

STATE OF NEW YORK

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THE ONE HUNDRED AND TWENTY-SECOND

ANNUAL REPORT

OF

THE CORRECTIONAL ASSOCIATION OF NEW YORK

135 EAST 15th STREET, NEW YORK

1966



**ONE HUNDRED AND TWENTY SECOND ANNUAL  
REPORT OF THE CORRECTIONAL ASSOCIATION  
OF NEW YORK\***

February 16, 1967

Hon. Malcolm Wilson  
Lieutenant Governor and President of the Senate:

Hon. Anthony J. Travia, Speaker of the Assembly:

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

Respectfully,

THE CORRECTIONAL ASSOCIATION OF NEW YORK

By Melber Chambers, President

Donald H. Goff, General Secretary

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\*The name of the Association was changed from The Prison Association of New York to The Correctional Association of New York on February 16, 1961 at a special meeting of the members.

## PREFACE

This is an official report of The Correctional 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 twenty second of the series.

Paragraph 6 of Article XI of the act incorporating The Correctional Association of New York provides that "the said executive committee" (of The Correctional 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."

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## THE CORRECTIONAL ASSOCIATION OF NEW YORK

### OFFICERS AND MEMBERS

of the

### EXECUTIVE COMMITTEE

1967

*President and Chairman of the Executive Committee*

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*Recording Secretary*

DAVID A. SCHULTE, JR.

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**STANDING COMMITTEES FOR 1967**

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**COMMITTEE ON LAW**

ISAACS, AGNEW, HAWKINS, PIERSON

**COMMITTEE ON FINANCE**

FOWLER, MEYER, WHITE

**COMMITTEE ON DETENTIONS**

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**COMMITTEE ON NOMINATIONS**

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**COMMITTEE ON PROBATION AND PAROLE**

MRS. ADLER, WILMERDING, DR. MacDONALD

**COMMITTEE ON PRISON ADMINISTRATION**

SCHULTE, MRS. BALLANTINE, HAWKINS

**THE AMERICAN CORRECTIONAL ASSOCIATION  
THE CORRECTIONAL ASSOCIATION OF NEW YORK  
A RESOLUTION OF APPRECIATION**

WHEREAS, the nearly one hundred years, from 1870 to 1966, The American Correctional Association has been the daily beneficiary of the services and facilities of The Correctional Association of New York, by virtue of sharing its quarters and professional guidance, and

WHEREAS, the time is now at hand when The American Correctional Association is enabled to establish its own centralized headquarters and provide its own staff, and

WHEREAS, the Association's directors have approved the removal from New York to Washington of its business affairs offices, thus finally closing all operations under the roof of The Correctional Association of New York.

THEREFORE, BE IT RESOLVED THAT the Board of Directors and membership of the Association again records its deep gratitude to the directors of The Correctional Association of New York who have, for so many years, graciously shared the burden of responsibility above and beyond its call of duty, to the end that the national body has now become a wholly independent organization in every sense of the word and has established itself in the City of Washington, and

BE IT FURTHER RESOLVED THAT the directors of The Correctional Association of New York be informed in this humble manner of the never-ending indebtedness of the National Body to them for their patience, understanding and cooperation, and for the use of space without charge to the Association, and

BE IT ALSO RESOLVED THAT while there is now a physical separation of facilities and services, there will forever remain a warm sense of relationship developed over the past century through which both organizations have worked long and laboriously in the interests of the rehabilitation of the offender and the ultimate protection of society.

ADOPTED BY THE BOARD OF DIRECTORS OF  
THE AMERICAN CORRECTIONAL ASSOCIATION  
ASSEMBLED AT THE 96th ANNUAL CONGRESS OF  
CORRECTION, MEETING IN THE CITY OF BALTI-  
MORE, MARYLAND, SEPTEMBER 2, 1966.

*Harold V. Langlois, President E. Preston Sharp, General Secretary*

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**THE CORRECTIONAL ASSOCIATION'S  
RECOMMENDATIONS  
TO THE 1967 LEGISLATURE  
STATE OF NEW YORK**

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## A CHANGE IN ATTITUDE

"All that is needed for evil to prevail is for men of good will to do nothing".

A decade ago one could justifiably point to an apathy about constructive improvements in the administration of justice on the part of *men of good will in leadership positions*. While great strides had been made in abolishing the cruel treatment of prisoners and in recognizing that the real function of imprisonment carried with it the exercising of every effort to release to the community individuals who had been rehabilitated, the change had been principally in the area of semantics. In the early part of the 1960s, a marked change in both legislative and executive interest in the problems of the administration of justice began to occur.

A Temporary Commission on Revision of the Penal Law and Criminal Code was created and presented with a monumental mandate to "prepare for submission to the Legislature, a revised, simplified body of substantive laws relating to crimes and offenses in the state, as well as a revised simplified code of rules and procedures relating to criminal and quasi-criminal actions and proceedings." This was to be the first overall study and revision in the penal law and code of criminal procedures in 80 years. As the result of the excellent work of this Temporary Commission, the Legislature in 1965 enacted into law a completely revised penal law to become effective September 1, 1967.

Last year Governor Rockefeller created a Study Committee to examine the total process of correction in the State with particular emphasis upon seeking ways of preventing first offenders from returning to crime. The Correctional Association of New York is pleased to note that the Governor's Special Committee on Criminal Offenders, now only a few months old, succeeded in introducing five measures, three of which The Correctional Association has been strongly urging, which the Legislature subsequently enacted into law. At the present time, a complete examination of the State's correctional system is being made by impartial, objective experts in keeping with the urging of The Correctional Association in its Annual Report to the

Legislature which called for "a comprehensive study of the State's correctional processes with a view to recommending legislative or administrative changes necessary to affect a coordinated correctional policy."

In March of 1966, following his State of the State address to the Legislature, Governor Rockefeller signed into law a comprehensive narcotic addiction control program, and the Legislature appropriated eighty one million dollars for its implementation. This new law places New York State in a leadership role in attempting to cope with the difficult and complex narcotic addiction problem. It is a bold forward step deserving of much commendation.

Not only has the State recently attempted to cope with a growing crime problem in an aggressive, imaginative way, it has also exhibited its compassion for victims of crimes of violence through the enactment in 1966 of a victim compensation law, The Correctional Association's first recommendation to the 1966 Legislature. No longer will a person injured as an innocent victim of a criminal assault be subjected to undue financial hardships as well as physical pain in New York State.

Despite all of the innovations that have occurred in the last few years, there is still much to be done in our efforts to make the State of New York as safe as possible through a program of constructive rehabilitation programs for those who have been convicted of a crime.

Correctional administrators are expected to take offenders with little or no vocational skills and train them to become employable after their release. Yet the institutions are not provided with the number of vocational teachers which they need. Nor are they provided with sufficient productive employment for the inmates where on the job training can be carried on. Many inmates are held in enforced idleness, engaged in grossly overmanned jobs, or given "made work" because of a lack of work available in the institutions. In this day of great emphasis on education and training, it is a well known fact that persons with no vocational skills and a lack of good work habits are likely to become either public welfare charges or turn to crime in order to live. In any event, the community is not adequately protected and, in the long run, is adversely affected. Yet those charged with responsibility of operating correctional departments and institutions are not provided with the necessary tools in the way of skilled, trained personnel and facilities adequate to carry out an intensive program to redirect offenders.

With the present importance placed upon emotional stability and mental health, offenders with psychiatric conditions are expected to be released cured and safe for community living without provisions being made for psychiatric and psychological personnel in sufficient

numbers to do more than scratch the surface of the serious psychiatric problems of many offenders. While it is commendable and noteworthy that a new diagnostic clinic has been established by the Department of Correction in cooperation with McGill University, this at present will be available for only 1/2 of 1% of the inmates under the control of the Department. For the majority of the offenders under the control of the State Department of Correction, the situation will remain basically as it has been in the past with far too few professionally trained persons who might be able to assist offenders to become better adjusted individuals.

The problems of the local county jail have been plaguing correctional officials for decades. Because individuals sentenced to these institutions have been convicted of lesser offenses, and because in the State of New York they are administered by 58 different administrative units, some with extremely small populations, the county jails are known for their dearth of constructive rehabilitative efforts. This is not necessarily an indictment of those given responsibility toward administering the jails but rather an expression of concern over a system that is obsolete. More specific proposals will be found in the recommendations which follow.

Despite all of the frustrations confronting them and with full knowledge of the myriad of problems involved, the State of New York is fortunate to have a Commissioner of Correction of the caliber of Commissioner Paul D. McGinnis and the City of New York is fortunate to have a Commissioner of its Department of Correction with the experience and imagination of Commissioner George F. McGrath. They are to be commended for their efforts in the past and their continual striving to bring about improvements.

With the assistance and support of the Legislature, with a continuation of the vigorous manner in which the Governor's Special Committee on the Criminal Offender is undertaking its task, and under the leadership of these two individuals, New York State can make great strides in reducing its monumental crime problem.

## RECOMMENDATIONS TO THE 1967 LEGISLATURE

### RECOMMENDATION NO. 1 HANDLING THE LESSER OFFENDER

Over 140 years ago Governor DeWitt Clinton denounced the evils of the county jail system in his message to the Legislature. Governor Enos T. Throop in 1830 urged the necessity for separate places of confinement for persons serving sentences and those awaiting trial. Subsequent Governors stressed the evils of the jail system.

The Correctional Association of New York (known then as The

Prison Association of New York) in 1846 recommended the abolition of the county jail and the substitution in its stead of a district prison for convicted prisoners, leaving the old county jail to be used as a house of detention only for prisoners held on criminal charges or as witnesses. During following years, the Association continued its protest of county jail conditions. The Association was buttressed by the findings of the State Commission of Prisons, noted particularly as far back as 1902.

While conditions administratively have improved, the glaring evils of the "fee system" eliminated, better jail buildings provided, the county jail system as such is a present day anachronism especially as it relates to the commitment to them of sentenced prisoners, many of whom such as alcoholics, should be held and treated in a different environment and under the care of medical and other professional personnel.

*The Correctional Association of New York recommends that the Legislature examine and seriously consider alternative methods to short commitment to local jails and penitentiaries as means of handling lesser offenders.*

**COMMENT:** The county jails and penitentiaries of the state and institutions under the Department of Correction have committed to them annually thousands of persons whose sentences range from one day. Many such individuals could more economically and more successfully be handled through the alternative of probation. For some who constitute a heterogeneous group of socially, mentally, and emotionally inadequate people, institutionalization might be necessary. However, the jails as a repository for the social ills of the community have failed to keep abreast of the progress being made in the general field of correction and have been providing little in the way of psychological, educational and spiritual training, hence in doing so have failed to provide the community with the protection it deserves.

A.

#### INDICENT ALCOHOLICS

We would propose that the present practice of committing indigent alcoholics to county correctional institutions within the state be stopped and that specially created medical facilities be developed under the control of the Department of Mental Hygiene.

The futility of jail commitments of alcoholics is quite apparent. A talk with the sheriffs or other correctional people will quickly uncover the complete ineffectiveness of this approach. A visit to any of the institutions for the lesser offender is sufficient to point up even to the casual observer

the scope of the problem. It is estimated that well over 50% of the population of the local county jail is composed of individuals with whom alcohol is a problem.

Alcoholism is a medical problem designated as such by the American Medical Association and requires medical and social, not penal treatment.

While New York State has not been affected by two recent United States Courts of Appeal decisions barring the conviction and imprisonment of a chronic alcoholic on charges of public intoxication, it is anticipated that the State will not be able to use jails for this alcoholic population. Alternative voluntary and compulsory programs and facilities must be developed as well as legislative enactment to permit the State to civilly commit some alcoholics to medical facilities.

The Correctional Association urges this as a step towards seeking a solution to the human and economic waste to the community of alcoholics who because of lack of effectiveness of the present futile handling are "serving life sentences on the installment plan."

B.

#### INSTALLMENT PAYMENT OF FINES AND DISPARITY OF FINES IMPOSED

We would propose that such an examination of present methods available to handle the lesser offender consider the means of reducing the disparity in the commitment in days for each specific unit of dollars of fine in the instance of fine non-payment and consider the feasibility of installment payment of fines where indicated.

Examination of cases committed to the Workhouse of New York City for non-payment of traffic violation fines revealed a marked disparity among cases in the amount of fine worked off for each day of incarceration. The incarceration period ranged from individuals who were working their fine off at the rate of \$3.00 per day to those who were working their fine off at the rate of \$24.00 per day. Such marked disparity creates feelings of favoritism and a general disrespect for equality in the administration of justice. While we recognize that a number of factors enter into the amount of fine imposed as well as the "in lieu of sentence," such a disparity as noted above is much too great and should not be allowed to be continued.

We would further propose that consideration be given to the practicality of allowing individuals at the discretion of the court to pay their fines on an installment basis over a period of time. As odd as the installment payment of fines may seem, this procedure might be the solution to the problem confronting many individuals in a low income category who do not have sufficient money to pay the entire fine at the time of imposition. It might reduce the incidents of individuals required to serve time in lieu of fine payments or forced to borrow money from loan sharks in order to remain out of jail.

*The Correctional Association of New York recommends that legislative support be provided toward improving the quality, objective selection, and impartial appointment of personnel employed in county correctional institutions.*

**COMMENT:** Undoubtedly of all of the types of correctional institutions, the local county jail requires the greatest assistance. Not only is the county jail the first place of incarceration of more than an overnight stay for all offenders and therefore shapes the individual's attitude toward imprisonment and the administration of justice in general, but it also is a place of confinement for many thousands of individuals who are subsequently placed on probation or given short sentences of less than a year. In addition, the jail houses individuals who have not yet been indicted or convicted of a crime and may not be guilty. The task of operating a county correctional facility efficiently, effectively and safely directs that the positions from correction officer through the administrative responsible be career persons who are objectively recruited, appointed and trained.

Repeatedly at national, regional, and state gatherings of professional correctional people, the need to improve the quality of personnel is sounded, particularly as it relates to the county jails, for without a trained competent staff, kangaroo courts develop, security is breached, and the very safety of the community is threatened, to say nothing of the effect upon the lives of thousands of people.

Each year incidents occur in local correctional institutions which point directly to "the inescapable conclusion of ineptness, poor hiring techniques, lack of proper qualifications and the general danger to the public health and safety of the people of the county" as cited by one of the newspaper articles reporting on an investigation of one such untoward incident.

*The Correctional Association of New York recommends that legislative support be given and funds provided to allow for the development of vocational training programs and basic education programs*

*to raise the educational level of all inmates in county institutions.*

**COMMENT:** It is particularly discouraging to see a young lad in his late teens who might be motivated toward self-improvement by skilled teachers, spend upwards to one year of his life in the idleness of a stultifying institution. If any inroad is to be made on the high cost of recidivism, it must be made through the development of programs, adequately financed and staffed with trained persons, knowledgeable in the field of the behavior sciences and education. Yet for the over 3,000 individuals that can be found any day in the county jails and penitentiaries of the State, there is in effect no training, treatment or education. This dearth of constructive activities in these institutions has been of long and great concern to The Correctional Association and periodically is noted by others. The most recent report of the State's Investigation Commission succinctly observes "With one exception, there is no academic instruction given in the upstate county jails visited."

#### **RECOMMENDATION NO. II AN INTEGRATED DEPARTMENT OF CORRECTION**

*That an integrated Department of Correction be created, consolidating all those departments presently involved in the post-convictional handling of offenders to bring about greater coordination, speed up the post adjudication processes and work more effectively to reduce recidivism in the State.*

**COMMENT:** The present multiplicity of agencies involved in the rehabilitation process of individuals convicted of committing crimes in the State makes the marshalling of the treatment, training and supervision forces available for the rehabilitation of offenders difficult. The innumerable probation services, and the 58 different jurisdictions dealing with short-term prisoners, we feel, could be more effectively and efficiently operated as a single State department.

While we favor the consolidation of all of the departments and agencies involved in the criminal process after conviction, we would not advocate adding to such a department those agencies involved prior to conviction such as the State Police, the Division of Municipal Police Training and the Division of Police Administration Services. The functions of these latter organizations are so antithetical to correction, parole and that aspect of probation which supervises individuals, and so conceptually different are the roles of those agencies involved prior to adjudication with those involved after adjudication, that we feel both groups of agencies and the State itself would suffer if they were consolidated into one department.

### RECOMMENDATION NO. III SELECTION OF JUDGES

*That the present procedure of electing judges be abolished and a study and examination in depth be made of the appointive processes being used by other states and the Federal Government, to insure the highest level of criminal and civic justice in the state.*

**COMMENT:** Only part of the task of providing the State of New York with a modern court system was accomplished with the approval in November of 1961 of the Court Reorganization Amendment to the State Constitution. The judicial branch of the State government needs not only a sound administrative organization and the oversight of a central administrative body, but also requires the very finest public servants in judicial positions.

New York is one of the States which has elective judiciary. The elective method appears to work without much complaint in more rural areas where a voter may have a pick of a new judge only in several years and can give the candidate ample scrutiny. But in the more populace areas where the number of judges elected is much greater, the voters have little to go by except a blind and confident faith in the party label which is there on the voting machine to guide their uncritical thinking. A canvas of any 100 voters as they hurry away from the polls would disclose 90% of them could not offer any reason for their vote for a judge beyond the party label. And they would indeed have difficulty recalling the names of the candidates they have just voted for the judicial posts.

An editorial in the New York Times referring to specific "judgeship deals" stated:

"The whole episode reinforces the strong argument for applying to all judgeships a selection process in which nominations would not be made by political cabalists but by screening committees of distinguished lawyers and laymen. If public resentment against the traffic in high judicial posts forces such change, the courts will grow in effectiveness and in public respect."

Another editorial appearing in the same newspaper stated:

"... and the time has come to give it a new objective; to do away with the election of judges. Popular voting was proved again last November to be a very poor way to pick judges—except as a means to distribute political plums. All judges should be appointed by the Governor or Mayor in the light of expert, non-partisan advice. How this might best be done is a challenge to the Committee for Modern Courts and other non-partisan court reform leaders."

In New York City getting judges by election does not appear to

work—it fails to obtain any real verdict from the voters.

For the reasons stated above The Correctional Association of New York strongly urges that serious consideration be given to some of the proposals which have been developed by such groups as the Citizens Union of New York City and of the practices in other states where an appointment is based upon the qualifications of the individuals.

### RECOMMENDATION NO. IV ADDITIONAL PERSONNEL TRAINED IN THE BEHAVIOR SCIENCES FOR CORRECTIONAL INSTITUTIONS IN THE STATE

*That, based on the sound principle that the process of correction requires the accumulated skills and knowledge of many disciplines, such as education, psychology, sociology, psychiatry and social work, in addition to custodial specialists, legislative support be given and funds provided to the State Department of Correction to allow the State correctional institutions to employ a sufficient number of personnel trained in the behavior sciences indicated above to work more vigorously to rehabilitate the offender and to protect the community.*

**COMMENT:** To assume that incarceration of an individual without training and treatment is an adequate protection for the state is an extremely short-sighted view. Individuals do not develop work habits by being held in enforced idleness because of lack of work available in the institutions, nor do people learn to be self sufficient and develop vocational skills without adequate vocational training. Inmates do not become educated except along criminal lines unless a sufficient number of teachers are employed both to motivate them toward educational goals and to conduct the instruction.

Inmates with serious psychiatric problems do not have their problems solved and their mental illness cured simply by incarceration. They require the diagnoses and intensive treatment by both psychiatric and psychological personnel.

The New York State Department of Correction is responsible for over 20,000 individuals housed in its prisons, reformatories, conservation-correction camps and institutions for the mentally handicapped offender. The State Department of Correction, as its name implies, is expected to correct individuals who in every instance have failed in the community. It is dealing with a population of 100% failures. Yet to accomplish the monumental task of correcting, the Department of Correction is not provided with sufficient teachers, psychiatrists, counselors and psychiatric social workers it needs. It will only be after a serious and concerted effort has been made,

applying the knowledge of human behavior which has been gained in the past decades, with a sufficiently intense treatment program conducted by trained psychiatrists, psychologists, educators and social workers, that the state will be able to unsmnarl the very knotty and serious problem of a dangerous and costly crime rate.

#### RECOMMENDATION NO. V EXPANSION OF CAMP PROGRAMS FOR OFFENDERS

*That budgetary support be given to the expansion of correctional camps for both younger and adult offenders.*

**COMMENT:** It is now recognized that a good correctional program for a state dictates that a variety of housing and programming be available for the treatment of offenders. Flexibility of facilities and programs is a cardinal principle in correction. Many individuals committed because of the violation of the laws of the state do not require maximum security. They could benefit greatly from a camp program staffed with qualified personnel and having a well developed program of working toward character development and rehabilitation generally as well as offering some means of training for post institutional livelihood. Camps can provide a way of draining off some of the individuals now housed in maximum security institutions for whom there is not sufficient employment and who are being maintained at state expense in enforced idleness. Camps can provide the necessary labor to supplement the work presently being carried on in the state's parks and on conservation projects. Camps can provide a better individualization of treatment due to the smaller numbers involved in each unit.

While emphasis has been on youth with the renewal of the camp idea in this State, to a great extent due to the leadership of the State's Division for Youth, it is well to think of it in terms of those in other age groups as well. Good work is being done for all ages in the camp operations of the states of Wisconsin, Michigan, Massachusetts, Pennsylvania, Virginia, New Jersey, the Federal Government and others so that this recommendation does not relate to the use of camps or of the housing and treatment of younger offenders alone, but also for adults as well. Diversified housing, especially in a State as large as New York, is a necessary part of a correctional departments organization.

Other states have found it extremely valuable to establish camps on the grounds of non-correctional institutions in the state, using the inmates so assigned to do some of the maintenance and menial work of that institution. The operation of laundries, ground maintenance, garbage and refuse disposal by inmates from a camp on the grounds

of institutions of other departments not only saves the state money but also provides meaningful employment for inmates who because of lack of work available in the maximum security correctional institutions may be held in enforced idleness.

#### RECOMMENDATION NO. VI WORK-FURLOUGH PLAN

*That the Legislature enact legislation authorizing selected individuals to leave the institution to which they have been sentenced during necessary and reasonable hours to work at their employment, to seek employment, to obtain medical treatment, or make use of other community facilities and services not available in the institution.*

**COMMENT:** The sentencing of an individual to an institution imposes many hardships in addition to the loss of liberty to the individual, not only upon him but upon the community. During the period of incarceration, the community is required to maintain this person providing food, clothing and shelter and the family often becomes a public welfare charge. In addition, during the incarceration, the state and community loses the taxes paid by this individual on the income he was earning.

We feel that in selected cases the State Department of Correction should be enabled and encouraged to extend to persons sentenced to them the privilege of continuing outside work, attending school or making use of other community services not available in the institution.

This type of program is being used successfully by several states. In Maryland as of 30 January 1966 a total of 702 inmates had participated in the work-release program and on that particular day 131 were in an active capacity. Out of a total of 702 inmates who had participated in the work-release program, 109 or 15% were removed because of various rule infractions which included the drinking of alcoholic beverages, returning to the housing unit late, trying to bring contraband into the institution, or for other institutional type of infractions. Out of 702 inmates, 31 or 4% absconded, with 26 being returned almost immediately. From July 1, 1963 until 31 January 1966, a period of about 2 1/2 years, the inmates on the Maryland release program had net earnings of \$683,439. of which \$230,312. went to the State for board, \$65,059. to dependents, while the remainder, except for 1% which was used for work expenses went to the inmates' personal account, available to him upon release. It should be noted that the Maryland law which was originally enacted in 1963, restricted the program to inmates with sentences of not more than five years. During the 1964 legislative session, this clause was

deleted, and at the present time any inmate under the jurisdiction of the Department of Correction may make application for the program.

The State of North Carolina first adopted a Work-Release program in 1957, but the act was modified in 1959, 1961 and 1963 sessions to make it more workable and less restrictive. Since its inception, a total of 7,166 men in the program have earned \$5,587,352, returning \$1,839,195, to the state to pay for their board, \$1,494,368 of the money these inmates earned went to the support of their dependents. Reports from judges, employers, inmates and their families all heap high praise on the program. North Carolina, like Maryland, is a state for which felons are eligible for the plan. However, unlike Maryland, only those inmates serving a term not in excess of five years can be granted the option of being in the work-release program without parole board approval.

The many benefits of such a program are obvious. The experience of those states which have legislation has been extremely favorable.

We would propose that the Commissioner of the Department of Correction be authorized to extend the limits of the place of confinement of any prisoners, by authorizing the prisoner, under prescribed conditions, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to (1) work or (2) contact prospective employers, or (3) secure suitable residence for release on parole or upon discharge, or (4) obtain medical services not otherwise available, or (5) to participate in a training program in the community, or (6) visit or attend the funeral of a spouse, child or parent.

#### RECOMMENDATION NO. VII NON-RESIDENTIAL PROGRAMS FOR YOUTH IN TROUBLE

*That legislative support be provided for non-residential group treatment programs for youth who had been in difficulty with the law.*

**COMMENT:** Experience has shown that not every young offender needs residential institutionalization. Many can profit by spending their waking hours in a program of work, specialized education, and counseling returning to their homes in the evening. For the young delinquent special after-school programs of remedial education, individual and group discussions, physical fitness, and family and community relationships and responsibilities are indicated. These treatment programs would provide the State with a diversification of programs and facilities to deal with the many different types of youth who commit offenses. They would cost far less than the commitment of the individual to a residential institution at some later date. They would fill an existing void in the treatment continuum presently avail-

able for the young offender now either committed to residential programs of the State Division for Youth or placed on probation. We would propose, therefore, that funds be provided to allow for an experimental project of this nature within the Division for Youth of the State.

#### RECOMMENDATION NO. VIII ABORTION

*That the present abortion law be amended to allow lawful abortions to be performed when there is danger of a serious impairment of the mother's physical or mental health; when there is grave danger of producing a physically or mentally defective child; and when a pregnancy is the result of rape or incest.*

**COMMENT:** The Association's position favoring a more realistic approach to abortion is not predicated upon any rights of an individual to terminate an unwanted pregnancy, in spite of the fact that social agencies are advertising in the subways for foster home placement of many such unwanted children. "Dial-A-Child" and "Foster Parents Are Desperately Needed" are signs one constantly sees when riding in the buses or subways in New York City.

Nor is the Association's position predicated *solely* upon the fact that a pregnant woman stricken with German measles during early pregnancy has a much higher probability of giving birth to a deformed or retarded child. Decisions on these matters, the Association believes, should be left to the medical profession with proper legal safeguards.

The Association, likewise, has not predicated its position *solely* upon the fact that the continuation of a pregnancy *might* gravely impair the physical or mental health of the mother. We do believe that the state is being overly harsh, and on this matter we would again refer to the medical profession and would be guided by professional medical opinion.

Of great concern to us is the fact that a pregnancy resulting from rape or incest cannot be terminated legally under the existing law unless an abortifacient act is necessary to preserve the life of the woman. To the Association, it is cruel and inhuman to require a woman who has been a victim of a rape or a girl who has been forced to submit to incestuous intercourse, to be further penalized by a statute which prevents an abortion under these circumstances.

One might postulate that women who become pregnant as the result of being raped and who have the financial means, are so distraught that many are forced to seek illegal ways of terminating their pregnancy which cannot be terminated legally unless the life of the mother is in danger.

One has only to examine some of the studies on the "dark number" of criminal abortions and other offenses, such as rape and incest that escape being reported to public authorities—the hidden criminality—for support of this postulation. Recent studies made on the measurement of delinquency conclude after an intensive analysis of available data that for each offense within a given category known to the courts, a percentage exists indicating the ratio of known offenses to the actual number of offenses committed in the community. Highly reputable studies indicate that less than 1% of the criminal abortions come to the attention of public authorities. Based upon these academic objective studies about 100 unknown criminal abortions occur for every single known criminal abortion.

These same objective, academic studies postulate that only about one out of every ten forceful rapes becomes public knowledge through being reported to the police. A talk with anyone knowledgeable in the field of crime and law enforcement will quickly reveal the reticence of women who have been forcefully raped to report the offense. For New York City which has approximately 1,500 forceful rapes known to the police annually, this would mean about 15,000 actually committed. Based upon New York City records indicating approximately one out of every 50 forceful rapes resulting in conception, approximately 300 women conceive each year as a result of being raped.

Unless the life of the rape victim is in danger the woman must either obtain an illegal abortion or allow the pregnancy to continue.

The combination of an assault, followed by a pregnancy, followed by an "illegal operation" one added to the other has a tremendous impact. On the other hand, one can only speculate as to which mental institution a person might be in if she goes full term and delivers a child conceived as a result of a rape. One need not speculate, however, about the future life of a mother and of an unwanted child resulting from a rape or incestuous intercourse.

The Correctional Association of New York does not propose a lifting of all bans from abortion. The Association simply regards the existing statute as too narrow and advocates a broader standard which would add factors in addition to the saving of the life of the mother to justifiable abortion. We would propose that lawful abortions be permitted when there is danger of a serious impairment of the mother's physical or mental health. We would propose that lawful abortions be permitted when there is grave danger of producing a physically or mentally defective child. We would emphatically propose that lawful abortions be permitted when a pregnancy is the result of rape or incest. All of these matters should be left to the sound discretion of the medical profession with proper legal safeguards.

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**THE CORRECTIONAL ASSOCIATION'S**

**GENERAL ACTIVITIES**

**STATE**

**NATIONAL**

**INTERNATIONAL**

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## GENERAL ACTIVITIES

1966 was a year of increasing activity for The Correctional Association.

In addition to numerous other areas, the Association was deeply involved in the following specific topics:

1. The Alcoholic Offender
2. Membership relations
3. The Mayor's Task Force on Correction
4. Victim Compensation

The appropriate committee on each subject worked diligently and can be justly proud of its accomplishments.

### AD HOC COMMITTEE ON THE ALCOHOLIC OFFENDER

The Association's Handbook for Police continued to be ordered by various agencies throughout the United States and overseas. An example of the broad interest in the Handbook were orders from the Union of South Africa and a request to translate the booklet into African; 1,350 copies from the Department of Health of Canada; and 4,000 copies to the California Highway Patrol. During the year a third printing was necessary bringing to 90,000 the number of copies we have printed. In addition, the Committee has planned a second Handbook in collaboration with the North American Judges Association which will be directed toward municipal judges in the United States and members of the law profession.

The Association, as *amicus curiae*, filed a brief with the United States Supreme Court requesting a writ of certiorari in the *Budd v California* case. This was a continuation of our work in attempting to have the chronic police court alcoholic removed from jails and treated as ill persons.

Along this line, the Committee, together with Mr. Buford Peterson, met in Mr. Smithers' office to consider two problems. The first was the desirability and need of some type of civil commitment procedure, so that the very few recalcitrant skid row alcoholics might be placed under the jurisdiction of the state for treatment for a limited period. It was the consensus of the committee that a civil commitment procedure was necessary. The second point discussed was the position a few are taking absolving intoxicated alcoholics who commit serious crimes from criminal responsibility. It was the consensus of the Ad Hoc Committee on the Alcoholic Offender that such a step would be dangerous, and, for the present time at least, the Association should oppose it.

In pursuing the Association's policy of urging the development of a civil commitment procedure for the destitute alcoholic, the General Secretary, as a member of the Sub-Committee on Alcoholics Who

Come to the Attention of Law Enforcement, a sub-committee of the State Interdepartmental Health and Hospital Council, helped draft a civil commitment procedure for submission to the 1967 Legislature by the Council. This we had proposed several years ago.

Pursuing further the implementation of the Association's position opposing the absolving of intoxicated alcoholics who commit serious crimes from criminal responsibility, the General Secretary contacted Rutgers University Law School and had assigned to him a law student to research the legal precedents dealing with the issue. This research project will greatly aid the Association should there be need for us to take any concrete action.

In attempting to fill the void created when in June of 1966 the Police Department of the City of New York stopped taking intoxicated derelicts into custody on disorderly conduct charges, the General Secretary in October of that year toured the Bowery area with the Night Owl Mayor to focus the spotlight on this health and welfare problem. Shortly thereafter, Mr. Smithers and Mrs. Ballantine of the Ad Hoc Committee on the Alcoholic Offender met, together with Mr. Herbert Sturz, Dr. Seldon Bacon, and Dr. Earl Rubington of the Rutgers Center of Alcohol Studies, to discuss a proposed skid row project. This project would create a detoxification center in the Bowery area to which intoxicated derelict alcoholics could be taken voluntarily for quick medical checkup and detoxification. During the preparatory stages for this project, the General Secretary and Mrs. Ballantine provided much information and counsel and arranged for the project director to meet with a number of people, in addition to those of the staff of the Rutgers Center of Alcohol Studies, to help clearly define procedures and problems.

Mr. Smithers, Chairman of the Ad Hoc Committee on the Alcoholic Offender, initiated contacts through the Governor's Advisory Committee on Alcoholism between the Division of Alcoholism of the State and the City, urging that the State provide the necessary funds for the operation of the project.

In continuing the work of the Ad Hoc Committee on the Alcoholic Offender, Mr. Goff read a paper on this problem at the North American Judges annual meeting held in Denver, Colorado. He also drafted for that organization the following resolution:

#### RESOLUTION

WHEREAS the problem of alcoholism is one affecting the entire community and its solution requires the concerted efforts of all branches of government—judicial, legislative and executive—as well as all professional fields; and

WHEREAS with the changes in the attitudes of the med-

ical, sociological and other caretaking disciplines; recent court decisions; the efforts of the judges of the lower courts; local councils on alcoholism and correctional officials, a new non-punitive approach must be made to protect both the community and the men who in the past have been "serving life sentences on the installment plan," because of their illness, and

WHEREAS by virtue of the sacred trust he holds in maintaining community order and safety; his responsibility to aid and protect individual citizens; his wealth of knowledge and experience in the problem, the local judge is of utmost importance in implementing necessary measures.

#### BE IT THEREFORE RESOLVED:

That the lower court judges accept the role of community leadership and join with the other enlightened professions in alerting communities to the urgent need for non-punitive non-criminal treatment programs and facilities for the alcoholic offender, and,

That the lower court judges accept the responsibility that as key figures they are in a leadership position to bring about attitudinal and educational changes necessary to develop community support for such programs:

And, be it further resolved that: The North American Judges Association recognizes that since alcohol abuse is to be found underlying the preponderance of the disorderly conduct, domestic relations and motor vehicle accident cases appearing before the courts the solution to the legal problems are in the best interest of public order and safety as well as NAJA's humanitarian concern for those afflicted with the disease of alcoholism.

#### COMMITTEE ON POSITION OF COMMISSIONER OF CORRECTION, NEW YORK CITY

The Ad Hoc Committee on the position of Commissioner of Correction of the City of New York urged Mayor Lindsay to create an informed, non-partisan and knowledgeable body to recommend to him a successor to Commissioner Anna M. Kross. This Mayor Lindsay did, giving the Task Force carte blanche in the selection of a new commissioner. In addition, the Correctional Association had proposed five individuals, one of whom was George F. McGrath, who might be considered for this important position. A total of 21 candidates were interviewed from whom Mr. McGrath, former Commissioner of Correction for the State of Massachusetts, was selected. Upon recommendation from the Task Force, Mayor Lindsay appointed George F. McGrath as Commissioner of Correction for the

City, effective 1 May 1966.

#### AD HOC COMMITTEE ON RELATIONS WITH MEMBERS

The Ad Hoc Committee on Relations With Members, chaired by Mr. Pierson, has been active in four main areas:

1. Communication with members through some periodic type of report or newsletter.
2. A new pamphlet to describe The Correctional Association of New York.
3. A review of the membership classifications as prescribed by the Constitution.
4. Increasing the membership base of the Association.

In December, the first Newsletter was sent to the membership, and 3,500 additional possible members. It was a two-page Newsletter with eye catching topics. Of the comments received, all were very favorable.

To accomplish the above, Mr. Gordon Cuyler, membership secretary of The New York Zoological Society, was employed for a five months period as the Association's consultant on membership. In addition, a new staff member, Miss Judith Weintraub, was employed to do much of the work on forthcoming news-letters planned to be published four times a year and to generally assist in the Association's programs.

A new pamphlet—"What is the Correctional Association?"—is expected to be ready for mass mailing the early part of 1967.

#### MAYOR'S TASK FORCE ON CORRECTION

An Ad Hoc Committee was created to review the report of the Mayor's Task Force on Correction. This Committee found the report to be generally excellent. It then focused its attention on six areas of controversy and communicated its findings to the Mayor.

1. *The Alcoholic Offender.* The Ad Hoc Committee believed that it was regrettable that the report had coupled the problem of alcoholism with that of narcotic addiction, and had failed to make a clear distinction between the chronic police court offenders, estimated to be 5% of the alcoholic population, and the large number of individuals ill with alcoholism who do not appear in police courts.

The Committee recognized the need to make a clear separation between the problems of narcotic addiction and that of alcoholism. While both require medical treatment, these two problems should be separated in terms of treatment facilities and programs. The Committee also agreed that the Task Force report should have been more specific about the small per-

centage of alcoholics which constitutes the "skid row population" and are committed to local jails.

2. *New York City Reformatory.* The Committee agreed completely that there should be available in New York City a reformatory to which individuals between the ages of 16 and 21 could be committed on an indefinite sentence of 3 or 4 years. The question as to whether this facility should be City operated or State operated requires much more study.
3. *Consolidation of probation in New York City.* The Committee firmly believes in probation as a means of handling offenders and recognizes the invaluable role probation plays in aiding the courts through pre-sentence investigations, disposition recommendations, and the R.O.R. program. However, in view of the conflicting points of view as to the branch of the government—Executive or Judicial—in which probation services should be placed, it recommended that no action be taken on the consolidation or unification of probation on the City level until that question was resolved. Much more study is needed.
4. *Appointment of wardens and deputy wardens by the Commissioner of Correction.* The Committee expressed apprehension over removing certain positions in the City Department of Correction from Civil Service without proper safe guards to protect against political pressures. Under the existing administration, and with the existing Commissioner, the Committee believed that such an appointment procedure would be desirable. However, under future administrations, with the possibility that the Commissioner of Correction position would be filled with a patronage appointment, the removal of the deputy warden and warden positions from Civil Service could lead to greater political emphasis upon their appointment. The Committee wholeheartedly concurred with the recommendation to open the positions of deputy warden and warden to non-custodial persons.
5. *Increase in salary of deputy commissioners.* The Committee concurred that salaries should be increased so that they are above the salaries of the wardens whom they supervise, providing the deputy commissioners were full-time positions. The Committee also concurred that the positions of secretary and special investigator be replaced by an associate commissioner or an executive assistant to the Commissioner.
6. *City Board of Correction.* The Committee concurred with the Task Force recommendation that either the statutory base for the Board of Correction should be changed to clarify and strengthen the Board of Correction or it should be abolished.

### AD HOC COMMITTEE ON VICTIM COMPENSATION

While most of the work of the Ad Hoc Committee on Victim Compensation was done during the previous year, the fruition of its efforts did not occur until 1966.

In the Governor's Message to the Legislature he included the Victim Compensation proposal of the Association.

A special committee, chaired by the Attorney General, appointed by Governor Rockefeller, asked the Association to present its views and findings on victim compensation at a public hearing on 3 January 1966. In addition, we were asked by the Assistant Attorney General responsible for the hearing to help prepare the roster of individuals who should present their views on the topic.

The public hearing was held in the midst of the transit strike. Mr. Pierson, anticipating transportation problems, moved to the City the day before the hearing in order to present the findings and proposals of The Correctional Association.

Early in the 1966 legislative session, several bills on victim compensation were introduced—none of which the Association could support.

Throughout the legislative session we were in contact with the Assistant Counsel to the Governor who was handling the administration's bill for the special committee appointed by the Governor. On April 25, the administration's bill incorporating the points made by The Correctional Association, was formally introduced into the Assembly. The announcement of the introduction of the bill was made by Attorney General Lefkowitz at the Governor's Conference on Crime. We were most pleased that the Attorney General not only made the announcement, but also publicly acknowledged the assistance The Correctional Association had been on this matter.

On 10 May 1966 the bill was amended and recommitted to the Assembly Rules Committee. It passed the Assembly under a message of necessity from the Governor 18 May 1966 and was sent to the Senate. The Senate Rules Committee reported the amended bill 1 July 1966 and the Senate passed it, also under a message of necessity from the Governor, 5 July 1966.

On 1 August 1966, Assembly Intro. 5335, Print 7172, Senate Print 6124 was signed by the Governor and became Chapter 894 of the Laws of 1966.

The Association can be justly proud of its legislative accomplishments in 1966. A review of our Recommendations to the 1966 Legislature reveals the following progress:

1. *Victim Compensation*. Enacted into law.
2. *A new code of criminal procedure*. Because of the scope and complexity of the problems involved, only a temporary revised code of criminal procedure will be ready for legislative action

this year. This revised code will allow for the implementation of the new penal law previously enacted to become effective 1 September 1967. The Association will continue to work with the Temporary Commission, as it has in the past, on the complete revision.

3. *Narcotic Addiction*. 1966 saw the enactment by the Legislature of a comprehensive narcotic addiction control bill patterned after the proposals developed by the Association's Ad Hoc Committee on Narcotic Addiction.
4. *Selection of Judges*. Ground work has been laid by the Association working together with other organizations such as the Committee for Modern Courts, on whose board three of the Executive Committee members serve, to revise the procedure of selecting judges at the Constitutional Convention to be held during 1967.
5. *Pre-Parole Facilities*. 1966 saw the enactment of legislation allowing for the creation of pre-parole facilities to which individuals, prior to the expiration of their sentence and prior to parole, might be sent in the community to seek work or a place to live upon being released.

### OTHER ACTIVITIES

The following are indicative of the wide breadth and variety of interests and activities of the Association within the State of New York, nationwide and internationally.

#### STATE

##### NEW YORK CITY—NEW YORK STATE RELATIONSHIPS

The Association arranged a meeting of representatives of the City Administrator's Office and the Governor's Special Committee on Criminal Offenders in an attempt to develop a division of labor between the city and state on the handling of the offender in New York City. This issue presents many problems. Such matters as whether or not the State should take over the City's correctional system, whether there should be a separate City parole commission, and whether there should be a City correctional administration must be considered. Each one of the issues involved requires both an ideal solution, as well as a practical solution, and tests the integrity, knowledge, and orientation of the individuals involved. It has been The Correctional Association's position that, because of its size and the uniqueness of its problems, New York City must be considered separately from other state operated programs. Yet the Association has been cognizant of the desirability of greater uniformity and improvement of practices and programs throughout the state. The Governor's Committee,

on the other hand, while recognizing the desirability of statewide uniform system, has at the same time been aware of the large number of individuals involved in the crime problem in New York City, and the uniqueness of the City's position in relation to the State government.

Several questions for the Association and the Governor's Committee are:

1. Should the State of New York through the Department of Correction assume the responsibility for handling all programs for individuals sentenced to correctional institutions? This would mean that the State Department of Correction would administratively control the sentenced side of all county jails and the sentenced institutions for the City of New York.
2. Should there be a separate Parole Commission for the City of New York? or should the State Board of Parole assume the responsibility now being carried on by the New York City Parole Commission?
3. Should all post conviction cases be handled by the State Department of Correction? This question relates directly to whether the supervision of individuals placed on probation should be controlled by the Executive branch of government, namely the State Department of Correction, or whether probation should be considered as a function of the Judiciary and, therefore, be administered directly under the supervision of the courts.

Each of the questions above has serious political ramifications and, while the Association has suggested that unified probation would be more efficient and economical, it has not taken a position on either questions one or two.

#### CITY ADMINISTRATOR'S OFFICE

The Association provides professional consultation for the City Administrator's Office on matters of correction in the City. We have met innumerable times in our office with staff personnel reviewing proposals, administrative changes and suggestions, and possible solutions to the myriad of problems confronting the Department of Correction in the City.

On a number of occasions throughout the months of July, August and September, the General Secretary met with representatives of the City Administrator's Office in an attempt to develop a new administrative structure for the various agencies involved in post-conviction handling of offenders. It will be recalled that, prior to the development of the Mayor's Task Force on Correction, the Association had proposed to the City Administrator's Office a plan to bring together, administratively, the many separate agencies now working in the general field of correction. The purpose behind developing such a correc-

tional administration was to bring about greater efficiency and coordination among the various agencies presently working with offenders after conviction. Such plans must of course be integrated into the state's overall program which is presently being developed by the Governor's Special Committee on Criminal Offenders. Some efforts in this direction are now being made in the City.

#### MAYOR'S TASK FORCE ON CORRECTION

The Association was most pleased to note that Mrs. Stevens Baird and Dr. Lonnie MacDonald were named by Mayor Lindsay to the Task Force on Correction of the City, chaired by Mr. James V. Bennett, former Director of the Federal Bureau of Prisons.

To assist the Chairman and several members of the Mayor's Task Force to better understand various laws presently in existence, and those which will become effective September 1, 1967 as a result of the new penal law, the Association arranged for Mr. Bennett, Mr. Leland Tolman, member Mayor's Task Force, and Mrs. Baird, to meet with Mr. Chambers, Mr. Goff, Mr. Denzer, Chief Counsel of the Temporary Commission on Revision of the Penal Law and Criminal Code, and Mr. Peter Preiser, former Associate Counsel of the same Commission and presently Executive Director of the Governor's Special Committee on Criminal Offenders. The Association was somewhat concerned that, in view of the many legal changes being made which could have far reaching effects upon the New York City Department of Correction, the Task Force might not be sufficiently informed to make proper recommendations.

The complete report of the Mayor's Task Force on Correction was made public during May amid minor undercurrents of disagreement. Three main areas of disagreement seem to loom largest, despite the general excellence of the report.

The first focused on the abolition of the New York City Reformatory. On this issue, the Task Force's fundamental point seems to be based on the underlying concept that the state should be the only level of government responsible for offenders who receive sentences greater than one year. The very fact that the City of New York has a population greater than 45 of the 50 states in the United States was apparently overlooked when this recommendation was prepared.

The second area of disagreement appears to be on the issue of citizens' boards and the role voluntary citizens should play in the operation of the Department. From the point of view of the Board of Correction, which was created to act as a liaison between the people of the City of New York and the Department of Correction, the Task Force proposal is antithetical to the principle of citizen involvement and citizen control.

The third main area of disagreement relates to narcotic addiction. It would appear that the Task Force failed to take into full consideration the new State law regarding narcotic addicts.

#### **THE GOVERNOR'S SPECIAL COMMITTEE ON CRIMINAL OFFENDERS**

The Association was asked to present testimony at a hearing of the Governor's Special Committee on Criminal Offenders. We were asked specifically to give our views on the work of the committee so far and to outline areas we felt needed further study.

The three areas we emphasized were: (1) an administrative study of the relationship between the judiciary and the executive branch of government, and relationships of city, county, and state levels as they apply to the correctional processes; (2) the development of a dangerous offender category; and (3) the recognition of the possible effect upon the local correctional institution of the recent court decisions on alcoholics.

With regard to the relationship between the two main branches of government as it relates to the correctional process, we suggested that the study examine probation from its functional aspects and consider the possibility of placing the supervision of individuals given a probation sentence under the Executive branch of government. We further suggested the possibility that the pre-sentence work might more properly fall under the jurisdiction and administrative control of the judiciary, as the post-sentence supervision would more properly be considered a function of the executive branch of the government under the Department of Correction.

With regard to the dangerous offender category, we suggested that while there is an extremely small number of individuals who for the protection of the community, must be incarcerated for extended periods of time, the present maximum sentences are much too high for the ordinary offender. With the development of a dangerous offender category, the community could be protected from this very small group while at the same time the maximum for all offenses might be reduced.

On the matter of the population of short term institutions being possibly affected by the Easter and Driver decisions, the Association pointed out that two of the members of the Governor's Special Committee on Criminal Offenders, namely the Commissioner of Welfare and the Commissioner of Mental Health, could be confronted with a monumental problem unless plans were immediately made to set up treatment programs in the community. We also suggested that, in planning for new local correctional institutions, consideration should be given to the possible reduction in their population by approximately 50% as a result of the present trend in handling alcoholics.

#### **GOVERNOR'S ADVISORY COMMITTEE ON CRIMINAL OFFENDERS**

Both Mr. Cass and Mr. Goff were honored when Governor Rockefeller asked them to serve on the Advisory Committee of the Governor's Special Committee on Criminal Offenders. The committee has been extremely active in examining the State's correctional programs and developing ways to reduce the high rate of recidivism. We have been most pleased to see the committee adopt a number of the Association's legislative recommendations.

Both Mr. Cass and Mr. Goff accepted the appointment and are hopeful that they can be of further assistance to this extremely important committee.

#### **FEDERAL DISTRICT COURT DICTUM**

Of major interest to The Correctional Association was a decision by Judge Edward Weinfeld of the Federal District Court stating that judges in New York State cannot promise a defendant a specific maximum if he pleads guilty. Judge Weinfeld ruled that such "promises" were unconstitutional.

In the criminal courts of New York City, out of everyone indicted only about 7% stand trial. In the overwhelming majority of remaining cases, they plead guilty to a lesser offense than that for which they were originally indicted. This process, known as "bargaining", involves the district attorney, defense counsel, and the judge. These three principals agree that the defendant will plead guilty, generally to a lesser offense than the one for which he was indicted, and the court promises that the sentence will be markedly less than the maximum for which he might have been sentenced had he gone to trial and been found guilty. Such a practice has been condemned for many years, yet no practical substitute has been found which will speed the judicial process. On the surface everyone profits by this practice. The prosecutor obtains a conviction; the defendant is assured a lesser penalty; and the state does not have to stand the expense of a prolonged trial. Yet instinctively one feels that there is a distortion of the fundamental concept of justice by such a procedure.

From a very practical point of view, if the courts of New York State cannot, and do not remain party to such a practice, it can be anticipated that there will be a tenfold increase in the number of criminal cases going to trial. Obviously, this would be chaotic both to the criminal courts of the state and the detention facilities, as the number of individuals awaiting trial would increase markedly.

Upon learning of the Federal District Court's dictum, the General Secretary alerted Commissioner McGrath to the possible implications to the Department of Correction detention facilities. He spoke with

the Temporary Commission on Revision of the Penal Law and Criminal Code to question whether steps might be taken through a new code of criminal procedure to offset the administrative affects of such a decision, and discussed with the Executive Director of the Legal Aid Society the possible implications of the decision on the operation of that organization.

## ALCOHOLISM

### NEW YORK STATE INTERDEPARTMENTAL HEALTH AND HOSPITAL COUNCIL

Because of the work of The Correctional Association on the problems of the alcoholic offender, Mr. Goff was appointed to a sub-committee on the alcoholic offender of the New York State Interdepartmental Health and Hospital Council. This sub-committee was created on May 31, 1966, to study the problem of the alcoholic who comes to the attention of law-enforcement; to develop a comprehensive plan for a state-wide approach for managing the alcoholic under arrest, and to prepare and present a report for legislative action in January of 1967.

The first meeting of the sub-committee was held in June. There was basic agreement on the need for services in each of the four areas cited below:

1. Medically oriented services for medical problems related to alcoholism.
2. Strong social services, such as arrangements for suitable housing or lodging.
3. A rehabilitation program designed to return the alcoholic to independent living.
4. Long term medical care facilities for the severely deteriorated alcoholic.

All of the above are a continuation of the efforts which the Association has been making to shift the handling of these individuals from punitive-criminal procedures to medical-civil procedures.

After the meeting, Mr. Goff was asked to work with three other people under the chairmanship of Leland L. Tolman, Director of Administration of the Supreme Court Appellate Division, First Department, to develop the legal and administrative mechanisms needed to accomplish the services mentioned above.

Copies of the Association's presentation to the conference called by the Secretary of the Department of Health, Education, and Welfare in April of 1965 were circulated by the Interdepartmental Health and Hospital Council to all members. Working extremely closely with Mr. Tolman, we have continued to keep the members up-to-date on

the situation in the District of Columbia which resulted from the Easter decision.

### SUB-COMMITTEE ON LAW AND PROCEDURES OF THE INTERDEPARTMENTAL HEALTH AND HOSPITAL COUNCIL

As a member of the Sub-Committee on Laws and Procedures of the Interdepartmental Health and Hospital Council, the General Secretary met several times with the chairman, Mr. Leland L. Tolman, as well as with the full sub-committee.

It is incumbent upon the sub-committee to draft a procedure, and possibly a modification in the law, related to the following points:

1. What will be the difference in processing alcoholics who are not arrested? Must individuals return to court after treatment for the disposition of criminal behavior?
2. For involuntary patients, should compulsion take the form of a two physician certification or civil commitment? Or should both be used for differing purposes (i.e., two physician's certifications for detaining the alcoholic for a short period for detoxification only, civil commitment for longer retention)? Must the alcoholic be taken to court first or must he be taken directly to a treatment facility?
4. Should Article 10 of the Mental Health Law, which deals with alcoholism, be expanded to include provision for this program? Or is new legislation necessary? (Article 10 contains no provision for the transportation of an involuntary patient to the treatment facility although it does provide for retraining the patient once he is admitted.)
4. If we are to provide for taking the involuntary patient to the treatment facility, who should be in power to do this: the police or other public agencies?

It is estimated by the State Department of Mental Hygiene that there are about 15,000 people in the state who will require this type of service.

### NEW YORK CIVIL LIBERTIES UNION

To aid in developing a civil commitment law for the skid row alcoholics, the General Secretary met with counsel for the New York Civil Liberties Union to ascertain their thinking about such a procedure. While the Civil Liberties Union does not look favorably upon such a statute, they did express their interest and willingness to review in advance a draft copy.

### MEETING WITH DR. MILTON SILVERMAN, COORDINATOR OF THE FEDERAL GOVERNMENT'S PROGRAM

Mr. Smithers and Mr. Goff, together with Dr. Silverman, Dr. Mendenhall, and a representative of the United States Department of Justice, met to discuss ways of filling the void created when alcoholics are not jailed. Our concern was over the individual who, because of a change in police policy, is not now normally arrested in New York City, and who, when cold weather sets in, might freeze to death. The possible availability of Law Enforcement Assistance Act money was mentioned by the representative of the Department of Justice, and the possibility of testing Titles 18 and 19 (Medicare and Medicaid) in hospitals which refuse to treat alcoholics was also suggested.

### TOUR WITH NIGHT MAYOR

Together with Mr. Morris Chase, Director of Operation Bowery, Mr. Christopher Edley of the Ford Foundation, and Mr. William H. Dribben of the New York City Board of Correction, the General Secretary toured the Bowery area with Commissioner George McGrath, Night Owl Mayor. Our interest was in seeing the facilities which were available for the lodging, feeding, and rehabilitation of the skid row alcoholic. The Commissioner became concerned over this when the police "no-arrest" policy was instituted in June. The derelicts are no longer being picked up and given short sentences so that they can dry out and get back on their feet.

It is interesting that the police policy not to arrest resulted from the fact that, from March 1, 1966 until June 10, 1966, 2,862 derelicts charged with disorderly conduct stood trial and only seven were convicted. It was obvious that the judges of the criminal court did not consider that a person is guilty of disorderly conduct when he is merely intoxicated and loitering about a neighborhood. Based upon this experience with the courts, the police department directed that "an officer shall only make an arrest under this charge when the facts and evidence are sufficient to sustain the charge of disorderly conduct, section 722, subd. 2, P.L., which is doing an act or acts breaching or tending to breach the peace."

As part of the tour of the Bowery the group visited the Ninth Precinct and talked with the captain in charge and the inspector whose jurisdiction extends over the precinct. Both of them readily admitted that they were not picking up individuals for merely being intoxicated and loitering, and that the arrest record of the precinct has dropped markedly. They further stated that an intoxicated alcoholic who was not physically hurt will not be admitted to Bellevue, even if he is in a stupor.

Press coverage of the tour was good, and it tended to focus the spotlight on a problem of long standing which has new dimensions at the present time.

### THE VERA INSTITUTE FOR CRIMINAL JUSTICE

Together with Mrs. Ballantine of the Executive Committee, Mr. Goff met with Mr. Herbert Sturz, Executive Director of the newly created Vera Institute for Criminal Justice, an outgrowth of the Vera Foundation which developed the Manhattan Bail Project.

One of the several pilot projects being conducted by the newly created Institute was the placement into the Bowery section of detached workers who would attempt to encourage and cajole the more deteriorated alcoholics into accepting medical treatment for their disease. This work would not supplant, but rather compliment "Operation Bowery", a project of the previous administration which had become part of the Department of Welfare with an annual appropriation of about \$150,000.

Subsequent to the meeting with Mr. Sturz and Mrs. Ballantine, Mr. Goff spent several hours with the Director of the Skid Row Project of the Vera Institute, providing background material and bringing the Vera Institute up to date on present statutes as they relate to the handling of the chronic police court offender.

We were impressed by the enthusiasm of the young director, and attempted to bring out some of the difficulties involved in a voluntary type of program. We further provided the Vera Institute with reports on the current situation in the District of Columbia, not to discourage, but rather to place the situation in a realistic light. It is our belief that until such time as a civil commitment law is available to the courts which will allow for the state to intervene for a limited period of time in the lives of these individuals, little can be done in the way of voluntary treatment.

### MONROE COUNTY PENITENTIARY

Dr. John L. Norris, Medical Director of Eastman Kodak, a member of the Governor's Committee on Alcoholism and Chairman of the Penitentiary Committee of Monroe County, asked the General Secretary to meet with the latter group to up-date the members on the ferment in the fields of correction and alcoholism which might have an effect upon the local penitentiary picture.

The possibility that in the near future it may be unconstitutional for New York State to send the skid row alcoholic to jail, and the need for some means of protecting these individuals in the cold weather, was presented to this important local group. Recognizing that with the abolition of jailing alcoholics, many of them would freeze to death unless the State was permitted to intervene through



civil proceedings, the group unanimously concurred in the need for a civil commitment law which would allow the courts to send an individual to a medical-welfare facility.

#### COMMUNITY COUNCIL

The Association has worked throughout the year with the Community Council on their alcoholism project. Mr. R. Brinkley Smithers, chairman of our Ad Hoc Committee on the Alcoholic Offender, was appointed chairman of a newly created Committee on Alcoholism of the Community Council. This committee asked the Correctional Association and several other interested agencies to meet to plan a program of treatment for alcoholics in the City of New York. In addition to Mr. Smithers, Mrs. Baird, Dr. MacDonald, and Mr. Goff attended for the Association. Mr. Goff emphasized the decision of the Fourth Circuit Appeals Court that it was "cruel and unusual punishment" to convict an alcoholic of public intoxication.

Mr. Goff was also appointed to the Advisory Committee of a project proposed by the Community Council to the National Institute of Health which would set up information centers in the five boroughs of New York City.

It is regrettable that so little has been done by the City government of the largest city in the country to treat the nation's number three health problem. It is encouraging, however, to note the efforts being made by the Community Council to introduce meaningful treatment programs within the City, and to attempt to coordinate those programs already in existence.

One of their activities was a seminar on alcoholism held in the Carnegie Recital Hall which focused upon the play "Lady on the Rocks," with Mr. Smithers as moderator, presented through the courtesy of the National Council on Alcoholism.

Two of the members were able to attend this incisive play about the gradual deterioration of a female alcoholic. There was so much interest in the presentation that an additional performance was held. The performances received extremely favorable comments in the *New York Times* and was more than enthusiastically received by the more than 300 people in the audience.

#### "ALCOHOL AND ALCOHOLISM" HANDBOOK FOR POLICE

The General Secretary met with the Chaplain and Director of Personnel of the New York City Police Department to discuss minor revisions in the Association's handbook "Alcohol and Alcoholism for Police" for use by the New York City Police Department. It is anticipated that the New York City Police Department will order 30,000 copies of the handbook for distribution to the entire police force. The

main change would consist of the addition of local treatment resources in New York City and a brief statement by the Police Commissioner.

We are most pleased at the possibility that every member of the largest police force in the United States may be receiving a copy of the handbook, which is the result of the diligent work of our Ad Hoc Committee on the Alcoholic Offender, chaired by Mr. Smithers. This would require a third printing which will take the number of copies printed to the 100,000 mark.

#### GOVERNOR'S CONFERENCE ON CRIME

On April 21st and 22nd, Governor Rockefeller held a state-wide Conference on Crime at which general crime problems, organized crime, narcotics, alcoholism, potential law enforcement issues for the 1967 constitutional convention, the new penal law and criminal code, and other related matters were discussed. Invitations had been sent to all the sheriffs, district attorneys, and others involved in the administration of justice. Nine members of the Executive Committee of the Association received invitations and were in attendance.

Mr. Goff was asked by the State Department of Mental Hygiene to present a paper on the impact of the recent court decisions and the new penal law on the jailing of alcoholics. He was subsequently asked by Mr. Elliot Lumbard, chairman of the Conference on Crime, to be a member of a panel discussion on citizen involvement in the administration of criminal justice. In view of the two requests, it was felt that the General Secretary should appear only on the panel on citizen participation. He was asked, however, by the Department of Mental Hygiene, to write a paper to be included in the second panel discussion.

#### GOVERNOR'S COMMITTEE ON VICTIM COMPENSATION

Attorney General Lefkowitz, chairman of Governor Rockefeller's Committee on Victim Compensation, asked the Association to testify at a hearing that this committee was holding in the City of New York.

Mr. Goff and Mr. Cass, the chairman of our Victim Compensation Committee, had been in contact with Governor Rockefeller to offer the services of the Association to Attorney General Lefkowitz's committee and to make available to the committee copies of the material from New Zealand, England, and California which Mr. Cass had gathered for our committee's use.

In addition to asking us to testify, the Assistant Attorney General responsible for the staff work of the hearing asked us for the names of competent professionals in the field representing various employee associations who might have something to offer at the public hearing.

The hearing was held at the Association of the Bar of the City of New York during the transit strike. Mr. Pierson, in anticipation of transportation difficulties, came to the city the day before and walked from his town residence in Manhattan to the Association of the Bar so that the Correctional Association might be represented at this hearing.

#### SEMINAR ON THE COURTS

In preparation for the State Constitutional Convention, the Committee for Modern Courts, with which the Association has worked closely for the past five years and on which three of the Correctional Association's members served as board members, conducted a one-day seminar on judicial selection processes and court administration.

Approximately 40 leaders in judicial reform movements throughout the state worked to develop both the strategy and tactics to bring about an improved process for the selection of judges in the state. There was a complete unanimity on the issue of merit versus political selection. However, there was not complete agreement as to whether an appointment system was better than an elective one, although a majority present strongly favored the appointment rather than the election of judges.

#### TESTIMONY ON ABORTION LAW

The Association was asked to testify before the Health Committee of the New York State Assembly on a bill that would remove a number of restrictions on justifiable abortion. It will be recalled that the Law Committee studied the Penal Law proposed by the Temporary Commission on Revision of the Penal Law and Criminal Code, and criticized the Commission for not making substantial changes in the existing law on abortion. At the present time, New York State law permits abortion only to save the life of the mother. The Temporary Commission made only the slight modification of adding "a reasonable belief" that it is necessary to save the life of the mother.

The proposed bill, patterned after the American Law Institute decision, would permit therapeutic abortion:

1. When conception resulted from rape or an incestuous relationship.
2. When necessary to preserve the life of the woman.
3. When there is a substantial risk that continuance of the pregnancy would gravely impair the physical or mental health of the mother.
4. When there is substantial risk that the child would be born with grave physical or mental defect.

While we had an extremely short time to prepare our testimony, we

were able to be of great assistance to the committee, particularly on the number of "unknown" illegal abortions and "unknown" rapes resulting in conception. Our research focused upon a number of studies recently done on "hidden criminality". Using data from these studies we were able to point out that it is estimated that only about 1% of the criminal abortions become known. In the City of New York, with about 700 criminal abortions known to hospitals annually, it is estimated that there are approximately 70,000 such illegal operations each year. With regard to forceful rape, it is estimated that only one out of every ten cases becomes public knowledge by being reported to the police. Data indicates that about one in every fifty forceful rapes results in conception. With an estimate of about 15,000 forceful rapes in New York City each year, it is estimated that about 300 women annually conceive as a result of being a rape victim.

It was interesting for us to learn that various experts in the field of obstetrics, representing the Medical Society of the County of New York, the New York Academy of Medicine, and the National Committee on Maternal Health, substantiated our estimates.

We suggested that a serendipitous result of permitting abortions when a woman has been forcefully raped might be the encouragement of victims to report the crimes as they could then legally obtain an abortion. To prevent exploitation, a judicial determination that a rape has actually occurred would have to be made.

It is interesting to note that The Correctional Association of New York was the *first* asked to testify at the *first* public hearing ever held on abortion by the State Legislature.

While the testimony presented was overwhelmingly in favor of amending the law, the bill was not reported out of committee.

#### COMMUNITY SERVICE SOCIETY

In preparation for their legislative program this year, representatives of two committees of the Community Service Society, the Committee on Youth and Correction and the Committee on Health, asked to meet with the General Secretary for help in planning their positions. The two items of major interest were the development of a work-release program for local county correctional institutions and a modification of the abortion law.

In the past, the Community Service Society has opposed work-furlough legislation but, as was reported last year, it finally agreed with The Correctional Association's stand. They will be making the work-furlough legislation the principal work of the Committee on Youth and Correction.

While the Committee on Health had supported, in principle, the

modified abortion bill presented last year, it is believed that the procedure spelled out to ascertain whether a rape or incest had in fact occurred was much too rigid. They believed that instead of using either the district attorney's office or the courts, social agencies should be able to certify that a rape or incest had occurred. Our position is that a social agency is in no position to be, and should not properly be, the certifying agency. The representative of the committee agreed that a court should make the determination, which in the instance of a minor would involve the Family Court.

#### NEW YORK STATE WELFARE CONFERENCE

The General Secretary was asked to present a paper on the social implications of the new penal law at the section on Youth and Correction of the annual New York State Welfare Conference. He appeared on the program together with Mr. Peter Preiser, Executive Director of the Governor's Special Committee on Criminal Offenders; Harold J. Rothnax, Director, Legal Services Unit of Mobilization for Youth; and Sydney Zion, reporter on legal affairs for the *New York Times*.

Mr. Goff pointed out the horrendous task presented to the Temporary Commission on Revision of the Penal Law and Criminal Code, and the thoroughness with which they had worked to bring about a new penal law. As has been our position throughout, he emphasized that for the average offender the present maxima are too great.

#### TEMPORARY COMMISSION ON REVISION OF THE PENAL LAW AND CRIMINAL CODE

The General Secretary met with the Counsel of the Temporary Commission, at his request, to discuss the work being done on the revised code of criminal procedure. At this meeting the discussion focused principally upon a revision of the arrest laws in the state and a clarification of the "peace officer" concept. Both Counsel for the Temporary Commission and the General Secretary feel that the designation of so many individuals as peace officers, who as such have police arrest authority, is simply a means of authorizing the individual to be armed. We propose that instead of the use of the designation of peace officer to authorize individuals occupying certain positions to carry weapons, the peace officer designation should be abolished and authorization to be armed carried through a specific weapons law. This matter as well as the arrest authority of the police is being studied further.

In an earlier meeting, the General Secretary renewed the Association's support of the Commission's original proposals on adultery

and sodomy.

#### MEETING WITH THE CHAIRMAN OF THE JOINT COMMITTEE ON PENAL INSTITUTIONS

During a trip to Albany, the General Secretary met for several hours with Assemblyman Alexander Chananau, chairman of the Joint Committee on Penal Institutions at Assemblyman Chananau's request.

This joint legislative committee, created in June of 1965, asked the Association for help because Mr. Chananau felt that none of his committee members had extensive knowledge of the field of correction. We discussed with him the pros and cons of a contemplated bill which would allow the release of certain felons whose sentences are no greater than two years from state correctional institutions on work-furlough arrangement.

Subsequently, Assemblyman Chananau asked us to help set up a hearing on this specific bill, and to formally present testimony at the hearing.

While the Association was completely in favor of the principle of work-release, the restrictive and cumbersome administrative procedures included in the bill would make it practically inoperative. We suggested a number of changes which gave it a great deal more flexibility, while at the same time provided ample protection to the community.

#### MONROE COUNTY PENITENTIARY PROFESSIONAL ADVISORY GROUP

The General Secretary was asked to attend a meeting of the Monroe County Penitentiary Advisory Group, consisting of representatives of the State Parole Commission, Probation, Health and Welfare Council, and the Municipal Research Bureau, to review the program that the new deputy warden in charge of rehabilitation was developing for that institution.

During his visit to Rochester, the General Secretary was given a copy of the County Manager's recommendation for a capital program 1966-1971, which included money over a three-year period beginning in 1966 for the construction of a new rehabilitation center. The County Managers recommendations also included funds for a new jail over the same three-year period. It must be recognized that these were only recommendations on the part of the County Manager, and that the actual earmarking of funds in the capital budget for these two items will require support.

A newly organized citizen group in Rochester chaired by a private practicing psychiatrist who was distraught over the deplorable condi-

tions under which the inmates in the Monroe County Penitentiary are forced to live, asked to meet with Mr. Goff in New York. He and the deputy warden in charge of rehabilitation spent five hours reviewing steps that the Citizens Committee might take locally to bring about a new penitentiary in that county. The chairman felt so strongly about the physical plan that he was working to build up public demand that the penitentiary be closed.

#### **NARCOTIC ADDICTION**

While the Association had not intended to testify on a series of bills relating to narcotics addiction, it finally did so at the request and urging of the Chairman of the Joint Committee on Health, the Federal Bureau of Narcotics, and others with whom we have been meeting for several years. In our testimony we reaffirmed our position opposing a public health policy which would permit wide scale maintenance. We were, of course, supported by both the Medical Society of the County of New York and the Medical Society of New York State in our position.

#### **NARCOTIC ADDICTION PROJECT IN HARLEM**

The General Secretary was asked by a foundation to evaluate a proposed narcotic addiction prevention and treatment program in the Harlem area. With the approval of the foundation, he contacted Dr. Henry Brill and Dr. Donald B. Louria, sending them copies of the proposed project for their evaluation. All three agreed on the soundness of the concept of a Harlem Coordinating Committee comprised of all agencies, both public and private, working in narcotic addiction prevention and treatment in Harlem. All three agreed on the desirability of a private foundation underwriting the cost of this project until such time as the State Narcotic Addiction Control Commission is able to undertake its funding. We were further encouraged and pleased to learn that Dr. Lonnie MacDonald of our Executive Committee would be one of the key individuals in this program.

#### **QUAKER COMMITTEE ON SOCIAL REHABILITATION**

The General Secretary, a member of the Professional Advisory Committee of the Quaker Committee on Social Rehabilitation, has attended meetings of the group, which is attempting to set up a half-way house for female drug addicts released from the House of Detention for Women. Some Federal funds had been obtained for the operation of a demonstration project, and the Quaker Committee was desirous of purchasing a building in the Greenwich Village area.

It was the General Secretary's belief that the outlay of a large sum

of money for the purchase of a building should not be made at this time, as the grant to the Quaker Committee is for only one year with no assurance of future renewals. We believe that the Quaker Committee on Social Rehabilitation is doing fine work for these women drug addicts, and our observation about the large capital expenditure by that group at this time in no way reflects upon the program they are conducting.

#### **DIRECTOR—DIVISION FOR YOUTH**

With the creation of the State's Narcotic Control Commission, as a result of the new narcotics legislation on which the Association worked so diligently, Governor Rockefeller appointed Mr. Lawrence W. Pierce, former Director of the Division for Youth, as chairman. His appointment left the position of the Director of the Division for Youth vacant. Immediately upon learning of Mr. Pierce's new appointment, the Association wrote the Governor to congratulate him on his selection of Mr. Pierce. At the same time, we urged the Governor to consider seriously Mr. Milton Luger, First Deputy Director of the Division for Youth, as Mr. Pierce's replacement. The Association has known both Mr. Pierce and Mr. Luger intimately for a number of years and we have been most impressed by their seriousness, sensitivity, knowledge and conscientiousness.

We were most pleased when Governor Rockefeller subsequently did appoint Mr. Luger to the very important position of Director of the Division for Youth. In the Governor's response to us, he thanked us for our excellent recommendation and commended the Association for its interest in both these "tremendously important areas"—narcotics and the Division for Youth.

#### **"JUVENILE JURIES"**

The General Secretary met with Mr. Milton Luger, new Director of the Division for Youth, and proposed that consideration be given to the development of Juvenile Conference Committees in the State of New York as a means of involving private citizens in the handling of minor cases of juvenile delinquency.

Recently there has been a rejuvenation of interest in "juvenile juries" in a number of suburban communities upstate. Both the Director of the Division for Youth and the General Secretary had serious doubts as to the efficacy of "juvenile juries". However, the desire to create them is an indication of the wish on the part of citizens to become more involved in the prevention and treatment of juvenile delinquency and should be encouraged. The development of Juvenile Conference Committees would capitalize on this revitalized interest in citizen participation in the problems of juvenile delin-

quency, and yet provide a more realistic way for citizen involvement than the "juvenile juries".

### VISIT TO NIGHT COURT

The newly appointed Ad Hoc Committee on Lower Court Administration and the General Secretary visited a night session of the Criminal Court of the City of New York, and the detention cells used for it. The Committee was most impressed with the directness, warmth, humaneness, and obvious care for the people shown by newly-appointed Judge Rudin. They were also interested in the liberal and thoughtful use of the R.O.R. procedure to replace bail and to avoid lengthy detention while awaiting case disposition. With the exception of only one case, the Committee felt R.O.R. was being used judiciously.

One of the problems brought out by this visit was the inequity inherent in the varying relationship between the amount of fine imposed and the alternative sentence. Individuals given the same fine were, in many instances, given a different alternative sentence in lieu of fine. It appeared that the court based the amount of fine on the appearance of the individual and his ability to pay, and the "in lieu of" sentence upon the offense. Several years ago the Association in its report to the Legislature called attention to this type of disparity, since we felt that it was inherently wrong to require one individual to work his fine off at the rate of \$1.00 a day, and another to work his fine off at possibly \$10.00 a day. We have since been in touch with the Temporary Commission on Revision of the Penal Law and Criminal Code to discuss the matter with them with the thought that an adjustment might be made through the new code of criminal procedure.

Worthy of note was the cleanliness, order, and care afforded in the detention cells for those individuals awaiting court appearance, which the Department of Correction should be commended for.

Future visits are planned in order to compare the relative functioning of different judges within the system.

### "AGENDA FOR TOMORROW"—ANNUAL MEETING OF COMMUNITY COUNCIL

Mrs. Baird and Mr. Goff, representing The Correctional Association, participated in the section on social order and justice at the Community Council's Annual Meeting. This section had Deputy Police Commissioner Theresa Melchionne, Mr. Edward Carr, Executive Director of the Legal Aid Society, and Mr. John Wallace, Director of Probation for the City of New York on a panel discussing the future of the administration of justice in the City. We were most pleased

with the observations and remarks of all of the panelists, and most pleased with the way Deputy Commissioner Melchionne was able to answer questions raised of her about the community councils of the New York City Police Department, with which members of our Executive Committee are working.

### DEDICATION OF BRIDGE TO RIKERS ISLAND

Symbolic of the present trend toward community correction and a way from the isolation of offenders from the community, a bridge connecting Rikers Island with Queens was dedicated and opened for use. Rikers Island, which houses all of the male sentenced prisoners for the City of New York, and which will eventually also be the location of the House of Detention for Women, has been accessible in the past only by ferry service operated by the City from the Bronx. More than a tearing down of the psychological effect of placing offenders on an isolated island are the day to day administrative advantages of being connected to the rest of the city by a bridge. No longer will the constant threat of ferry breakdown, bad weather, or a strike by ferry personnel be present. In the past, these have forced Department of Correction personnel to remain on the island overnight, sleeping in makeshift quarters.

At the dedication ceremonies, attended by Mr. Schulte, Mr. Cass, and Mr. Goff from the Association, the central theme running through the speeches of Mayor Lindsay, Mr. Carriello, President of the Borough of Queens, Commissioner McGrath and the Commissioner of Public Works was the symbolic "bridge to opportunity" for the inmates and the symbolism of the "bridge to community involvement" in the correctional process.

### DIRECT SERVICES

One of the long standing, yet little publicized, activities of The Correctional Association is its camp programs for the children and wives of men in correctional institutions. It is a well known fact that it is often the children and wives of offenders who must endure the greatest hardships brought about by the imprisonment of the father and husband. Children must bear the brunt of the taunts of playmates about their father being a "jail bird" and mothers and wives are faced with economic pressures brought about by the imprisonment of the family breadwinner. To provide some encouragement, to show that someone does care, and to provide even a brief respite from hot city living during the summer, this year the Association sent a total of 60 boys, girls and mothers to 14 different camps. For some, the Association paid the camp tuition, for others only the cost of transportation and camp clothing, but for all, the Association provided, through this

service, a ray of hope.

### THE ASSOCIATION'S LIBRARY

A book collector specializing in old rare books on crime asked to meet with the General Secretary to obtain permission to reprint one of the Association's publications written by Dr. O. F. Lewis in 1922 entitled "The Development of American Prisons and Customs." While this book was published under the name of Dr. O. F. Lewis, it was not until after Mr. Cass gathered together Dr. Lewis' loose manuscripts after his death and completed it, that the book was published by the Association.

While in our office, the book collector browsed through the Association's library, evincing much interest in it. Our library, while not as complete as it might be with contemporary writings on criminology and penology, contains a wealth of historically valuable volumes.

### NEWSLETTER

During the first week in December, the first issue of the Association's Newsletter was mailed to approximately 500 members and 3,500 individuals who might be interested in the work of the Association. This Newsletter was the joint result of Mr. Pierson's Ad Hoc Committee on Relations With Members and Mr. Gordon Cuyler, the Association's consultant.

While it is too early to evaluate the full effect of this mailing, we were interested in one letter we received. It stated:

"I like your Newsletter. It is surprising how few really know what the organization does. So keep it up remembering how ignorant most people are."

Future plans call for the Association to publish the Newsletter four times a year.

### ANNUAL REPORT

On February 17, 1966, the Association's 121st Annual Report was submitted to the Legislature. It was one of which the Association could be justly proud. In addition to our Recommendations to the Legislature (*mimicographed* copies were sent in advance to each member of the Senate and Assembly) the Report included the general activities for 1965, with particular emphasis on the work of the various committees, a somewhat detailed review of some of the specific bills which the Association supported or disapproved of, and a report of the direct service work of the Family Service Bureau and Employment Bureau.

It is interesting to note the outcome of our 1964 Recommendations. Of the 14 points we emphasized, five were fully accomplished, three partially accomplished and six saw no progress.

### THE PRESIDENT'S COMMISSION ON CRIME

The National Council on Crime and Delinquency, in order to prepare a report for the President's Commission on Crime, held a series of one-day sessions in each of the 50 states of the Union, at which the leaders in the field of Correction were brought together to consider the needs and priorities in correction in their respective states.

The General Secretary was asked to attend such a meeting on the needs of the State of New York. This all-day session brought together representatives of the State Department of Correction, State Parole Board, New York City Probation Department, State Probation Commission, representatives of institutions for juvenile delinquents, and representatives from the State Division for Youth. Interestingly, The Correctional Association was the only non-governmental organization in attendance.

The group, after several hours of deliberation and discussion, agreed that the primary need not only from the State of New York, but throughout the United States, was a clear determination of the role, mission and purpose of the administration of criminal justice in the United States. Until this issue was resolved, the matter of additional personnel, type of personnel, training needed, type of hard facts and research needed to effectively carry out a program, and development of a division of labor among the various agencies involved in the continuum of the administration of justice, cannot be resolved.

### MULTILITH TRAINING PROJECT

The Association, in cooperation with the State Parole Commission and the Multigraph Corporation, is continuing its efforts to develop a pilot vocational training program for parolees in multilith operation. This jointly sponsored program calls for the selection of parolees recently released from state correctional institutions who show interest and have the abilities which would enable them to learn to become multilith operators. They will be trained by the Multigraph Corporation and placed in jobs jointly by Multigraph and the Division of Parole.

It is interesting that, because of the tight labor market, the main office of this organization is looking toward possibly expanding the training and use of parolees to other states if the project is successful here in New York.

A letter will be sent out by the Multigraph Corporation to a large number of their customers to obtain their reaction to the employment

of parolees. Where indicated, a follow-up personal interview with the personnel director will be made by the Division of Parole, which is hopeful of obtaining the additional employment possibilities. At the same time the Division of Parole, utilizing job specifications for a multilith operator, is screening its present case-load to determine the number of parolees with the ability and interest to learn this new vocation.

During the actual training, The Correctional Association will help the trainee financially if a need is indicated.

Matters such as union and bonding problems are being looked into, so that all three of the agencies involved, The Correctional Association, the Division of Parole, and the Multigraph Corporation, become fully aware of the problems involved and be in a better position to overcome them.

## MASS MEDIA AND PUBLICATIONS

### A BOOK ON WOMEN OFFENDERS

Mrs. Edith Coulson, seeking background for a book on the female offender, was referred by Mr. Meyer to Mr. Goff. The General Secretary spend several hours with Mrs. Coulson discussing the impact of the change of status of women upon female criminality. As the equalitarian movement is more and more psychologically accepted, one can expect less and less differentiation in the types of offenses committed by males and females, and less differentiation in treatment given by the courts to male and female offenders. Already we have seen some indication in the shift of those committing offenses, which were in the past solely crimes committed by males. Bank robbery and armed robbery are an example. Mrs. Coulson was so interested in the topic that she asked to be a guest when Commissioner Kross spoke at the Executive Committee meeting.

### U.S. NEWS AND WORLD REPORT

Mr. Clarke Beach, Special Editor of the U. S. News and World Report, was referred to the Association by the law firm of Covington and Burling for material on the handling of the alcoholic offender. Mr. Beach's interest in this topic was motivated by the Fourth Circuit Court's decision in the Driver case, on which that magazine was carrying an article.

### WNBC

The producer of a new controversial issue program, Gary Stradling, with whom the Association has worked in the past, sought our suggestions on topics that might be discussed on the program. We

suggested a number of areas which are of interest to the Association, and advised Mr. Stradling of various people who might be considered to present the pros and cons of each topic.

The Association feels that the use of mass media in a public education program is extremely important, and avails itself of every opportunity to have those issues which are of interest to the Association publicly discussed.

## RESEARCH AND EDUCATION

### THE ROLE OF THE POLICE AND CORRECTION IN THE ADMINISTRATION OF JUSTICE

The General Secretary was asked to conduct a seminar on police and correction for a highly selected group of senior police officials in Newark, New Jersey. This was part of an overall program developed by Rutgers University and the Community Relations Commission of the City to help police adjust to the changing attitudes and social conditions with which they are confronted. Much of the time in the seminar was spent in discussing the need for balance between constitutional rights and civic and civil responsibilities.

### RUTGERS LAW SCHOOL

The General Secretary met with Professor Brooks at Rutgers University Law School to help him develop a seminar on juvenile delinquency. At the same time we suggested that some of his students might want to research two areas for us. The first area is the "bargaining process", by which individuals are permitted to plea to a lesser offense with the understanding that the more serious offense with which they are charged will not be prosecuted. The second area focused on the position being taken by Mr. Peter Barton Hutt, that an intoxicated alcoholic should not be held "criminally responsible" for any crimes he commits.

We were eventually assigned a law student from Rutgers Law School to research the matter of the criminal responsibility of an alcoholic who, while intoxicated, commits a crime. It is expected that we will have the result of his efforts in the early part of next year.

### RESEARCH PROJECT

The Association was contacted by Dr. Purnell H. Benson, Research Sociologist, for professional consultation in the field of correction on a research project to develop a test which would show how strong motivation is after increasing periods of time are given to activities.

Preliminary tests have already been given to 76 college students in which the motivational inventories for statistical prediction of behavior was in the neighborhood of (.5). This new project is planned to be administered to 500 jail inmates to determine:

1. Whether the jail population's statistical prediction of behavior based upon this test is greater or less than that determined for college students, and
2. Whether there is any correlation between the internal consistency of the responses of the jail inmates and their subsequent behavior upon release from jail. If so the test might have some applicability to parole consideration.

Although Dr. Benson was Assistant Sociologist and Actuary for the Illinois State Parole Board for two years, 1940-1942, where he made actuary predictions of men being considered for parole, he sought our assistance because he had not been in contact with the field of the administration of justice since that time. He had been working almost entirely in consumer and personnel research for Drew University and the National Institute of Health.

The psychological evaluation and consultation for this project will be rendered by the Psychology Department of Princeton University.

#### NEW YORK UNIVERSITY LECTURES

During the year the General Secretary was asked to deliver two lectures as part of a series of general public educational lectures sponsored by the School of Continuing Education of New York University. The first of these was on "Prison Culture."

The audience of about 175 was an interesting heterogeneous group consisting of students, beatniks, golden age club members, and the professionals in the field of correction. His approach was directed toward creating a better understanding of the complexities involved in institutional administration and philosophy. The paper was extremely well received by the audience which remained for well over an hour after the formal presentation in a question and answer period.

The second lecture, "The Cult of Chemical Comforts" was on the sociological aspects of the great dependence Americans are placing upon "mood manipulators". With the assistance of the Federal Bureau of Narcotics, the Food and Drug Administration's Bureau of Drug Abuse Control, and the research section of the Food and Drug Administration, the General Secretary was able to obtain sufficient data to be able to indicate the extent of drug abuse and drug dependency in the United States. We were not referring to so called hard narcotics such as heroin, cocaine, and morphine but rather to the barbiturates, amphetamines, tranquilizers and "calming agents."

Since one of the objectives of the Correctional Association is to educate people in the area of crime and correction, we welcomed this opportunity to be part of the public lecture series.

#### NATIONAL

#### FOURTH UNITED STATES CIRCUIT COURT OF APPEALS

On January 22, 1966, the Fourth United States Circuit Court ruled as "cruel and unusual punishment" the conviction and imprisonment of alcoholics on charges of public intoxication. The case in question was that of Joseph Driver who had been arrested over 200 times for being publicly intoxicated in North Carolina. His two year sentence upon conviction of being publicly intoxicated, in violation of North Carolina statutes, was appealed through the courts until the Fourth Circuit Court reversed previous court decisions and vacated the sentence.

In its decision the Court stated:

"We do not annul the North Carolina statute. It is well within the State's power and right to deter and punish public drunkenness, especially to secure others against its annoyances and intrusions (Robinson v. California, supra, 370 U.S. 660, 664). To this end any intoxicated person found in the street or other public areas may be taken into custody for inquiry, for prosecution, but the Constitution intercedes when on arraignment the helplessness of the accused comes to light. Then it is that no *criminal* conviction may follow.

"The upshot of our decision is that the State cannot stamp an unpretending chronic alcoholic as a criminal if his drunken public display is involuntary as the result of the disease. However, nothing we have said precludes appropriate detention of him for treatment and rehabilitation so long as he is not marked a criminal."

The Association worked extremely closely with Mr. Peter Barton Hutt, of the law firm of Covington and Burling in Washington, D.C., who argued a similar case in the District of Columbia, and submitted a brief as amici curiae in the Driver case. Mr. Hutt phoned immediately after being advised directly by the court of the decision, and sent us copies of the decision which we distributed to a number of interested persons.

The importance of this decision cannot be underestimated. Although, for the time being at least, there is reason to believe that there will be no practical change in the handling of the chronic police



court alcoholic (the police will undoubtedly shift the charges to disorderly conduct), the important effect will be felt in greater recognition to the needs of alcoholics for medical treatment rather than criminal commitment to a county jail or penitentiary. The effect of this should eventually bring about a marked reduction in the county jail populations of the United States.

#### **AMICUS ON WRIT OF CERTIORARI IN THE UNITED STATES SUPREME COURT**

Continuing our efforts to have alcoholics who become publicly intoxicated legally treated as ill individuals rather than criminals, the Association, as amicus curiae, together with The National Council of Alcoholism and the The North American Association of Alcoholism Programs, filed a brief requesting that the United States Supreme Court hear the case of *Budd v California*.

This case, similar to the Easter Case in the District of Columbia and the Driver Case in the Fourth United States Circuit Court of Appeals, involved an alcoholic who was criminally convicted of public intoxication in the State of California and given a jail sentence. It is our contention that the criminal prosecution of an alcoholic for public intoxication is unconstitutional, constituting "cruel and unusual punishment" in violation of the eighth amendment.

In discussing the matter with Mr. Peter Barton Hutt, we proposed that support be obtained from organizations who are not directly involved in the problem of alcoholism. We were successful in having the North American Judges Association join with us as amici curiae on this brief, and were also successful in obtaining the support of the National Board of Christian Social Concerns of the Methodist Church and the Department of Ministry, Vocation and Pastoral Services of the National Council of Churches.

In view of the decisions of the United States Court of Appeals for the District of Columbia and the Fourth United States Circuit Court of Appeals, both ruling that an alcoholic cannot be imprisoned for being publicly intoxicated, we were hopeful that the United States Supreme Court would not only hear the case of *Budd v California*, but would also affirm the decisions of the two Circuit Courts of Appeal. Regrettably, the United States Supreme Court refused to hear the case.

The Correctional Association has moved into a leadership position in the law enforcement aspects of alcoholism. The Association has been acting as a communication hub, disseminating information on the progress of the court decisions, programs conducted by various criminal courts, and rehabilitative programs for alcoholics in local county correctional institutions. Our most recent request came from an at-

torney who asked for a complete set of the files on the Easter and Driver cases, as he was defending an individual before the Board of Correction of Naval Records.

#### **NORTH AMERICAN JUDGES ASSOCIATION**

Because of their interest in the work of The Correctional Association on the problems of jailing alcoholics, the North American Judges Association asked the General Secretary to present a paper outlining the situation confronting the 3,000 counties in the United States as a result of the Easter and Driver decisions. Following these two court decisions, Municipal Court judges are confronted with two main problems. The first is what the community can do to protect itself from the aesthetic and personal affronts of the skid row population. The second is a humanitarian concern over the well being of the derelict who, if not protected, is a ready victim of assault, injury, or even possibly death. While it is our belief that these individuals should not be legally prosecuted and punished for their illness, we believe there is a need for the state to intervene to protect both the community and the individual.

We were most pleased when the section on addiction of the Judges Association asked us to prepare a resolution on the North American Judges Association's position on this very difficult problem. The resolution was in keeping with The Correctional Association's position on this matter.

#### **IMPRISONMENT OF ALCOHOLICS**

The General Secretary met with Mr. Archer Tongue, Executive Director of the International Council of Alcohol and Alcoholism, Dr. Ruth Fox, Medical Director of the National Council on Alcoholism, and Mr. R. Brinkley Smithers, Chairman of the Association's Ad Hoc Committee on the Alcoholic Offender, to discuss the ways The Correctional Association could continue its efforts to have the imprisonment of alcoholics for public intoxication stopped, and to probe alternative means of providing protection for these individuals. There was complete agreement that the courts should have available to them legislation which would allow for the civil commitment to a medical facility, for a limited period of time, of those individuals who refuse to undergo voluntary treatment, and need institutionalization both for their own protection and the community's.

The most pressing problem confronting the lower courts in those jurisdictions where it is presently unconstitutional to commit to jail an alcoholic who has been publicly intoxicated is the criteria to be used to determine whether he is, in fact, suffering from the disease of alcoholism. There appears to be at the present time a marked differ-

ence in opinion as to the percentage of the chronic police court offenders who would fall into the alcoholic group. On one hand, a report from the District of Columbia states that approximately 90% of the chronic police court offenders are alcoholic and would be covered by the *Easter* and *Driver* decisions. On the other hand, Judge Gerald Levin, Chief Judge of the Lower Courts of San Francisco, in correspondence with the Association stated his belief that the majority of the chronic police court offenders are *not* alcoholic, and therefore are liable for prosecution, conviction, and imprisonment.

To further complicate this issue is the possibility of a test case being made of an alcoholic, who, while intoxicated, committed a serious crime, such as robbery, murder, or rape. The constitutional question which would be raised is whether he should be absolved of criminal responsibility. The Association has already been in contact with a number of attorneys on this matter in anticipation of such a test. It is our feeling at this time that holding an intoxicated alcoholic who commits a serious crime as not criminally responsible would be a dangerous social precedent.

#### JUDICIAL CONFERENCE

The General Secretary appeared before the Judicial Conference of the State of New Jersey to present the report of the Supreme Court Committee to Study Juvenile Conference Committees in that state. Mr. Goff was asked by the Chief Justice of the Supreme Court to chair this committee consisting of a college president, a county juvenile and domestic relations court judge, a psychiatrist, a director of a child guidance center, a county superintendent of schools, and the director of a council of social agencies. The Committee was to examine and study a procedure whereby private citizens are authorized to hear and dispose of cases of minor juvenile delinquency.

#### NATIONAL COUNCIL OF CHURCHES CONSULTATION ON "EXCEPTIONAL PEOPLE"

The General Secretary was asked to talk on the needs of offenders at a national consultation, called by the National Council of Churches, on "exceptional people". Other members on the panel spoke on the needs of retarded children, the mentally ill, and the physically handicapped. They either represented a national organization in their particular field, or were area directors from the Department of Health, Education, and Welfare.

The General Secretary pointed out that, unlike mental retardation and mental illness, the phenomenon with which he was dealing, crime, could never be socially acceptable. Therefore, it was much more difficult to develop an understanding of the problems of the

offender than it was to develop an understanding of the problems of the mentally retarded or mentally ill. It takes an extremely sophisticated population to be able to distinguish between what the individual has done, which is wrong, and the individual himself, who has feelings, needs, and desires as a person. It is basically for this reason that change in the field of correction is so slow and difficult to bring about. It will be only when, in the true Judeo-Christian ethic, the population is able to "abhor the behavior but love the offender" that we shall be able to bring about changes in the handling of the offender.

#### COMMITTEE ON THE OFFENDER TRAINING PROGRAM

The reacceptance by the community of an individual after he has been arrested, convicted, and served a prison sentence is a fundamental problem. Since the churches and synagogues should be receptive of all individuals regardless of their past, the Committee on Offenders of the National Council of Churches, chaired by Mr. Goff, in collaboration with the Federal Bureau of Prisons, set up a three-day residential program for clergy at the United States Correctional Institution at Danbury. This program, which was a pilot project for the various state councils of churches, involved approximately 30 clergymen who received intensive, first-hand experiences with individuals in prison and with their problems upon release.

It was the belief of the committee that the experience of the 30 clergymen involved in this three-day program would be such that they would be more empathetic and would be able to convey to their congregations the problems faced by an ex-offender.

#### GENERAL ASSEMBLY

As chairman of the Committee on the Offender, the General Secretary attended the triennial meeting of the General Board of the National Council of Churches. It was encouraging to note that the consultation on the church's ministry to the offender and his family, which the General Secretary chaired for the National Council of Churches several years ago, had sufficient impact to have the General Board adopt as one of its goals for the next three years the prevention and treatment of crime and delinquency.

#### SUB-COMMITTEE ON MINISTRY TO PERSONS WITH SPECIAL NEEDS

The General Secretary was appointed to a sub-committee of the National Council on the Ministry to Persons with Special Needs. This committee developed a national consultation on the church's ministry to the homosexual community which was attended by leaders of the major Protestant denominations in the United States, theologians,

psychiatrists, and attorneys. The purpose of the consultation was to develop guidelines for the churches in the United States in ministering to homosexuals. Representatives of the major national homophile organizations also attended. Despite the personal attitudes of those in attendance, and with the assistance of a half dozen theologians from theological seminaries who were seeking fundamental answers, the consensus of those present was that the churches in the United States should re-examine their position on both homosexual and heterosexual behavior.

The General Secretary was most impressed with the depth of philosophical and theological papers presented, as well as with the objectivity of the participants who were confronted with an extremely emotionally charged topic. We were reassured when there was an unanimous vote on the part of the denominational representatives present to re-examine the churches' position.

The Correctional Association's interest in this matter results principally from our concern over existing statutes on abortion, adultery, and sodomy. It has been the Association's position that these types of behavior should be more properly under the control of the church and should not be a matter for public law as they are moral questions, rather than questions relating to the safety of the rest of society.

#### **THE AMERICAN CORRECTIONAL ASSOCIATION**

Since January 1, 1962, when the American Correctional Association separated from The Correctional Association of New York, we had continued to provide office space for the business office of the national organization at 135 East 15th Street. The first of March this office closed, and the remaining property of the American Correctional Association moved to College Park, Maryland. Mrs. Gladys Gilbert, who had been with the American Correctional Association and The Correctional Association of New York for many years, retired.

It was with a feeling of nostalgia that we saw this physical separation of the two organizations take place. It is our hope that the national body will continue to grow, though separated from The Correctional Association, as it did during the long period when the two groups were administratively tied together and housed in the same building. We shall continue our active interest in, and cooperation with, the American Correctional Association.

#### **AMERICAN CORRECTIONAL ASSOCIATION'S TRIBUTE TO THE CORRECTIONAL ASSOCIATION OF NEW YORK**

At the Annual Congress of Correction of the American Correc-

tional Association held in Baltimore, Maryland, this year, The Correctional Association of New York was presented with a plaque expressing the appreciation of the national body for all that the Association has done.

#### **INTERNATIONAL**

##### **12th INTERNATIONAL INSTITUTE ON THE PREVENTION AND TREATMENT OF ALCOHOLISM, PRAGUE, CZECHOSLOVAKIA**

The General Secretary was asked to prepare a paper for presentation at the 12th International Institute on the Prevention and Treatment of Alcoholism held in Prague, Czechoslovakia. Since he was unable to attend, the paper was read by Mrs. R. Brinkley Smithers. The paper, entitled "Jailing the Intoxicated Alcoholic—It's 'Cruel and Unusual Punishment,'" contained a resume of the Easter and Driver cases, and a brief review of the arguments contained in the amicus curiae filed with the United States Supreme Court by the Association in a request for certiorari by the United States Supreme Court in *Budd v California*.

We were most honored to be asked to prepare a paper for this international conference which brought together experts from most of the civilized countries in the world to discuss and study the various aspects of this very difficult and serious problem.

##### **THE UNITED NATIONS ADVISORY COMMITTEE OF EXPERTS ON THE PREVENTION AND TREATMENT OF OFFENDERS**

In December, the General Secretary attended a meeting to consider the direction in which the Social Defence Section of the United Nations was moving. Of particular concern was the newly established Social Defence Trust Fund, which potentially enhances the capacity of the Social Defence Section to carry out its responsibilities. A second major item on the agenda focused on enhancing the effectiveness of the 1970 Congress in Tokyo as both a world forum and a powerful incentive to international action in the field of social defence. With these purposes in mind, a number of agenda items were submitted for consideration by the Committee:

1. Social defence policies in relation to development planning.
2. The prevention of delinquency in the context of national development.
3. The economics of training in the correctional field.
4. Public participation in the prevention and control of crime

and delinquency.

5. Applied research as a basis for the formulation of social defence policies and programs.

#### **BRITISH STUDY OF INMATE LABOR**

At the suggestion of the Director of the Borstal After-Care Association of Great Britain, the P.A. Management Consultants, Ltd., of London asked us for information on work programs in American prisons for a study they were doing for the Home Office. They were particularly interested in:

- A. The type of work systems currently operating in the United States, i.e. piece-price, public accounts, public works and pre-release systems.
- B. The type of projects that are produced and services performed within these systems.
- C. The extent to which work schemes are profitable.
- D. The difficulties encountered with the American Trade Union movement and the introduction of new prison work schemes.

In addition to sending a three page letter, we provided them with some of our testimony on work release programs, reports of the Federal Prison Industries and additional miscellaneous articles on inmate labor.

#### **SUPREME COURT—AUSTRALIA**

Among those to whom we have been sending copies of the various court decisions relating to criminal responsibility and the prosecution of alcoholics arrested for public intoxication has been Sir John Barry, Justice of the Supreme Court of New South Wales, Australia. The General Secretary first met with Sir John in London in 1960 at the Second United Nations Conference on the Prevention of Crime and Treatment of Offenders. At that time, he spent several days with Sir John discussing a reconciliation law which had just been introduced into Australia. Mr. Goff was at the time working in the State of New Jersey which had just repealed its reconciliation procedure because of its ineffectiveness. He was able to show Sir John documentation of the difficulties that New Jersey had experienced.

Our most recent contact with Sir John indicated that he is beginning to question seriously the extent that court decisions are going to absolve individuals of criminal responsibility. It is most interesting to note that he takes exception to the decisions in both the Driver and Easter cases, not because he disagrees with the merits of the cases, but rather because he fears for what can happen with a logical exten-

sion of the concept.

#### **FIRST BRITISH CONGRESS ON CORRECTION**

The General Secretary was invited to be a special observer at the First British Congress on Correction which was held in London, England in September. Unfortunately, due to his tight schedule, he was not able to attend this conference which appeared to be primarily oriented around academic criminology rather than practical penology.

#### **BRITISH CONSULATE**

For the past two years the Association has worked very closely with the British Consulate General on matters related to crime and delinquency. We have been called upon not only to help orient wardens, probation officers and others involved in the administration of justice in England to American practices and philosophies, but also to provide specific information about British subjects who have come in conflict with the law in the United States. Our chief contact has been through Mr. Lawrence Evans, Consul for the Consulate General.

It was with a great deal of regret that the General Secretary attended the going away party given by the Consulate General for Mr. Evans, who left the United States for an assignment in Whitehall.

To assure a continuity of association, the Assistant Consul General pledged the further cooperation of his office with us and has since asked for our assistance.

#### **DR. KATHLEEN M. PEARSON—ENGLISH J.P. AND MEMBER OF THE BORSTAL BOARD OF VISITORS**

Mr. Cass received a personal letter from The Honorable P. Duncan Fairn of the Commission of Prisons in England, asking him to arrange a program of visitation for Dr. Kathleen M. Pearson during her brief visit to New York.

Due to the airline strike, Dr. Pearson's schedule only allowed her one day to meet and talk with people on the new concept of community correction about which she had heard so much in England. Mr. Goff spent several hours with her viewing the development of all of the facets of "community correction," and arranged for her to visit the Springfield College Pre-Release Guidance Center in New York City to see one facet of this new movement in action.

#### **VISITORS FROM THE UNITED KINGDOM**

Dr. Thomas H. Bewley, Consulting Psychiatrist, Tooting Bec Hospital and a specialist in addiction, and Brig. R.V. Phillipson, member of the Ministry of Health, got in touch with the Association about a

visit to the United States. They wanted to talk with individuals knowledgeable in the field of narcotic addiction in this country. In advance of their arrival, arrangements were made for them to meet with Dr. Henry Brill, Vice Chairman, Narcotic Addiction Control Commission; Dr. Donald B. Louria, Chairman, Sub-Committee on Narcotic Addiction; Dr. Vincent Dole of the Rockefeller Institute; Dr. Harold Meiselas, Director of Narcotics, New York State Department of Mental Hygiene; and others. In order that they might have an opportunity to meet other individuals, a small reception was held for them through the courtesy of Mr. Schulte. Among others who attended were George Kahale, Acting Chief of the Social Defence Section, United Nations; Timothy Costello, Deputy Mayor-City Administrator; Lawrence W. Pierce, Chairman, New York State Narcotic Control Commission; Commissioner John Quinn, Chairman, Parole Commission; and Commissioner Frederick C. Rieber, New York City Department of Correction.

Both Dr. Bewley and Brig. R.V. Phillipson were most pleased to have this opportunity and expressed their appreciation to the Association for its help in making their trip to the United States so meaningful.

#### **VISIT OF TWO STAFF MEMBERS OF AN ENGLISH APPROVED SCHOOL FOR BOYS AT KNOTLEY HALL, TONBRIDGE, KENT, ENGLAND**

The British Foreign Office contacted the Association and asked for our assistance in orienting two staff members of an Approved School to various programs on the prevention and treatment of juvenile delinquency in the United States. Because of her knowledge and work in the field of juvenile delinquency, Mrs. Ballantine was contacted and provided the English visitors with two days of what they later described as "exciting visits" to the New Jersey State Home for Boys and the Highfields Project. Through our contacts with the Division for Youth, we arranged for these two visitors to visit the Division for Youth's J. Stanley Sheppard Home in New York City and to meet with Mr. Frank C. Eldridge, Director of the Springfield College Pre-Release Guidance Center. Mr. Goff then arranged for them to attend the 96th Annual Congress of Correction in Baltimore, Maryland.

#### **MR. JUSTICE NAGLE—SUPREME COURT, NEW SOUTH WALES, AUSTRALIA**

During a holiday in Switzerland, Mr. Justice Nagle of the Supreme Court of New South Wales was asked by his government to contact The Correctional Association of New York, and ask them to arrange for him to meet with some individuals knowledgeable in the fields of

sex offenders and criminal insanity.

After spending a morning in our office reviewing in general the various criteria used in the United States to determine criminal responsibility and various types of sex offender laws in existence, he and the General Secretary met with Justice Bernard Botein, Presiding Justice, Appellate Division-First Department; Leland L. Tolman, Departmental Director of Administration, Appellate Division-First Department; and Simon Rosenzweig, Director of the Mental Health Information Service, Appellate Division-First Department. Further, we arranged for the Justice to sit in on some sanity trials at Bellevue Hospital and to meet with the Australian Consulate General—a former Judge of the Supreme Court in Australia.

#### **AUSTRALIAN VISITOR**

At the request of Mr. John Marony, Controller General of Prisons, the General Secretary met with Mrs. D. L. Wilhelm, a volunteer who is organizing a program of social education for the women in the women's institutions in Australia. Mrs. Wilhelm was most interested in the Annual Reports of the Association as well as some of the activities in which we have been involved, expressing the hope that a similar organization might be developed in her country. We made arrangements for Mrs. Wilhelm to visit the Division for Youth's Stanley Sheppard Youth Home, as she was desirous of attempting to set up in Australia a halfway house for women released from the correctional institutions.

After visiting with us, Mrs. Wilhelm went to Washington to spend some time with Mr. Myrl Alexander and the staff of the Federal Bureau of Prisons.

#### **GUYANA**

Two years ago, at the request of our state Department and the British Foreign Office, the Association undertook the orientation and training of a probation officer from British Guyana. It may be recalled that an untoward incident involving him occurred in Albany while he was with us, which caused some concern to the two governments. The situation, however, was resolved, and the probation officer, Mr. Clarence Alfred, returned to his own country.

Mr. Alfred has been in contact with the office periodically. Recently, he requested material not available in his country on juvenile delinquency which the Association forwarded to him. Mr. Alfred is leaving his country for a one year graduate course in London in advance of assuming responsibility for the treatment of all juvenile delinquents in his country.

## THE CORRECTIONAL ASSOCIATION'S DIRECT SERVICE ACTIVITIES

### DIRECT SERVICES

When The Correctional Association of New York was founded over one hundred and twenty two years ago, one of the three objectives spelled out by the original group of men who had concern for the administration of justice was "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."

Since those early days before the Civil War, the Association has been the means whereby literally tens of thousands of individuals have been helped to return to a socially constructive life after release from a correctional institution.

Recognizing that it is the family, the innocent victims, who suffer grave hardships during the period of husbands and fathers incarceration, the direct service work of the Association was extended to the family of men institutionalized as well as to the releasees themselves.

### FAMILY SERVICE BUREAU

To keep the wife and children of a convicted man from being sentenced to a husband and father's crime, to lessen the effect of this trauma on an already traumatized family existence, is the chief role of the Family Service Bureau.

The Bureau deals with dependents of prisoners in New York City or State correctional institutions. These are usually wives and children but it is not unusual to have elderly parents or other close family members as well. They are referred to the Bureau—by Welfare, the prisons, the courts, private agencies, or word of mouth. They are all receiving some kind of monetary aid and for all of them it is not enough.

On one level the Bureau gives them monetary assistance, usually \$10.00-\$15.00, for childcare and from special schools, shoes so the children can go to school, a blanket for the winter, the rental fee for a cap and gown without which a young boy could not be permitted to participate in his own high school graduation. For larger amounts there is a special fund which pays for physician's fees for a child who cannot get treatment in the clinics, winter clothing for a child who could not receive assistance from the City because of legal hair-splitting, attorney's fees to help a convict who had another thirty months added to his sentence because there was no allowance for the year and a half he spent in city detention and much, much more.

The direct service work of the Bureau is two-fold—supportive as well as philanthropic. In the attempt to keep a family unit together and functioning on a level something akin to normal, it is the supportive aspect which assumes greater importance. The families who come to the Bureau for help are not suffering from just one problem which can be remedied by 10 or 25 or 50 dollars. These are people whose entire lives are one disaster after another. By far the largest volume of work carried on by the Bureau is in the form of direct supportive advice, counseling and action. Referrals are made to the right hospitals, clinics, doctors and dentists for badly needed medical care. Often the Director of the Bureau goes with the individual. Contacts and appointments are made with the correct City agencies to take care of specific problems. Work is conducted through the community, as well, with visits being made to teachers and ministers to discuss the family's problems and attempt to reach some solution. Perhaps the most important direct work is done with the City Welfare Department. Owing to rapid turn-over of personnel, insufficient staff, and gross inefficiency, welfare payments are often incorrect, late, and, indeed, some never come at all. The Bureau can give direct financial assistance to tide a family over, as it did this past year when people were unable to receive Welfare payments owing to a strike on the part of the workers. The Bureau also gets directly in touch with the Welfare worker involved and attempts to have the problem solved.

There are thousands of cases in the Bureau's files, all different on the surface, all the same in their cries for help, all beyond the scope of normal comprehension. Most are active for a period of years. Some, rare, require only one visit.

There is one case which is typical in its grotesquerie and an excellent documentation of all facets of the Bureau's work. The woman involved was the wife of a prisoner at Sing Sing. Living with her were their three children, two boys aged 6 and 5 and a girl, 4, as well as her disabled mother-in-law (blind, diabetic, with a bad heart and high blood pressure). She originally came to the Bureau for help in getting a Welfare allowance to visit her husband in prison. She had been using money from her food budget to make the trips. In the course of working with the Welfare Department to get for her the needed money (which was finally forthcoming after one full year's worth of active work on the part of the Bureau), the Director discovered the very real, much more serious needs of the family. Of the three children, the younger son and the daughter were mental defectives. Neither could talk. They wore diapers owing to the fact that they had never been toilet trained. They constantly destroyed their clothes and the furniture in their rooms. Working with this family for a period of four years, the Bureau was able to have the mentally retarded son

placed in a special school with the tuition waived. The Bureau supplied the carfare so that he could attend this school in the months that it took for the Welfare Department to have the amount added to the family's check. The girl had suffered brain damage and was incapable of being taught. The older son was placed in summer camps (paid for by the Bureau), and was registered, through a boys' club, in a neighborhood gymnasium. Through the work of the Bureau he was able to get a suit and proper religious articles for his first communion and shoes so that he could go to school.

During the four years that this case was open, a total of \$475.00 was provided to the family by the Bureau. Most of it was for carfare to and from clinics and special schools, for warm clothing in the winter, for blankets and linens (the family had been sleeping on bare mattresses) and for food. Many times the Bureau had to give stopgap assistance to cover the failure of a welfare check to arrive, and then make the telephone calls to find out what had happened—the case-worker was ill or new; only "emergency" cases were being handled; a special request lay in a folder on someone's desk for over three months; the checks were sent out from "downtown" and nothing could be done; or, as the Bureau was told on one occasion, it was "automation that has caused all the trouble."

Visits to the home were made. Countless calls were received from the mother asking for help and advice in meeting new crisis situations. There were calls, letters and visits to schools, doctors, summer camps, community agencies and the family's priest. When the husband was finally released after having served a five year sentence, he was referred to the Employment Secretary of the Association, was able to get a job, and the case, unbelievable in its complexities, was closed.

#### STATISTICS FOR FAMILY SERVICE BUREAU FOR 1966

Families in active category January 1, 1966	61
New cases accepted	9
Cases reopened	4
	<hr/>
Total number of cases during year	74
Cases closed	22
	<hr/>
Families in active category December 31, 1966	52
Total amount of financial assistance	\$4,804.00
Families provided with Christmas dinner and toys (total 139 persons)	32
Families visited in the home	60
Office interviews	287
Agency visits	125

#### EMPLOYMENT AND RELIEF BUREAU

How does a man look for a job when he does not have the 20¢ necessary to pay his carfare? How does he appear for an interview when he does not have the money to buy razor blades to make himself presentable? How does he accept the position without the money to buy the required uniform or tools? How does he live until he gets his first pay check?

It is often a great temptation to reduce all problems to economic causes. But economic determinism, although at times carried to extremes, is still a problem of very real importance. Economic insecurity is probably the most eroding of insecurities. This century has shown graphically that economic freedom is considered by a majority of the world's people as being of greater importance than political freedom. The Employment and Relief Bureau of the Association attempts to meet the seemingly "minor" economic stresses such as the above which can effectively paralyze an individual, preventing him from taking any positive action.

The Bureau was set up to provide temporary assistance to men who have served time in a New York City or State correctional institution. There are several ways in which to render such assistance. One is in the form of direct monetary help. Loans can range from as little as 20¢ to, on rare occasions, as much as \$50.00. They cover such expenses as carfare, by far the most common, a day or two's rent, job fees, the purchase of ordinary toilet articles or proper clothes and equipment needed for new jobs. Some men who have difficulty in getting a job are referred to an employment agency with which the Bureau works closely. This agency collects its fees on an "installment plan," charging as little as \$5.00 down, the rest to be paid over a period of time after the man has a job. Often the Bureau supplies the \$5.00 down payment as well as a few dollars for carfare so that the individual can go out on referrals.

Not all men who come to the Bureau are given direct financial aid. Many get meal tickets instead which are redeemable for meals at cooperating restaurants. Others do not, for one reason or another, qualify for direct aid. A man may have enough money to pay \$5.00 for a job fee, but not the total amount charged by most employment agencies. He will be referred to the cooperating agency, which is the assistance he needs to be able to continue on his own. Others will not qualify because they are already on welfare. The Bureau will do everything possible to help the man if he is having any problems with the Welfare Departments. An out-of-state releasee will have an appointment made for him with the organization under whose jurisdiction he falls. Other requests for aid come from relatives of releasees or men still in institutions, asking help with problems of employment,

alcoholism, narcotics addiction—these are referred to the proper agency and preliminary contacts are made for them. But, whenever possible, no man is turned away empty handed—whether it be money, food in the form of meal tickets, advice or referral, some effort is made to give him the assistance that he needs to bolster his depleted reserve of initiative and independence.

Referrals come from a myriad of organizations and cover a multitude of problems. The East Harlem Youth Employment Service had a boy who was unable to accept a full time position because he lacked the \$8.00 needed for two weeks worth of carfare and lunches. The Bureau was able to provide the money so that he could take the job.

There was a letter received from the friend of a widow whose son, a narcotics addict, was due to be released from Rikers Island. The woman was concerned about getting help for her son after his release. The Bureau was able to put her in contact with the proper City department.

All monetary assistance is in the form of a "loan." As the following figures indicate, repayment of these interest free loans is very low. But occasionally a letter is received like this one:

Gentlemen:

Enclosed please find a check for \$15.00. Several years ago (1962) I borrowed \$5.00 and last February I borrowed another \$10.00. I am sorry for the delay in payment and must admit that procrastination caused it.

Again I thank you for the loan and hope you keep up the good work you are doing.

Sincerely yours,

#### STATISTICS FOR EMPLOYMENT AND RELIEF BUREAU

1966

Different men interviewed	1,278
New York City applicants	713
New York State applicants	508
Probation applicants	31
Out of state institution applicants	15
Relatives of inmates	11
Others interviewed	1,620
Jobs provided	465
Total nights lodgings provided	239
Applicants given cash for carfare, shelter food and tools	814
Total relief given for food, shelter, cash and employment	\$9,666.95

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#### THE CORRECTIONAL ASSOCIATION'S LEGISLATIVE ACTIVITIES

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## LEGISLATION

Throughout its 122 years of existence the Association has been analyzing and evaluating various bills introduced into the Legislature relating to the administration of justice. 1966 was no exception. Following the objective study of all bills embraced by our field of interest, the Association may register support or opposition with the chairmen of the various committees to which bills have been referred and with individual members of the Legislature. When a bill has been passed and forwarded to the Governor, the Association continues with written approval or opposition.

On January 5, 1966 the 189th Annual Session of the State Legislature was convened. A number of weeks before this date, the legislative work of the Association had begun, examining the many pre-filed bills which numbered 596 in the Senate and 1302 in the Assembly.

By the time the session was adjourned over 5,010 Senate bills and 6,158 Assembly bills had been introduced. While the large majority were in areas outside the interest of the Association, it was necessary to review the summary of every introduced bill in order to determine those that would be of interest. A detailed study was then made of each relevant bill to determine whether or not the Association should include it among those on which a major effort would be exerted.

The following are some of the bills on which the Association focused its attention and took a position during the 1966 Legislature:

### SENATE INTRO. 4875

#### CERTIFICATE OF RELIEF FOR FIRST OFFENDERS

This bill provided that a certificate of relief from disabilities might be granted to relieve first offenders of any forfeiture or disability, or to remove a bar to his employment automatically imposed by law by reason of his conviction of a crime. This the Association approved. Now Chapter 654 of the Laws of 1966

### SENATE INTRO. 3367

#### STATE AID TO PAROLE COMMISSION

This bill provided that whenever a parole commission is established by a city, the state shall pay an amount equal to 50% of the actual cost for the operation and maintenance of such a parole commission. This the Association approved. Failed of passage.

### SENATE INTRO. 1639

#### STATE AID TO PAROLE COMMISSION

This bill provided that the state pay the entire cost of a city parole

commission. We disapproved this bill. Failed of passage.

**SENATE INTRO. 1243 REDUCTION OF MAXIMUM SENTENCE TO NEW YORK CITY PENITENTIARY**

This bill provided for the reduction from three years to one year of the maximum imprisonment for a person sentenced to the New York City Penitentiary. In that the new Penal Law to become effective 1 September 1967 contains this provision, we disapproved the bill. Failed of passage.

**SENATE INTRO. 2882 WORK RELEASE**

This bill directed the State Department of Correction to establish a work release program under which prisoners sentenced for not more than two years could be allowed to leave actual confinement during necessary and reasonable hours for work at gainful private employment. While approving the principles because of its restrictive aspects and its failure to provide similar enablement for inmates in county institutions, the Association disapproved the bill. Failed of passage.

**SENATE INTRO. 4877 ESTABLISHMENT OF A PSYCHIATRIC AND DIAGNOSTIC CLINIC AT DANNEMORA**

To provide intensive physical, mental and sociological diagnostic treatment services for those serving felony sentences in institutions under the State Department of Correction, to also include pre-parole diagnostic evaluation when requested by the State Parole Board and the scientific study of social and mental aspects of the causes of crime. We approved this bill. Now Chapter 653 of the Laws of 1966.

**SENATE INTRO. 4749**

**RESIDENTIAL TREATMENT FACILITIES**

This bill provided for the creation of residential treatment facilities in or near places where employment, educational and training opportunities are readily available to which individuals eligible for release on parole not having the proper home, employment or other approved program available can be sent. This the Association approved. Now Chapter 655 of the Laws of 1966.

**SENATE INTRO. 1660 POWER OF THE ADMINISTRATIVE BOARD OF THE JUDICIAL CONFERENCE**

This bill struck out the provisions authorizing the Administrative Board of the Judicial Conference to adopt standards and policies relating to non-judicial personnel of the state unified court system. We disapproved this bill. Failed of passage.

**ASSEMBLY INTRO. 6088 CORRECTIONAL FACILITY FOR DEFECTIVE DELINQUENTS**

This bill required that there be in the Department of Correction a correctional facility for defective delinquents for the care, treatment, and custody of mental defectives over 16 years of age at the Matteawan State Hospital. This the Association approved as amended. Now Chapter 819 of the Laws of 1966.

**ASSEMBLY INTRO. 5691**

**NON-RESIDENTIAL PROGRAMS FOR YOUTH**

This bill authorized the Division for Youth to operate youth development programs in addition to work training programs consisting of non-residential programs including individual and group counseling, remedial and tutorial assistance, recreational and physical fitness sessions, work preparation and training for the improvement of youth under 21 years old to prevent and control juvenile delinquency. The Association approved this bill. Now Chapter 954 of the Laws of 1966.

**ASSEMBLY INTRO. 5835 TEMPORARY COMMISSION ON REVISION OF THE PENAL LAW AND CRIMINAL CODE**

This bill extended until March 31, 1967 the Temporary Commission to revise and simplify the penal law and criminal code. We approved this bill. Now Chapter 446 of the Laws of 1966.

**ASSEMBLY INTRO. 3045**

**COMMISSION TO STUDY JUDICIAL SELECTION PROCESS**

This bill created a Temporary Commission to consider various methods of selecting judges and to make recommendations to the Legislature for changes in the present selection methods. This bill we approved. Failed of passage.

**ASSEMBLY INTRO. 323 SEX OFFENDERS**

This bill provided that where a prisoner has been sentenced for certain sex offenses, he shall not be released on parole except under recommendation of a psychiatric clinic. We disapproved this bill. Failed of passage.

**ASSEMBLY INTRO. 2994 UNIFORMED FORCE OF THE CORRECTION DEPARTMENT**

This bill provided that the uniformed force of the Correction Department shall consist of specified ranks which shall be altered only by creation therein of new positions or ranks with appointments to be made only from lists promulgated as a result of promotional examinations. This bill the Association disapproved. Failed of passage.

## ASSEMBLY INTRO. 749

## PERSONNEL TRAINED IN BEHAVIORAL SCIENCES

This bill appropriated \$500,000 to the Correctional Department to permit the employment and assignment to state correctional institutions of personnel trained in education and behavioral sciences to work more vigorously with inmates for the protection of the community. This bill the Association supported. Failed of passage.

## ASSEMBLY INTRO. 5875 STATE DETENTION FACILITIES

This bill established within the State Department of Correction a state detention facility for the detention of parolees arrested for violation of parole, and for the detention of inmates of other state institutions brought before the courts in the vicinity of the detention facilities established. This the Association approved. Now Chapter 650 of the Laws of 1966.

## ASSEMBLY INTRO. 5874 LEASE OF CORRECTIONAL INSTITUTIONS IN THE CITY OR COUNTY

This bill authorized a commission of correction to lease to any city or county all or part of any correctional institution or facility under its jurisdiction, to be used as an adjunct to a jail, penitentiary or correctional institution for such city or county for the confinement of females sentenced thereto. This the Association approved. Now Chapter 651 of the Laws of 1966.

## ASSEMBLY INTRO. 3844 ABORTION

This bill added to the criteria as to when a physician and surgeon licensed to practice in the state could lawfully perform a therapeutic abortion. This bill the Association approved. Failed of passage.

## APPENDIX "A"

## CORRECTIONAL PROGRAMS\*

By Donald H. Goff

The ferment which began in the field of corrections shortly after World War II and continued with increasing tempo and intensity during the later 1950's and early 1960's, has been markedly accelerated by the national movement to combat problems of poverty. Concern to break the vicious cycle of hopelessness, ignorance, and hostility toward accepted patterns of behavior has added immeasurably to the critical and objective examination of existing correctional programs and major efforts to develop techniques better directed to break the cycle of criminal recidivism.

No longer does a progressive community view crime as a fragmented, isolated aspect of neighborhood life. Nor does a progressive community today consider the solution of crime solely the responsibility of the police, or the courts, or correctional institutions, or parole boards. Citizens increasingly are recognizing that crime is but part of a much broader social complex, related among other factors to equality of opportunity in jobs, housing and education, and to equality in the administration of justice.

In general, the orientation of those involved in solving problems of crime has shifted from a conflict between those advocating a "get tough policy" in handling offenders and those taking a so-called "soft attitude" to the more pertinent approach of seeking solutions through research, study, and development of new and experimental programs.

Communities now view the administration of justice as a continuum which involves laws, police, judicial administration, and a variety of correctional institutions, programs and post-institutional care. Correction *per se* is one focus on this total continuum.

## MAIN STREAMS OF ACTIVITIES

*Pretrial Release Projects*

Among results of the ferment in the administration of justice affecting institutions for the detention of individuals prior to conviction or sentence are pre-trial release projects, patterned after the Manhattan Bail Project initiated by the Vera Foundation in New York City.

\* Chapter on Correction from The Book of the States 1966-67, published by the Council of State Governments.

Courts, because of lack of information on the reliability of defendants appearing before them and on the probability of their reappearing for trial if released, have placed major dependence on monetary surety that they will not abscond. Many individuals unable to post bail have been forced to remain in jail for months pending the outcome of their trials. And many of these have been found not guilty.

In 1961 the Vera Foundation began the Manhattan Bail Project to provide courts with information necessary to allow some individuals charged with crime to be released on their own recognizance (ROR). This project was so successful that it attracted the attention of many outstanding jurists and lawyers, among whom were Supreme Court Justice William O. Douglas and the then Attorney General of the United States, Robert F. Kennedy. To launch a national movement of similar voluntary projects in the United States, the United States Department of Justice and the Vera Foundation sponsored a National Conference on Bail and Criminal Justice in the spring of 1964. Since then forty-two such projects have been started, and they are operating in communities throughout the United States. In the short period of their existence these forty-two projects have seen 20,591 individuals released on their own recognizance. Only 1.3 per cent of those released through them pending trial failed to reappear in court.

An example of the impact on detention institutions can be seen in the fact that over a two-year period some 1,200 persons were released on their own recognizance in Manhattan alone. Had the project not been in operation, these 1,200 individuals would have been held in jail pending the outcome of trial. The financial savings to the community are obvious. The individuals are able to continue their employment and provide for their families; family relief costs thus are saved, in addition to the costs of maintenance in jail. Moreover, fewer of those released pending outcome of trial have failed to reappear for trial than is usually the case when individuals are released on bail.

#### *Statutory and Related Changes*

After receiving an impetus from the Model Penal Code of the American Law Institute, adopted in May 1962 by the American Bar Association, Congress and the legislatures of many states have completed or begun major studies into the effect of the criminal law on the entire administration of justice, and some major revisions already have resulted.

On the national level, the Office of Criminal Justice has been established in the Department of Justice with a mandate to study all aspects of the criminal process, from arrest through rehabilitation, and to observe the ways in which the federal criminal laws are administered.

In the State of New York, a commission was created in 1961 to study and revise that state's penal law and code of criminal procedure. The 1965 legislative session enacted an entirely revised penal law proposed by this commission. The new law will have a marked impact upon the handling of all offenders in the state. One small example is a provision making any individual who receives a sentence in excess of sixty days eligible for parole by a parole panel newly created in each of the counties. Important results are readily obvious, not only in terms of the administrative changes that will be brought about through creation of county parole panels, and the need for county parole officers, but also the effect on the populations of the county jails.

But governmental bodies are not the only ones affected by the overall ferment. Bar associations and law schools have seen a marked increase in the emphasis upon criminal law. Law students in the past two years alone have volunteered to work in fourteen different pre-trial release projects scattered throughout the country. The University of Chicago has created a Center for Studies in Criminal Justice. Its primary aims are to conduct research on problems of the criminal law and its administration, including the disposition and treatment of convicted offenders, and to give specialized education in criminal law at the graduate level, including training in the techniques of social science research appropriate to this field.

#### *Work Release Programs*

In 1913, pioneering legislation, the "Huber Law," was enacted in Wisconsin which allowed prisoners sentenced to county jails to work, attend school, or receive special medical treatment in the community, outside the institution, returning to it at night and remaining there during the weekends and holidays. Only more recently has the work release concept, started in Wisconsin over fifty years ago, been more widely adopted by other states.

In introducing his bill in 1913, State Senator Henry Huber stated: "Committing a man to jail with nothing to employ his time defeats the ends of humanity more often than advancing it, by depriving his family of its breadwinner. Under the proposed law he is shown the error of his ways, given his sentence, and kept employed so his family is not reduced to want."

Since the "Huber Law" was enacted in Wisconsin in 1913, at least twenty-four states have made legal provisions for some form of work-release. And now the Federal Rehabilitation Act of 1965 adds the Federal Bureau of Prisons to the list.

While the early states to adopt this type of legislation restricted it

to minor offenders and misdemeanants, the laws in states adopting the concept more recently have extended the benefits to other classes of offenders as well, including those convicted of serious offenses. Generally speaking, certain groups of offenses and conditions bar an offender from work-release. These include sex and narcotic offenses and life sentences.

The low rate of violation of those in work-release programs—reported by correctional authorities to be under 15 per cent—is one of the reasons for the extension of the benefits of the program to a widening circle of offenders. It has been recognized that for those serving relatively long sentences, the work-release program can provide a gradual transition to community life which is beneficial for many offenders and is needed by them.

A strong argument for work-release programs are the economic benefits which accrue to the community as well as to the family of the incarcerated individual. The usual practice is to deposit his paycheck to the joint account of the inmate and institution authorities. From these earnings, the worker pays some of the cost of his confinement. This ranges, in various jurisdictions, from \$1.50 to \$5.00 a day. The worker also makes some contribution to the support of his family and dependents. This is particularly significant in nonsupport cases in which the man is sentenced for failure to render such support. About 40 per cent of the income of individuals on work-release programs goes for the support of the dependents, while about 35 per cent is allotted for the institutional cost of maintaining the inmate. The value to the community of the allotment of money for both of these purposes is readily observable. Law abiding taxpayers need not bear the full financial cost of maintaining an individual in jail and, in most instances, also to provide for his dependents. A small percentage of the income becomes the individual's share, available to him upon his release, and about the same amount goes for payment of previous debts.

#### *Community Residential Centers*

Research has long shown that the rate of recidivism is highest during the first few months after an offender is released. As a corollary, research has indicated that motivation for change, if it exists, is strongest in the individual at the moment of release. Yet for many offenders release, while eagerly sought, is a bewildering and frightening experience.

To offset this in part, prerelease programs directed toward preparing the offender for his reentry into the community were established in a number of correctional institutions shortly after World War II. Although these are helpful to some extent, preparing an individual for

community life while he is still subjected to the regimentation of a correctional institution lacks the intimate interaction of actual residence in a community setting.

To provide the setting and capitalize on the motivation for change in the offender while it is strongest, and also to provide shelter, support and supervision, halfway houses or community correctional residential centers within the community are being developed. These community residential centers provide a temporary base where the individual lives and from which, when released, he may seek employment, and obtain psychological counseling. Here the community may assume some degree of responsibility for helping the releasee to adjust to his new situation.

Within the last few years more and more states have established such centers. And the Federal Bureau of Prisons presently has five of them in large cities of the United States.

#### *Training of Personnel*

During 1964 and 1965 there has been a growing, country-wide demand for development of more effective, better educated, and more highly qualified personnel in the field of correction.

Unlike the situation in most other vocations, there has been little opportunity for a person interested in working in this area to receive formal preentrance training. The responsibility has fallen largely upon administrators of institutions or correctional departments to organize their own training programs, with little or no funds allotted for this purpose.

To attack the problem on a national basis, representatives of sixty national organizations met in 1964 in an Arden House Conference in New York to consider such areas as recruitment, preentry preparation, post-entry education and training, financing of training, and salaries in the field of correction.

A direct outgrowth of the Arden House Conference was the introduction in 1965 in Congress, and its subsequent enactment, of a Correctional Manpower Training Act to provide for an objective, thorough and nationwide analysis and re-evaluation of the extent and means of resolving the critical shortage of qualified manpower.

In his message to Congress in 1965, President Johnson stated: "We cannot tolerate an endless self defeating cycle of imprisonment, release and reimprisonment which fails to alter undesirable attitudes and behavior. We must find ways to help the first offender avoid a continuing career of crime."

One of the enactments resulting from the President's message was legislation authorizing the Attorney General to make grants to or to contract with any public or private nonprofit agency, organization or

institution for the establishment of programs and facilities to provide professional training and related education of law enforcement and correctional personnel employed, or preparing for employment, in programs for the prevention or control of crime.

This act, signed into law in September 1965, places responsibility in the Department of Justice for administration of a broadly defined grant and technical assistance program, designed to strengthen state and local capabilities in the law enforcement, crime prevention, criminal justice and correctional fields. It is a new and important weapon in the nation's struggle against crime and lawlessness.

#### SPECIFIC STATE PROGRAMS

The following summaries should be considered only as examples of activities in various states, as it is not possible here to cite all of the programs recently inaugurated in the fifty states and by the federal government.

As reported by the Wisconsin Division of Corrections, the past two years have been a period of stabilization for that state's correctional programs. New facilities which opened in 1962, including a prerelease center, began to assume the identity which comes with specialized programs and facilities.

The probation and parole services, both an integral part of the state's Division of Corrections, placed major emphasis upon the recruitment and training of new workers to effect a more favorable agent-caseload ratio. Recognizing the value of structuring case loads, comparable to the common practice of classification within correctional institutions, Wisconsin has initiated a program of early release and intensive supervision of selected male juvenile delinquents. Originally designed to relieve population pressure in juvenile institutions, the project led to the development of selection and supervision criteria. Agents specifically chosen for the project are assigned small case loads of twenty or fewer boys who meet special criteria and are released directly from a reception center. To date the program is confined to Milwaukee County, but preliminary results after a one-year follow-up of releases indicate sufficient success to encourage expansion of the project to other areas in the state.

Wisconsin, long a pioneering state in training correctional personnel, has continued to develop this training. Under a stipend program, an individual who commits himself to work one year for the Division of Corrections for each year of education received, may receive full-time graduate schooling in the University of Wisconsin School of Social Work. By this procedure, the Division of Corrections is developing the supply of qualified social workers it needs for its probation and parole positions. In addition, by a civil service examination

process, individuals are accepted with an undergraduate degree in the social or behavior sciences, provided they participate in a structured in-service training program which includes graduate social work courses offered by the Extension Division of the University of Wisconsin.

Legislative action in 1963 made it possible for wardens and superintendents of institutions to allow inmates to leave the institution grounds for approved rehabilitation activities. This has facilitated programming to the point that inmates of the institutions now engage in a number of activities in nearby communities, such as attendance in meetings of Alcoholics Anonymous, church choir or choral groups, and at exhibits; vocational classes visit industrial plants, and athletic teams and recreational groups engage in competitive sports or benefit from outside facilities which the institutions cannot provide. In addition to broadening the activities offered by the institution, the program allows residents of the community to see inmates as people engaging in normal activities, and thus come to have a better understanding of their needs and tend more to accept them as individuals.

While not as greatly plagued with the narcotics problem as some other states, Wisconsin has developed a Narcotics Control Project in Milwaukee County, where most of the state's narcotic offenders are found. The project consists principally of intensive field supervision of known drug addicts on probation or parole. Case loads are kept at thirty per agent. Plans are under way to establish a halfway house and extend group counseling service to addicts in the community.

The major thrust in Ohio has been in the development and expansion of educational programs in the correctional institutions. During 1965 the Ohio Department of Education "chartered" the educational program of the Ohio State Reformatory in Mansfield. That institution received the full accreditation of the state educational officials; as a result all education credits earned in it are recognized by all Ohio school districts. An additional correction unit, the new Lebanon Correctional Institution, is expected to receive similar accreditation recognition from the state education officials in the near future.

In Illinois the activities of the Department of Public Safety include progress in the training programs for personnel. Within the department's Division of Criminology, in-service training and research programs for personnel have been carried on with the cooperation of several universities and colleges in the state, and intern programs have been launched to help recruit qualified persons for career positions in the division.

Mandatory training for newly appointed correctional officers became effective July 1, 1965, in New York. On that date it reactivated its central training facility, which was lacking for many years due to budgetary restrictions. Earlier, New York had pioneered in training

correctional personnel with its original central guard school at Walkkill Prison.

With the objective of improving the performance of all newly appointed correctional officers by requiring each to complete successfully an extensive training program corollated with his period of probation, New York's formal course will consist of 120 class hours in the central facility plus 40 hours of orientation training at the institution of assignment. Classes in the reactivated central school will include from ten to thirty newly appointed officers.

Comparing the present training program in New York with those few which were in existence in the country in the past, one notes a marked shift in emphasis towards such topics as criminology and penology, basic psychological principles, abnormal psychology, and modern methods of institutional treatment. While custody and security procedures are in the curriculum, there tends to be an emerging deemphasis upon them.

New York's Division for Youth has activated several new programs for handling youth in trouble. Several residential, apartment complexes in large cities have been approved. Here youngsters who need to be removed from their homes, but do not require the regimentation of larger institutions, will live as a condition of probation. These apartment complexes will house five or six boys each.

In another new development, youths of 15, 16 or 17 attend a program conducted by the Division for Youth during the daylight hours, returning to their own homes at night. The central treatment aspects of both of these programs are group counseling and group therapy.

In Pennsylvania, to supplement a basic program which over the past ten years has seen 2,500 individuals trained in field work and the practice and theory of correction, the state recently organized an advanced training course. Topics in the curriculum cover a wide range: the fundamentals of behavior, techniques of counseling and guidance, psychiatric services, educational and vocational programs, civil and constitutional rights, pre-release preparation, security and control measures, and the state's penal code.

New Jersey is another state which has been focusing on personnel training. In addition to basic programs for persons employed in entrance positions, it has been conducting middle and higher management programs for the training of supervisory personnel. Such topics as effective communication, morale and motivation, "the decision process," supervision, and achieving change form the curricula.

For the state's top correctional staff, an executive development program has been inaugurated, involving the superintendents and wardens of institutions. It looks principally at such topics as the role of the superintendent, the superintendent's managerial responsibility,

effective communication, and understanding and motivating people.

Several years ago, in recognizing the problems confronted by individuals released from correctional institutions, New Jersey created a community correctional residential center for releaseses from its male reformatory. The Robert Bruce House, as it is called, is located in the state's largest city, Newark.

In California legislation of 1965 authorized the State Director of Corrections to establish and operate community correctional centers, the primary purpose of which is to provide housing, supervision, counseling and other programs for people committed to the Department of Corrections. The rationale of the legislation creating these facilities was set forth thus:

" . . . A community correctional center will provide in a single vicinity, under a single administrator, a coordinated group of treatment-control programs. Men given parole dates could be moved to such units for pre-parole guidance, for help in job contacts, for assistance in home placement. The parole agent charged with the man's case then could work with him directly to prepare him for release.

"The community correctional centers will provide a controlled, constructive living environment for certain parolees during their initial period in the community. After years in an institution the step to outside living is a major and difficult one. Parolees will be released daily to their work, return during their offtime and will be granted full parole only after satisfactory adjustment.

"Parolees apparently headed into trouble through association with delinquents or criminals or through drinking or similar problems will be returned to the custody of the correctional institution. Community correctional centers established in selected communities will offer additional hope of reducing the number of parolees who return to California prisons."

California is one of the states where work-release programs are in effect for lesser offenders. While these are not used in all counties of the state, data indicate that seven out of eight jail inmates placed on work-furlough complete the program successfully, and that sixteen out of seventeen in the program have had no further jail commitments within one year.

For the release of state prison inmates on work-furlough and comparable arrangements, the 1965 California legislature enacted two bills. These measures authorized the transfer of state prison inmates to local county jails and to state operated community correctional centers for the purpose of participating in work-furlough and their special programs.

Meantime, as a result of a new program authorized by the legislature in 1964, the California Department of Corrections completed a major strengthening of parole services. Under the program about half of the state's 12,000 male parolees are supervised in parole caseloads averaging thirty-five parolees instead of the usual seventy-five. Parolees are assigned to small or large caseloads through a rating system which considers the amount of the parole agent's time required for effective supervision. Parolees with a history of violent behavior or use of narcotics are placed under agents with small caseloads. This program, which became operative early in 1965, followed the employment of 100 new parole agents, the screening of all male parolees for caseload assignment, and the establishment of a new administrative organization.

Colorado, while not confronted with a major narcotics problem, has exhibited its sensitivity to the need to be prepared for a possible increase. Although having a relatively small problem in drug addiction, the state has sent personnel for training in the United States Public Hospital at Fort Worth, and has developed group therapy programs for the inmates in its correctional institutions who are addicted to narcotics.

Recognizing that the most critical time for addicts as well as released offenders is the period immediately after they leave an institution, Colorado has developed group therapy sessions in the community for parolees, to provide the support they need to prevent their reverting to the use of narcotics. Coupled with group therapy after release, and as a condition of parole, addicts must submit to clinical tests to determine if they have reverted to using narcotics. That this procedure has been helpful is attested by the state's Chief of Correction.

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## APPENDIX "B"

### THE CULT OF CHEMICAL COMFORTS?\*

Lest there be any misunderstanding on what I am going to talk about tonight, let me explain at the onset that I am neither a theologian nor a philosopher, an atheist nor a religious zealot. For this reason I will not be focusing attention on the H-bomb of all psychodelics—LSD 25—one two hundred thousandths of an ounce of which can put a person into a temporary psychosis. Putting it another way there'll be no "turning on, tuning in and dropping out" here tonight.

Nor will I be overemphasizing heroin, pot, mescaline, or any other specific chemical substance.

On the contrary, to me it is unfortunate that so much attention is being paid to a few specific substances which produce dramatic effects, for while loud and vociferous arguments and discussions on heroin and LSD are in front of us, it is possible that the very ground beneath us is being entirely undermined by a growing tendency much less dramatic than a "trip" or a "shoot-up" but possibly much more deleterious.

My proposition tonight is that a great mass of Americans have joined "cults of chemical comfort." People who seek and find their inspiration not in prayer and song but in amphetamine capsules. People who put their trust not in firmly rooted beliefs and ideals but in Milltown. With the flourishing development of new mood changing drugs in the past fifteen years, many assume that whether they seek escape, stimulation, companionship, sleep, or exhilaration, a magical chemical button is close at hand. I am not referring to the proper use of medically prescribed nostrums, although there are some who criticize what they call the medical profession's "over liberal and too ready pill dosing of patients," but rather to the abuse not only of so-called soft drugs which produce a psychotoxic effect but also widely advertised proprietaries which claim to induce sleep or exhilaration, peace or calmness—the use of drugs that is entirely independent of physical symptoms or needs. It is not the direct effect of the drug—sedation or stimulation—which influences the development of psychic dependence. It is the interpretation of this effect as euphoria and the use of the drug to escape from reality.

The repeated use is seen by the abuser as a way of "solving life's problems." Eventually, the tendency to solve or hide from problems through the use of drugs interferes with normal living. This is true of individuals in all social and economic classes.

As is the case in any new area of exploration, there is a scarcity—

\* Prepared for presentation by Donald H. Goff at New York University, October 13, 1966

no almost a complete lack of hard factual data. Just as we will never know the true extent of crime in this country, so will we never know the true extent of the abuse of mood manipulators nor the total number of "pill poppers" in the United States.

The most recent release of the United States Department of Commerce on pharmaceutical preparations shows that of the total pharmaceutical preparations shipped by the large drug manufacturers in 1964 for human use, eight hundred and eighteen million dollars worth at wholesale value were preparations acting on the central nervous system and sense organs. Put another way the large manufacturers reported that the dollar value of shipments of pharmaceuticals acting on the central nervous system, based on their net sales amounted to eight hundred and eighteen million dollars. Eight hundred and eighteen million dollars at wholesale value. What the retail value or what the American public spends each year for tranquilizers or amphetamines, sedatives and hypnotics, sleep inducers and calming agents can only be projected. It should be noted that this eight hundred and eighteen million dollar figure does not include the products of manufacturers with less than one hundred thousand dollars annual volume in shipments.

It is interesting that tranquilizers accounted for two hundred and twenty million dollars of this total, amphetamines fifty five million dollars, barbiturates twenty five million dollars, sleep inducers and calming agents twelve million dollars, and aspirin and aspirin combinations two hundred and twelve million dollars. How many individual tranquilizer tablets are represented in the two hundred and twenty million dollar figure is not reported. Assuming that the mark-up to retail price is the same for vitamins and tranquilizers, the American public is now spending more on being tranquilized than on vitamins. The wholesale value of shipped vitamins the same year was only one hundred and ninety million dollars.

Periodically, but with much too much regularity, one reads accounts in the newspapers of the death of a well known person due to either an overdose of barbiturates or the synergetic affect of the combination of alcohol and barbiturates. These individuals generally had received their medication through legal sources so should not be looked upon as being criminals, but rather as victims of a culture which emphasizes chemical support.

In addition to the legal manufacture and traffic in what have been termed "dangerous drugs" there appears to be a growing market in the illegal manufacture and traffic of these substances. So much so that Congress on the recommendation of the President's Advisory Commission on Narcotic and Drug Abuse and itself feeling the situation to be out of hand, amended the Federal Food, Drug and Cosmetic Act to enable the Food and Drug Administration to crack down on

illegal manufacture and traffic.

Normally and legally, drugs move from manufacturers to wholesalers to community or hospital pharmacies. Many manufacturers also sell to pharmacies and hospitals direct without the intervening wholesaler. Pilferage or illegal sale at any of these distribution points can move large quantities of drugs from the legal channels of distribution to the abusers hands.

Each year a very small number of arrests are made for illegal sales by pharmacists and physicians. The Food and Drug Administration recorded only 74 such arrests in a year and there are more than 300,000 physicians and pharmacists in the country.

Clandestine drug manufacturers—operating illegally in garages, basements and warehouses—are thought to be a major source of illegal drugs. Their counterfeit products are, in appearance, exact duplicates of the legitimate drug. However, the counterfeit drug's therapeutic effect is often deficient due to inadequate quality control and many are contaminated and may be dangerous.

Another source of supplying the black market is a manufacturer who uses a legal front to turn out quantities of drugs for illegal sale. Many authorities feel that this is the principle source of drugs found in illegal channels.

The extent of the illegal traffic in barbiturates and amphetamines alone each year has been estimated to be enough to provide each adult in the United States with a daily dose for 50 days. This accounts only for those which are sold through the black market and does not include the forged prescription blanks, the altered legitimate prescriptions increasing the number of tablets or capsules or the altered directions for refills to allow for unlimited refilling.

In order to seal off this possible source, the new Act invalidates any prescription after it is six months old and limits the refills to only five.

Some drug abusers become proficient at inducing physicians to write prescriptions for them. They study medical journals and relate a lengthy medical history that calls for a stimulant, barbiturate or narcotic. Or the abuser may tell the doctor about the wonderful relief he received from a certain drug that his former doctor prescribed.

The new law which became effective the first of February this year brings under control stimulants, depressants, and hallucinogens.

The stimulants include drugs which directly stimulate the central nervous system, produce excitation, alertness, wakefulness and, in some cases, a temporary rise in blood pressure and respiration. Amphetamines are the most widely abused of the stimulant drugs.

Amphetamines have a wide application in current medical practice. They have been used for many years by physicians in treating a variety of mental diseases, principally mild ones. Mood disturbances often improve with the amphetamines. Doctors also frequently pre-

scribe amphetamines for patients who are seriously overweight. Amphetamines appear to exert a specific effect on the appetite center in the brain and, by improving the patient's mood, lessen psychic dependence on food.

Because the amphetamines and related compounds are stimulants, they tend to make tired people feel alert and depressed people feel "alive." Unfortunately, these alert feelings seem to have a special appeal to some people and are the major factor underlying amphetamine abuse.

Because tolerance develops with the amphetamines, many patients can take high doses without permanent physical damage, if dosage is increased gradually. However, in a few instances, a drug psychosis resembling schizophrenia can develop with excessive daily doses. This drug induced psychosis is characterized by delusion and hallucinations, both visual and auditory. The individual may think for example, that he is being followed by enemies or that he hears voices talking to him. These disturbing symptoms usually disappear rather quickly upon withdrawal of the drug.

There is no question, however, that a psychic or emotional dependence may develop, and that this type of dependence can be a considerable problem.

Since amphetamines and barbiturates are frequently used together or alternately by abusers, an amphetamine user should be carefully observed for signs of barbiturate withdrawal.

The depressants (the sedatives and hypnotics) include a number of drugs such as the barbiturates, which are the most widely abused of the depressants.

Barbiturates have numerous and important medical uses. They depress the central nervous system and, therefore, doctors prescribe barbiturates for a variety of sedative actions.

An important use is to produce sleep. Due to the variety of barbiturate drugs available, the physician can choose from short acting, intermediate acting, and long acting barbiturates, depending upon his patients symptoms.

Barbiturates are also frequently used just for their sedative or calming effect. This effect is particularly valuable in anxiety states, hyperthyroidism, and high blood pressure.

When barbiturates are subject to chronic abuse, they may be more dangerous than heroin. Physical dependence develops with chronic, excessive use. Tolerance to barbiturates is never complete, and symptoms of toxicity appear which serve to characterize the barbiturate user. These include slurring of speech, staggering, falling from lack of balance, quick temper, and a quarrel-some disposition. Overdoses produce coma, during which pneumonia is an ever present danger, and can cause death. Reports indicate that up to 15% of the suicides

are by an overdose of barbiturates. Most of these are women.

Sometimes, barbiturates and alcohol are taken together to produce a "cheap drunk." Whether done intentionally or the individual on barbiturates has a number of cocktails not knowing of the synergetic effect of alcohol and barbiturates, death can result. It is this that we frequently read about in the newspaper.

Although physical dependence does not develop with the doses normally used in medical practice, it does occur with the excessive doses encountered in drug abuse. When barbiturates, taken in large quantities, are suddenly discontinued in the addict, withdrawal symptoms develop which are usually far more dangerous than those resulting from heroin withdrawal.

Hallocinogens include drugs such as LSD and Mescaline which are known to cause hallucinations. LSD, an organic chemical compound which was first synthesized in 1938, has been in investigational use for more than 20 years and its therapeutic value is still undetermined. It is an extremely powerful drug many times more potent than Mescaline and as you know has recently become the object of much attention.

Because of the growing abuse of LSD, the only legal manufacturer and investigator of the drug voluntarily ceased manufacture in April of this year and turned its entire supply of LSD over to the Federal government. The government has taken steps, also, to curb the illegal traffic in lysergic acid amide, chemicals from which LSD can be made.

To enforce the new law 200 specially trained investigators in a newly created bureau of drug abuse control within the Food and Drug Administration will be working out of 9 field offices throughout the country. The number of agents involved is slightly less than 1/2 of the total of agents in the Federal Bureau of Narcotics, which together with Customs is principally responsible for controlling the illegal traffic in heroin.

As serious as the black market is in the so-called soft drugs—the psychotoxics—barbiturates, amphetamines, and the pschodelics—and as wide spread as the medical use of barbiturates and amphetamines may be, one ponders about a growing dependence upon mood manipulators when one reads the advertisements in the sub-way—advertising which is extremely expensive and which must bring results in the sale of the product. One such large spread advertisement has as its slogan "Headache, take aspirin, tension take . . ." It goes on to ask or rather suggest that a normal individual needs the product so that they are not "set off and disorganized by the least little tension."

"What happens to a woman under the normal stress of raising a family, cooking, cleaning, picking up the children,



"All right, darling, but you know the kind of headaches I get. I need the tablets with twice the pain-relieving power of regular aspirin."

"Right, Marge, and here they are. Tablets with twice the pain-relieving power."

"Check."

"Antihistamine pills to relieve hives and other common allergies."

"Check."

"Pills to prevent motion sickness."

"Just a minute, Bill. The antihistamine makes you drowsy, you know. Better give me the benzadrine right now so we'll be sure to have something to counteract the antihistamine."

"Good thinking, Marge. Benzadrine to pep us up after the antihistamine peps us down."

"Check. Now hand me the pills to prevent motion sickness."

"Anti-motion/sickness pills. What next, Marge?"

"The sleeping pills."

"Of course. How could I have overlooked the sleeping pills?"

"We'll thank our lucky stars for sleeping pills, Bill, on nights after we've taken benzadrine to prevent the antihistamine from putting us to sleep. Now, what about something to suppress cold symptoms?"

"Here's just the thing. Thousands of tiny time capsules."

"Thousands of tiny time capsules. Check. Now I'll run down the list and see what we've overlooked. Vitamin pills, aspirin tablets, tablets with twice the pain-relieving power, antihistamine pills, benzadrine to pep us up after the antihistamine peps us down, sleeping pills to pep us down after the benzadrine has pepped us up, motion-sickness pills, and thousands of tiny time capsules to suppress cold symptoms. What else do we need, Bill?"

"The pills to prevent a family enlargement."

"Check."

"Tablets to relieve heartburn."

"Check, and don't forget, Bill, stomach-alkalizing tablets to relieve excess gastric acidity."

"Right here, Marge. Now, we're getting into the hot season and we're going to be losing a lot of body fluids through perspiration. Don't you think we should pack the salt tablets?"

"I don't know about you, but it would spoil the whole trip for me if my body-salt level fell below par. Hand them down. And don't forget the iron pills to keep our blood from getting tired."

"Iron pills coming at you. What else?"

"Well, with the vitamin pills and the iron pills, we're liable to develop voracious appetites, darling, and eat more than is good for our waistslines. Why don't you put in the saccharine tablets to help reduce our caloric intake?"

"You're thinking about the body's chemical balance all the time, Marge. You should have been a doctor. Hey, I almost forgot! The tranquilizers!"

"Of course! As long as we've got the tranquilizers nothing can possibly interest us during the whole trip. But the drugcase is getting so heavy I don't think we should put in anything else."

"Read me the whole list."

"Okay. Vitamin pills, aspirin tablets, tablets with twice the pain-relieving power, antihistamine pills, benzadrine to pep us up, sleeping pills to pep us down, motion-sickness pills, thousands of tiny time capsules to suppress cold symptoms, pills to prevent family enlargement, heartburn tablets, tablets to relieve excess gastric acidity, salt pills, iron pills, saccharine tablets and tranquilizers."

"We forgot the LSD cubes! Without the LSD cubes we won't be able to take a trip into our minds!"

"But why in the world do we want to take a trip into our minds, Bill?"

"See this list of pills Marge? All these pills are going into our stomachs. We want to be someplace else when they start arriving."

What does all this really mean? What are some of the broader implications? Does it point to two hundred million people seeking escape from reality? The frightening aspect of all of this is that it would seem that the American people are using chemical crutches to escape from living itself. Is it possible that the robots, some of our science fiction writers have described as eventually controlling the world will be flesh and blood individuals manipulated and controlled by pills?

It is estimated that there are already six million individuals addicted to alcohol—individuals not able to function properly nor maintain meaningful inter-personal relationships. If we add to this number the growing number of pill poppers one wonders about the future.

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**THE CORRECTIONAL ASSOCIATION'S  
FINANCIAL STATEMENT**

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THE CORRECTIONAL ASSOCIATION OF NEW YORK  
GENERAL FUND  
STATEMENT OF INCOME AND EXPENSES  
YEAR ENDED DECEMBER 31, 1966

INCOME

Donations—Special Purposes:

The Greater New York Fund .....	\$ 3,805.00	
Grand Street Boys Fund .....	2,401.46	
Other Funds .....	1,976.30	
Total .....	<u>8,182.76</u>	

Donations—Unrestricted .....	<u>26,267.13</u>	\$34,449.89
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Endowment Income

Dividends .....	32,815.10	
Interest .....	<u>23,151.75</u>	55,966.85

Sale of Handbook .....		1,715.92
Miscellaneous .....		<u>223.47</u>

Total Income .....		<u>92,356.13</u>
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EXPENSES

General Administration .....	30,891.33	
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Direct Services:

Financial Aid—Prisoners and Families

(cash, food, clothing, etc.).. \$14,113.95

Family Service Bureau—

Administration .....

Employment Bureau—

Administration .....

6,961.25 27,080.45

Printing of Handbook .....

Travel Expenses .....

Equipment, Supplies, Printing and Stationery....

Postage .....

Telephone and Telegraph .....

Professional and Legislative Services.....

Investment Custodian Fees .....

Membership, Periodicals and Miscellaneous....

House Maintenance .....

Annual Report .....

Pensions .....

Employees Retirement Plan .....

U.S. Old Age Benefits Tax .....

Disability and Workmen's Compensation .....

Insurance .....

323.89

Total Expenses .....

Excess of Expenses over Income .....

\$3,116.51

AUDITORS' REPORT

We have audited the books, accounts, minutes and other records of The Correctional Association of New York for the year ended December 31, 1966. In our opinion the statement of income and expenses shown above presents fairly the results of the operation of the General Fund for that year.

New York, N.Y.

April 24, 1967

WEBSTER, HORNE & ELSDON

Certified Public Accountants

## CONSTITUTION AND BY-LAWS

An Act to Incorporate The Correctional 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 Correctional 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.

\* FORMERLY, The Prison Association of New York. At a special meeting of the members, the name was changed on February 1, 1961 to The Correctional Association of New York and this change was duly recorded with the Secretary of State.

### 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 consist 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 ordered 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 expenditures of said executive committee and generally all such facts and particulars as may exhibit the operations of 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 employment 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 duty 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.

It shall be the duty of the committee on probation and parole to be associated with the operation of the probation, parole and employment bureaus of the association, and, from time to time, to make recommendations in respect thereto.

It shall be the duty of the committee on prison administration to consider the internal organization and management of county jails, penitentiaries, reformatories and State prisons, and the welfare of persons confined therein.

X. The committee on finance shall be charged with the duty of raising and caring for the funds.

The funds of the association shall be divided into two parts to be known as

1. The endowment fund.

## 2. The general fund.

*The Endowment Fund.*—The endowment fund shall consist of such contributions as shall be given with the restriction that the income only shall be used for the purpose of the association, and all legacies.

*The Endowment and General Funds.*—The endowment and general funds shall be under the immediate direction and control of the committee on finance, and all investments of the endowment fund shall be ordered by the committee, of which the treasurer shall be a member and chairman.

The securities belonging to the association shall be kept in a custodian department of an institution selected by the members of the committee on finance.

The executive committee may in their discretion draw upon such portions of the endowment funds as are unrestricted, for the general purposes of the Association.

*The General Fund.*—The term "general fund" shall cover all receipts of the association not constituting a special fund or specified for the endowment fund, the intention being that all the income, except legacies, including donations for general purposes, and income from endowment fund, shall be credited to the general fund to which the authorized disbursements of each activity of the association shall be charged at the close of the fiscal year.

The treasurer shall notify the corresponding secretary immediately upon receipt by him of any sum for the account of the association that such receipt may be entered at once to the credit of the proper account on the books of the association.

The corresponding secretary shall be the general disbursing agent of the association, the object of the provision being to keep in the central offices of the association, all receipts for payments by him for the association of any kind, nature or description and to have in the central offices immediate record of all his disbursements.

All donations received by the corresponding secretary shall be entered by him upon the proper books of the association and then deposited in such bank as directed by the treasurer to the credit of the association. Whenever the executive committee shall make an appropriation out of the general fund the corresponding secretary shall send to the treasurer a copy of the resolution making the appropriation, certified by the recording secretary, which certified copy shall be the treasurer's authority for transferring the appropriated amount to the corresponding secretary.

The treasurer shall keep an account covering the general fund in the name of the association. All bank accounts of the Association,

except the bank account of the corresponding secretary for current disbursements, shall be subject to the check of such member of the Committee on Finance as shall be designated by the Executive Committee.

The corresponding secretary shall keep a bank account in the name of the association, subject to his check as corresponding secretary for current disbursements, and shall deposit to the credit of said bank account all moneys he may receive from the treasurer drawn from the general fund.

The committee on finance shall arrange for annual audits of the accounts of the treasurer and of the corresponding secretary.

At each regular meeting of the executive committee the treasurer shall make a detailed statement of the receipts and disbursements for the preceding calendar month. He shall make a statement showing the investments and the receipts and disbursements of the endowment fund; he shall make, at the annual meeting of the association, a detailed statement of receipts and disbursements for the fiscal year.

XI. It shall be the duty of the committee on law to examine and report from time to time upon the penal legislation of the State, with their suggestions for the amendment thereto, to consider questions relating thereto which are under discussion in the press or the legislature, including pending bills, and report their views and conclusions upon them, also to care for the law business of the association.

XII. One or more agents may be appointed by the executive committee to assist the standing committees in their duties.

XIII. The president, chairman of the executive committee, and corresponding secretary shall be members, *ex officio*, of all the standing committees.

XIV. No alteration shall be made in these by-laws, except upon notice of the proposed amendment given at a previous meeting of the executive committee.

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; provides, 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 fourth 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 fourth Thursday of January in each year at an hour and place to be designated by the executive committee.

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. Report 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.

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:

\* As amended by the Executive Committee of the Association, December, 1931; February, 1938; May 1954; and May, 1961.

\* The position of Associate Treasurer was created by the Executive Committee at its meeting in May, 1961

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 name 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.

It shall be the duty of the committee on probation and parole to be associated with the operation of the probation, parole and employment bureaus of the association, and, from time to time, to make recommendations in respect thereto.

It shall be the duty of the committee on prison administration to consider the internal organization and management of county jails, penitentiaries, reformatories and State prisons, and the welfare of persons confined therein.

X. The committee on finance shall be charged with the duty of raising and caring for the funds.

The funds of the association shall be divided into two parts to be known as

1. The endowment fund.
2. The general fund.

*The Endowment Fund.*—The endowment fund shall consist of such contributions as shall be given with the restriction that the income only shall be used for the purpose of the association, and all legacies.

*The Endowment and General Funds.*—The endowment and general funds shall be under the immediate direction and control of the committee on finance, and all investments of the endowment fund shall be ordered by the committee, of which the treasurer shall be a member and chairman.

The securities belonging to the association shall be kept in a custodian department of an institution selected by the members of the committee on finance.

The executive committee may in their discretion draw upon such portions of the endowment funds as are unrestricted, for the general purposes of the Association.

*The General Fund.*The term "general fund" shall cover all receipts of the association not constituting a special fund or specified for the endowment fund, the intention being that all the income, except legacies, including donations for general purposes, and income from endowment fund, shall be credited to the general fund to which the authorized disbursements of each activity of the association shall be charged at the close of the fiscal year.

The treasurer shall notify the corresponding secretary immediately on receipt by him of any sum for the account of the association that such receipt may be entered at once to the credit of the proper account on the books of the association.

The corresponding secretary shall be the general disbursing agent of the association, the object of the provision being to keep in the central offices of the association, all receipts for payments by him for the association of any kind, nature or description and to have in the central offices immediate record of all his disbursements.

All donations received by the corresponding secretary shall be entered by him upon the proper books of the association and then deposited in such bank as directed by the treasurer to the credit of the association. Whenever the executive committee shall make an appropriation out of the general fund the corresponding secretary shall send to the treasurer a copy of the resolution making the appropriation, certified by the recording secretary, which certified copy shall be the treasurer's authority for transferring the appropriated amount to the corresponding secretary.

The treasurer shall keep an account covering the general fund in the name of the association. All bank accounts of the Association, except the bank account of the corresponding secretary for current disbursements, shall be subject to the check of such member of the Committee on Finance as shall be designated by the Executive Committee.

The corresponding secretary shall keep a bank account in the name of the association, subject to his check as corresponding secretary for