We proposed the abandonment of the attitude of hopelessness and complacency. In some respects crime causes were aggravated by the war but many of the basic causes remain with us. Neither during the war nor at any time have clear cut, specific causes and cures been brought to light so as to assure the degree of safety so much desired by our citizenry. Despite the advancements that have been made and the

\* Each member of the Legislature received a copy of the Recommendations on February 4, 1946.

better understanding of crime causation and the development of treatment processes, the plain truth is that the problem of crime remains a challenge and a threat to this and other nations of the world. Words have been said in the past to the effect that the crime rate of a nation is an index of its civilization.

The Prison Association of New York certainly has made no attempt in its more than one hundred years of existence to advance an over-all sure cure for crime. However, through the years it has with courage and tenacity pointed toward various ideas and procedures that gave not only promise but made for progress. The Association has never been optimistic to the point of anticipating the day when we would be without correctional institutions. However, we have always been mindful of the inadequacies of these institutions and have continually labored for their betterment. Realizing that institutions of one kind or another for a long time to come will be a necessity, the Association has given its unceasing attention and support to all other methods of crime treatment. We believe without hesitation in the value of probation when properly organized and administered. We feel likewise toward parole and have been its champion from the start.

With the necessity for institutions the question naturally arises over and over again, shall they be places merely for the safekeeping of lawbreakers or shall they be rehabilitation centers where every humane and honest effort is made to cultivate the essentials of right thinking and decent living and the equipping of people to adhere to these essentials. As a temporary means for the protection of the citizenry institutions serve their purpose in that the lawbreaker for varying periods is taken out of circulation. However, what happens to him while in custody either because of his own weaknesses or those of others or the indifference of officials has a very direct bearing on the welfare of society. The Prison Association of New York has never intended that the prisoner be coddled, nor has it believed that all those who go to our institutions are culprits who never can be restored. It has held from its start that prisoners are human beings and that for their restoration to decency and for the ultimate protection of society there should always be brought into play the best kind of thinking and effort. It is this position that prompts the recommendations the Association makes annually to the Legislature. Through the years it has been gratifying to note progress, although slow at times, in harmony with its recommendations.

In view of the increasing crime rate and the need for continual vigilance on the part of citizens generally and the Legislature particularly, the Prison Association of New York reiterates its stand of many years that the Legislature be concerned with the strong and weak points of the various activities relating to crime treatment and prevention. The leadership of the State of New York over the

years in this field is largely the result of enlightened public opinion and progressive legislation. It is imperative that this official cognizance be continued. The Legislature has the responsibility to the people of the State to examine court procedures, probation systems, institutional administration, parole and aftercare, personnel standards, and other aspects of the problem.

As a guide for positive action the Association proposes the following recommendations to the 1946 Legislature.

#### I. RELEASE OF VETERANS FROM PAROLE JURISDICTION

Legislation should be adopted to terminate at the discretion of the Parole Board the parole control and supervision of those former inmates of our correctional institutions who have been honorably discharged from the armed forces.

##### Comment:

The Governor's suggestion that the Parole Board be empowered to release from parole those who have served satisfactorily in the armed forces is wholly in harmony with our attitude. We favor encouragement and reward to those former inmates who demonstrated by their conduct that they are worthy of restoration to good standing in society. We favor the discretionary power intended for the Parole Board. While veterans should be given every consideration, it is nevertheless the responsibility of the Parole Board to give first consideration to the welfare of our citizenry as a whole. Careful study of the records might reveal that for a given individual it would be wise to withhold for a time, or perhaps permanently, the termination of parole control. It is hoped that it will be necessary to apply this reservation in only a few instances.

#### II. THE INCREASED USE OF THE MANPOWER AND FACILITIES OF THE CORRECTIONAL INSTITUTIONS FOR GOVERNMENTAL NEEDS

It is strongly recommended that the Legislature take cognizance of the splendid showing made by the Federal prison industries and those of the various States in the war effort.

This remarkable achievement should prompt the Legislature to ignore or defeat any attempt to curtail the maintenance or expansion of the peacetime vocational and industrial operations of the various institutions, operating as they do under the constitutionally provided State-Use plan. In addition to meeting attacks on prison labor it is strongly urged that the Legislature strengthen the present industrial facilities through appropriations for sales personnel, instructors and modern and much needed new equipment.



**Comment:**

Beginning with its 96th Annual Report\* The Prison Association of New York urged upon the Legislature the exploration of the full possibilities of utilizing the manpower and facilities of the prisons of New York State in the national defense program, as it was referred to then. This, it will be noted, was twelve months in advance of Pearl Harbor.

During the war period the prison industries and the farm activities in New York State made a good showing, although this was exceeded by other States. The records of the Prison Industries Branch of the War Production Board showed the value of products to be \$57,327,202 as of October 1, 1945, when the Board was dissolved.

As pointed out in previous reports, the stimulus that the war provided cannot be counted upon to continue and carry over during peace time. Therefore, it was necessary to make plans for the modernization, expansion, and output of the prison industries so that the achievement of other years could be exceeded and that the potentialities of the industrial activities in harmony with the theory of state use for prison labor could be realized.

### III. CLASSIFICATION OF PRISONERS AND COMMITMENT PROCEDURE

It is recommended that legislation be adopted to prohibit the commitment of prisoners to specific institutions and in lieu of this authorize commitments directly to the Department of Correction.

It is further recommended that the Legislature authorize and provide funds for the establishment of a division of classification within the Department of Correction so as to expand the theory and application of classification, to apply to all institutions of the Department.

**Comment:\***

An excellent start was made during the 1945 Legislature in harmony with the Governor's proposal by authorizing the establishment of a Reception Center at the Elmira Reformatory to deal with those between the ages of 16 and 21. This move once more committed the State in part to the theory and need for a classification system. Yet the time must come when the idea which prevailed in 1916 to establish a receiving and classification prison at Sing Sing must be realized. The success of the newly created Reception Center at Elmira should be expanded and made to apply not only to those

\* See also 97th, 98th, 99th, and 100th Annual Reports.

\* See Recommendation VI, page 22, 98th Annual Report of The Prison Association of New York for the year 1942.

within the present age limits but for all in the Department as a whole. The present arrangement should make for a better distribution of those who would ordinarily be committed to Elmira or the vocational school at Coxsackie. Yet there are still those who are being sent to the prisons by the courts who on the basis of careful examination and study would be sent to the Reformatory. Then considering the prisons as a whole there is no clear cut division of types of prisoners in any one prison, but instead a mixture. The idea of classification, emphasizing the need for specialized study and treatment, can be greatly advanced through the success of the Elmira Clinic. It is not too much to anticipate sometime in the future Sig Sing Prison will be dealing with certain types of prisoners, Auburn others, Attica with another type, and so on as relates to all of the institutions in a well-rounded program of classification. This procedure is not without precedent. It is practiced in the State of New Jersey, for many years in the Federal prison system, has taken hold in Pennsylvania, and is making marked progress in the State of California.

### IV. DEFENSE ATTORNEYS

It is recommended that the Legislature direct and empower the Judicial Council to investigate complaints by defendants in criminal actions regarding the inadequacy of the efforts made by their attorneys and with particular reference to the ways and means employed by some attorneys to obtain compensation. An undertaking of this kind should be similar to that employed in curbing "ambulance chasing."

**Comment:**

It is not denied that attorneys should be compensated for services faithfully performed. On the other hand an attorney who accepts a client should not be motivated solely by monetary objectives. Those lawyers assigned by the courts particularly, and lawyers generally, at all times should provide defense in accord with the highest ethics of the legal profession. Those attorneys who devote more time to finding ways and means of receiving compensation instead of providing adequate defense, or who urge their clients to plead guilty on the alluring promise of receiving the mercy of the court through release or a light sentence should not be allowed to trifle with the predicament of their clients or the honor of their profession.

### V. SENTENCING PROCESS

It is recommended that the Legislature authorize and direct the Law Revision Commission to examine into the sentencing process of the various courts and provide the necessary funds to complete the study.

**Comment:**

The disparity of sentences throughout the State has long been noted. This makes for discontent and a feeling of injustice among inmates of institutions. It raises the serious question of whether the present procedure, which reflects sometimes stereotyped punishment and lack of individualization, should not be replaced by a procedure that will make for a more even application of justice. An illuminating article, not directed to the State of New York but dealing with the subject in general, is to be found in the May 19, 1945 issue of Collier's Weekly under the title, "Injustice in the Courtroom," by Francis Biddle, the former Attorney General of the United States.\*

## VI. COMMITMENTS TO NEW YORK CITY REFORMATORY, NEW HAMPTON, ORANGE COUNTY

Section 126 of the Inferior Criminal Courts Act of the City of New York should be amended requiring and making mandatory that the Commissioner of Correction of the City of New York return to the committing court those males between the ages of 16 and 30 whose presence would be detrimental to the welfare of the institution or detrimental to the welfare of the prisoner, and whose law violation does not come within the classification set forth in this section.

**Comment:**

The purpose of this proposed amendment is two-fold—first, to empower the Commissioner of Correction to refuse to admit those committed illegally by the courts; second, to prevent the commitment to the institution of those whose case histories point to the unlikelihood of improvement during a stay at the institution and/or whose presence would be a detriment to the functioning of the institutional program as a whole.

Of one hundred Reformatory commitments reviewed in the year 1945, twenty had previous convictions, six had previously been on parole to the New York City Parole Commission, nine were on probation, and five had spent time in prison previously. In more than one instance it has been necessary for a court of higher jurisdiction to void the action of the lower court and declare the commitment illegal. On December 4, 1945, there were 273 inmates in the New York City Reformatory. Of this number there were 31 regarded as illegal commitments. A glaring example of an illegal commitment is that of inmate #16817. This inmate was sentenced by the Court of Special Sessions, Manhattan, for the offense of Assault-3rd, I.M.M. and was received at the institution on November 15 last. He is twenty-four years of age and has served three years at the Napanoch

\* For the complete article see page 82.

institution having previously been in the N. Y. Catholic Protectors, N. Y. City Children's Hospital and Letchworth Village. He was committed by the Felony Court to Bellevue Hospital for observation and was in Bellevue in 1932, 1940 and in September, 1944, was transferred to Central Islip and to St. Anthony's Hospital at Woodhaven, L. I., from which institution he was discharged in April, 1945. Not only is this inmate feeble-minded but he is a sex pervert.

The disregard by the courts of the law resulting in unsuitable commitments imposes an uncalculated burden on the institution and is contrary to the basic theory for the establishment of a Reformatory. These institutions are intended for young offenders unseasoned in crime who give hope of rehabilitation.

## VII. SEXUAL PSYCHOPATH LAW

It is recommended that favorable consideration be given to the recommendation of the committee\* headed by Chief Justice Bayes of the Court of Special Sessions of New York City for the enactment of a "sexual psychopath law" which would make it possible to keep sex offenders confined in institutions even after the expiration of their sentence, if in the judgment of competent authorities they are not reasonably safe to be at large.

**Comment:**

The report of the committee headed by Judge Bayes should be carefully studied. It shows an earnest effort to come to some clear understanding regarding the sex offender, as well as an attempt to suggest means of control and treatment. Unless a well rounded plan is developed to deal with this type of offender, we shall from time to time be confronted with expressions of alarm regarding the sex offender and a hot and cold attitude on the part of the public.

## VIII. FARM ACTIVITIES

It is again recommended that funds be provided to rent or purchase additional farm land to be operated by institutions of the State Department of Correction.

**Comment:**

During the war the expanding of farm activities was demonstrated profitably. It has been shown in this and other states that farm activities are a suitable form of employment for inmates of institutions and should be encouraged.

\* See Report of Mayor's Committee for the Study of Sex Offenses (for the ten-year period 1930-1939), released January, 1944. New York City.

### IX. STATE COMMISSION OF CORRECTION

It is recommended that the law be amended so as to remove limitations now placed upon the functioning of the State Commission of Correction. This will involve a study of Sections 401 and 410 of Chapter 606, Laws of 1926, and Sections 46, 47 and 48 of the Correction Law (Chapter 243, Laws of 1929).

#### Comment:

The Prison Association is largely responsible for the establishment of the State Commission of Prisons, the successor body of which is the present State Commission of Correction. In urging the establishment of the original body, prior to 1894, the Association held that there should be a state financed, independent, free-handed supervisory body to concern itself with the penal and correctional institutions of the State. Under the present arrangement, the Chairman of the State Commission of Correction is the Commissioner of Correction. This was not the case prior to 1926. It is evident that there now exists the anomalous situation whereby the head of the Department of Correction is also the Chairman of the Commission (a Constitutional provision which we do not consider sound). The Commission is required by the Constitution to visit and inspect the institutions of the Department of Correction, as well as others. Under present procedure the Commissioner of Correction is in a position somewhat similar to that of a bank president who would be permitted to audit his own books.

The Association has recommended and continues to recommend that the words "... subject to the direction and control of the Commissioner of Correction" as applied to the general powers and duties of the Commission be omitted in the chapters and sections referred to above. By deleting the specific "direction and control" language there is less danger of restricting the activities of the Commission or defeating the purposes for which it was established, to wit, freehanded investigation and supervision in the interest of good management and public welfare.

### X. PROBATION

It is recommended that in the interest of improved probation service in New York City and throughout the State, the Legislature give support to the following proposals:

- (1) Legislation to raise to the highest possible level of organization and efficiency the eight different probation services now in operation in the City of New York.
- (2) Extension of the authority of the State Probation Commission to the point where its authority will be of greater

value to the people of the State than its present limited advisory powers.

- (3) The establishment of a state subsidy for the development of probation in those areas not now utilizing this modern treatment procedure.

#### Comment:

The Prison Association of New York was conspicuously identified with the writing and passage of the first probation law in this State over forty years ago, and through the years has been active in probation service and its improvement. Probation has progressed, but it still requires further improvement in the interest of its greatest service to the people. The value of probation depends upon the extent and quality of its administration. We were the pioneer agency identified with probation service in the Court of General Sessions (Manhattan) and stood alone for many years urging improvement of probation work in that Court. The existing Probation Department of the Court of General Sessions reflects our interest and agitation. However, we do not believe there should continue the unevenness of probation service in this city as now exists and has existed for too long. Probation if good for one court should be good for another and should be maintained on the same high level of organization, personnel and procedure. Therefore, we believe that the only answer to this end is a consolidation of the probation services of the city under a well worked out plan of administration with virile direction and leadership. For the probation service in other parts of the State, the active supervision of the State Probation Department should be strengthened and encouraged.

### XI. RETENTION AND EXPANSION OF PSYCHIATRIC, EDUCATIONAL AND OTHER PROFESSIONAL SERVICES FOR THE INSTITUTIONS OF THE STATE DEPARTMENT OF CORRECTION

It is recommended that budget items providing for the professional services, including psychiatric, psychological, medical, educational and other allied fields, be approved, and all these services be restored to their former numerical strength and expanded as time and conditions will permit.

#### Comment:

It is obvious that penal and correctional institutions in order to be of lasting value to society must do more than merely deprive offenders of their freedom for varying periods of time. There can be no intelligent program of study and treatment without the well-

balanced application of psychiatric, psychological, medical, educational and other allied services. It is true that the war impaired somewhat these services; however, regardless of present difficulties, whether caused by the war or other reasons, their usefulness should be restored. None of these services should be regarded as the sole agent in any program of rehabilitation, but instead as a part of a well-rounded approach with emphasis on individual study and treatment.

#### **XII. EXTENDING THE POWER OF THE PAROLE BOARD AS RELATES TO FOURTH OFFENDERS**

Chapter 726 of the Laws of 1945 should be amended so that fourth offenders can be given consideration by the Parole Board in the same manner as is provided for second and third offenders.

##### **Comment:**

Section 1945, subdivision 3, of the Penal Law provides a thirty year minimum for fourth offenders. It is believed that these offenders should be given the incentive of earning reduction of sentence in the same manner as second and third offenders.

#### **XIII. EXTENDING POWER OF STATE BOARD OF PAROLE IN CERTAIN CASES**

Article 8, Section 219, of the Correction Law should be amended so as to empower in suitable cases the State Board of Parole to determine what portion of a remaining maximum term is to be served by a parolee who commits a felony while on parole.

##### **Comment:**

It seems unfair to require every parolee who commits a felony while on parole to serve the time remaining of his original maximum sentence, from the time of his original parole, before starting to serve his new sentence. There are instances where inmates have had a good record on parole for a considerable number of years but make a mistake which results in a new felony charge. Such individuals might have to serve many years on their original sentence before beginning the new sentence. On the other hand, certain individuals are in and out of the institution several times as parole violators and finally commit a felony perhaps only a few months before the original maximum is up. Such individuals are required to serve only a short time before they begin to serve a new sentence. It is quite evident that this type of individual is a much poorer risk for society than the one referred to above, who has committed only the one offense while on parole.

#### **XIV. FIVE YEAR LIMIT FOR THE STATE VOCATIONAL INSTITUTION AT COXSACKIE**

Section 343 of Article 13A should be amended so as to limit the maximum stay at the New York State Vocational Institution at Coxsackie not to exceed five years.

##### **Comment:**

It is likely that an individual obliged to remain more than five years at a vocational institution will profit little thereby. Therefore, it seems in order that the amendment to the Elmira law of last year, Chapter 678, Laws of 1945, be extended to apply similarly to the State Vocational Institution.

#### **XV. TRANSFER OF PERSONS FROM THE NEW YORK STATE VOCATIONAL INSTITUTION**

Section 344 of Article 13A of the Correction Law should be amended so as to broaden the Commissioner of Correction's power to transfer from the New York State Vocational Institution to another institution in the Department of Correction.

##### **Comment:**

It is felt that restrictions imposed upon the Commissioner for making transfers from the New York State Vocational Institution should be eliminated from this law and that the same conditions for transfer should prevail at the New York State Vocational Institution as governs transfers from one prison to another.

#### **XVI. TRANSFER OF PRISONERS FROM ELMIRA REFORMATORY TO STATE PRISONS**

Section 293 of Article 12 of the Correction Law should be amended so as to allow for freer transfer of prisoners from Elmira Reformatory to State Prisons.

##### **Comment:**

The more careful screening there is of those of the reformatory age either before or after commitment, the more likely it will prove that the reformatory will be able to render a more satisfactory public service. Therefore, it is felt that the Commissioner of Correction should not be limited by the present restrictions making it difficult at times to remove from the Reformatory population those who cannot respond to the program of treatment or are otherwise unsuited.

### **XVII. RETENTION OF PRISONERS AFTER EXPIRATION OF THEIR TERMS**

Section 440 of Article 17 of the Correction Law should be amended so as to overcome the difficulty of retaining mentally defective misdemeanants after the expiration of their sentence.

#### **Comment:**

Under the present law it is possible to continue to hold with the approval of the court mentally defective felons after the expiration of the sentence. As a further means of public protection it is felt that the same power should be extended to apply to misdemeanants since there are some who are not qualified to return to society when their sentences have expired. On the basis of the experience of the State Department of Correction it is considered to be a much wiser procedure to have certain of such misdemeanants recommitted to the institution before the expiration of the sentence. According to the interpretations in the Zack case, this is no longer permitted. The proposed change in Section 440 is intended to make possible such commitments.

### **XVIII. TRANSFER TO CERTAIN INSTITUTIONS UNDER THE JURISDICTION OF THE DEPARTMENT OF MENTAL HYGIENE**

Section 439A of Article 17 of the Correction Law should be amended to broaden the power of transfer from institutions in the Department of Correction to the Department of Mental Hygiene.

#### **Comment:**

It is the opinion of the Department of Correction that a number of inmates, over 21 years of age, are confined in institutions for mental defectives (Napanoch, Woodbourne and Albion) who should not be in a correctional institution. They are inadequate individuals and cannot be returned to society but have maintained perfect records for years, in many cases, in these institutions, and in no way are discipline problems. Among these individuals are those who would profit from care and treatment in institutions in the Department of Mental Hygiene and it is believed that it would be to the best interests of the State to have some of those over 21 years of age transferred to the Department of Mental Hygiene just as has been provided for the transfer of certain individuals under 21 years of age.

No age limit is set in section 134A, Chapter 874 of the Laws of 1945 for transfer from the Department of Mental Hygiene to the Department of Correction; likewise it is felt that there should

not be an age limit restricting transfers from institutions for mental defectives of the Department of Correction to the Department of Mental Hygiene.

### **XIX. TRANSFER OF ADMINISTRATIVE CONTROL OF COUNTY PENITENTIARIES TO THE STATE DEPARTMENT OF CORRECTION**

It is recommended that the Legislature authorize the transfer of administrative control of the county penitentiaries to the State Department of Correction.

#### **Comment:**

The Prison Association over a number of years has urged legislative action on this situation. The county unit of government is not designed to assume the responsibility of administering penal institutions holding sentenced prisoners. The State Department of Correction is considerably better adapted to the administration of such institutions. This would make for centralization of control and administration and should effect a saving to the taxpayer as a result of greater efficiency of operation. This proposal, it would seem, would be in the interest of further "streamlining" of the State Government. Basically, the only reason for the present procedure is one of tradition dating back to the early days when the county unit of government was supreme.

### **XX. EXTENSION OF CIVIL SERVICE TO INCLUDE EMPLOYEES OF COUNTY PENITENTIARIES**

It is recommended that the provisions of the State Civil Service Law be extended to include the personnel of the county penitentiaries.

#### **Comment:**

In keeping with the foregoing recommendation, legislative action should be instituted to the end that the employees of county penitentiaries be under the provisions of civil service. This action is recommended, first, as a protection to the personnel; second, as a protection to the people of the State; and third, for the establishment and application of higher standards and qualifications for this difficult job in human relations.

### XXI. APPOINTMENT OF MATRONS IN COUNTY JAILS AND PENITENTIARIES

It is recommended that legislation be enacted providing for the mandatory appointment of matrons in county institutions and in courts where women are detained.

#### Comment:

At the present time the Correction Law does not provide for the presence of matrons in county jails and penitentiaries and some court pens; in accord with modern standards and common decency this condition should not be tolerated. Legislation is required to correct this situation.

### XXII. EXTENSION OF FINGERPRINTING

It is recommended that Section 940 of the Code of Criminal Procedure be amended so as to permit the fingerprinting of all persons legally committed to the county jail, all misdemeanants and those charged with disorderly conduct, vagrancy or disorderly person. The Inferior Criminal Courts Act should be amended to conform to the change.

#### Comment:

Frequently persons arrested on minor charges are later found to be fugitives from justice, but only after opportunities for their further detention have passed. With authority extended to fingerprint immediately those persons included in the recommendation greater protection can be afforded society through rapidity of identification.

### XXIII. COMPENSATION FOR INJURED PRISONERS

It is recommended that consideration be given to the need for the establishment of a system of graduated compensation for prisoners injured while employed in the industries or otherwise in the institutions of the State Department of Correction.

#### Comment:

There is no valid reason why compensation should not be paid to prisoners seriously or permanently handicapped through no fault of their own. There are instances where prisoners have been liberally compensated and others where no compensation has been received. This leads to the recommendation providing a system so that discrimination will not be possible. The assurance of justice as a safeguard against fraud and exploitation is necessary through legislative action.

### THE BEGINNING OF ANOTHER CENTURY

During the first year marking the beginning of the second century of the Association's existence, we continued our efforts toward the winning of the war and at the same time kept alert to the need of preparing for the expected rise in crime following the cessation of hostilities. While during the year 1945 there was no marked increase in the population of correctional institutions of this and other States, there was some evidence of the beginning of a return to the higher numbers of other years. This is to be expected in a tired and sick world as an aftermath of war. Yet it cannot with peace of mind be easily disposed of as an unavoidable postwar condition. Many of those basic elements identified with crime causation exist in peace time and are enhanced only by the strain and stress of war. Yet if communities were better prepared in peace time to deal with juvenile delinquency and crime, the shock caused by the war and its ending would not leave them so exposed to a return to a high rate of crime.

Realizing, therefore, that crime must be dealt with as a means of public protection and national preservation, the Association continued as it has for years to assist in the fields of crime prevention and in the improvement of those methods of crime treatment relating to court procedures, institutional administration and planning, parole and postrelease activities. Crime will not disappear entirely and certainly not overnight and whether we like it or not courts and institutions and many other parts of the machinery of justice will remain. However, the fact that they need to be continued does not justify oversight but prompts earnest endeavor looking toward their increased efficiency and general betterment.

#### Sing Sing Cell Block

In November 1945 the final demolition of the old cell block at Sing Sing Prison was accomplished. We make this the first item of mention for the year just passed because of the Association's long identity with efforts to make the prison function in harmony with the best public interest. An examination of our Annual Reports and special investigations over a long period of years will quickly show that the Association was continually alert to make for progress at Sing Sing. This emphasis of interest was not at the expense of other institutions in the State or, as a matter of fact, the Nation. However, progress made within its walls or through discussion concerning it reverberated the nation and world round. One need, of course, was to rid the prison of the old cell block. That was recognized for decades not only by The Prison Association of New York

but by many other bodies and individuals. Yet it can be stated in fairness to all that the campaign conducted by the Association in 1916\* under the slogan, "Sing Sing Must Go," marked the beginning of the end of the cell block and the rebuilding of the prison. The delay between 1916 and 1945, a long period of twenty-nine years, is just another evidence of the slowness, regardless of earnest endeavor, identified with penological progress. All through the period of twenty-nine years after the decision had been made to abandon the cell block, one reason or another developed, and sometimes with justification, to temporarily halt the demolition. Again, however, the Association persistently through this period urged that there be an end to the delay. Therefore, it can be seen that the final demolition is a source of great gratification to the Association as it must be to all others who are interested in humaneness and decency of treatment for the lawbreaker.

**Prisoners in** Warden Lewis E. Lawes, a member of our  
**the War Effort** Executive Committee, and our General Secretary,  
E. R. Cass, continued their relationship with  
the Prison War Programs Branch of the War Production Board.  
When the final story is written it will be shown that this body with  
headquarters in Washington made an outstanding contribution  
to the war effort through the encouragement and coordination of  
the institutional industrial and farm activities of the various States.  
The last figure given out in October of 1945 when the War Pro-  
duction Board was dissolved showed a monetary value of \$57,327-  
202. Added to this is the splendid production of the Federal  
prisons valued at \$78,861,465.93. However, aside from the monetary  
value there was the marked improvement of the morale among the  
prisoners and every evidence of a sincere desire on their part  
to help win the war. Through the war there were no strikes, no  
discussion about wages or working conditions. The men went to  
the shops day after day and did their work and others worked in  
night shifts. In addition the inmates of the various institutions  
over the country gave liberally to blood banks and from their  
small earnings bought war stamps and bonds. These men, deprived  
of their freedom and without gaining the benefit of the war boom,  
repeatedly recorded their eagerness and satisfaction at being able  
to do something to help win the war. Regardless of one's interest  
or lack of interest concerning prisoners, and recognizing always  
that crime cannot be condoned and that it is costly both to the  
people as a whole, the victims of crime, and the offender himself,  
it nevertheless must be permanently recorded that we had just  
reasons to be proud of the achievements of our prisoners and those  
who directed them during the war.

\* See Chapter 594, Laws of 1916.

**PENAL INDUSTRIES CONTRIBUTION TO THE WAR EFFORT**  
(Final WPB Compilation)

Rank	State	October 1, 1945
19th	Alabama	\$1,442,285
	Arizona	121,989
	Arkansas	408,802
1st	California	6,038,641
	Colorado	218,831
	Connecticut	964,377
	Delaware	7,102
	District of Columbia	358,246
	Florida	84,253
	Georgia	14,835
	Idaho	69,691
9th	Illinois	2,019,325
17th	Indiana	1,634,444
11th	Iowa	1,924,837
	Kansas	256,374
	Kentucky	328,211
	Louisiana	984,006
	Maine	285,047
4th	Maryland	2,938,887
10th	Massachusetts	2,010,621
2nd	Michigan	4,968,658
14th	Minnesota	1,784,548
	Mississippi	263,696
15th	Missouri	1,694,791
	Montana	616,261
	Nebraska	430,217
	Nevada	23,998
	New Hampshire	12,705
	New Jersey	691,245
	New Mexico	71,099
18th	New York	1,618,614
	North Carolina	418,390
	North Dakota	318,575
5th	Ohio	2,237,785
8th	Oklahoma	2,070,508
12th	Oregon	1,102,845
6th	Pennsylvania	2,218,820
	Rhode Island	236,269
	South Carolina	125,299
	South Dakota	483,725
3rd	Tennessee	4,211,167
7th	Texas	2,305,979
	Utah	1,102,769
	Vermont	77,688
16th	Virginia	1,677,245
21st	Washington	1,218,357
13th	West Virginia	1,812,984
20th	Wisconsin	1,311,960
	Wyoming	288,148
	<b>Total</b>	<b>\$57,327,202</b>

The above compilation is the last supplied by the War Production Board before it was dissolved. In addition to the above total there is to be added \$78,861,465.93 representing the value of the output of the Federal Prison Industries as of November 1, 1945. Both figures make a total of \$136,188,667.93.

Outstanding was the contribution made to the war effort through Federal Prison Industries, Inc. by the inmates of the Federal institutions. During the defense and war periods, July 1, 1940 to August 31, 1945, the value of the output of these industries amounted to \$76,840,552.01. While some of this production antedates Pearl Harbor, it nevertheless can readily be considered as contribution to the war effort. This production began as soon as Congress undertook debating the Lend-Lease bill. The Federal figures do not include farm production but only items coming directly from the hands of those in the shops and of the machine equipment.

#### FEDERAL PRISON INDUSTRIES, INC.

##### War Production

Fiscal year 1941.....	\$7,062,015 07
July 1 to November 30, 1941.....	4,198,240 61
December 1, 1941 to June 30, 1942.....	9,389,029 16
Fiscal year 1943.....	18,789,180 73
Fiscal year 1944.....	17,020,660 27
Fiscal year 1945.....	17,557,498 96
July 1945.....	1,395,546 19
August 1945.....	1,428,381 02
September 1945.....	1,116,334 38
October 1945.....	904,579 54
Total to November 1, 1945.....	\$78,861,465 93

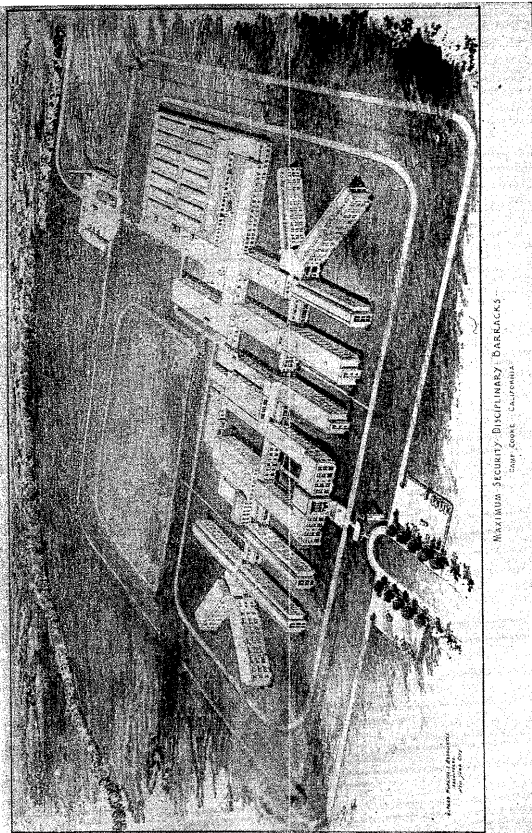
#### Correction Division War Department

Our General Secretary, appointed by Secretary of War Robert P. Patterson, as a consultant to this Division, continued in

that capacity. It is noteworthy that the operations of this Division will show that the Army handled its prisoners more satisfactorily generally during World War II than in the past. The Army, anxious to deal with a difficult problem in accord with standards and procedures reflecting the best penological thought and processes, wisely set up a separate division. They carefully selected its personnel and then surrounded itself with the advice of a Board of Consultants made up of those who had many years of varied experience in the field of crime study and treatment.

Many of our soldiers who came into conflict with Army regulations or laws of different jurisdictions, instead of being held for long inactive periods in confinement were given, through a process of screening, the benefit of a rehabilitation program and finally restored to service. At the closing meeting of the 75th Annual Congress of Correction under the auspices of The American Prison Association, the Secretary of War, Robert P. Patterson, gave an explanation and an accounting of the activities of the Correction Division. Mr. Patterson is a well-known lawyer, a judge, and a soldier; a man of the highest integrity and capable of making a





MAXIMUM SECURITY DISCIPLINARY BARRACKS  
CAMP COOKE - CALIFORNIA

#### UNITED STATES ARMY DISCIPLINARY BARRACKS, CAMP COOKE, CALIFORNIA

As a part of its expanded program of dealing with military prisoners, the U. S. Army is constructing a new disciplinary barracks at Camp Cooke, California. Designed by Alfred Hopkins and Associates, New York City, this institution embodies all the treatment facilities necessary in a modern institutional program.

careful evaluation. He knows war and the problems of war, and what he had to say at the Congress is worthy of reading and permanent record. (For a copy of his full address see page 91.)

**Navy Prisons** It was gratifying to note the adoption by the Navy Department of progressive methods in dealing with delinquent service personnel. The Navy was fortunate in securing officers and enlisted personnel trained in civilian correctional work and these men did much to bolster the plans and policies emanating from the Corrective Services Division of the Bureau of Naval Personnel. Identified with that office was Lieut. Roberts J. Wright, USNR, our Assistant Secretary now on military leave. Lieut. Wright was commissioned in the Navy in January 1943 and shortly thereafter become assistant provost marshal of the Naval Training Station, Norfolk, Virginia. He was closely identified with the problems of delinquency and discipline at that station for a period of sixteen months. He was then assigned to the Bureau of Naval Personnel where he was the Prisons and Brigs Officer for the Corrective Services Division. For the year that followed he was directly concerned with the short-term offender and the Navy's brigs throughout the country. While in this capacity he made many inspections of naval places of confinement and was instrumental in developing the Navy's forward-looking program of correctional treatment.

During the summer of 1945 Lieut. Wright was detailed to the staff of the Commander Philippine Sea Frontier, with headquarters at Manila, as Prison Administration Officer. In this capacity he was responsible for naval places of confinement in the Philippine area. Representing the Bureau of Naval Personnel in matters dealing with offenders and places of confinement, Lieut. Wright visited brigs and prisons in many areas of the Pacific.

Lieut. Wright was placed on inactive duty on December 31, 1945 and he will return to his former position with the Association early in 1946.

The Navy's progress in penal affairs was a creditable achievement. It reflected an understanding of the problem that can result only from years of close relationship with its many intricate aspects. It is to the credit of the Navy that nearly 100 officers with civilian correctional experience were assigned to the various places of confinement. These included State and Federal prison officials, probation, parole, and private and public agency people. These officers, together with other naval personnel some of whom had long years of naval service to their credit, developed a program of industry, classification, education and training, military drill and physical training, in keeping with accepted standards of modern penological practice. The Navy Department has made public the fact that it had two naval prisons, eight disciplinary barracks, and

two re-training commands, in addition to several specially designated brigades, for the housing and treatment of general courts-martial offenders. These prisoners numbered over 16,000 at one time during the war period, and considering the number of persons in the naval service the Navy Department maintained a record of which it may be proud.\*

It is to be hoped that the Navy Department will continue the fine work of its Corrective Services Division during the days of peace that lie ahead.

#### **Prisoners in the Armed Forces**

Regardless of the difficulties to arrange for the induction of former prisoners into the armed forces and while the exact figures are not yet available the fact remains, thanks to the interest of the Selective Service officials and to those who made final decisions for the Army, many men who had been in prison made a good showing by their conduct on the field of battle. President Truman was sufficiently impressed in this connection to authorize recently the restoration of civil rights to more than 2,000 former Federal prisoners honorably discharged from the armed services.

At this writing steps are being taken by the Governors of various States and parole boards to give some recognition by way of restoration of civil rights and other advantages to those who served in the armed forces with credit. Governor Dewey of New York State in his Annual Message to the Legislature urged that the Parole Board be authorized to release from parole at its discretion, those who are honorably discharged from the armed forces. We are heartily in accord with the suggestion of giving discretionary power and will support legislation to this end.

During the year the Association through its Secretary, as a member of the National Advisory Committee on Prison and Parole Matters Affecting Selective Service, was active in impressing upon correction officials and parole boards that there be a liberalization of procedure to allow for the induction of prisoners in the armed forces.

#### **Surplus War Supplies**

Throughout the year our General Secretary in harmony with both the interests of The Prison Association of New York and The American Prison Association endeavored through contact with officials in Washington and communications to various correctional institutions throughout the country to make available surplus war supplies for the benefit of the prisons and reformatories. Particular reference was made to those items necessary for educational purposes. Some

\* For a detailed description of the Navy's prison program see the 100th Annual Report of The Prison Association of New York, 1944, page 100, "The Navy's Correctional Program" by Colonel Emmett W. Skinner, USMC.

institutions, and New York State was fortunate in this instance, succeeded in obtaining with little or no cost surplus equipment and supplies. However, there has resulted thus far only a trickling release considering the vast quantities under the control of the armed forces or agencies in Washington. There has been slowness and confusion and undoubtedly the government is confronted with a difficult problem. However, in all approaches made to Washington officials, it was stressed that the equipment and supplies requested for prisons, reformatories and juvenile institutions were for governmental needs and for tax supported institutions and in no way intended for private gain. There is provision for such a release in the law and it is earnestly hoped that when a more definite decision is made the correctional institutions will benefit substantially.

When it was decided to discontinue the Prison War Programs Branch of the War Production Board, our General Secretary, voicing the sentiment of The American Prison Association, urged that part of the Prison War Programs personnel be retained so as to serve the interests of the correctional institutions in the distribution of war surplus supplies. This to some extent was accomplished.

#### **Veterans In Correctional Work**

The General Secretary was requested by the War Department to assist in the preparation of a brief setting forth opportunities for veterans to obtain employment in the correctional field. This service was gladly given. In this connection we also take pleasure in recording the preparation of a three hundred page book by the Federal Bureau of Prisons entitled, "Prison Work as a Career." It, of course, relates to the Federal prison service but its contents, standards and objectives are worthy of careful study.

During the year the Association has received many letters from veterans asking what the chances were for them to "get into prison work." These letters have been carefully answered and the best information and direction given.

#### **Veteran Preference In Civil Service**

We joined with the City and other civil service employees, the Civil Service Reform Association, and various other organizations in urging that the voters defeat Amendment 6 to the Constitution providing preference for all veterans with special reference to disabled veterans. In doing so, the Association had, not the slightest idea to take from the disabled and other veterans a just reward for their contribution to the winning of the war and the preservation of their country. The objection was based on the thought that the Amendment was too sweeping and all inclusive and, therefore, unjust to other civil service employees and the merit system generally. There was organized under the leadership of the Civil Service Reform Association a Citizens' Committee on Veteran

Preference. This group with which the Prison Association cooperated did an excellent service to enlighten the public. The Secretary of that Committee contributed an illuminating article entitled, "Veteran Preference Gone Haywire," which appeared in the September-October 1945 issue of *The Prison World*, the official publication of The American Prison Association.

The Amendment won in the November elections but only by a slight margin, a little more than 34,000 votes. The upstate communities swung the balance in favor of the Amendment. We believe that if the Amendment had been considered by more people upstate with less emphasis on sentiment, the Amendment would have failed. The Association has always stood for civil service and the merit system, and its opposition to the Amendment was based on fair play for civil service employees and veterans as a whole.

#### **Detention of Juveniles**

How to house and care for juvenile delinquents awaiting disposition by the courts or transfer to an institution was the basis for serious concern on the part of interested observers, workers, and agencies in this City again during the year 1945. The City administration was in conflict with various children's societies receiving from the courts juveniles for temporary care. The Mayor of the City was dissatisfied with the arrangements with these organizations and was determined to discontinue city subsidy. The whole situation created quite a problem and although the City made some attempt to ease the situation through the setting up of Youth House in Manhattan, it was nevertheless recognized that a more well-rounded solution was needed. The problem was further and seriously aggravated by the housing of some of these juvenile delinquents in the City Prison, Manhattan. Through the combined efforts in 1944 of The Prison Association of New York and the State Commission of Correction, and in 1945 by the same two bodies with the added interest of the Society for the Prevention of Crime bills were introduced in Albany and passed prohibiting after September 30, 1945, the housing of children in the City Prison, Manhattan and in county jails, penitentiaries, and lockups. Here again the problem was not solved but the prohibitions contained in the laws made it clear that the State of New York was opposed to the housing of children in those places described above. As the time limit imposed in new legislation approached there was renewed concern and a realization that something had to be done.

Continuing its interest, The Prison Association of New York as a follow-up of a meeting held in its office in November 1944 addressed a letter to the Welfare Council of New York City on November 29, 1944 requesting that the Council make a study of the whole problem of juvenile detention. On February 13, 1945 Mr. Robert P. Lane,

Executive Director of the Welfare Council of New York City, advised that such a study would be made. Conferences followed and Mr. G. Howland Shaw, a member of the Executive Committee of the Prison Association, was selected to head the committee making the study. The committee after careful examination and study rendered a concise and excellent report. It is presented in full in this report beginning on page 63.

Unfortunately, the clear thinking and wisdom identified with the report was not followed by the City administration. The whole situation was more influenced by the Mayor's own attitude and his unceasing dislike for those organizations that had for years been identified with the temporary care and custody of juveniles referred by the courts. The report presented by Mr. Shaw's committee represents not only a logical solution but a pattern that might well be of value to other communities throughout the country. We are glad with the permission of the Welfare Council to make the report a part of this official document to the Legislature and desire at this time to express our appreciation to the Welfare Council for its willingness to go into the subject and to Mr. Shaw and his associates on the committee.

#### **Juvenile Institutions**

Further as an outgrowth of the meeting held in this office in November 1944, the Welfare Council agreed not only to study detention facilities for juveniles in New York City awaiting court action or transfer, but also agreed to extend the work of the committee headed by Mr. Shaw to include a study of the programs of treatment identified with various juvenile institutions in the New York area. This study reflects the earnestness of the chairman and the wise evaluation of the material gained from reports and observations of the field workers. We are glad to be able to include with the permission of the Welfare Council of New York City the report in full beginning on page 71.

#### **Juvenile Gangs**

On July 31, 1945, our President, Mr. Holter, directed a letter to the Welfare Council of New York City calling attention to the seriousness of the problem of juvenile gangs in our City and urging that the Council undertake a study of the problem. One member of our Board, Mr. G. Howland Shaw, has given considerable time not only in this City, but in other areas, to gathering at close range information about these various gangs. As a result of this letter the Welfare Council agreed to undertake the study and a committee of twenty-six experts was organized. Mr. Shaw was selected to serve as chairman. This study is in process but will not be completed in time for its inclusion in this report. However, it is anticipated that with

Mr. Shaw's experience and that of his colleagues on the committee, there will be presented information and findings that have not heretofore been properly organized and focused.

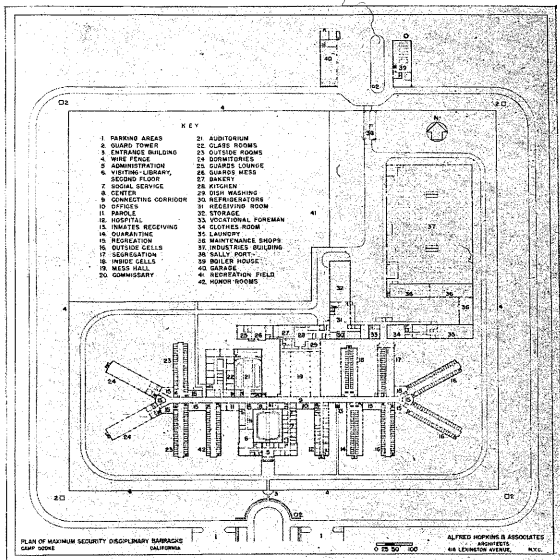
**Youthful  
Offender  
Laws**

Beginning with Chapters 549 and 551 of the laws of 1943 and later modified by Chapter 632 of the Laws of 1944, a new procedure was put into operation for the handling of youthful offenders between the ages of 16 and 19 who have been indicted for a felony and who have been investigated by the Probation Department. From October 1, 1943 to September 30, 1944, there were 527 youths considered under the provision of the new law, and of these 180 were found eligible for treatment as youthful offenders in the Youth Part of the Court of General Sessions of New York City. Under the new procedure indictments are not filed. The effect of the adjudication is that: "No determination made under the provisions of this title shall operate as a disqualification of any youth subsequently to hold public office, public employment, or as a forfeiture of any right or privilege, or to receive any license granted by public authority; and no youth shall be denominated a criminal by reason of such determination, nor shall such determination be deemed a conviction." Since the Association supported this legislation it is gratifying to note its increasingly successful operation.

**Sentencing  
Process**

This Association has been concerned for years with the question of the best method to pursue following conviction by plea or verdict. Its identity with the beginning of the indeterminate sentence in this country, its plea for the establishment and better organization and administration of probation, is substantial proof of its desire for intelligent and just handling of those who come within the control of the courts. While progress has been made as a result of its interest, there still remains the unevenness of justice as evidenced by the variety of sentences imposed by the various courts in the State for similar crimes and circumstances. One thought that the Association has pursued for years as a likely remedy is the establishment of the pure indeterminate sentence. An attempt in this direction was made some years ago when the Association sponsored the Quinn-Robinson bill.\* This was passed by the Legislature but vetoed by the Governor because the bill carried no appropriation. It has been demonstrated, in the State of California for example, that punishment and the administration of justice can be entrusted to other than the courts through the operation of a liberal parole law. The day must come when there will result a more even application of

\* See Senate Int. 1396, Pr. 1588; Assembly Int. 1472, Pr. 2650; 1934 Legislature.



## PLOT PLAN, UNITED STATES ARMY DISCIPLINARY BARRACKS, CAMP COOKE, CALIFORNIA

Considered a maximum security institution the above photograph shows the general plan of the Army's new disciplinary barracks at Camp Cooke, California.

criminal justice and the Association will continue to record itself in support of that objective.

As a proof that the situation does not relate only to the State of New York, but to other areas as well, including the Federal jurisdictions, we are making a part of this report and in support of our contention as to the need for a change, an illuminating article by United States Attorney General Biddle which appeared in Collier's magazine of May 19, 1945.

**Conduct of Some Attorneys  
Operating in the Criminal  
Courts Building**

Taking advantage of inmates of the City Prison, Manhattan, by some attorneys who obtain compensation sometimes through the lifting of pawn tickets, watches, and other items or substantial sums of money and giving little or no service in return is a situation that continues to hold the attention of the Association.

One case was referred to the Grievance Committee of the Bar Association. It was learned that complaints about this attorney were frequent. This will soon be a matter for the court to decide through disbarment proceedings. The Association in its Recommendations to the Legislature (see page 15) has urged that the State Judicial Council make a thorough investigation of complaints of this nature.

**Probation**

The Association will not be content with probation in all courts in New York City or elsewhere until certain standards relating to organization, personnel, and procedure are in operation and until the various services are adequate. For years there has existed an unevenness of probation organization and administration in the City of New York. Since the first probation law of the State was written in the office of The Prison Association of New York and sponsored in Albany by it, it naturally follows that the Association is anxious that probation be at its best or nearly so in every instance. Weak probation systems, and the same holds true for parole, make for public danger and the discredit of sound theories. There is a renewal of interest in the need for providing better probation service for New York City and outspoken in that connection is Chief City Magistrate Edgar Bromberger of the Magistrates' Courts. He is trying to reorganize his probation service and to improve it in every way. Whatever success he achieves will relate to only one set of courts. The improvement must be expanded and all-inclusive if the desired results are to be obtained. Below is a letter addressed to the New York Times complimenting Magistrate Bromberger on his efforts and expressing the Association's views regarding the problem as a whole.

December 26, 1945

To The Editor of The New York Times:

It was pleasing to note in your issue of Christmas Day the desire on the part of Chief Magistrate Edgar Broumberger to improve the probation service of the Magistrates' Courts. The Prison Association of New York had considerable to do with the writing and sponsorship of the first probation law of this State and through the years has constantly aimed to improve the probation service, in which it has the greatest faith when adequately and courageously administered.

It has long been recognized that the probation service in the various courts of the City, with the exception of General Sessions, is pitifully inadequate. This applies particularly to Children's Court, Magistrates' and Special Sessions. Having been conspicuously identified with the achievement which resulted in a high level of probation organization and service in the Court of General Sessions we are anxious that the same quality of organization and service be made available for the other courts. This seems a wholly reasonable conclusion, since it has been demonstrated over and over again that probation can be made a useful and economical medium for the control and treatment of law violators.

Through the years different suggestions have been made to improve the probation service of the various courts; some of these looking toward consolidation so that the City would have one big probation system, and others toward the patching up of the service in this or that court. Our feeling is that the probation needs of the courts of this City should be considered and treated as a whole and that in each court there be adequate and competent personnel under inspiring leadership.

To accomplish this requires more than the statement of a plan on paper. The fruition of the best ideas on the problem will not be of value until the City desires to make available the necessary funds. The inconsistency of the present situation is that there exists in the Court of General Sessions an excellent service under the able leadership of Irving W. Halpern, who has given the best of his life to his work, but in other courts a starved system which has been calling for sustenance for years.

Sincerely yours,

(Signed) E. R. CASS  
General Secretary

**New York City  
Reformatory for  
Misdemeanants**

On December 4 our General Secretary made an official inspection of the New York City Reformatory located at New Hampton in Orange County. Significant among his recommendations is one that reads: "Unless the City of New York can find ways and means of maintaining this institution in accord with approved standards for a reformatory type of institution, consideration should be given to its abandonment. The pity is that the institution has great potentialities. The site and the buildings on the whole are satisfactory. All that is needed is an adequate staff, a well-rounded program with emphasis on education to be applied in its broadest sense, and inspiring leadership. In this connection the interest and cooperation of the New York City

Board of Education should be revived." It should be noted that as far back as Civil War days there was a desire on the part of interested citizens to provide ways and means to help young boys who came into conflict with the law. The State of New York set an example by establishing the New York State Reformatory for those between the ages of 16 and 30 who committed a felony. An inspection report made by The Prison Association of New York in 1902 convinced the then Commissioner of Correction of the City of New York that some action must be taken to afford better housing and treatment of young misdemeanants and to keep them separate and apart from older and experienced offenders. At that time they were all kept at the Workhouse on Blackwells Island, now known as Welfare Island. Considerable agitation followed at state conferences and elsewhere and the Prison Association took part in drafting a law which became Chapter 627 of the Laws of 1904 establishing a Reformatory for Misdemeanants. The law was strengthened in 1907, Chapter 516, through an amendment providing that only first offenders should be committed.

The Reformatory was finally located on Hart's Island and in 1914, its transfer to New Hampton Farms was started. In April 1916 the complete transfer was accomplished. This change gave the institution a new birth and there existed at the time considerable enthusiasm and high hopes for the future. Unfortunately with changes in administration and personnel this was not maintained with the result that the reformatory has remained more or less static. This comment is not intended as a criticism of any of the Commissioners of the New York City Department of Correction. Some have been more interested than others but it is fair to say that they all believed in a reformatory type of institution for young offenders but were unable to get the necessary support to bring the institution to a level comparable with those institutions holding a place of leadership in the field.

Aside from the indifference of official attitude which the institution has had to experience there is the serious problem created by the courts failing to observe the law relating to commitments. On December 4, 1945, when an inspection was made it was revealed that there were 31 inmates out of a total of 273 whose case records proved them to be undesirable subjects for the institution. Their presence was a handicap to the other inmates and of no advantage to themselves. A glaring example is set forth in Recommendation VI appearing on page 16.

At this writing conferences are being held to draft a bill to remove the objections set forth in the above recommendation and thus place the New York City Department of Correction in a position whereby it can free the institution of those who should be committed elsewhere.



Further, communications have been addressed to the various courts urging upon the judges that they adhere to the provisions of Section 126 of the Inferior Criminal Courts Act of the City of New York relating to commitments, etc. The State of New York having experienced the difficulty of dealing with unwise commitments to both the Elmira Reformatory and the institution at Coxsackie has taken steps to correct the situation through the establishing of the Reception Center at Elmira Reformatory for those between the ages of 16 and 21. The Department of Correction of the City of New York should also be in a position to exercise some control over those coming to some of its institutions, at least, and for whose rehabilitation it is held responsible and too frequently criticized if unsuccessful. The screening process worked wonders for the Army and the Navy and the whole idea it embodies should and is proving of value to correctional administration.

#### Westfield State Farm, Reformatory Branch

The Association holds to the opinion that it is a mistake and contrary to the practice of years to abandon the use of the cottage system for women's institutions. The General Secretary, as a member of the State Commission of Correction, endeavored to bring about the reconsideration of the decision in connection with postwar construction to build a unit to house about 300 inmates as a substitute for all but three of the cottages now in use. In holding to the view that the cottage system should not be eliminated to give preference to a congregate type of housing, the General Secretary was supported by women administrators of long experience and of conspicuous service in various states.

As was previously reported the State Commission of Correction voted against the proposed discontinuance of the cottage system at its October meeting. The matter was later referred to the Attorney General for an opinion on the question of whether the Commission's decision was binding or advisory. The opinion held that it was the responsibility of the Commissioner of Correction to make the final decision and that it was the function of the Commission of Correction to give advice and guidance. Preparations have been made for the carrying out of the postwar plan and, therefore, it is clear that the cottage system is doomed as a predominating type of housing at the Reformatory Branch of the Westfield State Farm.

#### County Jails

Regarding certain vices identified with county jail administration, the General Secretary arranged for the publication in *The Prison World*, July-August 1945, of a stinging criticism of the kangaroo court system by Dr. Louis N. Robinson of Swarthmore College, an

authority on penal and correctional problems. This article was distributed to every sheriff in the United States. On another evil, namely the fee system, the General Secretary wrote an article for the September-October, 1945, issue of *The Prison World* and this too was distributed in every county of the United States. The subject of these two articles, of course, reveal only part of county jail evils. These two evils are particularly vicious and harmful and deserve to be singled out and dealt with by all people of good conscience.

It is encouraging to note that there is considerable interest being shown in the States of Maryland, New Hampshire, North Carolina, Oregon, Washington, and California relating to county jails. Some of this is the outcome of inspection reports or special surveys made by the Federal Bureau of Prisons. The reports show shocking conditions in the State of Maryland and legislation is now under consideration to make changes. In New Hampshire the 'Taxpayers' Association is very much aroused. The Governor in North Carolina has appointed a commission to study the jail conditions. The Governor of the State of Washington has requested a special survey by the Federal Bureau of Prisons following the beating to death of a juvenile in the King County Jail. In the State of California, under the direction of Mr. Richard A. McGee, formerly of the New York City Department of Correction, plans are under way to provide supervision of jails. All of the above movements coincide with the long standing interest of our Association in the jail problem and reflect the progress made in our own State through the Association and the State Commission of Correction.

#### Legislation

It was a good year in Albany for correctional legislation and we are quick to give recognition to Governor Dewey in his exercise of good judgment in urging the passage of bills intended to correct long standing needs and make for more efficient, intelligent and smoother administration of criminal justice. Outstanding in this connection is the law establishing the Reception Center at the Elmira Reformatory for those between the ages of 16 and 21. This change should satisfy a long standing need. Our views on the subject were set forth in a letter to the Governor on December 8th as follows:

My dear Governor:

For a long time there has been dissatisfaction among administrators and observers regarding the commitment of young offenders, particularly to institutions such as the State Vocational Institution at West Coxsackie and the Reformatory at Elmira. Too frequently there are sent to these institutions young people who cannot be benefited by the program of the institution, and the problem which they present tends to retard the proper functioning of the institution. In my conversations with Mr. Breitell and in correspondence I have come to learn that this subject has also had your attention for some time.

The proposal made by this Association to the Legislature on more than one occasion has been that commitments to these institutions, and as a matter of fact, to all institutions under the control of the State Department of Correction, be made to the Department and that it be left with the Department to determine on the basis of individual study the selection of the institution in which the offender should be placed. This practice is not without parallel in other jurisdictions both State and Federal.

It is true, of course, that the Department under existing laws can reject commitments to some of its institutions or arrange for transfers; however, there is a reluctance to follow this as a regular course and to the extent desired.

Since you are now according to press reports preparing your annual message to the Legislature, may we express the hope that you will urge legislation to provide for commitment to the Department of Correction as indicated above and certainly with particular reference to Elmira and Coxsackie.

Respectfully yours,

(Signed) E. R. CASS  
General Secretary

The Reception Center must succeed if the inmates concerned are to receive the maximum of benefit identified with the rehabilitative efforts of the State. It will be helpful to the various institutions involved and ultimately for the public at large. It was a pleasure to be able to go along with the Governor in his legislative efforts and we are happy to record here the Governor's recognition of our desire to be of service to him and the State throughout the session.

May 7, 1945

Dear Mr. Cass:

I wish to thank you and express my deep appreciation for your continuous help and cooperation in providing me with memoranda on bills during the past legislative session which required my consideration.

As you undoubtedly realize, the handling of over 1,200 bills during the past session would have been an almost impossible task without the help such as you rendered. The service that you rendered was not only of help to me, but a very vital and important one to the people of the State.

With my very kind regards, I am

Sincerely yours,

(Signed) THOMAS E. DEWEY

Our action on various bills during the 1945 session is recorded in the summary beginning on page 53.

#### **Firearms As Trophies or Souvenirs**

At the suggestion of Commissioner John L. Schoenfeld, a member of the Executive Committee, the Association became increasingly concerned during the year about firearms being brought into this country by soldiers and others. Correspondence was had with the War Department; attention was directed to the

protest made by District Attorney Hogan of New York County in which he indicated grave alarm. Former Police Commissioner Edward P. Mulrooney of our Executive Committee was of the opinion that too much of the blame was being placed on ex-soldiers and that the weapons were coming in from other sources such as the Merchant Marine and sailors. He had gone over the situation with Mr. J. Edgar Hoover and local revenue officials. As a result of these various observations, it is clear that the situation requires exercise of control and aside from the activities of the Police Department something more effective than has yet appeared is needed. The situation is more serious than that following World War I.

#### **75th Annual Congress of Correction**

It is pleasing to record that Mr. Sam A. Lewinson, a member of our Executive Committee, was elected President of The American Prison Association at its 75th Annual Congress held at the Hotel Pennsylvania, New York City, on November 15th and 16th. This selection is a fitting recognition of his many years of active interest and labors in the field of crime study and treatment. At the Congress there were 650 delegates representing 43 States, the District of Columbia, Canada, Brazil, Puerto Rico, Paraguay, and China. Outstanding addresses were given by Secretary of War Robert P. Patterson (see page 91); James V. Bennett, Director of the Federal Bureau of Prisons, describing prisons and conditions in general in the American zone in Germany; Bradley Buell of Survey; Dr. Winfred Overholser of St. Elizabeth's Hospital in Washington, D. C.; Walter A. Gordon describing the California Adult Authority. A report on postwar plans in all States was made in a section headed by Mr. Austin H. MacCormick; and an excellent review of postwar problems in another session headed by Mr. MacCormick was made.

Juvenile, medical, parole, and probation groups met in the afternoons and made valuable contributions.

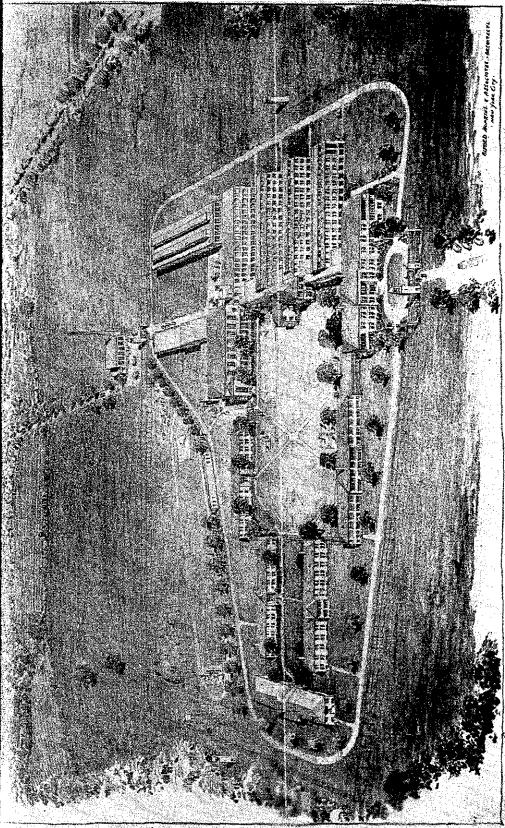
A brief summary of the Congress high spots appeared in the November-December 1945 issue of *The Prison World*, and of course, there will follow in due time the complete volume of the Proceedings. Copies of *The Prison World* and the Proceedings of the Congresses of the Association are always available in our library.

Important resolutions were adopted including a strong protest of the kangaroo court system in county jails and other institutions; the fee system as a means of compensating sheriffs and minor judicial officials; and the detention of juveniles in city or county jails. Other resolutions related to veteran preference, restoration of civil rights, and the distribution of surplus war supplies such as trade training equipment to be used in reformatories and prisons

as a part of the educational activity. The resolution relating to veteran preference urged that in giving due consideration to veterans, other civil service employees and non-veterans desiring to enter the civil service should not be handicapped almost to the point of exclusion. The resolution relating to certain civil rights directed attention to the legislation adopted during the 1945 session of the New York State Legislature. The last resolution was a further attempt to urge the authorities in Washington and the heads of state educational departments to give the correctional institutions of the country an opportunity to share in the distribution.

There was agreement that the various resolutions were appropriate and should serve a worthwhile purpose.

**New York City Postwar Plans** Included among the many postwar plans relating to the New York City Department of Correction, there is one providing for the enlargement of the House of Detention for Women. The Association was one of those organizations that labored for seventeen years in the campaign for a House of Detention for Women to the end that women offenders would be housed and treated more decently. It was never intended that this institution be used other than for those awaiting court action or transfer. However, reflecting mainly individual views, there gradually developed the practice of using the institution for those serving sentences. These sentences vary from a few days to three years. In the meantime the institution at Greycourt, established to provide a place in the country for the care and treatment of women offenders, was discontinued and given over to the City Department of Welfare. That left the House of Detention for Women as the only place within the City limits for the holding of those serving a sentence. The Association holds to its original view that the House of Detention for Women, as the name suggests, should be used only for those awaiting court action or transfer except possibly those who have a very short sentence of say not more than thirty days. The Association is not in sympathy with the plan to continue the House of Detention for Women as a place for those serving sentence or to enlarge it for that and other purposes. We believe that Greycourt should be restored to the City Department of Correction and opened and used again for women offenders serving sentence. However, the City has committed itself to the postwar enlargement. If sufficient funds can be provided by the City together with Federal aid, it is expected to spend well over one million dollars to enlarge the House of Detention for Women. There may be some chance of altering this plan and the Association will be alert to that possibility if it occurs.



Southhampton Penitentiary Farm, Va.

SOUTHAMPTON PENITENTIARY FARM FOR THE STATE OF VIRGINIA  
CAPASCH, VA.

### PROPOSED STATE PENITENTIARY FARM FOR VIRGINIA

The proposed Southampton Penitentiary Farm for the State of Virginia is a combination minimum-medium security institution from the drawing board of Alfred Hopkins and Associates, New York City. The late Mr. Hopkins was first introduced to the penological field by The Prison Association of New York. Since that time Mr. Hopkins and his successors have developed a number of outstanding correctional institutions.

**International Penal  
and Penitentiary  
Commission**

This Commission was brought into existence back in 1872 largely through the efforts of Dr. E. C. Wines, who was for a number of years General Secretary of The Prison Association of New York. There have been quinquennial meetings and a former General Secretary of the Association, Dr. Samuel J. Barrows, was President of the Eighth International Prison Congress. The Prison Commissioner on the part of the United States now is Mr. Sanford Bates. The Prison Association of New York has been represented at a number of quinquennial meetings and all through the years has been active in various ways to make for the usefulness of the Commission. The meeting scheduled to be held in Rome in 1940 was indefinitely postponed and whether the Commission is to continue as a separate body or whether it is to be made a part of the Economic and Social Council of the United Nations Organization, is yet to be determined. At a recent Congress of The American Prison Association, the sentiment was that the question be taken up with Mr. Stettinius, head of the American delegation of the United Nations Organization. The Prison Association steadfastly holds to the idea that there should continue to be some means of international contact and understanding relative not only to the administration of prisons and the imposition of punishment, but also embracing the whole problem of crime causation and treatment. Naturally, the Association leans toward the preservation of the Commission, but if something better can be set up in its place, we shall be glad to go along in the interest of progress.

**Board Members  
in the Service**

We are proud again to refer to those members of our Executive Committee who are identified with the armed forces. The following were relieved from duty toward the close of the year: Archibald S. Alexander, Lt. Col., AUS; Richard F. Babcock, Comdr., USNR; Charles S. Cutting, Lt. Col., AUS; Harold K. Hochschild, Lt. Col., AUS; Henry C. Taylor, Comdr., USNR.

Lt. C. McKim Norton, AUS, at this writing is still in the service. Mr. Richard C. Patterson, Jr., continues on leave as Ambassador to Yugoslavia.

Three members of our Executive Committee performed outstanding service on the home front assisting those in the armed forces and the Merchant Marine. Mr. Auchincloss was unceasing in his work as Chairman of the Officers' Service Committee of New York City. Mrs. Adler gave unstintingly and enthusiastically of her time and knowledge as Co-Chairman of the New York City Defense Recreation Committee. Mr. Auchincloss also continued to serve as a member of the Board of Directors of that Committee. Mr. Edward

P. Mulrooney directed his best efforts for the benefit of seamen as Chairman of the Port of New York Area Committee of the United Seamen's Service.

Warden Laves continued as Chief Consultant of the Prison Industries Branch of the War Production Board until the work of that bureau was terminated.

#### General

We continue as in other years to receive requests for information and guidance from those in other States who are anxious to correct unsatisfactory conditions and make for progress generally. These requests by letter, telephone or personal visit come from schools, colleges, women's groups, legislative committees, moving picture producers, magazine writers, the press, broadcasting companies, heads of departments and agencies, probation and parole officers, heads of prisons and reformatories, civil service bodies, etc. We consider the handling of these inquiries as a very important service. To give helpful information requires time and in instances where the information cannot be readily given from this office, the interest and cooperation of others must be sought and cultivated. An examination of our files will disclose a surprising volume of such correspondence.

During the year, for example, there were inquiries from Milwaukee regarding the establishment of a new House of Correction; plans for a new county jail in the State of Oregon were submitted for study and comment; there were those in Oregon who wanted to know about juvenile delinquency and its treatment; Rhode Island was concerned about the future of career men in the operations of its civil service; the United States Office of War Information sought material that would assist in the revamping of the prisons in France. The Philippine War Relief desired information regarding the cooperation of prison industries; the Department of Justice of Puerto Rico was very anxious through personal representation to obtain information regarding the reorganization of its parole machinery; the head of the prison system of Puerto Rico submitted for study and comment plans relating to new prisons and jails. The State of Alabama was concerned about the reorganization of its State Department of Correction; assistance was given in the evaluation of a study made of certain procedures in the Connecticut Reformatory; a member of the Legislature of the State of Delaware sought information to support a bill to abolish the whipping post in that State; from Maryland came the request to pass judgment on proposed indeterminate sentence bills for that State; interested persons in Massachusetts asked for assistance in support of legislation to abolish the Old Charlestown Prison.

The above are samples of the kind of inquiry and request for assistance that frequently comes to our office.

## THE ASSOCIATION'S SERVICE BUREAUS

### A Lift to the Man Who Comes Out

**Employment and Relief Bureau** The end of World War II has brought with it a drastic decrease in employment opportunities, an appalling condition that must inevitably accompany the ending of every war. Despite this serious problem, however, our Employment and Relief Bureau has continued to obtain employment for parolees, discharged prisoners, and those men in various institutions awaiting release.

It is obvious that an over abundance of manpower could only serve to make more arduous the task of the Prison Association and similar organizations to secure placements for inmates and ex-inmates. Therefore we are profoundly grateful to those employers who so generously dedicate themselves to the welfare of their less fortunate brothers. It has been established, too, that there is a definite upward change in general public opinion, favoring the ex-inmate, for which fact we are further grateful. We know that rehabilitation to the ex-inmate is the shrine at the end of a long and tedious pilgrimage, and we are well aware that the impending dangers of this perilous journey are lessened by the employer who stands prepared to bestow upon the pilgrim a most precious blessing—the faith of his fellowman! This obstacle now having been removed from his path, the ex-inmate goes on to soon complete his readjustment to civilian life where he will establish himself as a useful and respected member of the community. Of course we have still to contend with the employer who remains a willing subject to his strong doubt, thus placing one more stumbling block across the path to rehabilitation. We are happy to be able to report, however, that we are gradually winning the confidence of these employers too.

The seed of rehabilitation must be first planted firmly within the individual. When he has fully learned to accept his duties as well as his rights and privileges, and further learned to exercise them properly, including the one important rule of extending courtesy and respect to his fellowmen, to win theirs in return, he will then be ready to go forth, a self-respecting and law-abiding citizen, well equipped to re-establish himself in society. And here prevails the need for gainful employment! The institutions of the State are to be commended for the various rehabilitative measures which they have adopted. They offer splendid occupational courses whereby individual skill can be developed to meet the requirements of the jobs to be secured.

The Prison Association of New York has been foremost over the last century in aiding the parolee and discharged prisoner.

For the past three and one-half years the Employment and Relief Bureau has been under the able guidance and direction of Mr. Harry Schwartz who is credited with more than thirty-five years experience in the field of crime treatment, prevention and avoidance. Mr. Schwartz's conscientious activities can be regarded with appreciation when we consider that during the past calendar year he submitted 604 prospective job offers to the New York State Parole Board for consideration. The number of men placed in employment during this period totaled 562. This was achieved by a vast number of employment contacts made personally by our representative to numerous business houses, factories, mills, laundries, stores, etc. A most encouraging factor, too, where no actual placement followed, our representative was almost invariably met with an attitude of helpful cooperation on the part of all those visited.

The Bureau does much more than serve merely in the capacity of an employment placement center. When problems arise such as financial embarrassment, or unavailability of needed work clothes, the lack of transportation to prospective job locations, tools, union dues, fees, etc., those confronted appeal to us and in turn are given the required aid, and by the same token, the individual who because of advanced age or retarded health cannot work, is invited to solicit our assistance for financial aid to guide him through the critical period of readjustment. The latter includes our assistance in making contacts with families and friends as well as referrals to the proper welfare agencies who can assure more permanent financial support and assistance.

Although all the cases which were presented to the Bureau during the past year are worthy of mention, limitation of space forbids their enumeration in entirety. Therefore we are obliged to select at random and present a few herewith for the purpose of conveying to the reader a better understanding of the work of the Bureau.

The case histories of T.N.\* and P.W.\* are of parallel nature. Both represent the ex-inmate whose first brush with the law commenced with juvenile delinquency, flourished with offenses as a wayward minor, and ended finally with arrest and conviction for 3rd Degree Burglary. By the time these two youngsters had reached their 17th and 20th birthdays, respectively, each had piled up five convictions. Institution tests showed low mentality rating, poor scholastic achievement and only average mechanical aptitude. Despite these bleak reports, when their eligibility for parole arose, our representative secured employment for T.N.\* and P.W.\*, and both these young men have since proven their merit.

The case of C.H.\* presents an unhappy background! Family difficulties offered this youngster a home life completely devoid of parental affection, regard and careful supervision, all this contribut-

\* All names and initials are fictitious.

ing strongly to the cause for his having run away from home upon 3 different occasions. His childhood was divided between the orphanage and foster homes. In 1938 he was committed to an institution as a neglected child and was confined for two years. In 1941 he was arrested for Vagrancy, and 1943 for Grand Larceny. In 1944 he was found guilty of 2nd Degree Burglary. Tests at the Institution showed C.H.\* to possess a high IQ, splendid scholastic achievement, and mechanical aptitude of high average. His record there described him as a very good man and one quite willing to accept any task, usually with good results. At the time of his parole our representative obtained employment for C.H.\* whose behaviour since has been commendable.

S.P.\* who had been formerly sentenced to life imprisonment as a fourth offender was fortunate enough to win his parole after having served only fifteen years. Our representative secured placement in a shoe factory for this middle-aged gentleman, where he has been doing very nicely.

The case of L.F.\* will serve to illustrate that age is no barrier. Prior to his arrest and conviction for Manslaughter, this ex-inmate had been employed with one firm for 22 years. At the time of his release, terminating a three year sentence, L.F.\* was 65 years old and quite unhappy about the dubious chance of securing employment because of his advanced years. However, his aspect on life brightened considerably when our representative assured him of his rightful place in the world by securing employment for him.

S.A.\*, a first offender, had been arrested and convicted for armed robbery. His possible 25 year sentence ended after he had served 10 of these years in a model fashion. When his eligibility for parole arose our representative found an opening for him. His appreciation of this new opportunity has been made evident by his good record.

Notwithstanding the social standing of the inmates prior to their incarceration, all are treated equally in the various institutions; and so it remains when they are finally released. The case of T.M.\* will further serve to illustrate the broad scope of the status quo of our clients, inasmuch as T.M.\* was a physician who had been arrested and convicted for malpractice. When his case was referred to us for possible employment we had little difficulty in placing him with a large manufacturing concern.

In checking we invariably find to our great appreciation that the men we have placed are doing such splendid work as to merit a salary increase and in many cases advancement in position.

The volume of letters submitted to us by parolees and discharged men to express their gratitude and to pledge their loyal support, are ingratiating. The general attitude of these men can be better illustrated by the following excerpts from typical letters.

\* All names and initials are fictitious.

From W.W.\* "In reply to your letter of August 30th, may I say first that I am grateful for your very prompt answer. . . . Your assistance and sustained celerity in trying to get a job for me before the deadline are beyond anything I have ever come in contact with. . . . Believe me to be deeply grateful for all of your many courtesies. . . ."

And T.K.\* ". . . May I tend my most sincere gratitude to you and your esteemed organization for your excellent service that you have shown in procuring employment for me. In the event that I shall be paroled, I will promptly go to your organization, not only for the letter of introduction which you so graciously offered me, but also to offer my humble appreciation personally. . . ."

Then from 70 year old A.M.\* comes the following:

"The purpose of this letter is to let you know that I am still on the job and getting along fairly well although it is taking the last ounce of energy to hold it. I am always mindful of the fact that you put me on the job and that serves me to hold on with grim determination to the end that your confidence in me may be sustained. . . . In conclusion I am urged to tell you that I am making the best effort possible under the circumstances and it inspires me to know that you have confidence in my sincerity. . . ."

And now this appealing bit from N.O.'s\* letter:

" . . . Now, Mr. S. as you are to inmates what Mr. Anthony is to his radio audience I am unloading my troubles on you. . . . Realizing you are a busy man and I am only one of thousands seeking your limited aid. . . ."

Expressions of emotion are not limited to the ex-inmate only, as these excerpts from letters of grateful parents will indicate:

" . . . Your kind letter of June the 14th was received in due course, and it certainly made me feel full of hope for my son, and appreciation towards you. . . . I tried to get you on the 'phone today, not only to inform you of the situation, but particularly to thank you for your most generous attitude. . . . I wish to express to you my most sincere thanks and my earnest wishes. . . ."

And this mother writes:

"This is to let you know that my son was released the 3rd of December and is now at home. He is working in Richmond

\* All names and initials are fictitious.

Hill making . . . I want to thank you from the bottom of my heart for your interest in his case and may you have as bright and happy a Xmas and New Year as I know I will have. You cannot imagine the joy on my son's face when he saw his daughter for the first time since she was 6 weeks old. She is now 3 years old. In the 3 years my boy has been away there is a great change in him. His boyish ways are all gone and he acts and talks like a man and realizes he has a responsibility in his little daughter. I know he has learned a great lesson and I feel sure he will never go back there again. No matter what he has done Dad and I are still proud of our son and know he will reward us by being the man we want him to be. Thank you again, Mr. S. and God bless you for all the mother's sons you have helped. . . ."

We wish to conclude this portion with an excerpt we have selected to represent the appreciation of our efforts as expressed by the chaplains of various institutions:

"You people are doing a grand piece of work, and may God bless you in your endeavors to get men started on the road to a new life."

Some letters may surpass others in legibility, coherence, and expression of thoughts, but all are equalized by their common bond of true spirit and heartfelt sincerity.

The purpose and accomplishment of this Bureau are most constructive and worthwhile as can be certified by the men whom we have helped, inasmuch as they continue to remain loyal, trustworthy, and efficient. Upon rare occasions we are advised that one of our men has failed both his employer and this Bureau, but these disappointing recurrences are so remote, however, that they are completely surmounted by the multitude of those who have fulfilled the confidence placed in them. And thus are rewarded our great efforts.

#### STATISTICS FOR EMPLOYMENT AND RELIEF BUREAU FOR 1945

Office interviews . . . . .	931
Other interviews* . . . . .	1,844
Total interviews . . . . .	2,775
Different men interviewed . . . . .	808
Men released from New York City penal institutions . . . . .	323
Men released from New York State penal institutions . . . . .	359
Men released from out-of-state penal institutions . . . . .	35
Men released on probation . . . . .	6
Men with no criminal record (special) . . . . .	85
	808

\* Includes personal and telephone interviews with clients, parole and probation officers and agency officials.



Meals provided.....	17	
Nights lodgings provided.....	1,787	
Employment contacts made by personal visit.....	1,100	
Jobs submitted for inmates at various state penal institutions.....	604	
Men placed in employment.....	562	
Men given cash relief.....	406	
Total amount spent solely for relief (includes cash, meals and lodgings).....		\$2,281.10

### A Lift to the Prisoner's Family

#### Family Service Bureau

The work of the Family Service Bureau this year has again met the urgent need of providing for the family of the prisoner during the period of his incarceration. The prisoner is sentenced in

order to protect society and to effect his rehabilitation. His wife and children are also sentenced—not to a term of incarceration but to poverty and opprobrium. Thus the innocent suffer with the guilty, lacking even the prisoner's assurance of food and shelter.

For nearly half a century the Family Service Bureau has worked to mitigate this suffering. Its success helps to improve the morale of the prisoner, removing a primary cause of bitterness and thus indirectly aids in his rehabilitation.

Cases are referred to the Bureau from many sources, including prison authorities, the Police, Parole Officers, other agencies and the prisoners themselves. A thorough investigation follows in which sentimentality and coldness alike are avoided.

Temporary financial help is given where it is needed. The policy of the Bureau precludes its acting as a substitute for public assistance, but it can be a very present help at the beginning when the shock is greatest and help is most needed. It promptly places the families in touch with public relief authorities and may continue to supply necessary supplementary funds after relief is obtained. (A letter received from an anxious father, awaiting trial, requested financial assistance for his five motherless children, ranging in age from 7 to 18 years. A dispossess notice had been received, and he feared the "break-up" of his home. The Department of Welfare were completing their investigation but in the interim financial assistance for food and rent was urgent. This agency was able to assist until such time as the family was accepted for regular support.) If the wife or the older children may be employed without the disruption of family life, the Bureau uses its contacts to secure employment, placing the younger children in day nurseries.

Like other people, the families of prisoners do not live by bread alone. In its realistic guidance the Bureau is able to render its most valuable services, by helping in the sometimes intangible factors that contribute toward morale.

It works to prepare the family psychologically for the return of the husband. Here it helps in a practical way to maintain family relationships and to prevent further estrangement. It provides the wives with railroad fare to visit the prisons, a service not rendered by any public agency. The wife who is ambivalent in her attitude toward her husband, unable to decide whether she should or should not live with him upon his release finds these prison visits most helpful in clarifying her own thinking. These visits contribute to a better understanding between the wife and her husband and thus pave the way for a relationship which helps toward assuring a successful rehabilitation. (Being realistic the Family Service Bureau does not bring pressure to bear upon the wife, if she feels that her husband was too cruel or irresponsible before his incarceration, to take him back again into the home.)

The Bureau continues its old tradition, beyond the scope of public agencies, of supplying Thanksgiving and Christmas dinners and toys for the children.

It encourages the children to engage in settlement house, Y.M.C.A., and similar constructive activities after school. It puts them and their mothers in touch with medical, dental, legal, and mental guidance services. It sees that problem children have proper guidance and that bright children are given opportunities.

Though handicapped by the present housing shortage, the Bureau does all it can to help families move to a more wholesome environment. Every year it enables mothers and children to get away to summer camps for two weeks.

In short the Family Service Bureau tries always to live up to its title, and further to stand in place of a friend to the families of men in prison. The Bureau is under the supervision and guidance of Miss Margaret Murdock. Her experience of many years in dealing with families in circumstances less fortunate than most, well qualifies her for the task of directing the Bureau.

Regrettably, the need for such service will increase in 1946. Lucrative employment will not be so easy to obtain as it was during the war years. The inevitable postwar let down in morale is already evident. Factors over which the Bureau naturally has no control, such as crowded housing, the rising cost of living and freedom from military discipline, will make for an increase in crime. These conditions the Family Service Bureau will meet as a challenge to be of increasing use to the community.

## STATISTICS OF FAMILY SERVICE BUREAU FOR 1945

Families under care January 1, 1945.....	151
New cases received.....	64
Old cases reopened.....	19
Total number of cases under care.....	234
Cases closed.....	65
Families under care December 31, 1945.....	169
Total amount of cash relief given.....	\$6,828.06
Visits to homes, relatives, social agencies.....	204
Office interviews (involving advice, guidance, giving material aid)	930
Individuals provided with Christmas dinners and toys.....	482
Children and mothers sent to summer camps.....	72

## LEGISLATION—1945

Once again the Association, consistent with its practice of many years, concerned itself with bills before the Legislature. The 1945 session was particularly fruitful in the correctional field. Many bills of a progressive character were passed, and some of these, as indicated in the summary below, harmonized with recommendations made or bills introduced in other years by this Association. We again take the opportunity to commend Governor Dewey on those parts of his Message to the Legislature relating to Delinquency and Crime, with its four subdivisions, Juvenile Delinquency, Custodial Care, Parole, and Rehabilitation of Persons Convicted of Crime. The Governor's declarations were followed up by a series of bills recommended by his Interdepartmental Committee on Delinquency. It was gratifying to the Association to be able to give support to these measures.

Following is a brief summary of those bills receiving our support or opposition during the 1945 session:

## Approved

*Senate Int. 115, Pr. 115:* Reduces terms of persons sentenced to life imprisonment prior to 1932 as 2nd or 3rd offenders of 1st degree robbery or burglary from maximum of 30 years to minimum of 20 years; such prisoners shall not be released until serving at least 13 years and 4 months instead of 20 years, bringing such cases in conformity with those of offenders sentenced after 1932. *Chapter 726.*

*Senate Int. 178, Pr. 178; Assembly Int. 249, Pr. 250:* Creates a Youth Correction Authority in Executive Department, requires courts to commit to the Authority for rehabilitation of youthful offenders between 16 and 21 to determine type and length of treatment needed; it may set up detention and diagnostic centers and use new methods of correctional treatment such as hostels, work camps, foster homes or existing correction institutions. *Approved in principle. Failed of passage.*

*Senate Int. 210, Pr. 210; Assembly Int. 307, Pr. 308:* Creates in Executive Department a youth service division with director and advisory council of ten members appointed by Governor to organize local councils in various communities for preventing delinquency and crime by promotion of service for children and young people, and by assisting schools and courts with programs; \$500,000 is appropriated. *Failed of passage. (Approved in principle but not supported because of preference for Senate Int. 921, introduced as part of Governor's program.)*

*Senate Int. 247, Pr. 247; Assembly Int. 410, Pr. 411:* Prescribes method for waiver of jury trial in criminal non-capital cases. *Failed of passage.*

*Senate Int. 564, Pr. 569:* Extends term of eligibility of eligible list of candidates for appointment as prison guards now in force and continuing until June 24, 1945, for period of two years next following maximum term of eligibility for such list. *Chapter 52. (See our Recommendation X to the Legislature.)\**

*Senate Int. 661, Pr. 668; Assembly Int. 927, Pr. 971:* Changes qualifications for veterans' preference in civil service appointments and promotions, extends provisions to any member of U. S. armed forces who served therein in time of war and was honorably discharged, allows him 5 points additional credit to be added to final earned rating after examination and 10 points if he is a disabled veteran; disabled veterans shall until December 31, 1952 or for five years after discharge, be preferred for retention in competitive positions; in other positions, legislature may grant preference in appointment and retention. *Failed of passage. (See our Recommendation IX to the Legislature.)\**

*Senate Int. 704, Pr. 1196:* Provides imprisonment for offenses in Elmira Reformatory shall be for period not to exceed five years instead of for maximum term for crime. *Failed of passage. (Amendment included in Assembly Int. 2326, Pr. 2655, Chapter 678.) (See our Recommendation VII to the Legislature.)\**

*Senate Int. 859, Pr. 883:* Strikes out provision limiting to three the number of case supervisors in Parole Division and changes title of employment director to parole employment supervisor, Parole Board to fix salaries of supervisors and also of parole officers. *Vetoed.*

*Senate Int. 897, Pr. 2250:* Provides Children's Court Judge may order that either or both parents make reparation or restitution of amount of damage resulting from child's delinquent acts in amount not exceeding \$500. *Failed of passage.*

*Senate Int. 921, Pr. 961:* Creates temporary commission to consist of Commissioners of Correction, Education, Mental Hygiene, Social Welfare, Industrial Commissioner, a member of Parole Board to be designated by Governor and member to be appointed by Governor, to cooperate with public and private agencies for preventing youth delinquency; counties and cities with approval of commission may establish youth bureau, or recreation or education project and receive state aid for one-half of expenses; \$800,000 is appropriated. *Chapter 556. (See our Recommendation V to the Legislature.)\**

\* Report to the Legislature during 1946 Session.

*Senate Int. 937, Pr. 977:* Provides if ten years intervene between suspension of sentence or expiration of parole or probation or imprisonment for first felony and commission of second felony and if defendant has not been convicted of misdemeanor in such period, court may sentence defendant to indeterminate term either as first or second offender. *Vetoed.*

*Senate Int. 1107, Pr. 1180; Assembly Int. 744, Pr. 760:* Changes civil service title and classification of criminal hospital attendants to guards, sergeants, lieutenants, and captains. *Failed of passage.*

*Senate Int. 1151, Pr. 1228; Assembly Int. 1301, Pr. 1403:* Excepts from restriction on employment of persons convicted of felonies or certain misdemeanors by alcoholic beverage licensees, those holding industrial alcohol permit, alcohol permit, solicitor's permit, temporary beer permit and miscellaneous permits; Liquor Authority may prescribe rules for licensee or permittee to file an employee's questionnaire with fingerprints and photographs of employees. *Failed of passage. (See our Recommendation IV to the Legislature.)\**

*Senate Int. 1524, Pr. 2124:* Defines as wayward minor one who without just cause and without consent of parents or custodians, deserts his home and is morally depraved or in danger of becoming morally depraved or who departs himself so as to wilfully injure or endanger morals or health of himself or others; wayward minors may be placed on probation during any part of last year of minority. *Chapter 736.*

*Senate Int. 1539, Pr. 1690:* Includes penitentiary with other places where child coming within provisions of Children's Court Act shall not be placed in or committed to. *Chapter 868. (See our Recommendation XI to the Legislature.)\**

*Senate Int. 1540, Pr. 1691:* Provides in New York City Domestic Relations Court, child may be temporarily detained in custody of authorized association, agency, society or institution other than prison, jail, penitentiary or lockup, pending investigation or transfer to institution to which child has been committed; includes penitentiary with other prisons and places where children may not be placed. *Chapter 870. (See our Recommendation XI to the Legislature.)\**

*Senate Int. 1711, Pr. 1913:* Changes reference from keeper to warden of New York City Prison and strikes out reference to New York County in form of bench warrant to be used in felony cases. *Chapter 766.*

\* Report to the Legislature during 1946 Session.

*Senate Int. 1734, Pr. 1936:* Provides where child or other person is committed from New York City Children's Court or where child is detained upon order of any court while proceeding affecting such child is pending in such Children's Court, notice shall be given to presiding justice of Children's Court and latter shall be represented by Corporation Counsel. *Chapter 783.*

*Assembly Int. 65, Pr. 65:* Permits issuance of licenses as private detectives and investigators to persons who have been convicted of certain felonies and misdemeanors if they have received executive pardon or certificate of good conduct from Parole Board; such persons may also be employed by private detectives and investigators. *Chapter 93. (See our Recommendation IV to the Legislature.)*

*Assembly Int. 67, Pr. 67:* Permits the practice of medicine, dentistry, podiatry, and as certified public accountant by persons convicted of felony if they have received certificate of good conduct from Parole Board. *Chapter 95. (See our Recommendation IV to the Legislature.)\**

*Assembly Int. 68, Pr. 68:* Removes disabilities of persons convicted of felonies and certain misdemeanors in connection with traffic in alcoholic beverages if they have received executive pardon or certificate of good conduct from Parole Board. *Chapter 94. (See our Recommendation IV to the Legislature.)\**

*Assembly Int. 69, Pr. 69:* Permits Appellate Division to vacate or modify order of disbarment of attorney convicted of felony, after grant of certificate of good conduct by Parole Board. *Failed of passage. (See our Recommendation IV to the Legislature.)\**

*Assembly Int. 70, Pr. 70:* Authorizes Parole Board by unanimous action to grant certificate of good conduct to any person convicted of crime with good conduct for not less than five consecutive years, certificate to be granted only where provided by law; evidence of good moral character is required or such grant may end a disability otherwise imposed; five year period shall begin from date of payment of fine, or of unrevoked release from custody, but not while subject to parole supervision. *Chapter 96. (See our Recommendation IV to the Legislature.)\**

*Assembly Int. 71, Pr. 71:* Provides voting prohibition in case of felon shall not extend to person who has received certificate of good conduct from Parole Board. *Chapter 97. (See our Recommendation IV to the Legislature.)\**

*Assembly Int. 167, Pr. 167:* Directs State Correction Commissioner to establish division of classification with advisory board to

\* Report to the Legislature during 1945 Session.

develop system for classifying prisoners. *Approved in principle. Failed of passage. (See our Recommendation VI to the Legislature.)\**

*Assembly Int. 192, Pr. 192:* Creates in Executive Department a juvenile delinquency division to organize local councils for prevention and control of juvenile delinquency by encouraging moral, social and educational development, director and advisory council of nine members to be appointed by Governor. \$20,000 is appropriated. *Failed of passage. (Approved in principle but not supported because of preference for Senate Int. 921 introduced as part of Governor's program.)*

*Assembly Int. 737, Pr. 753:* Authorizes Correction Commissioner to permit prisoner to report to induction center for pre-induction examination for U. S. Armed Forces but expense of prisoners therefor shall not be paid by prison or Correction Department or the State. *Chapter 81.*

*Assembly Int. 883, Pr. 914:* Budget Bill. Increases annual salaries for grade B positions in prison safety service from \$1,500 to \$1,600 for minimum and from \$2,000 to \$2,100 for maximum. *Chapter 161.*

*Assembly Int. 907, Pr. 2738:* Continues to July 1, 1946 special city magistrates' courts in Kings and Queens Counties, known as Adolescent Courts. *Chapter 660.*

*Assembly Int. 1004, Pr. 1644:* Provides guard or employee in state prison or reformatory who is physically or mentally incapacitated for duty after twenty years' employment shall be retired with pension of 40 per cent of salary paid for year immediately preceding, plus 2 per cent for each year of service after 20, pension not to exceed one-half of salary paid for preceding year. *Chapter 663.*

*Assembly Int. 1019, Pr. 1847:* Provides no person shall be entitled to real estate broker or salesman license who has been convicted of felony and who has not received executive pardon or certificate of good conduct from Parole Board to remove disability. *Chapter 268. (See our Recommendation IV to the Legislature.)\**

*Assembly Int. 1662, Pr. 1817:* Authorizes Supreme, County or General Sessions Court by order to bring before it any prisoner confined in jail or prison within state, instead of county jail, without issuing habeas corpus writ or other process. *Vetoed.*

*Assembly Int. 1744, Pr. 2634:* Authorizes War Council to empower Governor to take action in its behalf for meeting unforeseen emergencies, to adopt plans for change of offices, powers or duties of

\* Report to the Legislature during 1945 Session.

council, makes other changes relative to local officers and councils, to use of armories and to production of prison made goods; continues act for another year. *Chapter 648.*

*Assembly Int. 1758, Pr. 1938:* Prescribes procedure to be followed in Wayward Minor Court for girls in New York City. *Chapter 873.*

*Assembly Int. 1921, Pr. 2740:* Establishes in Civil Service Department a permanent salary standardization division and board; changes some grades within present services, resulting in salary increases for some groups, abolishes grades with minimum of less than \$1,200; empowers budget director to establish differential for hazardous or arduous work, a new service is established for labor group; \$50,000 is appropriated. *Chapter 302.*

*Assembly Int. 1979, Pr. 2190:* Provides person practicing funeral directing, undertaking and embalming and whose license has been revoked because of conviction of felony, may be given right to practice if he receives certificate of good conduct granted by Board of Parole pursuant to provisions of Executive Law to remove disability. *Chapter 443. (See our Recommendation IV to the Legislature.)\**

*Assembly Int. 2052, Pr. 2276:* Provides there shall be established and maintained in family court building in each county or borough of New York City a place for temporary detention of adult persons under jurisdiction of City Correction Department. *Vetoed.*

*Assembly Int. 2321, Pr. 2650:* Authorizes municipalities to establish bureau or agency for coordinating and supplementing activities of public and private agencies devoted to welfare and protection of youth, to promote projects for leisure time activities for youth or assistance to children and to raise money or to receive moneys from state, federal government or private individuals, corporations or associations. *Chapter 557. (See our Recommendation V to the Legislature.)\**

*Assembly Int. 2323, Pr. 2652:* Authorizes Social Welfare Department to establish and maintain for five years temporary branches of State Training Schools for better care and security of juvenile delinquents committed to such schools who require special care or attention. *Chapter 555.*

*Assembly Int. 2324, Pr. 2653:* Authorizes a state training school superintendent to pay for care of any child paroled from the school of which he is superintendent when in his opinion there is no fit parent, relative, guardian or friend to whom the child can be paroled and when suitable care cannot otherwise be secured. *Chapter 552.*

\* Report to the Legislature during 1945 Session.

*Assembly Int. 2325, Pr. 2825:* Provides for transfer of dangerous mental defectives from Mental Hygiene institutions to institutions for defective delinquents in Correction Department. *Chapter 874. (See our Recommendation VI to the Legislature.)\**

*Assembly Int. 2326, Pr. 2655:* Provides for unification under State Parole Board of all parole systems of Correction Department institutions. *Chapter 678. (See our Recommendation VIII to the Legislature.)*

*Assembly Int. 2327, Pr. 2656:* Provides for transfer of persons under 21, confined in reformatory, Nanotech Institution for Male Defective Delinquents, or a state training school, to certain institutions under jurisdiction of Social Welfare, Mental Hygiene or Correction Departments; if confinement therein is no longer suitable, such persons shall be transferred to institutions from which they came. *Chapter 553. (See our Recommendation VI to the Legislature.)\**

*Assembly Int. 2328, Pr. 2657:* Provides for commitment, classification, and confinement of male offenders between ages of 16 and 21 who are sentenced to imprisonment in state correctional institutions, and for transfer of those found to be mental defectives to institutions for defective delinquents. *Chapter 554. (See our Recommendation VI to the Legislature.)*

*Assembly Int. 2003, Pr. 2215:* Requires State Correction Commissioner to segregate first offenders from other prisoners in state prisons. *Failed of passage. (Approved in principle but regarded as inadequate in the light of the need of a well rounded classification system to take into consideration not only the number of offenses but many other items regarding each individual prisoner.)*

*Senate Int. 1345, Pr. 1450; Assembly Int. 1483, Pr. 1606:* Provides five instead of four members of State Probation Commission shall be appointed by Governor and strikes out provision requiring State Correction Commission to designate one of its members as member. *Failed of passage.*

### Opposed

*Senate Int. 36, Pr. 36:* Provides that prisoner received in state prison prior to June 1, 1943 sentenced for receiving stolen goods under subdivision 1-a, Section 1308, Penal Law, may be released on parole as though convicted for misdemeanor if property was worth not more than \$100 and was not purchased for resale or by dealer and if prisoner was not previously convicted of receiving stolen goods and is subject to jurisdiction of Parole Board. *Failed of passage.*

\* Report to the Legislature during 1945 Session.

*Senate Int. 53, Pr. 1803:* Defines prison guards as prison officers and fixes salary schedule for prison officers with minimum and maximum within which Correction Commissioner may prescribe pay for each grade; persons receiving less than minimum shall be raised to minimum at beginning of next fiscal year. *Failed of passage.* (*Disapproved on the grounds that it conflicts with the whole theory of compensation for state employees as provided for in the Feld-Hamilton bill. It is not sound to take out one group of state employees for special consideration when it is the state policy to have an over-all system of classification and compensation.*)

*Senate Int. 338, Pr. 339; Assembly Int. 347, Pr. 348:* Creates in Executive Department commission of three members appointed by Governor to rehabilitate persons convicted of crime after completing maximum term of last sentence and having good moral character for three years prior to petition for certificate of rehabilitation except that honorably discharged veteran may apply at any time; certificate if issued shall remove all civil disabilities incident to conviction and shall be cancelled on subsequent conviction of felony or may be suspended for misdemeanor. *Failed of passage.* (*We gave Assembly Int. 70, now Chapter 96, having similar objective our preferential support.*)

*Senate Int. 618, Pr. 624; Assembly Int. 713, Pr. 728:* Requires court in which person is convicted of abduction and certain other sex crimes, before expiration of sentence to cause defendant to be examined by psychiatrist and sociologist designated by Mental Hygiene and Social Welfare Commissioners, respectively; together with judge they shall act as Parole Board with respect to defendant. *Failed of passage.*

*Assembly Int. 645, Pr. 654:* Prohibits brush making in state prison, penitentiary or reformatory for state or political subdivision or for public institution, except for use in state correctional and charitable institutions. *Failed of passage.*

*Assembly Int. 733, Pr. 749:* Changes qualifications for veterans' preference in civil service appointments and promotions, extends provisions to any member of U. S. armed forces who served therein in time of war and was honorably discharged and disabled to extent certified by U. S. Veterans' Administration and disability is in existence at time of appointment or promotion; until Dec. 31, 1950 within 5 years after discharge non-disabled veterans shall be entitled to preference after those disabled; removals shall be inverse order of preference. *Passed.* (*To be submitted to voters at general election, 1945, as proposed amendment to Constitution.*) (*See Senate Int. 661; also our Recommendation IX to the Legislature.*)\*

\*Report to the Legislature during 1945 Session.

*Assembly Int. 2101, Pr. 2336:* Provides minimum term for second and third felony offenders shall be not more, instead of not less than, one-half of longest term prescribed upon first conviction. *Vetocd.*

NOTE: The following bills were offered toward the end of the session by the Probation Commission without any previous announcement or circulation of explanatory memoranda. Some of the bills immediately met with the strong opposition of the courts, and it was decided by the Legislative Committee having the bills in charge to hold them over because of their controversial character. Some of the bills undoubtedly have good features. We agreed, however, that it might be just as well to hold them over for another year so that they could be better explained and understood.

*Senate Int. 1334, Pr. 1439; Assembly Int. 1485, Pr. 1608:* Provides court may at any time discharge probationer from probation instead of from further supervision.

*Senate Int. 1335, Pr. 1440; Assembly Int. 1486, Pr. 1609:* Provides probation officer unless otherwise directed by court shall investigate and submit report on social history of defendant and on adult as well as child in Children's and Domestic Relations Courts; investigations may be made before, during or after hearing or adjudication.

*Senate Int. 1336, Pr. 1441; Assembly Int. 1490, Pr. 1613:* Requires probationer in criminal case to carry out reasonable additional conditions imposed by probation officer if such power is vested in probation officer by judge.

*Senate Int. 1337, Pr. 1442; Assembly Int. 1493, Pr. 1616:* Authorizes probation officers with approval of court to act as parole officers of persons released from penal, reformatory or other institutions.

*Senate Int. 1338, Pr. 1443; Assembly Int. 1487, Pr. 1610:* Extends to Buffalo provisions permitting supervisors to establish county probation department and provides that all county probation employees shall be in competitive civil service; includes senior justice of supreme court with other judges authorized to appoint county director and excepts therefrom judges of courts other than children's court and county court.

*Senate Int. 1339, Pr. 1444; Assembly Int. 1492, Pr. 1615:* Provides directors of probation shall be in competitive class of civil service and provides no person shall be eligible as probation officer who is over 40 instead of 55 years of age and changes provisions for appointment of volunteer probation officers.

*Senate Int. 1340, Pr. 1445; Assembly Int. 1488, Pr. 1611:* Changes definition of probation officer to include one who investigates for court prior to an adjudication and definition of court for probation purposes to include Domestic Relations Courts.

*Senate Int. 1341, Pr. 1446; Assembly Int. 1494, Pr. 1617:* Provides that investigation of person to determine whether he is eligible to be adjudged a youthful offender shall be made by probation officer who shall submit a report to court in writing.

*Senate Int. 1342, Pr. 1447; Assembly Int. 1489, Pr. 1612:* Permits probation officers to report to head of probation department as well as to court concerning conduct of probationers and provides that records of work shall be kept; duties may be performed as required by Correction Law provisions.

*Senate Int. 1343, Pr. 1448; Assembly Int. 1491, Pr. 1614:* Excepts counties having county probation department from provision requiring court to certify need of probation officers to appropriating authority.

*Senate Int. 1344, Pr. 1449; Assembly Int. 1484, Pr. 1607:* Provides no person shall be sentenced for felony nor have execution of sentence suspended until probation investigation and report shall have been made by probation officer and no person shall be placed on probation prior thereto.

*Senate Int. 1346, Pr. 1451; Assembly Int. 1482, Pr. 2393:* Extends jurisdiction of State Director of Probation to include Domestic Relations Courts and changes provisions relating to records, collecting information, transfer of probationers; strikes out provision that rules of State Probation Commission shall not supersede rules of courts in New York City.

## COMMITTEE ON INSTITUTIONAL CARE OF JUVENILE DELINQUENTS AND YOUTHFUL OFFENDERS OF THE WELFARE COUNCIL OF NEW YORK CITY\*

### REPORT ON FACILITIES FOR THE DETENTION OF CHILDREN HELD FOR THE CHILDREN'S COURT AND THE POLICE DEPARTMENT

Shelter care for some of the children who are brought to the Children's Court or who are in police custody is required. In court cases a period of study takes place between the time when the child first appears before the court for a hearing on the allegations in the petition and the time when the court makes its order and disposition. In practice in New York City this period varies from one to three weeks depending upon the nature of the study. A probation study under existing conditions takes about a week and a psychiatric study through the court clinic requires from two to three weeks. For periods such as these some children need to be detained, while others can be permitted to return home, paroled, to stay with their parents or guardians.

Children in police custody who require shelter are those who are runaways, or stranded, as well as some delinquents apprehended at a time when the Children's Court is not in session, for example, over a legal holiday. With runaway or stranded children it is necessary to provide a short period of shelter care during which the police locate the parents or guardians and return the children home without the cases going to court. Children apprehended as delinquents and sheltered by the police when Children's Court is not in session are produced in court when the court next convenes. Often, in such cases, it is possible for the police to avoid using the shelter by securing a parent's bond under which the parent guarantees to produce the child in court and is permitted to take the child home. Use of these bonds should be encouraged as they relieve the shelters of children who are admitted for periods of one or two days and who in many cases, can safely return home pending their appearance in court.

#### Proper Function of a Shelter

The function of a shelter for cases remanded for the period of study prior to disposition by the court, should be short-term care for the children. The period for which children are remanded

\* See "Detention of Juveniles" on page 32.

should be the shortest possible for the court study and disposition to be made. In such a short-term shelter the program should be simple, designed largely to protect the children and to improve or at least keep up their morale. In that sense only the shelters are therapeutic agencies. Therapy, in the sense of attempting to treat the causes of behavior that brought children to court, while they are in the shelter is not recommended. Such therapy is suitably carried on only following the disposition by the court when the children may be committed to an institution or be placed under the supervision of the court and returned home. Therapy or treatment of children in the shelter cannot be carried out with any degree of adequacy in the short stay provided and, if attempted, will undoubtedly cause confusion as to the purpose for which the shelter is here recommended, will constitute a temptation to use it for more extended periods of care than are proposed, and ultimately, will convert the shelter into an institution for short-term treatment.

Shelters should not be used for any disciplinary purpose. This committee is not convinced that remands for short periods in shelters for purposes of treatment or discipline can be justified.

Children committed to institutions should be transferred promptly. Their presence in the shelter more than 48 hours after commitment is an unwarranted burden on the shelter and an unjustifiable penalty on the children.

#### Responsibility for Ordering Shelter

Responsibility for determining whether or not a child should be placed in the shelter should be restricted to a Justice of the Children's Court. Children apprehended between sessions of the court may be placed in the shelter at the discretion of the apprehending authority until the next session of the court. The practice in some communities of permitting police officers or court social service staff to authorize detention of children while the court is in session and able to act, is most questionable and may result in serious abuses. Requiring that the holding of children be only upon action of a court provides the necessary guarantee of protection to the rights of children.

#### Criteria for Determining the Need of Shelter

In practice, shelter care is not required for the great majority of children brought to court on delinquency petitions. This accords with the principle that every effort should be made to avoid the removal of children from their homes. Administrative convenience does not constitute a valid reason for holding any child in a shelter.

The criteria upon which to determine whether or not a child should be sheltered are, broadly, (a) the need of the child for protection, (b) public safety.

The child who comes from a home or family in which conditions are thoroughly inadequate or unsatisfactory, will need shelter until plans for his or her future care can be made. Protection of the child from conditions imposed by the home is important in some cases of delinquency as well as in neglect cases. Illustrations are: the child caught stealing at the instigation of his parent or the girl practicing immorality at the suggestion of her mother.

The safety of the public, as well as the protection of the child, is a necessary consideration in some cases and calls for the sheltering of the child until appropriate plans can be made. Boys involved in gang warfare or in cases involving rape charges are typical of those requiring that consideration be given to the dangers inherent in immediately returning these boys to the community. Also, children with histories of continuous and serious antisocial behavior cannot safely be paroled to their parents or guardians, pending the court study and disposition of their cases.

In addition to these reasons, sheltering children while they are under study by the court psychiatric clinic is a proper procedure where competent observation of the child in the shelter furnishes an essential element in the diagnostic process.

#### Separate Rooms Needed for Many Children

In a well-organized shelter, separate rooms or cubicles for many children sheltered as delinquents are essential. Small dormitories, with 6-10 beds, should be available particularly for some of the younger children received from the Court and police. Delinquent children are often serious behavior problems and are usually emotionally upset. Putting them from the outset and indiscriminately together in a group in a dormitory may create situations which are difficult and, at times, impossible to control.

Emotional outbursts on the part of one or two children in a dormitory can quickly spread to the rest of the group with results that are harmful for the children as well as difficult to handle for the shelter administration. Disturbances of this sort are kept to a minimum when the difficult child is in his own room and does not have the opportunity to gain attention and the support which the presence of other children lends on such occasions.

#### A Proper Shelter Regime

The success of the administration of a shelter is to be measured by its maintenance of good morale among the children. This is achieved primarily through a regime which keeps the children busy and interested. A simple but adequate program of activity and cheerful surroundings both in personnel and furnishings are indispensable. These conditions largely depend upon the quality and resourcefulness of the management and the staff.



Shelters are twenty-four hour services, with admissions at all hours and constantly shifting populations. They require, therefore, larger staffs than other types of child-care institutions. Effective supervision of the children at night is indispensable.

#### Shelter Staff

Attending staff in the shelter should be carefully selected and suitably qualified. It should be adequate in quality as well as in numbers. A deficiency in either or both respects will be hazardous for the children sheltered and for the staff employed. Such quality in staff cannot be attained without compensation sufficient to attract and hold competent and qualified people.

Staff selected should understand the nature of the difficult problems they are to handle. A worker who is afraid of the children is obviously not qualified. Such fears frequently cause attendants to be harsh toward those under their care. Staff should be selected who have had experience in handling youngsters at a high-tension stage and who have, in addition to an understanding of the motivations of their behavior, ability to cope constructively and imaginatively with their problems.

#### Difficult Cases

Aggressive behavior of all types can often be avoided, and certainly is more easily controlled, if children are placed in separate rooms where they can be watched and handled individually as their needs require. In providing for the older, larger and more difficult boys or girls, separate rooms are an absolute necessity. Attending staff should not be expected to meet and handle situations arising out of grouping these boys or girls in a dormitory. Such an arrangement should be avoided through planning that provides segregation for this older, more serious, and physically more developed group. Separate rooms, well ventilated and lighted and easily inspected, sound-proofing, simple sleeping equipment, walls and furniture of a suitable type, are minimum requirements.

#### Additional Uses for the Shelter

##### *Neglected Children*

The Department of Welfare should take leadership in providing for this group. Many neglected children need not be brought to court at all and can be given whatever attention they need through the Department of Welfare. It is recognized that some children who may come to the attention of the Department of Welfare as neglected are also serious behavior problems. These should be brought into Children's Court on petitions alleging delinquency when their

behavior is such as to warrant their being so treated. The shelters receiving children from Children's Court will thus be free of neglected children who in the past were placed there but who are more suitably sheltered with the group of dependent children who are not behavior problems.

#### *Material Witnesses*

Comparatively few children are sheltered by Children's Court strictly as material witnesses. Most of the children who are needed to testify against adults are before Children's Court on petitions alleging delinquency or neglect. The classification of these children in the shelter can be made quite as though the material witness factor were not present, except that, as the period of their detention extends unreasonably, care outside the shelter in a foster home or suitable institution should be arranged whenever possible.

Sheltering children who are needed as material witnesses, but who are neither neglected nor delinquent, is another matter. These children are sheer victims of circumstance. They witnessed a crime and their testimony is essential to the prosecution of the offender. It may not be safe for them to be at liberty until after they have testified and the court, accordingly, directs that they be detained. In these situations no expense or trouble should be spared to provide suitable and comfortable care for them which would approximate, as nearly as possible, normal home surroundings. Few, if any, should be kept in shelters unless the period of their detention is exceptionally short, possibly never over one week.

#### A Plan for New York City

For New York City a single shelter administration that will operate all of the shelter facilities in the various boroughs is a fundamental need. A shelter operated locally, within each borough, should serve the courts and police in that borough; a unit for difficult cases should be located centrally to serve all boroughs.

#### *Local Shelters*

The local shelters should be used for the following cases only:

- a. Delinquents, other than "Difficult cases"
- b. "Safekeeping" cases for the police
  - (1) Runaway and stranded children awaiting return home if "delinquent" or if not "delinquent" until suitable shelters for such cases have been made available.
  - (2) Children apprehended while Children's Court is not in session
- c. Material witnesses for very short-term care

Shelters situated locally near the Children's Courts would be convenient to the courts, police, and parents of most of the children cared for. Transportation of children between boroughs, a costly and time-consuming service, would be virtually eliminated. Local interest in the shelter and the care of children sent to it would be increased and might be used to good advantage in building a local program of foster homes for those children who would seem to be in need of this care rather than that given in the shelter.

#### *Foster Family Boarding Homes*

The use of foster family homes should be an important part of the program of the shelter administration. Their use would assist in reducing shelter populations, provide specialized care for children requiring it, and would be of immense value in material witness cases in which fairly long periods of shelter care may be needed and a congregate shelter is not suitable. Adequate financial remuneration for foster home care is of first-rate importance. The tendency to represent foster home care as a cheap alternative to institutional care is to be deplored.

#### *Cases Sheltered by the Police*

Runaway and stranded children, found by the police, are placed in the shelter by the police, who then proceed to arrange for their return home. No court proceedings are begun in these cases, sheltering the children being arranged at police direction and their return home negotiated as expeditiously as possible by the police.

To avoid the possibility of a child of this category being detained excessively long, it is suggested that the shelter administration seek an appropriate review by a Justice of the Children's Court in cases which have been detained beyond three days.

#### *Unit for Difficult Cases*

The local shelters should not be expected to care for the most difficult delinquent boy or girl. Special provision must be made for their care. In the past, some of the older, more serious cases were placed in the City Prison or Women's House of Detention. At the last session of the State Legislature the use of these as places for detention of boys and girls from Children's Court was eliminated, effective September 30, 1945. It is urgent, therefore, that the gap in facilities thus created be provided for without delay.

There should be a central unit designed and operated to care for this type of boy and girl. It should provide for not more than 75 boys and for 25 girls; this is the best estimate that can be made. It should be located in the same building as the shelter for minor delinquents for Manhattan, rather than in a separate building, although strict segregation is essential.

#### *Need for New Shelter Building*

The Manhattan shelter should be a combined local shelter and a specially built unit for difficult cases from all boroughs. No existing available structure is suitable for this purpose. There is a great danger in improvising with an existing building. It is recommended that the special shelter for Manhattan be provided through the construction of a new building, especially designed to suit the varied requirements it will be expected to meet and carefully planned by competent specialists. It should be located as near as possible to the present Children's Court building in Manhattan.

In the other four boroughs, the shelters should be examined with a view to better adapting them to the provision of good shelter care for minor delinquents. In Richmond, particularly, there is an urgent need for improved facilities.

#### *Assignment of Children in Shelter*

The shelter administration should have the authority to assign children to the various units and resources at its disposal. Transfer of children from one local shelter to another, because of quarantine in one shelter or for other reasons, is thus simplified and expedited. Assignment of children to the unit for difficult cases and transfer therefrom should likewise be at the discretion of the shelter administration. It should not be necessary for the shelter first to obtain court approval to make such assignments and transfers. With the addition of foster homes as adjuncts to the existing congregate shelters, and other facilities and services which might later be provided, an organization would be created with great flexibility of resources at its disposal; this would provide excellently for all children coming within the scope of its function.

#### *Auspices of Shelter*

Shelter care for Court and police cases is a City responsibility. For some time the major share of the cost of providing such services has been carried by the City through annual appropriations to existing private shelters. This is a thoroughly out-of-date and unsatisfactory procedure. Absence of any over-all control or city-wide administration of the shelter program has resulted in service which is spotty in nature, variable and uncertain in its approach, lacking in coordination, and without promise as to future developments as experience may warrant.

A single city-wide shelter administration is essential in order to provide suitable and uniformly good service.

It is recommended that the Mayor and the City Council create a quasi-public authority to administer a program as outlined herein: the authority to be an incorporated body governed by a board of

15 non-salaried members, one of whom shall be the Presiding Justice of the Domestic Relations Court of the City of New York and the remaining members to be appointed by the Mayor who shall give regard to maintaining a proper representation from each of the major religious denominations and from each of the boroughs in making such appointments. The board should have power to establish and carry out the program and policies of the organization and, also, to select and employ all personnel necessary to its operation.

In order to assure as wide a local interest and support as possible the Mayor should appoint for each shelter a shelter committee of not to exceed nine persons properly representative of the three major religious denominations. The persons so appointed should be chosen because of their special knowledge of conditions affecting children in the area in which the shelter is located and their general interest in the problems of children. It should be the duty of the shelter committees to maintain close and systematic contact with the shelters, to visit them and inspect their operations at regular intervals, to confer and advise with the superintendents and to formulate and communicate to the shelter authority such observations and recommendations as they consider appropriate. To facilitate such communication and generally to promote contact between the shelter authority and the shelter committees, at least eight members of the shelter authority should, in addition to their regular duties, be designated to serve as ex-officio members of the shelter committees.

It is urged upon the Mayor and the City Council that the shelter authority, as herein proposed, be created immediately so that necessary steps can be promptly taken looking toward an early accomplishment of this plan.

#### COMMITTEE ON INSTITUTIONAL CARE OF JUVENILE DELINQUENTS AND YOUTHFUL OFFENDERS

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 MRS. SIDNEY C. BORG  
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## COMMITTEE ON INSTITUTIONAL CARE OF JUVENILE DELINQUENTS AND YOUTHFUL OFFENDERS OF THE WELFARE COUNCIL OF NEW YORK CITY\*

### REPORT ON LONG TERM INSTITUTIONAL CARE OF JUVENILE DELINQUENTS

Of institutions for long term treatment of delinquent children, some are operated under private auspices and some under the State. New York City operates no institutions for such care of juvenile delinquents. Private institutions receive from local Children's Courts, children who have been adjudged delinquent and, also, accept by private arrangement with parents and others, children with behavior problems. State institutions are restricted to receiving children adjudged delinquent and committed by Children's Courts. The capacity of the State institutions is limited and for considerable periods during the past eighteen months the New York State Training School for Boys at Warwick had to close its intake with serious consequences in terms of the effective handling of juvenile delinquents from New York City.

#### Intake Policies

Admission policies of some private institutions have been unduly restrictive and rigidly applied with the result that these institutions have been able to serve only a limited number of delinquents. Some selection at intake is essential to the good operation of these institutions but over-selectivity cannot be defended, particularly when based on racial considerations.

The members of this Committee are of the opinion that the community should at no time lack accommodation for children who are unacceptable to institutions of limited program. No child, however difficult, disturbed or deficient, should be without some suitable place to go.

The 1945-1946 Budget for the City of New York as adopted by the Board of Estimate contains the following provision which is paragraph 6 of the Preamble to the Section "Conditions Governing Payments to Charitable Institutions":

"No money shall be paid out of any appropriation made to any charitable institution for the care of dependent, neglected or delinquent children duly committed by the Commissioner of

\* See "Juvenile Institutions" on page 33.

Welfare or a court of appropriate jurisdiction if, after due notice by the Commissioner of Welfare, such charitable institution shall refuse to accept a reasonable proportion of inmates from any racial group because of race or color, provided that no institution of a particular religious faith shall be required to accept persons from any race or group other than those who belong to its own religious faith. What constitutes a "reasonable proportion" shall be determined by the Commissioner of Welfare on consideration of the nature and activities of the institution in all its branches, the vacancies occurring in the institution and the need of a racial group for the type of service rendered by the institution."

This provision has had a beneficial influence in bringing about a broadening of institution intake policies and in stimulating recognition of a basic human issue. All of the effects sought to be achieved have not as yet been realized but change and improvement are proceeding. The slowness of the process of re-education, essential in giving full effect to this provision, is often irritating. Practical problems of institution management have been created and require patience and intelligence in their solution if all children in institutional care are to be helped in the fashion best suited to meet their physical and emotional needs. Further progress must be based upon understanding and cooperation and upon a recognition that the maintenance of sound standards of practice in child care is an essential consideration.

#### **Delinquents Accepted by Institutions for Dependent-Neglected**

The interpretation of Rule 14, of the N. Y. State Board of Social Welfare rules governing the reception and retention of children in private institutions, was recently revised to permit the granting of exceptions under certain specified conditions. The rule requires that delinquent children be separated from others in institutional care and has prevented private institutions from accepting all types of children. The Board now allows some private institutions to secure an exception to the rule thus enabling the same institutions to accept delinquent, dependent and neglected children.

This practice has brought about a much needed measure of flexibility in the interpretation of these regulations. It appears to point toward an ultimate program of institutional care based increasingly upon a recognition that the behavior of children and their immediate needs often require treatment which does not coincide with the necessary legal adjudications of "dependent," "neglected," or "delinquent." It is to be hoped that the experiment will be extended and that in the treatment of these various classes of children the distinctions which have existed will come to have a diminishing

significance and will eventually be replaced by the broad concept of the child in need of institutional care.

#### **Selection of Institution for Delinquents**

Children's Courts commit delinquents directly to institutions after study by the court staff. In cases of children committed to private institutions, the court must first secure the acceptance of the child by the institution in advance of making the commitment. The task of having a child accepted by a private institution often involves delay with no assurance of an eventual acceptance. Rejection of a child by an institution creates a serious situation for the court, and for the child, particularly when the delay has been protracted or when no other institutional resource but a State training school is available.

Selecting the institution to which a child should be committed is an important and difficult task. It should be based upon a study of the needs of the child, his religion, the program of the institution, and the ability of the institution at a given time to accommodate a particular kind of child requiring a particular kind of care. In order that the placement may be made as precisely as possible, the study should be carried on while the child is in an institutional setting, with a view to observing his reactions to institutional life, his particular needs, and the ability of an available institution to meet them.

The study of the child by Children's Court staff is sufficient to enable the court to determine whether or not a child should continue to be treated in his own home or whether he seems to need care in an institution or foster home, apart from his family and immediate community. The type of study required in order to select a particular institution for a child is another matter and can more effectively be done at a reception center for children.

At the present time the function of the Children's Court should be (1) to determine whether or not a child is delinquent as alleged; (2) to determine whether or not a child can be treated at home or requires care outside of his home; (3) to commit a child to an institution or otherwise upon recommendation from the reception center after appropriate study; (4) to provide supervision through its probation staff for those children returned home who may need such treatment.

In carrying out these functions it is essential that the court be properly staffed throughout and, particularly, that it have an adequate probation service both for investigation and supervision. The budget allowed the court should be enough to enable it to secure staff of suitable quality and quantity for the performance of required services to children under court care.

### A Children's Reception Center

It is recommended that there be established under the auspices of the New York State Department of Social Welfare a Children's Reception Center, or Centers, at appropriate geographical locations, which should receive only delinquent children remanded by the courts for study in anticipation of commitment by the court to an institution. At this center, or centers, there should be complete facilities for the study and observation of all children received. It should be the function of the center (1) to make a study of each child's problem and needs, utilizing all data and studies available which may assist; (2) to recommend to the court the institution, public or private, to which the child should go—commitment of the child to the institution would then be made by the court; (3) to recommend to the court, when institutional care is not advised, other treatment as indicated such as foster boarding care or continued care of the child in his own home.

The Committee believes that through the Children's Reception Center it will be possible to bring together the executive directors of the private and public institutions caring for delinquent children and to encourage higher standards and the development of plans which promise ever-improving and better-integrated programs of institutional care than now exist for the delinquent child. The exchange of ideas in these conferences should be a stimulating experience for all participating and should spread knowledge of institutional facilities and make for greater flexibility in the utilization of such facilities. It is essential that the many different programs and practices in institutions be related and integrated in a broad over-all program. For example, the institutions operating on the principle of furnishing a very specialized type of care offer facilities quite different from the institutions, the intake policies and programs of which are shaped with a view to maintaining a certain "group climate." Also, there are institutions which are very "open" while others are more restrictive in their custodial organization. These various types of service need to be related, modified in some cases, and used in the most effective manner possible. Simple and direct methods for transferring children from one institution to another, as their needs require and without recourse to the court, should be established, if necessary by the revision of existing laws, under the jurisdiction of the New York State Department of Social Welfare.

### Public and Private Care

Institutional care for delinquent children under private auspices is desirable and should be continued and extended wherever possible on condition that a high standard of service is maintained. Adequate public subsidies and effective supervision by the State are

essential in fostering a program of private care and they should be provided.

A State program of institutional care, supplementing private facilities, should be provided whenever the needs of children require it. The inability of private sources or the disinterest of local officials to meet these needs should stimulate State action toward promptly finding a remedy. It seems self-evident that the responsibility of the State for the maintenance of good order within the State places upon it this obligation.

The members of the Committee call attention to the great need which exists for better coordination of services between State and private institutions. At present, over-selectivity on the part of private institutions has tended to force State schools into the unenviable position of "catch-all" for the very difficult delinquents, who are not easily handled, and has created for the private institutions a function so narrow as to unduly restrict their social usefulness. A sound program for public and private institutions requires that the latter accept a wider variety of cases than they have accepted heretofore and strive constantly to improve the quality of their services. The Committee suggests that the Department of Social Welfare, by systematic and regular contact with private institutions, make every effort to enlist their cooperation to this end.

### Size and Staff of Institutions

The large size of some institutions militates against their usefulness. It would appear that smaller institutions for socially maladjusted children of a capacity of 150 to 200 are preferable to the larger institutions.

Creation of smaller institutions should not, however, be made an excuse for decreasing salaries and operating expenses in relation to those provided for larger institutions. The directors, supervisory personnel, and other staff required in smaller institutions need to be just as competent as those in larger institutions and salaries should be related to comparable skills, experience and responsibility within the organization.

Adequate salaries and living conditions are essential for all staff members in institutions if qualified people are to be secured and retained. These conditions have not applied generally in the past with the result that the care provided by the institutions has often suffered. In State institutions, the budget granted should be sufficient to enable the institutions to employ a thoroughly qualified staff and to carry on a program of care up to the highest standards. In private institutions exactly the same considerations and standards should apply.

### After-Care

Responsibility for the supervision of a child returned home at present rests with the institution from which the child is paroled. It is suggested, however, that case-working agencies in the community, to which the child returns, be used whenever possible in situations where the services of these agencies seem appropriate. Such agencies can work effectively in numerous cases. When parole expires and a case is closed, the after-care worker should endeavor to secure help from a community case-working agency if help is still needed.

Case loads of after-care workers have been far too high and, in many instances, have made impossible really careful work of supervision. After-care work requires competent staff, familiar with institution practices and trained in individual case work methods. Increased recognition of the importance of these factors should produce marked improvement in after-care work.

### Hostels

Small residences of this type can be an invaluable aid in facilitating the return of children to the community after their release from an institution. Some children, ready for release, have no homes to which they can return or their homes are so unsatisfactory as to be wholly unsuitable for their care. In these cases, there is often considerable delay in getting the child out of an institution because an acceptable place for him to live in the community is not readily available. In other cases children are unable to make the adjustment at home when institutional controls are abruptly ended. A more gradual elimination of controls is necessary if the transition from institution to home is to be successfully achieved by them. Hostels can furnish an important and essential service for such children in process of returning to normal community life.

The Committee recommends that hostels be developed; that they be small, accommodating 12 to 15 children; that they be equipped to provide care suitable to the needs of those placed in them. The organization and operation of hostels should furnish a challenge to responsible private groups interested in experimenting with and developing this newer and much needed service.

### Payments for Delinquents—A State and Local Responsibility

At present the State pays the full cost of maintaining all delinquent children committed to State institutions; the City pays a fixed sum per child, as annually appropriated in the City Budget, for each delinquent child committed to a private institution, without reimbursement by the State. The sum paid by the City is far below the cost of maintenance training and the difference has to be raised

by financial appeals on the part of the private institutions. This division of financial responsibility on the basis of the type of institution, whether public or private, is unsound and militates against the development of a well-integrated program of care for these children.

The Committee strongly recommends that grants-in-aid be paid by the State to the City or County on a per capita basis for children committed as delinquents. Under this plan, all children committed as delinquents would be paid for by the City whether the children are sent to a State or a private institution. The City would be reimbursed for a fixed share of the total cost of care and should meet the balance of the cost itself. The features of the current policy which, in effect, discriminate against one type of institution in favor of another would be eliminated; a more equitable and a more carefully planned use of all institutional facilities would be made possible; local interest and responsibility would be stimulated and the danger of children committed being "forgotten" in the mass of a large State program would be reduced to the minimum; financial relief would be provided to local communities unable in the past to meet the needs of children because of inadequate financial resources; finally, private institutions would be more likely to receive an adequate allowance which would go far in assuring their continuance and make them more fully effective.

### Summary of Recommendations

#### *Intake Policies*

Some selection at intake is essential to the good operation of institutions for juvenile delinquents but over-selectivity cannot be defended particularly when based on racial considerations.

The community should at no time lack accommodation for children who are unacceptable to institutions of limited program. No child, however difficult, disturbed or deficient, should be without some suitable place to go.

#### *Delinquents Accepted by Institutions for Dependent-Neglected*

It is to be hoped that the practice of accepting some delinquents in institutions for dependent-neglected children will be extended and that in the treatment of these various classes of children the distinctions which have existed will come to have a diminishing significance and will eventually be replaced by the broad concept of the child in need of institutional care.

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tion at a given time to accommodate a particular kind of child requiring a particular kind of care. The study should be carried on while the child is in an institutional setting with a view to observing his reactions to institutional life. The type of study required in order that the placement of the child may be made as precisely as possible should be made at a reception center.

#### *A Children's Reception Center*

It is recommended that there be established under the auspices of the New York State Department of Social Welfare a Children's Reception Center, or centers, at appropriate geographical locations, which should receive only delinquent children remanded by the courts for study in anticipation of commitment by the court to an institution.

It should be the function of the center (1) to make a study of each child's problem and needs, utilizing all data and studies available which may assist; (2) to recommend to the court the institution, public or private, to which the child should go—commitment of the child to the institution would then be made by the court; (3) to recommend to the court, when institutional care is not advised, other treatment as indicated such as foster care or continued care of the child in his own home.

The Committee believes that through the Children's Reception Center it will be possible to bring together the executive directors of the private and public institutions caring for delinquent children and to encourage higher standards and the development of plans which promise ever-improving and better-integrated programs of institutional care than now exist for the delinquent child. The many different programs and practices in institutions need to be related and integrated in a broad over-all program.

Simple and direct methods for transferring children from one institution to another, as their needs require and without recourse to the court, should be established, if necessary by the revision of existing laws, under the jurisdiction of the New York State Department of Social Welfare.

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APPENDIX

Institutions Granted Exceptions to Rule 14 of the N. Y. State  
Board of Social Welfare Rules Governing the Reception  
and Retention of Inmates in Private Institutions

November, 1945

A. *Institutions for Dependent-Neglected Accepting Some Delinquents*

1. Convent of the Sisters of Mercy, Angel Guardian Home for Little Children (unmarried mothers).
2. Children's Aid Society of New York, Brace Memorial Farm.
3. Brooklyn Children's Aid Society, Harriman Farm School.
4. Dominican Convent of Our Lady of the Rosary, Holy Rosary Convent.
5. Dominican Convent of Our Lady of the Rosary, St. Agnes Convent.
6. Little Flower House of Providence.
7. Mission of the Immaculate Virgin.
8. Jewish Child Care Association, Pleasantville Cottage School.
9. Riverdale Children's Association.
10. Roman Catholic Orphan Asylum, St. John's Home for Boys.
11. Roman Catholic Orphan Asylum, St. Joseph's Female Orphan Asylum.

B. *Institutions for Delinquents Accepting Some Dependent-Neglected Children*

1. Children's Village.
2. Children's Aid Society, Walkkill River Cottage (closed at present).
3. Jewish Board of Guardians, Hawthorne-Cedar Knolls School.
4. St. Germaine's Home.
5. Wiltwyck School for Boys.

(Data furnished by the New York State Department of Social Welfare.)



## INJUSTICE IN THE COURTROOM\*

By FRANCIS BIDDLE

*Attorney General of the United States*

*Before the war we had a daily average of 30 murders and over 700 rapes and robberies. Crime will increase unless we stop revenging ourselves on criminals and start the job of curing them.*

Joseph Smith was a taxi driver who, while on WPA, stole from an apartment house mailbox some letters containing \$1,000 in checks. He was caught by postal inspectors and pleaded guilty. An older accomplice was tried with him and sentenced to five years. Smith, a first offender, was sentenced to fifteen years. Stunned, he exclaimed to the judge, "I hope you're here when I get out." The judge called him back and raised the sentence to twenty years.

This sort of thing obviously does not square with the motto carved above the entrance to the Supreme Court of the United States: "Equal Justice Under Law." It illustrates a basic shortcoming in our handling of offenders, and it fosters crime.

As the Cabinet member in charge of the Department of Justice, I am responsible for the Federal Bureau of Investigation, which apprehends law violators, and the Federal Bureau of Prisons, which looks after them.

Thus a large part of my business is concerned with crime. Just now it is urgent that we prepare for what has been the inevitable aftermath of every war: a widespread resurgence of criminal activity. What makes the task doubly important is the fact that some of the fighting men to whom we owe so much will be involved. After you have killed Japs and Germans and seen them kill your buddies, you cannot come back unchanged. Some of the men who have lived for months under the incredible strains of battle, who have dealt daily in death, will not adjust easily to the humdrum pace of civilian living. Add to all this the dislocations and upheavals that have taken place on the home front, and the outlook becomes serious.

### A Crime Wave After the War?

But I have faith in the good sense of the American people to believe that a large-scale postwar crime wave is not necessarily inevitable. If we solve the basic problem of providing jobs after

\* Reprint from *Collier's*, May 19, 1945; see Recommendation V on page 15 and "Sentencing Process" on page 24.

the war; if the returning veteran is aided over his difficult readjustment period, by understanding, by necessary schooling for new work, by loans to buy a farm or a gas station; if the purposes and aims of the G. I. Bill of Rights are realized; and if we plan our reconversion intelligently, we can go a long way toward avoiding a crime epidemic.

But even if we are resourceful enough to forestall war-brought lawlessness, we shall still have on our hands the rising tide of peacetime crime in America. For crime has been increasing steadily, and we haven't yet learned how to cope with it. Between 1920 and 1940, the number of persons convicted increased several times faster than the growth in population. In New York State back in 1920, only one of every 1,550 persons ran afoul of the law and was committed to a penal institution. By 1940, however, it was one out of 740 persons. Any normal day, before the war, was mathematically certain to find 30 persons murdered, 27 raped and 729 robbed. Each year 580,000 persons were committed to our prisons and jails.

All this argues that something is wrong with the way we handle crime and criminals. But there is no single answer. I do not suggest that I have any expert or unusual knowledge to bring to bear. Like most people who have studied the matter, I have come to the conclusion that it must be attacked from many angles. We must, of course, wipe out those bad economic and social conditions which breed crime. We must have better housing, better schools, more recreational opportunities and a strengthening of the sense of moral responsibility in the home and in the community.

Progress toward these will be made slowly. But there is something which we can do now. We can change our methods of treating offenders. No one who has visited a penal institution and talked to judges, wardens, parole officers and the offenders themselves (as I have done frequently during these last three or four years) can fail to be conscious of confusion in the way we handle offenders. There are several ways this confusion can be eliminated.

We must, as a first step, revise and modernize our system of sentencing. A few cases will indicate why.

Three youths of seventeen hired a taxi, robbed the driver of about \$8 after placing a soda-pop bottle against his back. They then tied him up, crossed a state line, and after spending the night in the woods with the driver, returned his cab and some of the money to him. Arrested later, they were sentenced to thirty years in the El Reno (Oklahoma) reformatory, for technical violation of the Lindberg kidnapping law. The sentence was later reduced to fifteen years. I have recommended that a further reduction be made.

In contrast, Bill —, 25, a repeater who had already served a sentence for automobile theft, kidnapped a taxi driver, robbed him, and left him bound and gagged on the bank of a canal. He was given only eight years—by a different court.

In the recent uprising at the Atlanta penitentiary, some prisoners barricaded themselves in a wing and threatened to kill the four officers whom they were holding as hostages, unless their demands were met. One of the leaders was a man with a life-long record of serious crimes, who was wanted in another state for armed robbery, and in still another for murder. He was serving a sentence of only two years in Atlanta for stealing and transporting securities valued at \$100,000!

As I see it, there are four main weaknesses in our present sentencing system. They are lack of uniformity which carries a sense of unequal justice; failure to co-ordinate sentencing policies with the prison program, parole and probation; incomplete information in the hands of the judge at the time of sentence; and, particularly, sentencing for the offense rather than for the offender.

Overhauling and modernizing our sentencing and correction procedures is long overdue. Now, on the eve of the return of millions of young soldiers, some of whom will, simply through the operation of the law of averages, brush with the law, this modernizing becomes a "must." We face the choice between treating these and other offenders with understanding (which means eliminating their individual crime impulses), with the tools that science and the increased knowledge of man's mental and emotional processes have given us; or punishing them in the old, blind, haphazard way.

The disparity between sentences is a commonplace in our courts. The moonshiner in Northern Alabama is practically certain to get two years or more; in southern Alabama he is just as certain to get off with a few months. The several hundred Italian officers and seamen who were convicted of sabotage early in the war had all committed the same crime, but some got off with three months while others who were tried before different judges were sentenced to three years. In some instances, seamen who had merely followed their officers' orders got five years, while the officers got off with nominal sentences.

For years judges have complained of our present sentencing methods, by which they seldom have any extensive knowledge of the individual prisoner. "It is all a slapdash method," a Pennsylvania judge once said me. "Three months, six months, five years. It's often a guess, a coin toss, acting on a hunch. We have no thorough understanding of the offender, his problems, mentality, environment; and this is true even when presentencing

investigations are made. These, of course, are helpful, but not enough."

If the punishment is to fit the criminal as well as the crime, the judge needs help and needs it badly. If our sentencing procedure is antiquated, so also is our general handling of the prisoner, despite advances in psychiatry, medicine and sociology. The measuring stick, of course, is the offender's behavior after release. Does the term he has served deter him from further crime? Has he been rehabilitated, provided with a job skill and fitted to become a useful citizen? Has he been prepared to hold his own on the "outside?"

Measured by these standards, our system fails badly. For it is a mathematical certainty that one of every two men who serve time in our prisons will get into trouble when freed and will return to prison again.

The Criminologists have a word for it: Recidivist. In the Eastern Penitentiary, near Philadelphia, two of every three prisoners are "two-time losers." In some New York prisons, seven of every ten have served time more than once. In Louisiana, eight of every ten.

This state of affairs led my friend, George Wharton Pepper, president of the American Law Institute, to testify: "It is arrest. It is trial. It is conviction. It is punishment. It is imprisonment. It is release. It is arrest . . ."

The principle which dominated criminal law for centuries is what the scholar-lawyer would describe as *lex talionis*. Man had sinned. He must expiate his sin with an equal amount of suffering—an eye for an eye and a tooth for a tooth. The "honest thieves" of a half century ago—outlaws, counterfeiters and others—who came to our federal prisons would have been startled at the radical idea that their sentence was for any other purpose than punishment. They served their time and went out as they had come in—felons. Their discharge was a receipt for the penalty they had paid. They were free to break the law again.

#### Criminals Must Be Cured

We have been slow to learn that making the criminal pay for his crime does not seem to keep him from repeating it. Criminologists now agree that the criminal must be cured rather than merely punished—not because we owe him anything, but because we owe society something. If you don't rehabilitate him, he'll cause more mischief when he's freed.

Every day sex offenders and other psychopaths are sentenced for some relatively minor offense, sent to jail for brief sentences, then freed to repeat their offenses over and over again, sometimes writing finis to the story with murder. By and large, no attempt

is made to uncover the purely psychotic causes of crime and, by curing them, prevent further offenses. This particular type of crime can be intelligently dealt with only under a system which allows for observation and examination by psychiatrists and other experts, and makes their findings available to the sentencing judge.

We urgently need such a system not only for this, but for all types of criminals. Our judges must have the benefit of advice and assistance from a competent board of experts on the individual problem presented by the offender. We also need a program for treating the offender, and detaining him not arbitrarily for one or fifteen years, but as long as it is necessary to fit him to return to society.

Legislation embodying such reforms has already been introduced in Congress by Senator Harley M. Kilgore, of West Virginia, and Representative Francis E. Walter, of Pennsylvania. Known as the Federal Corrections Act, it has the backing of judges (including the Chief Justice of the Supreme Court), prison wardens, bar associations and parole officers.

Under the bill, the court would reserve final sentencing until six months after the offender had been found guilty. Here's about the way it would work:

John White, age 26, has been convicted, with others in a gang, of robbing a federal bank. He had only a minor part, but the offense calls for a jail term of up to 25 years. The judge decides that John must go to prison, so he gives him a general sentence, but reserves final determination for six months.

John White is then remanded to the nearest correctional institution, which happens to be in Chillicothe, Ohio. There the psychiatrists, a doctor, a clergyman, a vocational training expert and the warden of the prison study him. They probe his family background, observe his actions and study his need. They then prescribe treatment much as a physician would prescribe medicine for an illness—medical care, perhaps a hernia to be operated upon and teeth to be fixed; psychiatric treatment to iron out neuroses, occupational training at a reformatory as soon as White is adjusted to his new environment.

All of the facts on the prisoner's personality, his attitude and behavior, are then reported to the Board of Corrections which the act establishes. This board, made up of lawyers, criminologists and others skilled in understanding human behavior, meanwhile has been gathering information concerning the circumstances of John's offense, getting the opinion of the police, the prosecuting attorney, John's neighbors. One or more of the board members then give John a hearing to get his side of the story and to size him generally. Finally three members of the

board go over the case with the judge and recommend the sentence that they deem appropriate.

The judge can confirm or reject the recommendation of the board as he pleases. And this is as it should be. For the federal judge—trained, experienced and fair—should make the final decision. The bill does not propose to change that ultimate responsibility. But it gives the judge an opportunity to act not in comparative ignorance, but with all the pertinent information before him. This is particularly important in cases where a plea of guilty has been entered, and the judge has not heard the witnesses or the prisoner, on the stand. And about 85% of all persons indicted in federal courts plead guilty.

#### System for Young First Offenders

If the offender is under 24, the proposed law gives the judge the prerogative of turning him over to a Youth Corrections Authority which would give him the kind of treatment it thought most effective. The Authority, a division of the Board of Corrections, could send him to prison and later release him when the time was right, could put him in a mental hospital or vocational school, or could place him in some industry. Essentially it is a system for young first offenders, and it would employ whatever treatment would work best for the offender.

All of these experimental methods would, of course, be applied only after the young offender had been subjected to an initial period in an institution and after his case had been thoroughly studied by experienced officials. In effect, the court would not try to diagnose the case at the time of trial but would turn the young man over to the Youth Corrections Authority, just as it commits a mental defective to a hospital.

The choice of age 24 as the limit for the youth offender group is significant. Psychologists and psychiatrists have found that, generally speaking, this age represents final arrival at physical, intellectual and emotional maturity. Before then, adolescence, with its attendant restless instability, has not ended; and the ages between 16 and 23 are the focal source of crime infection.

Boys and girls in this group comprise only 13% of the population, but they are responsible for 26% of all robberies, 40% of all burglaries, 50% of all car thefts. From this group come the bulk of our offenders. Nineteen-year-olds come next. Crimes by youthful offenders are increasing at a shocking rate. And it must not be forgotten that our returning fighting men are largely in the 18-to-24 group, and if they brush with the law, they deserve the best understanding and scientific treatment of war-born maladjustments that we can provide.

Many states have gone a long distance along the way proposed by this law, but few have yet achieved such broad and scientific treat-

ment methods. Nor have they obtained the teamwork of prosecutor, judge, prison warden and paroling authority, which is vital in salvaging the offender. Some thirty-nine states have some form of indeterminate-sentence law, under which the court merely sets the minimum and maximum limits, and a board determines just how much time the prisoner will serve. In many of these states, the boards have much wider discretion than is here suggested for the federal system. But United States courts have been tied down to a much more rigid system of defined sentencing procedures.

California is one of the states which has gone much farther than the federal government in modernizing its machinery of criminal justice. Some time ago it instituted a fully-indeterminate sentencing system whereby the court merely passed on the question of guilt or innocence. The exact amount of time to be served was determined by a special board. In 1944, California made this system really effective by centralizing sentencing, prison and parole administration.

The California program includes special boards or "authorities," to handle the problem of sentencing both adolescent and adult offenders. The act provides machinery for careful study of every convicted offender and for the use of this information in determining the length of sentence, where it should be served and what training and treatment the prisoner should receive while in prison.

There is indeed nothing radical or even novel in the reforms I have sketched here. As far back as a century ago, lawyers, criminologists and others who really understood the problem suggested that judges ought to have nothing at all to do with sentencing offenders. They urged that the committing judge's connection with the case should cease when the defendant was found guilty. The offender would then be turned over to the detention place, where a board of experts would study him and prescribe the length of time and the course of treatment needed to cure him.

In England, Parliament has made part of the century-old plan a practical reality. The Borstal plan segregates youths from older offenders and trains them to make a living when freed.

The British Prison Commission reported before the war that only 8% of England's adult prison population were "Borstal boys," youths who had graduated from Borstal training. Here in America, although various states have undertaken special reform measures for youths, the shadowy outline of a juvenile delinquent is behind a very large proportion of adult offenders.

And yet progress has been made in the United States toward treating and curing the criminal rather than merely punishing him. Under the wise leadership of James V. Bennett, director of the Federal Bureau of Prisons, the grim, traditional bastille, the old-line human storage warehouse, is giving way to specialized detention centers tailored to the particular offender's needs.

### Plan of Diminishing Restraints

At Danbury, Connecticut, for example, a federal correctional institution, completed in 1940 at \$2,000,000 cost, has a unique program of handling the prisoner. From the day he enters, the offender becomes subject to a plan of diminishing supervision. He will begin with a strong steel cell and, on good behavior, will graduate to a dormitory. Ultimately, he may be permitted to live in one of Danbury's "honor rooms" with doors unlocked, windows unbarred. Prisoners who don't behave get the usual inside cells. Danbury has a well-stocked library, a school, a full curriculum of correspondence courses. Its vocational facilities include paint, sheetmetal, plumbing and other trade shops, now almost standard equipment in most federal prisons. It also provides training in farming, dairying and animal husbandry.

Then there's the reformatory at Chillicothe, Ohio, which specializes in resocializing men between 17 and 30. To Jim Bennett and me, it is a prison in name and form only. We think of it as a school that graduates useful young men. The proudest of the men Chillicothe turns out are the airplane mechanics, for Chillicothe has the only penal school for airplane mechanics. The curriculum includes aerodynamics, theory of flight, mathematics; and the men live in honor dormitories while they are students.

At the other end of the scale from Danbury and Chillicothe is Alcatraz, the grim "Rock" set in San Francisco Bay overlooking the Golden Gate and the Pacific. It is not a pleasant place, and yet it is no Devil's Island.

Alcatraz has a library of 10,000 books, occasional moving pictures, softball teams and other ways of easing the atrophying effects of monotony and testing the ability of the prisoner to get along with others and demonstrate a changed attitude. For good behavior, men can win the reward of transfer to other less security-minded institutions.

But whether the prisoner is in Danbury, Chillicothe or Alcatraz, the essential point to be determined is how much and what kind of treatment he needs to reform him.

What good is it for the doctor, the psychologist, the social worker, to make a thorough study of a young offender and prescribe treatment when the offender has been sentenced to serve a fixed term and must serve time long after he is ready to return to society? Not that the sentences are necessarily always too long. Very often sentences are too short and are inadequate to make possible the rehabilitation of the offender who may require several years of custody and supervision rather than a briefer term applied without reference to his background or environment. The men who administer correctional treatment to federal prisoners and who have no control over the length of the sentences find themselves in the

position of a doctor who is not permitted to decide when a cure has been effected.

The theory that the punishment must fit the crime must ultimately give way to the more humane and effective theory that the punishment must fit the criminal. The indeterminate sentence, segregation and treatment of prisoners as contemplated in the Corrections Authority Bill will take us a long way on that road.

## MILITARY JUSTICE\*

By THE HONORABLE ROBERT P. PATTERSON

*United States Secretary of War*

It is a pleasure for me to be present at the annual dinner of the Congress of Correction, particularly to express my appreciation of the assistance the Army has received from the correctional field and from individual members of your profession in handling one of our most difficult problems. When the Army found itself faced with a steadily increasing prison problem, those of us who had to concern ourselves with military justice did what we could to become penologists over night.

We turned to some of the leaders in your field and enlisted their services on a Board of Consultants which has helped us greatly in the determination of sound policies. I say candidly that their aid has been of inestimable value to the Army in this work.

In the development and operation of our installations, programs of training, and clemency procedures, we have accepted and followed principles in which I know you believe, and particularly the principle that every offender should be studied and treated as an individual. We have used standard classification procedures and have utilized professionally trained personnel in our institutions and in the processing of clemency cases. We believe that our program of rehabilitation will stand your professional scrutiny. Perhaps the best way for me to convince you of that fact is to tell you what the Army's problem has been and how we have tried to solve it.

### I

What I have to say tonight is concerned chiefly with our program of rehabilitation and restoration to duty and our release procedures. I do not want you to forget, however, the safeguards which are thrown around the rights of the individual in our court-martial system. He has all the rights of a defendant in a United States District Court and some additional ones. He is not recommended for a general court-martial until after a formal investigation at which he has a right to question witnesses himself or through counsel. At the trial he is represented by military counsel or can employ a civilian lawyer. The "law member" of the court is also responsible for safeguarding his rights throughout the trial. If he is convicted, appeal is automatic. The staff judge advocate checks the record, reviews the evidence, and on the basis of his findings the

\* See "75th Annual Congress of Correction" on page 41.

reviewing authority confirms, reduces, or sets aside the sentence. The case then goes to the Judge Advocate General's Office, or to its representative overseas, and is carefully reviewed. Finally, if the man is sent to a disciplinary barracks or federal institution his case is reviewed by the Office of the Under Secretary of War within six months and annually thereafter.

## II

The number of general court-martial prisoners in confinement in this country and overseas when Japan surrendered was 33,500. Of these, 13,500 were in disciplinary barracks, 6,000 in rehabilitation centers, 2,700 in Federal institutions, 900 in guardhouses in this country awaiting transfer to disciplinary barracks or rehabilitation centers, and 10,500 overseas, largely in disciplinary training centers where they still had an opportunity for restoration to duty.

In addition to those on hand at the end of active hostilities, we had restored to duty 17,000 men in this country and another 4,000 overseas, and had given medical discharges or other types of release to another 6,000 men. The total number of general prisoners we have handled is therefore close to 60,000. This is a large number, but it is the grist of over three years of war and of the largest Army the United States has ever had.

The size of our military prison population is not abnormal, when one considers all the facts. Since the Selective Service Act was passed in 1940, 10,000,000 men have joined the Army and its strength at the end of hostilities was 8,000,000 men. The total intake of 60,000 general prisoners is only a little more than half of one per cent of the men who passed through the Army, and the total in confinement on V-J Day was less than half of one per cent of the strength of the Army. Over 4,000,000 American soldiers served in the European Theater of Operations from January, 1942, when the first American troops arrived overseas, until V-E Day. Of this number only 10,289—less than one in every 400—were sentenced to confinement by general courts-martial. This record is a tribute to the men who have gone through the greatest military campaign in history. It is evidence not only of their fine training and leadership, but also of the fact that almost all of our boys served faithfully and maintained an honorable status.

Aside from the size of the Army from which our general prisoners came, it is not to be wondered that a relatively small number of American soldiers got into enough trouble to warrant trial by general court-martial. They fall in the age group, 18 to 40, which contributes 80 percent of the civilian felony convictions in this country in time of peace. A large part of them are in their late teens and early twenties, the age bracket that leads all others in civilian offenses, as you know. As a matter of fact, the total num-

ber of 60,000 general prisoners received in our military prison installations in the past four years is just about equal to one year's intake of felony convictions alone in our State and Federal prisons in normal times.

Our armed forces served all over the world. Country boys who had never been more than a few miles from home before went to sections of the globe of which they had never heard before this war began. The Army crossed the International Date Line so often that many a man had two Mondays or Fridays a week, although nobody ever got two paydays in succession. We had men in the polar regions and in steaming hot jungles, in the capitals of Europe and on lonely atolls in the Pacific.

Many of these men suffered new privations, felt new pressures, tensions and temptations. They were living a rough and a violent life. It is not remarkable that men under these conditions, lacking the steadying influence of their homes and communities, did foolish and reckless things, and that others did brutal and vicious things. In this latter group were some who would undoubtedly have followed a criminal pattern of life if they had never entered the Army. It is only fair to say, however, that there is no evidence that men who had civil convictions as adults on their records before they were inducted got into trouble in large numbers in the Army; the only evidence that has appeared clearly so far on that point is that a large proportion of our general prisoners have records of juvenile delinquency.

## III

Our general court-martial cases cover a great range and variety; every type of offense from AWOL to murder and rape, committed by all types of men under all conditions and circumstances. There are mountain boys who went AWOL from homesickness, men who overstayed a furlough and were afraid to come back, gang-plank jumpers, and deliberate deserters from the Anzio Beachhead and critical points in the Battle of the Bulge. There are men convicted of misconduct in the face of the enemy who are admitted cowards, and others who cracked up after good combat records. There are young officers who passed bad checks, and black market operators with elaborate schemes and large profits. There are manslaughters resulting from knife fights over crap games, and cold-blooded murders. There are cases of rape committed in every theater of war. There are mutiny cases and disloyalty cases.

Taking it by and large, however, the Army was surprisingly well behaved, its discipline was good, its morale high. If you could march the whole Army by a reviewing stand and had to pull out only one soldier to try by general court-martial of every 200 men that passed, you might have a very imposing group of general prisoners when you got through; but a tremendous number of men

with clear records would have passed by. If you subtract from those you pulled out and tried, the 25,000 men, virtually the strength of two infantry divisions, who have been restored to duty or are to be, the remainder would look even smaller in comparison with the 10,000,000 men who saw service in the Army.

There was a time, however, when we found it difficult to think in terms of the relative smallness of the load. Now, when we feel that the peak of our prison load has passed, we can view the problem a bit more philosophically than we did in the days when the number of general prisoners, keeping pace roughly with the growth of the Army, was mounting fast. We not only had a very large number of prisoners to handle but were in a most unusual and uncomfortable situation, from the prison standpoint: our intake was steadily rising and there was not much in the way of outgo. We had to open a new 2,000-man installation in this country every four months, find commissioned and enlisted personnel to operate it, train them in a type of duty most of them had never performed before, and develop practical and proper procedures from the ground up. When we reached our peak, we had enough prisoners to fill all the institutions in the Federal prison system, with enough left over to fill all the New York institutions from Sing Sing to Dannemora. The Army was in "the prison business," whether it wanted to be or not.

#### IV

By the end of 1942 we were embarked on a well-planned program designed to restore as many general prisoners to duty as possible in the shortest practicable time. The basis of this policy has been a mixture of hard-headedness and soft-heartedness. There was the manpower problem. Every available man would be needed before the war was won, and we had no intention of letting restorable men go to waste in confinement. We were not going to call on the Selective Service System for a married man with children to replace an inductee without dependents who had been scrapped but could be salvaged.

In addition to the hard-headed reasons for a policy of restoring men to duty, there were humanitarian reasons of which the War Department was fully conscious. If a soldier, especially a young one, got in trouble, we knew that we must not deal with him any more severely than military necessity required, and that we must give him another chance to make good if he seemed able and willing to profit by it.

As you know, the backbone of our program for restoring as many men as possible to duty was an institution of a new type, the rehabilitation center. Nine of these centers were established in December, 1942, one for each of the nine Service Commands. Several consolidations have taken place since, and there are now five.

Since they were opened they have received about 35,000 men, of whom 14,000 have been restored to duty, with 2,000 to 3,000 more to be restored before their present population is liquidated. Only 10 per cent of those restored are known to have become general prisoners again.

Men who seem likely to prove restorable are sent to rehabilitation centers, regardless of how long their sentences may be. They live in ordinary barracks on Army posts, in areas surrounded by double fences. Their cases are studied exhaustively, and they appear before a Psychiatry and Sociology Board of three officers before being finally approved for training and eventual restoration. The training course consists of three months in a pre-honor company, where the schedule is half work and half military training, and another three months of intensive full-time military training in an honor company. Most men graduate from the centers in eight months.

Honor company men live "outside the wire," wear regular uniforms without insignia, go on long marches and over-night bivouacs, and fire a great variety of weapons on the range. They are usually given the freedom of the post in off-duty hours and, in general, are treated as soldiers in regular status, except that they do not get passes or furloughs.

Every effort is made to maintain high morale and to send the Rehabilitation Center graduate back to duty with his head up and his shoulders squared. The success of the program is due to the care with which those who are not good prospects for restoration are weeded out, and also to the quality of the training given the remainder.

Our installations overseas, usually known as disciplinary training centers are primarily rehabilitation centers. They have to handle also a considerable number of men who are non-restorable and are awaiting transfer to disciplinary barracks and Federal institutions but will not be brought back to this country until the return of soldiers with honorable records is substantially completed. The overseas disciplinary training centers have restored 4,000 men to duty and will restore another 4,000 or more before they close down.

There have been disciplinary training centers in various parts of the world. They were moved frequently as one theater of operations became quiet and another active. There are now two in France, one at Brussels, one in Italy near Pisa, and two in the Pacific, one near Honolulu and another near Manila.

#### V

If the rehabilitation center prisoner in this country is screened out as not suitable for restoration to duty, he is sent to one of the disciplinary barracks. This does not mean that he is cast into outer darkness, however. The primary function of the disciplinary bar-

racks, so far as the greater part of the men are concerned, is to prepare them for return to civil life, but they still have an opportunity to be restored to military service. Each disciplinary barracks maintains a training company in which carefully selected men go through a course of training similar to that in the rehabilitation centers and are eventually restored to duty. For the bulk of the men, however, the disciplinary barracks program is similar to that of our better State and Federal prisons. They are employed in the maintenance work of the institution, much of which involves skilled trades in which the men have had Army training, in clothing and shoe repair and other salvage work, in the operation of laundries, dry-cleaning plants, quarries, and other facilities of the post, and in a variety of labor projects of definite military value. The work program is supplemented by academic and vocational education and by the other activities which civil prisons have found to be beneficial to morale and discipline and likely to increase the chances that the prisoner will make good on release.

It is fitting to pay tribute at this point to the war work carried on by the general prison system of this country. Large quantities of war equipment were produced, and War Bond sales were actively pressed. The war effort was aided measurably by the loyal support of our prison population.

The Army accepted and acted on another principle in which I know you all believe: the use of medium security facilities wherever possible. At present we have twelve disciplinary barracks, of which two are the maximum security type; Fort Leavenworth and Green Haven, the new prison which was leased from the State of New York. The Central Branch Disciplinary Barracks at Milwaukee is between maximum security and medium security. The remainder are of the medium security type, most of them being large blocks of barracks and other buildings in Army posts, enclosed by wire and sentry boxes and closely resembling rehabilitation centers. The Correction Division has planned a new disciplinary barracks of the most modern type, a modification of the Federal Penitentiary at Terre Haute, and it is now under construction at Camp Cooke, California.

#### VI

In addition to the general prisoners in our own installations here and overseas, we have 2,700 prisoners in Federal penitentiaries, reformatories and correctional institutions. Soldiers convicted of crimes of a non-military character and of certain military offenses can be sent to Federal institutions in the discretion of the reviewing authority. They are in the same status as other Federal prisoners as to good conduct time, parole, etc., but the War Department does not lose sight of them and reviews each man's case annually with a view to clemency or other action. During the past year we have

transferred a substantial number of Army prisoners from Federal institutions to our own installations for restoration to duty.

I wish at this time to express my appreciation of the whole-hearted cooperation we have received from the United States Bureau of Prisons, its director, Mr. Bennett, and the wardens and staffs of the Federal institutions. Not only have our military prisoners had the benefit of the industrial, educational, and other opportunities these institutions afford and of the program of training for which the Federal prison system is famous, but we in Washington have had the benefit of intelligent and discriminating recommendations on cases under consideration for clemency or restoration from the classification committees and wardens of the institutions. From Mr. Bennett personally we have had invaluable advice and counsel on matters of general policy as well as on specific problems. This is a most heartening example of cooperation between two government agencies, one of which is a professional in the prison business, while the other is really an amateur.

#### VII

As you can see, the Army is operating a widely scattered prison system as well as a large one. In order to give coordinated supervision to the various types of installations and to establish policies and procedures that were not only consistent with Army standards but with accepted standards of modern penology, a Correction Division was established in the Adjutant General's Office. Colonel Marion Rushton, who had been for some time in charge of clemency matters in my office, was made director of the division, and Lieutenant Colonel Lovell Bixby, former warden of the Federal Reformatory at Chillicothe, was made deputy director. The staff of the division includes a number of officers who have had professional training and experience in the correctional field. The Field Section is headed by Major John C. Burke, warden of the Wisconsin State Prison in civilian life. To make up for shortages in personnel and unprecedented difficulties due to turnover, the Correction Division worked out the plans and curriculum of a training course which is now in operation at Fort Oglethorpe, Georgia, and is training 800 enlisted men and 50 officers a month.

#### VIII

In June, 1945, an Advisory Board of Clemency was established in the Office of the Under Secretary of War. Its membership includes two civilians as chairman and vice-chairman, an officer with combat experience, an officer from the Judge Advocate General's Department, and an officer from the Under Secretary's office. The original chairman was Judge Sherman Minton of the United States Circuit



Court of Appeals, who rendered most valuable service but later had to resign because of illness. We were happy last week to announce that former Supreme Court Justice Owen Roberts has agreed to serve as Chairman of the Board. He brings to this public service a distinguished reputation for wisdom and integrity.

To assist the Advisory Board, the Under Secretary has authorized the establishment of as many Special Clemency Boards as may be necessary, each with three members; a civilian, an officer with combat experience, and an officer from the Judge Advocate General's Office. The Clemency Boards are committed to a task of a great magnitude and deep significance. That task is to review the sentence of all general court-martial prisoners now in confinement in the United States, and the sentences of those now in overseas installations as soon as they are returned to this country. A conservative estimate places the number of cases to be reviewed at a minimum of 27,500. It is an enormous task, but the review is to be systematic and thorough. Cases will not be disposed of in blocks and categories, and there is to be no general jail delivery. Each case will be reviewed individually. Information on the offender's life history not available to the court, as well as institutional reports, will be considered. Sentences that are unnecessarily severe will be reduced, and disparities will be corrected.

The Army has set itself to review the actions which its courts-martial have taken under the stress of a war fought around the world, and to adjust unnecessarily severe or disparate sentences. If this task is carried out carefully, with due regard for the individual differences in offenders and offenses, with the desire to deal as justly as possible with the offender but, at the same time, not forgetting the vast majority who maintained an honorable record, the Army will retain, and deserve to retain, public confidence in its system of military justice.

I am thinking of a day last summer, when I went to see the "graduation" of 150 general prisoners. These men were being restored to the military service that day and were destined for service in the Pacific. Their offenses were serious. They had drawn terms ranging from five to twenty-five years. They had put in seven months of hard work at Slocum, and the Army had done its best to arouse their pride in being soldiers in the nation's service. There was resolution and firm purpose in their faces as they went through their final drill that afternoon. They were on their way "back to the Army again," to an honorable standing and with the prospect of an honorable discharge, with the words on the discharge certificate that soldiers over the years have treasured, "service honest and faithful; character excellent."

## THESAURUS OF PENOLOGY\*

### An Index to the Contents of the Annual Reports of The Prison Association of New York, 1844-1944

Compiled by HERMAN K. SPECTOR, *Chief Librarian*  
Department of Correction of the City of New York

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## FINANCIAL STATEMENT

## THE PRISON ASSOCIATION OF NEW YORK

## GENERAL FUND

## STATEMENT OF INCOME AND EXPENSES

YEAR ENDED DECEMBER 31, 1945

<i>Income</i>			
Donations—special purpose			
The Greater New York Fund.	\$2,027 24		
Other Funds	5,678 66		
		\$7,705 90	
Donations—unrestricted		10,607 50	
			\$18,313 40
Endowment Income			
Interest on Mortgages	4,138 05		
Interest on Bonds	2,503 89		
Dividends on Stock	8,021 00		
			14,662 85
Total Income			32,976 25
<i>Expenses</i>			
General administration	12,404 77		
Relief—prisoners and families (cash, food, clothing, etc.)	8,772 97		
Relief—administration	3,109 00		
Employment—administration	3,522 00		
Appeal—administration	1,162 00		
Traveling expenses	76 05		
Printing and stationery	191 98		
Postage	274 13		
Telephone and telegraph	279 00		
Auditing, legal and legislative services	322 00		
Periodicals, custodian fees and miscellaneous	482 35		
House maintenance	1,958 48		
Total Expenses			32,534 73
Excess of Income Over Expenses			441 52
Special Donation—to offset withdrawals from Endowment Fund			2,000 00
Excess of Income for the Year			\$2,441 52

## AUDITORS' OPINION

We have audited the books, accounts, minutes and other records of The Prison Association of New York for the year ended December 31, 1945. In our opinion the statement of income and expenses shown above presents fairly the results of the operations for the year ended at that date.

WESTER, HORNE & ELDON,  
Certified Public Accountants

New York, N. Y., April 29, 1946.

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## CONSTITUTION AND BY-LAWS

An Act to Incorporate The Prison Association of New York.  
Passed May 9, 1846, by a two-thirds vote. (As subsequently amended.)

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. All such persons as now are and hereafter shall become members of the said association pursuant to the constitution thereof, shall and are hereby constituted a body corporate by the name of The Prison Association of New York, and by that name have the powers that by the third title, of the eighteenth chapter, of the first part of the Revised Statutes, are declared to belong to every corporation, and shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation, provided that such real estate shall never exceed the yearly value of ten thousand dollars, nor be applied to any other purpose than those for which this corporation is formed.

§ 2. The estate and concerns of said corporation shall be managed and conducted by its executive committee, in conformity to the constitution of the said corporation; and the following articles that now form the constitution of the association shall continue to be the fundamental laws and constitution thereof, subject to alteration in the mode therein prescribed.

### ARTICLE FIRST

The objects of the association shall be:

1. The amelioration of the condition of prisoners whether detained for trial, or finally convicted, or as witnesses.
2. The improvement of prison discipline and the government of prisons whether for cities, counties or states.
3. The support and encouragement of reformed convicts after their discharge by affording them the means of obtaining an honest livelihood and sustaining them in their efforts at reform.

### ARTICLE SECOND

The officers of the society shall be a president, four vice-presidents, a recording secretary, a corresponding secretary, and a treasurer, and there shall be the following committees, viz.: a finance committee, a committee on detentions, a committee on prison discipline, a committee on discharged convicts and an executive committee. The number of the executive committee shall con-

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sist of not more than thirty-five, of whom not more than ten shall be officers of the society, and not more than twenty-five shall be persons other than officers.

### ARTICLE THIRD

The officers named in the preceding article shall be *ex-officio* members of the executive committee, who shall choose one of their number to be chairman thereof.

### ARTICLE FOURTH

The executive committee shall meet once in each month, and keep regular minutes of their proceedings. They shall have a general superintendence and direction of the affairs of the society, and shall annually report to the society all their proceedings, and such other matters as shall be likely to advance the ends of the association.

### ARTICLE FIFTH

The society shall meet annually in the city of New York, at such time and place as the executive committee shall appoint, and at such other times as the president, or in his absence, one of the vice-presidents, shall designate.

### ARTICLE SIXTH

Any person contributing annually to the funds of the association not less than five dollars shall, owing to such contribution, be a member thereof. A contribution of five hundred dollars shall constitute a life patron; a contribution of one hundred dollars shall constitute an honorary member of the association for life, and a contribution of fifty dollars shall constitute a member of the association for life. Honorary and corresponding members may, from time to time be appointed by the executive committee.

### ARTICLE SEVENTH

A female department shall be formed consisting of such females as shall be selected by the executive committee, who shall have charge of the interest and welfare of prisoners of their sex, under such regulations as the executive committee shall adopt.

### ARTICLE EIGHTH

The officers of the association shall be chosen annually at the annual meeting, at which time such persons may be elected honorary members as shall have rendered essential service to the cause of prison discipline.

## ARTICLE NINTH

Any society having the same objects in view may become auxiliary to this association by contributing to its funds and cooperating with it.

## ARTICLE TENTH

The executive committee shall have power to add to any of the standing committees such persons, as, in their opinion, may be likely to promote the objects of the society, and shall have power to fill any vacancy which may occur in any of the offices of the association, intermediate the annual meetings.

## ARTICLE ELEVENTH

This constitution may be amended by a vote of the majority of the society at any meeting thereof, provided notice of the amendment has been given at the next preceding meeting.

The officers elected for the current year, under the constitution shall continue to be the officers thereof until others shall be duly chosen in their places.

And it is hereby further enacted that no manager of said society shall receive any compensation for his services.

§ 3. The said executive committee shall have power to establish a workhouse in the county of New York, and in their discretion, to receive and take into the said workhouse all such persons as shall be taken up and committed as vagrants or disorderly persons in said city as the Court of General Sessions of the Peace, or the Court of Special Sessions, or the Court of Oyer and Terminer, in said county, or any police magistrate, or the commissioner of the almshouse may deem proper objects, and the said executive committee shall have the same powers to keep, detain, employ and govern the said persons as are now by law conferred on the keepers of the bridewell or penitentiary in said city.

§ 4. The said executive committee may, from time to time, make by-laws, ordinances and regulations, relative to the management and disposition of the estate, and concerns of said association and the management, government, instruction, discipline, and employment of the persons so as aforesaid committed to the said workhouse, not contrary to law, as they may deem proper and may appoint such officers, agents and servants as they may deem necessary to transact the business of the said association, and may designate their duties. And the said executive committee shall make an annual report to the Legislature and to the corporation of the city of New York, of the number of persons received by them into the said workhouse, the disposition which shall be made of them by instructing or employing them therein, the receipts and expendi-

tures of said executive committee and generally all such facts and particulars as may exhibit the operations of the said association.

§ 5. The said executive committee shall have power, during the minority of any of the persons so committed to the said workhouse, to bind out the said persons so being minors, as aforesaid, as apprentices or servants, with their consent during their minority, to such persons and at such places, to learn such proper trades and employments as in their judgment will be most conducive to their reformation and amendment and future benefit and advantage of such persons.

§ 6. The said executive committee by such committees as they shall from time to time appoint, shall have power, and it shall be their duties to visit, inspect, and examine, all the prisons in the State and annually report to the Legislature their state and condition and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. And to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that by the twenty-fourth section, of title first, chapter third, part fourth of the Revised Statutes, are invested in inspectors of county prisons and the duties of the keepers of each prison that they may examine shall be the same in relation to them, as in the section aforesaid, are imposed on the keepers of such prisons in relation to the inspectors thereof; provided, that no such examination or inspection of any prison shall be made until an order for that purpose to be granted by the chancellor of this State, or one of the judges of the Supreme Court, or by a vice-chancellor or circuit judge, or by the first judge of the county in which the prison to be examined shall be situate shall first have been had and obtained, which order shall specify the name of the prison to be examined, the name of the persons, members of the said association, by whom the examination is to be made, and the time within which the same must be concluded.

## BY-LAWS\*

I. There shall be a stated meeting of the executive committee on the third Thursday of each month, and special meeting shall be held on the requisition of the Chairman or any three members of the executive committee. The call for a special meeting shall, in all cases, state the business to be transacted at said meeting. The annual meeting shall be held on the third Thursday of Janu-

\* As amended by the Executive Committee of the Association at its monthly meeting on Thursday, December 17, 1931.

ary in each year at an hour and place to be designated by the executive committee.<sup>f</sup>

The number of members composing the executive committee exclusive of the officers of the association, is hereby fixed at twenty-four, and divided into four groups or classes as follows: At the election held at the annual meeting of the year 1916, there shall be elected, to serve from that date, six members for the term of one year, six for the term of two years, six for the term of three years, six for the term of four years. At each annual meeting thereafter six members shall be elected for the term of four years in place of those whose terms of office then expire. Any vacancies in the membership of the committee by death, resignation or otherwise, may be filled either by the association at any annual meeting or, in interims between the annual meeting, by the executive committee.

II. At every meeting of the executive committee five members shall be necessary to constitute a quorum.

III. The order of business at the annual meeting shall be as follows:

1. Election of chairman and secretary.
2. Reading of minutes of the last meeting.
3. Report of committee on nominations.
4. Election of officers.
5. Report of corresponding secretary on work of year.
6. Annual report of the treasurer.

IV. The order of business at every other stated meeting shall be as follows:

1. The reading and approval of the minutes of the last preceding meeting.
2. Report of treasurer.
3. Reports from standing committees.
4. Report from the corresponding secretary.
5. Reports from special committees.
6. Report from the general agent.
7. Miscellaneous business.

At a special meeting no other business shall be transacted than that for which the said meeting was called.

<sup>f</sup> At the February, 1938, meeting of the Executive Committee, section 1 of the By-Laws was amended to provide that the monthly meeting of the committee be held on the second Monday of each month, and that the annual meeting of the Association be held on the second Monday in January of each year. However, at the November meeting the By-Laws were again amended to provide that the monthly meeting be held on the third Thursday of each month, as heretofore, and that the annual meeting of the Association be held on the third Thursday in January of each year.

V. The chairman shall appoint all standing and special committees and decide all questions of order, subject to an appeal; and the rules of order shall be those embodied in Cushing's manual so far as they are applicable.

VI. The recording secretary of the association shall be the secretary of the executive committee; and it shall be his duty to keep the minutes of the proceedings of said committee, to record them in a book provided for that purpose, and to give due notice of all meetings of the committee.

VII. The corresponding secretary shall conduct the correspondence of the executive committee and of each of the standing committees; and shall act as the general financial agent of the association, and shall report at each stated meeting of the committee.

VIII. The treasurer shall have charge of the funds of the association, and shall give such security as the executive committee may require. His duties are more fully defined in by-law X.

IX. There shall be at least the following standing committees; executive; finance; law; detentions; nominations; probation and parole; prison administration. Such committees in addition to any powers or duties conferred by these by-laws shall severally possess the power and be subject to the duties designated from time to time by the executive committee. Furthermore, the committee on probation and parole shall function as the committee on discharged convicts mentioned in the constitution, and the committee on prison administration shall function as the committee on prison discipline mentioned in the constitution.

The duties of the above named committees, not otherwise provided for in the constitution or by-laws, are as follows:

It shall be the duty of the committee on detentions to inquire as far as may be practicable or necessary into the causes of commitment of persons held in institutions of the Department of Correction of the City of New York, and, when deemed desirable, to adopt available measures for procuring the discharge or providing for the defense of such as shall appear to be entitled thereto. It shall further be the duty of the committee, when arrangements are made therefor, to extend its work to jails, penitentiaries, reformatories and prisons outside of the City of New York and within the State of New York.

It shall be the duty of the committee on nominations to consider the qualifications of persons available for election as vice-presidents or available for membership on the executive committee of the association, and to make recommendations thereon to the executive committee for final action.