

STATE OF NEW YORK

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THE NINETY-SIXTH ANNUAL REPORT

OF THE

Prison Association of New York

135 East 15th Street, New York

1940



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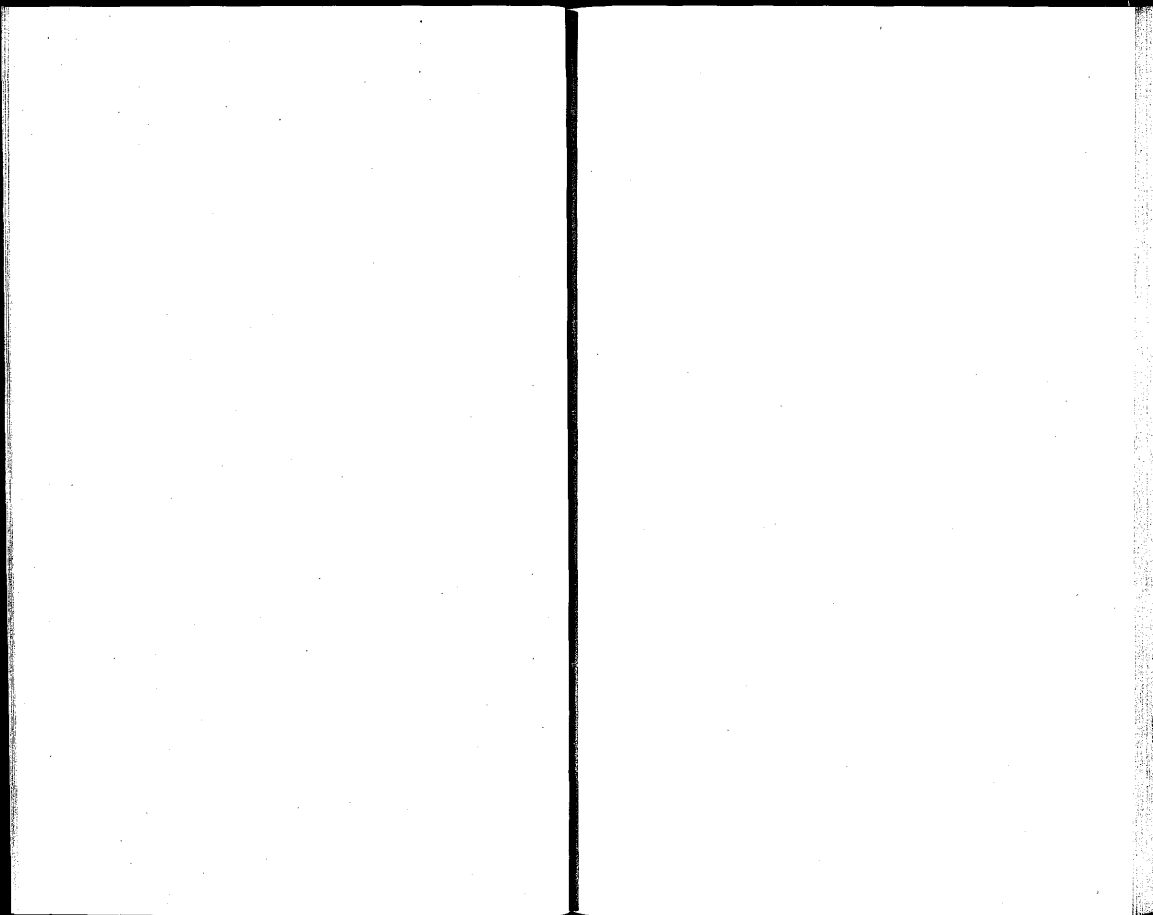
## PREFACE

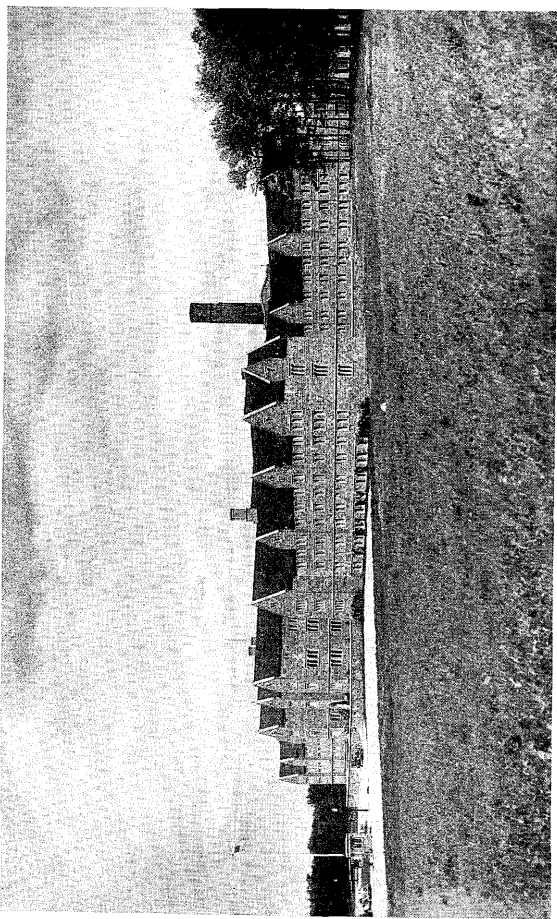
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This is an official report of the Prison Association of New York to the Legislature of the State of New York, which has been made annually since 1845, and constitutes the ninety-sixth of the series.

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

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





Wallkill State Prison, Wallkill, New York.

## THE PRISON ASSOCIATION OF NEW YORK

In the latter part of the year 1844 there appeared in the papers of this city a notice addressed to the public, and signed by the President of the Board of Inspectors\* of Sing Sing Prison, inviting "the attention of the benevolent to the destitute condition of discharged prisoners." Soon after the publication of this notice a meeting was held, and that meeting marked the birth of the Prison Association of New York, the first organization of its kind in the State. At the meeting it was decided that the scope of the Association's activities should not be limited solely to the care of the discharged prisoner, but that the Association should concern itself intimately and generally with the treatment of the prisoner, regardless of his place of detention. In other words, at the beginning, the sponsors of the Association recognized the importance and gravity of the crime problem and were not content to confine themselves to one phase of it. By an act of the Legislature the Association was incorporated in 1846 and given authority to visit and inspect the prisons and required to report annually to the Legislature. (See Preface, page 3.)

So the Association has gone on, year after year, unceasingly, and with earnest alertness, combating those things which impede progress in the solution of the crime problem, and initiating and giving utmost support to endeavors that indicated a forward movement. It has been faithful in endeavoring to reform those who have become criminals; in aiding the discharged prisoner and helping him to lead an honest life; guiding and helping destitute mothers, wives and children of men in prison; making prison conditions humane and effective, and securing legislation to improve court procedure and the administration of institutions.

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\* The managing body of the prison.

## CONTENTS

	PAGE
Preface .....	3
Origin and Purposes of the Association.....	5
Officers for 1940.....	9
Standing Committees for 1940.....	10
Letter of Transmittal.....	11
Recommendations to the Legislature.....	13
The Year in Review.....	28
Professional Services, State Department of Correction.....	28
Youth Correction Authority.....	29
The Forgotten Adolescent.....	30
Wallkill State Prison .....	30-39
Classification Plan .....	32
Central Guard School .....	33
The Psychopathic Delinquent .....	33
Commission on Education .....	34
New City Prison, Manhattan.....	35
Electrocution at Sing Sing.....	35
Rhode Island Civil Service.....	35
Transit Employees with Prison Records.....	36
Regional Conferences on Probation and Parole.....	36
The Prison World .....	36
Prison Chaplains' Regional Conference.....	37
Ex-Prisoners and Military Service.....	37
Regional Conference, National Jail Association.....	37
Courses of Instruction in Criminology and Penology.....	37
Prison Administration—An Educational Process.....	38
Prison Labor Legislation .....	38
Fordham Hospital Prison Wards.....	39
Onondaga County Penitentiary .....	39
Raymond Street Jail .....	40-51
Printing in State Institutions.....	41
Legislation .....	41-61
American Prison Association Congress.....	41-68
Consultation Service .....	42
Foreign Contacts .....	42
International Penal and Penitentiary Congress.....	42
Tombs Interviews .....	42
Employment and Relief Bureau.....	45
Family Service Bureau .....	48
Medical Guidance Service .....	51
Psychiatric Service .....	57
Legislation .....	61
Seventieth Annual Congress of The American Prison Association.....	68
Congress Resolutions .....	72

	PAGE
Department of Correction, City of New York.....	76
Penitentiary of the City of New York.....	76
City Prison, Manhattan.....	79
Seventh District Prison.....	80
City Prison, Brooklyn.....	81
House of Detention for Women.....	82
Reformatory Prison, Harts Island.....	83
Budgetary Appropriations.....	84
New York State Department of Correction.....	85
Sing Sing Prison.....	85
Great Meadow Prison.....	87
Attica Prison.....	87
Clinton Prison.....	88
Auburn State Prison.....	89
Walkill Prison.....	89
Elmira Reformatory.....	91
Westfield State Farm.....	93
Youth Justice (Appendix A).....	95
Youth Correction Authority Act, Preliminary Draft (Appendix B).....	107
Parole Can Be Successful (Appendix C).....	117

## THE PRISON ASSOCIATION OF NEW YORK

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[9]

**STANDING COMMITTEES FOR 1940**

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[10]

**NINETY-SIXTH ANNUAL REPORT OF THE PRISON  
ASSOCIATION OF NEW YORK**

*February 3, 1941*

HON. CHARLES POLETTI,

*Lieutenant-Governor of New York:*

Sir.—In accordance with chapter 163 of the Laws of 1846, we have the honor to present the Ninety-sixth Annual Report of the Prison Association of New York, and to request that you will lay the same before the Legislature.

Respectfully,

THE PRISON ASSOCIATION OF NEW YORK

By EDWIN O. HOLTER, *President*  
E. R. CASS, *General Secretary*

[11]



## RECOMMENDATIONS\*

February 3, 1941

To the Honorable Members of the Senate and Assembly:

In accordance with Chapter 163 of the Laws of 1846, we have the honor to present the following recommendations, as a *part* of the 96th Annual Report of The Prison Association of New York, to the Legislature, and urge that they receive your serious consideration.

Respectfully submitted,

THE PRISON ASSOCIATION OF NEW YORK

E. O. HOLTER, *President*

E. R. CASS, *General Secretary*

### I. USE OF IDLE MAN-POWER IN CORRECTIONAL INSTITUTIONS FOR NATIONAL DEFENSE

It is urged that the Legislature record itself with the proper state and national authorities as approving the use of idle man-power in correctional institutions as an aid to the National Defense Program. To this end the Legislature should explore the full possibilities of such labor.

#### Comment

There need be no discussion as to the need for a National Defense Program, and it is generally conceded that skilled labor and equipment are in demand. This being so, the Association is of the opinion that, so far as practicable, the potential man-power in correctional institutions be utilized as an aid to national defense.

The one great contemporary problem of prison administration is that of prison labor. Federal and State legislation restricts operations almost to a nullifying minimum. Hundreds of prisoners are employed on what might be termed "made work," but they are otherwise not directing their talent and ability to the greater welfare and safety of the people of the State.

The Governor of the State of New York has, from time to time, manifested a deep concern over the problem of defense preparations, and it would therefore seem that the possibilities of using this potential man-power should be fully explored.

\* Each member of the Legislature received a copy of the Recommendations on February 3, 1941.

## II. YOUTH CORRECTION AUTHORITY PROPOSAL

It is recommended that study and consideration be given the American Law Institute's proposed Youth Correction Authority Act. This Act pertains to the treatment process of youthful offenders between the ages of 16 and 21 and should be given consideration in the light of local conditions.

### Comment

This proposal is sponsored by the American Law Institute in cooperation with other agencies, and representatives of the Prison Association of New York have been closely identified with its progress in the discussion stage for many months. The proposal is based on intelligent and painstaking deliberation, and is not revolutionary, not visionary, not idealistic beyond conception. It has a definite practical and constructive value. It is immediately agreed by all who give this matter serious thought that our present procedure of dealing with the adolescent offender is not designed to produce dividends to society in proportion to the investment. For example, it has been ascertained by wholly reliable authorities that youths from 16 years up to 21 constitute only one-eighth of our total population over 14 years of age; yet they produce one-fifth of our criminals. They are responsible for 26 per cent of our robberies and thefts, some 40 per cent of our burglaries, and account for nearly one-half of the automobile thefts.

Continuing to refer to national statistics, it is noted that youths come before the court for serious crimes twice as often as adults of 35 to 39; three times as often as those from 45 to 49; and five times as often as those from 50 to 59. The records covering the first nine months of 1940 indicate that persons 19 years of age were most frequently arrested. In fact, practically one-third of all persons arrested were under 25 years of age. Furthermore, more than one-half of all persons arrested during the first nine months of 1940 had previous arrest records.

While our ideal is to prevent the first offender from gaining that stigma, it must be admitted that the crime problem would be radically eased were we in a position to prevent a second act of criminality on the part of those who are first offenders. The solution to many of these problems would not appear to be difficult beyond conception because it is acknowledged that many jails, reformatories and prisons are crime breeders. The failure of society to provide adequate treatment programs contributes further to this problem. It is known, for example, that throwing the majority of first offenders into jail for varying periods of time, while they await the slow-moving wheels of justice, helps to broaden this vicious circle of crime. Studies conducted locally by the New York Law Society disclosed that 74 per cent of all adolescent defendants charged with felonies and serious misdemeanors in Manhattan, Brooklyn and Queens and who were not finally sent

to prison, were nevertheless confined in jail awaiting disposition of their cases. We are not hesitant to say that undoubtedly many who were ultimately released are now well versed in the ways of criminality.

The Youth Correction Authority Act, as this proposal is known, relates to the treatment of young offenders between the ages of 16 and 21 after conviction. It does *not* interfere with the process of arrest, accusation and conviction. It provides for commitment to a Youth Correction Authority which body is responsible for the proper treatment of offenders so long as may be necessary in the best interests of the public. This may involve institutionalization or it may be release under supervision. The proposal provides that offenders be released from the jurisdiction of the Youth Correction Authority when they have concluded that further treatment is unnecessary in the interest of public welfare. The Act makes it possible for offenders to be under the jurisdiction of the Authority for the balance of their life if this be necessary. The individual is the all-important factor in the plan, and the Act would seek to eliminate the haphazard unevenness of the application of penalties and other contradictory processes often found in the present system. The Act is *not* an attempt to destroy any program or system that uses recognized and acceptable standards. It is not a job-demolishing scheme nor is it the setting up of a meddling body. It is, however, a means whereby there will result a fuller and more dispassionate consideration of the individual offender to the end that he will be exposed to the best kind of treatment, whether it be through probation or an institutional program and finally parole.

The Prison Association of New York urgently recommends that this entire plan be thoroughly investigated and considered in the light of local conditions as a procedure for the handling of the adolescent offender in New York State.

## III. FURTHER RESTORATION OF PSYCHIATRIC AND OTHER PROFESSIONAL SERVICES

It is recommended that the psychiatric, psychological and allied professional services eliminated in 1939 *continue to be restored* to the State Department of Correction.

### Comment

The Association holds to the firm belief that penal and correctional institutions in order to be of lasting value to society must do more than merely detain offenders for varying periods of time. If the hundreds of thousands of dollars poured annually into the administration of prisons is to be considered an investment then dividends in the form of rehabilitated prisoners should eventually be the result. This, however, remains as theory unless professional services are made available. There can be no intelligent program of treatment without the benefits of psychiatric, psychological and

other allied services, and we continue to feel that the deletion of these services from the budget in 1939 had a telling effect. It is gratifying to note, however, that some of these positions were restored subsequently, but unfortunately not to their previous level.

There is still the need for making these services more articulate in the prisons, especially towards the determination of personality and the deficiencies of the individual as well as his capabilities and the determining of any behavior problems.

The professional services can perform a valuable function in the prescribing of suitable treatment and effecting its correlation with the whole institutional program. Administratively, those professional services are an aid in the control of discipline. Progressive prison wardens throughout the country are recognizing the relationship of professional services to the discipline problem and the officials of this State should not be without these benefits.

In the final analysis, one of the most important tasks of this service is the evaluating of the individual offender as a guide to the deliberations of the Board of Parole. It is important to know what kind of a person a prisoner was some years ago, *but it is far more important* to understand as scientifically as possible, what he is at the time of eligibility for parole. The professional services are in an advantageous position to ascertain these facts.

The Prison Association of New York nearly thirty years ago urged and supported the establishment of the first psychiatric clinic in a correctional institution in this State. Established in 1916, the psychiatric clinic in Sing Sing has through the years proven the value and worth of the original experiment, and up to the time of its ceasing activities two years ago, occasioned by a mandatory decrease in departmental appropriations, contributed much to the total administration of the institution.

We cannot urge too strongly in the best interests of society the imperative need for the further restoration of psychiatric and other professional services as a part of the program offered the people of this State by the State Department of Correction.

#### IV. CLASSIFICATION OF PRISONERS

It is recommended that a comprehensive classification program be devised and supported to enable the Department of Correction to make for a more efficient use of the various correctional institutions of the State. Furthermore, it is urged that there be appointed a Director of Classification, responsible to the Commissioner of Correction, in order to give guidance and stimulation to a centralized program.

#### Comment

The people of the State of New York are fortunate in having a wide variety of penal and correctional institutions intended to house specific types of offenders. There is, however, some question as to

whether or not the full intent and purpose of this plan is being fulfilled. The situation is further complicated by the high census throughout the institutions of the Department. It is obvious that a system of institutions does not serve its purpose at all unless particular care and attention are placed on the types of offenders committed. This cannot be done unless there is a well rounded, centralized classification policy under the direction of trained and competent personnel. The full advantage of such institutions as the New York State Vocational Institution, Walkkill Prison, and Elmira Reformatory cannot be realized except through the establishment of a departmental classification system. Likewise such institutions as the Clinton State Prison, generally regarded as housing the more difficult type of offenders, cannot be put to their best use without the advantages of a classification unit.

The Association urges, therefore, that there be appointed a Director of Classification responsible to the Commissioner of Correction.

#### V. COMMITMENT PROCEDURE

It is recommended that the Legislature give consideration to the proposal that commitments be made directly to the Department of Correction, which body shall, after careful study, decide upon the proper institution for treatment.

#### Comment

It will be noted that this recommendation is closely allied to the one just previously discussed. It is recognized that the recommendation urging a clearly defined system of classification of prisoners establishes procedure, while this recommendation, urging that commitments be made directly to the Department of Correction, offers a treatment plan for future action.

The past year has seen increased nation-wide interest and discussion on the advantages of establishing a procedure of commitment that would enable a centralized department to assign and transfer prisoners at will following case study of all such commitments.

We cite, for example, the founding of the Elmira Reformatory, brought about largely through the efforts of the Prison Association of New York nearly seventy-five years ago. The intent and expressed purpose of this institution was the housing of the youthful first offender. The intervening time, however, has witnessed a wide and marked departure from the original thought, and recent studies, made at the institution, indicate that only approximately one-fourth of the inmates are first offenders, and over half are of low average intelligence. Other factors have been brought out, but suffice it to state at this time that the entire plan and program of the institution is retarded by virtue of the character of the prisoners sentenced. It stands to reason that the better interests of society will be served if the proper type of inmate is given the opportunity

to benefit through the facilities offered by any of the specific institutions. The adoption of this recommendation would result in the Department of Correction receiving all commitments and, following case study, having them assigned to the proper type of institution.

#### VI. COMMITMENTS TO NEW YORK STATE VOCATIONAL INSTITUTION

It is recommended that the Legislature also give serious consideration to the procedure governing commitments to the New York State Vocational Institution to the end that such persons may be committed to the Department of Correction.

##### Comment

It will be noted immediately that this recommendation follows closely the thought embodied in Recommendation V. Section 332 of the Correction Law provides that the New York State Vocational Institution be used "for the care, treatment, training and education" of male persons from 16 to 19 years of age. Here again is noted a decrease in the effectiveness of the intent of this institution because of the characteristics of some of those committed. It is suggested that in the light of long range planning in connection with this recommendation thought be given to Recommendation II entitled, "Youth Correction Authority Proposal." This proposal sets up a model plan of treatment for the adolescent offender of roughly the same age of those now committed to the New York State Vocational Institution. As noted previously, the consensus of contemporary penological thought indicates that commitment to a state department rather than actual sentence to a specific state institution is advantageous.

#### VII. CONFLICT OF SENTENCES

It is recommended that there be statutory provision allowing the Department of Correction or the Division of Parole to make rules or regulations regarding the minimum sentence to be served by those transferred from a State Prison to the Elmira Reformatory.

##### Comment

This recommendation is urged in order to make for added efficiency in the administration of the Reformatory. Compared to the State Prison sentence, the Reformatory sentence is brief, and following transfer from a State Prison to the Reformatory, some provision should be made toward an evenness of sentence. The proper administration of a correctional institution is handicapped and disturbed through misunderstandings and resentment on the part of inmates when marked differences of sentence are found in any one institution.

#### VIII. THIRD DEGREE METHODS

It is recommended that legislation be enacted providing for prompt arraignment before a magistrate of all persons arrested, whether under suspicion or charged with the commitment of a specific crime.

##### Comment

The Prison Association of New York suggests that as a practical means of curbing certain police practices, commonly referred to as the "third degree," serious consideration be given the proposal that persons arrested on suspicion or otherwise should forthwith be taken before a magistrate where the opportunity is offered for an immediate hearing. This proposal is based on the theory that accused persons should enjoy the full protection of their constitutional right not to be compelled to incriminate themselves.

In this light it is of considerable interest to note that the Supreme Court of the United States on at least two occasions in 1940 held confessions and pleas of guilty under duress in gross violation of the guaranty of the civil rights provided by the Constitution. In one of the cases, namely, *Isiah Chambers, Jack Williamson, Charlie Davis and Walter Woodward, petitioners, vs. the State of Florida, Mr. Justice Black* in delivering the opinion of the Court stated that:

"It is clear from the evidence of both the State and petitioners that from Sunday, May 14, (1933) to Saturday, May 20, the thirty to forty Negro suspects were subjected to questioning and cross-questioning . . . From the afternoon of Saturday, May 20, until sunrise of the 21st, petitioners and possibly one or two others underwent persistent and repeated questioning. The Supreme Court of Florida said the questioning 'was in progress several days and all night before the confessions were secured' and referred to the last night as an 'all-night vigil' . . . The scope and operation of the Fourteenth Amendment have been fruitful sources of controversy in our constitutional history. However, in view of its historical setting and the wrongs which called it into being, the due process provision of the Fourteenth Amendment . . . has led few to doubt that it was intended to guarantee procedural standards adequate and appropriate, then and thereafter. To protect, at all times, people charged with or suspected of crime by those holding positions of power and authority . . . From the popular hatred and abhorrence of illegal confinement, torture and extortion of confessions of violations of 'the law of the land' evolved the fundamental idea that no man's life, liberty or property could be forfeited as criminal punishment for violation of that law until there had been a charge fairly made and fairly tried in a public tribunal free of prejudice, passion, excitement and tyrannical power . . . The very circumstances surrounding their confinement and their questioning without any formal charges

having been brought, were such as to fill petitioners with terror and frightful misgivings . . . We are not impressed by the argument that law enforcement methods such as those under review are necessary to uphold our laws. The Constitution prescribes such lawless means irrespective of the end. And this argument flouts the basic principle that all people must stand on an equality before the bar of justice in every American court."

The *New York Times* (March 12, 1940) in editorializing on these decisions stated that: "They cover the use of the third degree or violence or threats by any officer of the law in any state against any prisoner."

Under present procedure in this State the opportunity for oppressive police examination occurs from the time of arrest until arraignment. Section 165 of the Code of Criminal Procedure ostensibly makes provision for protection by indicating that: "The defendant must in all cases be taken before the magistrate without unnecessary delay." Unfortunately, the police frequently act wholly on their own interpretation of the phrase, "unnecessary delay." Ultimately the best answer will be to provide scientific police procedure through an increasingly competent personnel. However, in the meantime, the law is in need of revision in order to strengthen its own weakness.

#### IX. COUNTY JAILS AND PENITENTIARIES

It is recommended that legislation be considered making for the transfer of administrative control of county penitentiaries to the State Department of Correction. Attention should also be given to the discontinuance of the use of county jails for the detention of sentenced prisoners.

##### Comment

In the interests of economy and efficiency of operation the Prison Association of New York urges that legislative action be taken to the end that the control of county penitentiaries be a State function. It would seem that a state correction system is considerably more adapted to the administration of penal institutions than is the county unit itself. The very fact that a county engages in the administration of penal institutions is a direct hold-over from the olden times when the county unit was supreme. Numerous studies and common sense alone indicate that the burden of the taxpayer would ultimately be eased and greater protection afforded to society generally if this transfer of authority were brought about. While the State of New York is unusually fortunate in having a better type of local institution from the point of view of both plant and operation, it is nevertheless paying an added price for the lack of centralization of control and administration.

In considering action in this respect, it is urged that the Legislature give thought to the establishment of farm colonies for misdemeanants. This trend is noticeable in many parts of the country and is an indication in itself of the public's lack of faith in the value of locally operated institutions for such offenders. A mid-western state is having unusual success in this respect. There is no more reason why the housing and supervision of misdemeanants should not be a state function than the housing and supervision of felons. A survey of the possibilities of establishing such institutions in this State would undoubtedly disclose certain existing facilities that could be utilized.

#### X. CIVIL SERVICE IN COUNTY INSTITUTIONS

It is recommended that the jurisdiction of the State Civil Service Commission be extended to include employees of county penitentiaries.

##### Comment

A characteristic of the county-operated penal institution in this country is the lack of a trained and efficient personnel. These institutions suffer seriously as a result of this inefficiency, usually traceable to political demands. While this is not wholly true in this State, a change in the method of appointment of the personnel of county institutions to the competitive civil service system will assure the employment of those who have at least the basic educational and experience qualifications and will also assure the people of the State that a change in political leadership will not result in a change of county institution personnel.

#### XI. EXTENSION OF FINGERPRINTING

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

##### Comment

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

## XII. LONG MAXIMUM PAROLE PERIODS

It is recommended that Sections 213, 220, 281 and 296 of Article 8 of the Correction Law be amended to allow the Board of Parole discretion so that the retaining on parole until the expiration of the maximum sentence will not apply in every case. There should be a reasonable, and in some cases a long period of parole; but in others the Board of Parole should have discretion and not be required to keep young men on parole for ten, fifteen, twenty or more years subsequent to release when, in the Board of Parole's judgment, such prolonged supervision does not seem necessary.

### Comment

Section 213 of Article 8 of the Correction Law provides that when a person is released on parole by the Board of Parole he is "to remain while thus on parole in the legal custody of the warden of the prison from which he is paroled, until the expiration of the maximum term specified in his sentence." Sections 281 and 296 relate to releases from Elmira Reformatory. It is agreed that in some cases long periods of supervision are necessary, but again in this instance there seems to be good reason for flexibility to be provided in the law so that retaining on parole for the expiration of the maximum sentence will not necessarily apply in every case. In the cases of Elmira parolees the law should be amended so as to provide that the parole period be not more than three or four years unless, in the opinion of the Board of Parole, a longer period seems advisable. A similar provision could be made relative to State Prison releases. This would then permit full control to the Parole Board, eliminating the necessity of their being bound by rigid, mandatory provisions of law precluding true individualization of treatment. In the cases of a number of definite sentence men, concerning whose release the Board of Parole has no jurisdiction, there is no need for change in the present requirements of the law.

It is emphasized again that the Prison Association of New York has not the slightest intent to ease the penalties prescribed to offenders by law, and it will be noted that this recommendation in no manner influences the period of actual imprisonment. We reiterate that the Association's long years of active interest in the beginning and later development of parole would not permit us to approve of any steps that might weaken the place of parole in this State.

## XIII. METHOD OF RELEASE ON PAROLE

It is recommended that Article 8, Section 214 of the Correction Law be amended so as to allow the Board of Parole discretion in the releasing of a prisoner without employment.

### Comment

It should be kept in mind that the Prison Association of New York has too long been identified with the advancement of parole in this State to be a party to any movement that would be detrimental to good parole administration. The record over the years substantiates the fact that the Association was largely responsible for the first introduction of parole in New York State and its subsequent progress to the point that the present organization and procedure far surpasses that of any other state.

Article 8, Section 214 of the Correction Law reads as follows: "No prisoner shall be released on parole except by the unanimous vote of the Board of Parole, nor unless the Board is satisfied that he will be suitably employed in self-sustaining employment if so released." This section has led to the obvious interpretation that there must be a bona fide job for the prisoner before he can be released. This is generally sound, but under the existing economic situation seems unreasonable and too rigid. This situation has resulted in the detaining of about 600 men in the State Prisons and about 250 boys in the Elmira Reformatory, otherwise eligible for parole. In few words they are being further penalized because of their inability to secure employment. It is, of course, obvious that the average man cannot find employment unless he is personally available for the demands of the employer.

Furthermore, the holding of these persons in prison is at a cost of from \$450 to \$800 each per year, and in these days of scarcity of public funds, it would seem advisable to give this subject serious consideration if only from this one standpoint.

*It is urged, therefore, that Section 214 be modified so as to allow the Board of Parole discretion in the releasing of a prisoner when it is felt that with the aid of friends or relatives or agencies, in addition to his own efforts and personal appearance, he might be able to secure employment. This release could be conditional and subject to revocation if the Board is not satisfied that the parolee is expending every effort to honestly obtain work.*

## XIV. ALCOHOLIC BEVERAGE CONTROL LAW

It is recommended that Chapter 152 of the Laws of 1939 prohibiting the employment of certain classes of offenders be amended to the extent of granting the State Liquor Authority joint discretion with the Parole Board regarding employment of such persons in establishments holding permits for the sale of alcoholic beverages.

### Comment

Chapter 152 of the Laws of 1939 relating to the procedure and function of the State Liquor Authority and local alcoholic beverage control boards imposes a restriction which makes it unlawful for any individual or establishment holding a liquor license to employ

a person who has been convicted of a felony or specified misdemeanors. It is agreed that certain safeguards must be maintained, such as those against the employment of persons convicted of crimes committed in places where liquor is sold. However, the injustice of the present law lies in its strict interpretation to the extent that a parolee is prohibited from securing employment as a porter on the top floor of a hotel if liquor is sold in the basement. While on the surface this interpretation may appear somewhat exaggerated, cases on record substantiate this point of view. Positions obtained for parolees in large mid-town hotels in New York City have been disapproved because of the rigid interpretation of the law.

The intent of this recommendation is to grant the State Liquor Authority discretion in the granting of permission to liquor license holders to employ parolees certified by the Board of Parole. It would seem that in order to permit discretion and give at least some parolees a chance to gain employment, an amendment should be made. As a substitute for the present restriction prohibiting all ex-felons and certain misdemeanants, there should be some flexibility to deal with individual cases that seem to warrant an exception, to the end that the parolee might be gainfully and yet decently employed.

#### XV. EXTENSION OF AUTHORITY, DIVISION OF PAROLE

It is recommended that the authority of the New York State Division of Parole be extended to apply to the reformatory inmates of Westfield State Farm, and the inmates of the State Vocational Institution at Cossack, the Albion State Training School and the Napanoch and Woodbourne Institutions for Defective Delinquents.

#### Comment

We repeat with emphasis a statement previously made to the effect that in the interests of greater economy and the centralization of authority in a body already performing a commendable task, legislative action should extend the scope of the State Division of Parole to the institutions listed above. It is recognized by authorities that of all the state parole systems throughout the country, New York's stands out as being one of the best, if not the best. This would assume, therefore, that the standards and procedure of the Division of Parole are unusually high and it would seem that those State institutions whose parolees are not now under the jurisdiction of the State Division of Parole should be included. The people of the State should be assured of a complete parole service and not one limited to certain institutions.

In line with the above suggestion it would be necessary to employ additional parole officers. While additional personnel would be necessary, the added cost would be offset by the expenditure now being made for the supervision of parolees outside of the influence of the State Division of Parole.

#### XVI. OLD SING SING CELLS

It is recommended that the Legislature stipulate a date from which time the use of old Sing Sing cells will be illegal.

#### Comment

Since 1916, at the time the new Sing Sing Prison was authorized by legislative action, the Prison Association of New York has been conspicuous in the long and earnest campaign to terminate the use of the old Sing Sing cells built in 1825 when the institution was known as Mount Pleasant Prison. Despite condemnation over many decades by public and private agencies, the continued use of these cells has been necessary in view of the increasing prison population. Their use has been to the detriment of all concerned, namely, the inmates and society alike. It is anticipated that the opening of the new State Prison at Green Haven will reduce the need for the continued use of the old Sing Sing cells, but legislative action should specify a date following which their use would be prohibited by law. The continued use of these cells does not keep in step with the advancements made by the State Department of Correction through the years. Their use is in direct opposition to the best practice and theory of modern penology.

#### XVII. TREATMENT OF TRAMPS, VAGRANTS, AND CHRONIC ALCOHOLICS

It is recommended that experimental units be authorized for the care and treatment of tramps, vagrants, and chronic alcoholics.

#### Comment

The record shows that since 1858 various attempts have been made to establish experimental units for the care and treatment of tramps, vagrants, and chronic alcoholics as a substitute for the present day procedure of housing the individuals for varying periods of time in locally operated institutions. History has shown that this type of so-called treatment is nothing more than segregation of the offender from society for the time of the sentence. It is admitted by most authorities that actual treatment is something to be desired. So far as the handling of the chronic alcoholic is concerned, there is serious question as to the advisability of commitment to a jail. National research organizations are giving this problem considerable attention as evidenced by the holding of discussions and conferences on the subject. Medical authorities, psychiatrists, penologists and others are coming to the belief in increasing numbers that the treatment of the chronic alcoholic is a medical and psychiatric problem and not one that can be solved through the present day procedure of commitment to jail. There is no assurance and slight possibility, as evidenced by the vast number of repeaters, that a brief period of incarceration will serve as a deterrent. In many instances it serves only as a respite from

inclement weather. The extent of this problem is emphasized when it is realized that in some county jails well over fifty per cent of the total time spent by prisoners was spent by those committed for intoxication. In recent years this figure has been as high as seventy-nine per cent in some areas.

An examination of the history of the State in connection with this problem shows that public sympathy has been occasionally misdirected. However, a critical analysis of the problem leads one to believe that the chronic alcoholic and vagrant do not require maximum security, tool proof steel cells, built at the cost of many thousands of dollars, for safe incarceration. In this instance it is likewise felt that existing facilities might be available for use, such as discontinued Federal or State camps.

We reiterate that changes in the existing procedure must be advocated and based upon an evaluation of the system in need of change.

#### XVIII. PRISON LABOR ON HIGHWAYS

It is recommended that funds be made available for the employment of prisoners on highway construction.

##### Comment

Prison administrators are in agreement as to the merits of this form of labor and recognize that its competition with free labor is negligible. Prison labor of this nature is in accord with the State-use system of inmate labor, and the State Constitution and the Correction Law. This recommendation is based upon the demonstration of similar successful experiments in other areas and takes into account the fact that its value depends upon utmost care in the selection of those prisoners to be so employed. It should be kept in mind that the prison presents a labor market at no additional cost to the taxpayer, and, if utilized, gives the citizen the satisfaction of knowing that the cost of maintenance is being returned, at least partially, in the form of constructive labor.

Attempts to repeal provisions of the law permitting the use of prison labor on highways should be defeated.

#### XIX. COMPENSATION FOR INJURED PRISONERS

It is recommended that a system of compensation for prisoners injured while employed in the industries or otherwise in the institutions of the State Department of Correction be installed by legislative action.

##### Comment

There is no valid reason why compensation should not be paid to prisoners seriously or permanently handicapped through no fault of their own. There are instances where prisoners have been

liberally compensated and others where no compensation has been received. This leads to the recommendation providing a system so that discrimination will not be possible. The assurance of justice and a safeguard against fraud and exploitation is necessary through legislative action.

#### XX. MATRONS

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

##### Comment

At the present time the presence of matrons is not required in certain places of detention having facilities for the housing of females. In accord with modern standards this condition should not be tolerated. It is urged that legislation be directed to correct this situation.



## THE YEAR IN REVIEW

### Professional Services

Our best efforts were given prior to and during the days of the 1940 session of the Legislature to effecting the restoration of the psychiatric and other professional services in the State Department of Correction, eliminated or reduced through the economies reflected in the budget approved by the 1939 Legislature. The initial formal action was taken by Governor Lehman through the inclusion in his budget for the fiscal year 1940-41 of certain items relating to the psychiatric service, the Guard School, custodial personnel, and the teaching personnel of the State Department of Correction. This act received our prompt support, and it was gratifying to note the Governor's continued adherence to his belief as to the essential need for the services, and then, finally, it was most gratifying to note the favorable action on the part of the Legislature. Therefore, the Association desires at this time to record its appreciation and thanks to Governor Lehman, the members of the State Legislature, Commissioner John A. Lyons of the State Department of Correction, the wardens and superintendents of the institutions of the Department, and the various organizations, agencies and individuals who joined in an effort to bring about the restoration of the services referred to above. Although the full restoration was not accomplished, certain basic organization was restored and the State renewed its commitment to the desirability of the service. The continued restoration of these services is voiced in our recommendations to the 1941 Legislature.

The New York Times, under date of January 30, 1940, took notice of the Association's campaign for the restoration of the professional services and commented editorially as follows:

#### ONE WAY TO SAVE

The Prison Association of New York makes a plea to the Legislature for adequate psychiatric, psychological and other professional services. The sternest advocate of economy may consistently give attention to this request. Our prison population is increasing, not because there is more criminality but because sentences are more severe and parole more rigorously applied. The only safe way in which we can reduce the number of our prisoners is to determine scientifically the number of those who are likely to go straight if returned to civil life. In this field even science has its limits, but it is the best guide we have. Behind the difficult words of the learned doctors is common sense.

The treatment of convicted lawbreakers becomes increasingly a problem as old ideas of punishment are infused with new ideas as to the sicknesses of mind and body that make men criminals. The letter of the law, no matter how carefully drawn, must always be an unreliable yardstick. If the psychiatrists and psychologists can help us sort out the men who ought to stay in prison from those who can be released they will save us much more than they cost.

[28]

### Youth Correction Authority

The General Secretary continued to participate in the meetings of the Advisory Committee of the American Law Institute in its consideration of a plan to develop a new interpretation and procedure relative to the handling and treatment of offenders between the ages of 16 and 21. The advisory group included the following:

Dean William Draper Lewis, Director of the American Law Institute, *Chairman*; Curtis Bok, President Judge of the Court of Common Pleas, Philadelphia, Pa.; E. R. Cass, General Secretary of The Prison Association of New York and the American Prison Association, and Member, New York State Commission of Correction; Sheldon Glueck, Professor of Law, Harvard University, Cambridge, Mass.; Leonard V. Harrison, Director, Committee on Youth and Justice, Community Service Society of New York; Dr. William Healy, Director, Judge Baker Guidance Centre, Boston, Mass.; Edwin R. Keedy, University of Pennsylvania Law School, Philadelphia, Pa.; Austin H. MacCormick, Executive Director, The Osborne Association, New York City; William E. Mikell, University of Pennsylvania Law School, Philadelphia, Pa.; Thorsten Sellin, Department of Sociology, University of Pennsylvania, Philadelphia, Pa.; Joseph N. Ulman, Judge, Supreme Bench of Baltimore City, Baltimore, Maryland; John B. Waite, Professor, University of Michigan Law School, Ann Arbor, Michigan, *Reporter*.

Meetings, held usually at the Bar Association Building, New York City, continued for several days, and it should be recorded that they were sessions during which the members gave the best of their labors, experience and understanding. There resulted two proposed Acts, one establishing a Youth Correction Authority, and the other intended to establish a Youth Court. Both Acts were approved by the Council of the American Law Institute, and at the Annual Meeting of the Institute, held in May, 1940, the Youth Correction Authority Act, with some minor changes, was formally approved, but it was decided to delay action on the Youth Court Act.

While the advisory group was at work there was being organized a campaign for public education, and as soon as the Act was passed upon there began to appear certain articles in the newspapers, periodicals and magazines in different parts of the country, and special groups were organized in some of the States to bring about the consideration and study of the model Act for the establishment of a Youth Correction Authority. On behalf of the American Law Institute Mr. Cass addressed the Utah State Conference of Social Work in Salt Lake City and the Annual Meeting of the Utah State Bar Association, and in San Francisco a meeting bringing together judges, lawyers, professors, department and institution heads in the correctional field, representatives of Bar Associations, and citizens interested in the treatment of the youthful offender. He also addressed a meeting under the auspices of the University of Texas, Austin, Texas. Following these meetings, and in accord with plans

made by the American Law Institute, committees were organized in the three States to study the need for and the adaptability of the proposed Act within their respective boundaries. A copy of Mr. Cass' address at the Austin, Texas, meeting, and similar to the one made at the other meetings, appears as Appendix A, page 95, of this report. It is suggested that this address, which contains a brief analysis of the essentials of the Act, be consulted to learn of the problem that the youthful offender presents, and also the conditions which confront him when he comes into conflict with the law.

While these various meetings were being held there was also at work a committee to study the need for and the adaptability of the Youth Correction Authority Act to the State of New York. At the call of Mr. John D. Rockefeller, 3rd, a meeting was held and there followed the organization of a Special Committee on Youth and Criminal Justice. This Committee held regular meetings and there is now available for the consideration of the 1941 Legislature "An Act creating a youth correction division in the executive department and a youth correction authority as head of the division, prescribing its powers and duties, and providing for disposition by the courts of convicted persons who are between the ages of sixteen and twenty-one at the time of their apprehension for a violation of law." For a copy of the Act as drawn at this writing see Appendix B, page 107.

**The Forgotten Adolescent** A comprehensive and illuminating study by the New York Law Society of the pre-trial treatment of boys charged with crime in New York City was made available during the year 1940. It is an attack on the same situation which is being considered nationally by the American Law Institute. The General Secretary cooperated by reviewing the findings of the Committee that made the study, arranging for observations in different institutions, and helping the investigators to properly interpret conditions and possibilities. The New York Law Society and its special committee having the work in charge are to be highly commended for a valuable service rendered in the interest of public understanding and welfare.

#### Walkkill State Prison

General Orders No. 2 of the State Department of Correction, dated March 5, 1940, defines the administrative policy of the Walkkill State Prison and sets up certain standards and procedure relative to the selection and transfer of inmates from the other prisons. The head of the State Department of Correction, Commissioner John A. Lyons, in a letter from the General Secretary, was highly commended for issuing this order and recognizing the need for the sending of more suitable types of prisoners to the relatively new prison. Our Association has always had an interest in this prison because its General Secretary was a member of the Legislative Commission that brought

about its establishment. The need for making better provision for the selection of inmates was commented on frequently by the General Secretary during the administrations of the late Dr. Walter N. Thayer and Commissioner Mulrooney, and also since Commissioner Lyons has been in charge. It is therefore gratifying that this forward step has been taken. The importance of the move, which is being carried out with an increasing degree of success, is such that we feel justified in repeating the order herewith:

#### GENERAL ORDERS No. 2:

March 5, 1940.

The administrative policy of Walkkill Prison shall be based upon an effort to prepare inmates confined therein for acceptable participation in community life after their release from the prison. The program for preparation shall consist of vocational training and re-training, social education in its numerous aspects, and such work activities as are required for the maintenance of the institution and for implementing the training program. In order to achieve the foregoing objectives, the nature, content and mechanics of the program at Walkkill Prison shall be prescribed by the Warden and staff of the institution in terms of the general administrative policy of the Department of Correction, with the approval of the Commissioner of Correction. Experience thus far has indicated that the program at the Walkkill institution can be most effective only when it is participated in by inmates carefully selected from the several maximum security prisons of the State and when inmates selected are fit subjects for training.

In order to improve the process of selection of inmates for training at Walkkill Prison, the following procedure is hereby established:

1. An official of Walkkill Prison shall be designated by the Warden thereof, and empowered by the Commissioner of Correction to interview prospective transferees in the several maximum security prisons whenever a draft therefrom to the Walkkill institution is contemplated. The Wardens of the several maximum security prisons shall make available for interview, in a suitable place, all prospective transferees. The Wardens of the several maximum security prisons shall also make accessible to such designated official, for study, the case records of inmates to be interviewed. The said official shall be permitted such further access to the case record file of inmates as may be required in the proper performance of his duty.
2. Prospective transferees shall be those inmates who have indicated to the authorities in the several maximum security prisons that they are persons likely to respond acceptably to the program at Walkkill. In this connection, it is directed that Wardens, Principal Keepers, Assistant Principal Keepers, Psychologists, Physicians, Directors of Education, Head Teachers, Chaplains, and other officials of the maximum security prisons lend every possible assistance in making recommendations, both positive and negative, likely to facilitate the selection process.
3. The Commissioner of Correction shall retain the sole right to approve or disapprove the transfer of any inmate to Walkkill Prison. The official designated to interview prospective transferees, shall report directly to the Warden of Walkkill Prison whatever facts he shall have ascertained concerning any prospective transferee. The Warden of Walkkill Prison shall personally examine such facts and immediately thereafter indicate to the Commissioner of Correction his judgment relative to the advisability of transferring to Walkkill Prison any inmate who shall have been interviewed.

## CRITERIA TO BE OBSERVED IN SELECTING INMATES FOR TRANSFER TO WALKKILL

In general, the following criteria shall be observed in the selection of inmates to be transferred to Walkkill:

1. An inmate to be considered for transfer shall be one who, during his confinement in a maximum security prison, has indicated to the officials thereof that he is aware of the serious nature, consequences, and implications of the crime he has committed and at the same time gives evidence of a sincere desire to correct his past objectionable conduct; there shall be evidence that he is one in whom confidence can be placed and who is likely to be trustworthy in a medium security prison; he shall have an understanding of the type and purpose of the Walkkill Prison, as well as the method of its regulation, and shall appear willing to respond to the supervision, direction and assistance available at Walkkill.
2. The minimum intelligence quotient of a transferee shall be 80, or a mental age of not less than 12 years.
3. It is desired that inmates transferred to Walkkill shall be emotionally stable; and, in any case, extremely unstable individuals or those who give evidence of psychotic tendencies shall not be transferred.
4. Chronic alcoholics, drug addicts, sex perverts, parole violators, and other individuals possessing objectionable abnormal habits shall not be transferred to Walkkill.
5. It is preferred that transferees shall be less than 35 years of age and not more than 40 years of age. It shall be recognized that occasionally an inmate over 40 years of age may be able to profit from the Walkkill program, particularly when he is in need of vocational re-training, and in such cases age greater than 40 shall not preclude transfer.
6. No person shall be transferred to Walkkill who is physically handicapped or in ill health to the extent that he cannot participate in the program.
7. Regardless of his offense, no person shall be transferred to Walkkill who has more than 3 years or less than 1 year to serve before his initial appearance before the Parole Board, unless there is definite indication that an exception to this criterion shall be in the proper interests of a particular inmate.
8. On the basis of past criminal record, it is obvious that any person convicted of two or more felonies or of a number of minor offenses is unlikely to be a good prospect for Walkkill. Past record of offenses will be subjected to careful analysis in weighing the prospects of a candidate.
9. Vocationally competent individuals shall be transferred to Walkkill for maintenance work only in proportion to the needs of the institution. Ordinarily the majority of those selected for transfer shall be for training purposes.

It is the purpose of this General Orders to establish, in the light of past experience, an experimental procedure calculated to improve the selection process in transferring inmates from maximum security prisons in Walkkill. Inferred to Walkkill will be found suitable and unable to adjust in the program. In such cases, inmates will be returned promptly to maximum security prisons.

JOHN A. LYONS, Commissioner.

## EFFECTIVE IMMEDIATELY

**Classification Plan**

In our previous reports we continually pointed toward the need for improvement in the classification and distribution of the inmates of the institutions of the State Department of Correction. Our recommendation is again repeated this year (see Page 16). It is gratify-

ing to know that Governor Lehman's Commission on Education in Correctional Institutions in the State of New York, of which the General Secretary is a member, as a result of frequent mention of the subject at its meetings, has undertaken to develop for study a plan of classification and distribution of the inmates of the New York State prisons. Considerable preliminary material has been made available, and it is hoped that eventually there will begin to be in operation a better means that at present of assigning inmates to the different institutions. When this occurs the Association will feel rewarded for its constant reference to the unsatisfactory situation which has long prevailed. We know, of course, that it is a difficult problem and that it is complicated by the high census throughout the institutions of the Department. However, constant thought and study must be given to the situation, and the best findings put into operation at the first opportunity, if we are to record progress in this direction.

**Central Guard School** The Guard School at Walkkill Prison was reopened and can be regarded as one of the restorations of professional services referred to on Page 15. The establishment of this school has been commented upon in our previous reports, but it is fitting to repeat that the School is a decided forward step and reflects the experience and vision of former Commissioner of Correction Edward P. Mulrooney. The School is well organized and productive of good results. During the year the General Secretary participated in the course of lectures to the student body.

**The Psychopathic Delinquent**

We continue to be interested in the difficult problem of the psychopathic delinquent. During the past year, in view of a renewed interest in the desirability of the establishment of a special institution for the handling of these persons, an inquiry was made and opinions gathered from over fifty of the country's outstanding correctional department heads, institutional administrators and psychiatrists. The inquiry stressed the point of view that psychopathic delinquents compose a rather mysterious group whose conduct is largely unpredictable and fluctuates from time to time. In the past some authorities have stated that they believe seventy-five per cent of all prison inmates could be classified under such a heading, while others equally as prominent maintain that this figure is far too high, and that only a quarter, or at best a third, of the inmate group should be so designated. For the further guidance of the recipients of our inquiry it was suggested that they give their own opinion as to what constitutes a psychopathic delinquent together with their general suggestions as to the most effective method of dealing with them through institutional procedure.

The replies show considerable diversity of opinion and practically all voiced the sentiment that the psychopathic delinquent

is indefinable and his behavior is difficult to determine or prophesy. The replies agreed, however, on the opinion that a greater understanding of the problem is necessary and that generally, and at least for the present, the psychopathic group were in need of special attention and treatment within the existing institution. There was considerable difference of opinion on the question of the place and need of special and separate institutions for this group. This difference of opinion is largely due to the present lack of understanding of what actually sets apart one inmate as a psychopathic delinquent from another who may be considered as normal.

The survey drove home the point that the problem requires a wealth of study before any decisions could possibly be made as to the need of separate institutions. This conclusion is especially significant in view of the fact that the inquiry brought forth the response by some that our communication represented the first effort by any group to canvass the field in this respect.

A considerable number of the replies, while agreeing on the need for further study and understanding of the problem, reflected the opinion that ultimately the time will come when the psychopathic delinquent will need to be dealt with in separate institutions. The feeling was expressed that the institution of the future will proceed on the basis of social, medical and psychiatric approaches rather than on the basis of custody and discipline as such.

Space in this report does not permit a detailed analysis of the findings of this survey but it is anticipated that the results will be published at a later date through the medium of a separate pamphlet.

**Commission on Education** Dr. N. L. Engelhardt, Chairman of the Commission on Education in Correctional Institutions of the State of New York, addressing the Executive Committee of the Association, pointed to the high cost of construction and maintenance of institutions, and the folly of establishing them only with the thought of the safekeeping of prisoners. This, he held, was only a temporary measure of protection for society since about 95 per cent of the prisoners would ultimately be released, and in the absence of a program of treatment tending toward their rehabilitation they would mostly deteriorate morally and physically. He laid great emphasis on the demonstration that had been made thus far at the Elmira Reformatory and at Clinton Prison, showing the value of the educational approach in a broad sense, and held high hope for the future if our prisons would be looked upon more as educational institutions, and understood as such by the public, rather than establishments solely for punishment. He further expressed the hope that in time the head of every correctional institution would possess a college degree and that there would be a steady improvement in the caliber of institutional personnel all along the

line. Very wisely he took the position that a high grade personnel is essential in the re-shaping of the attitudes and lives of those who commit crime. He gave sound praise to the wisdom of establishing and the achievements of the Guard School at Wallkill.

#### **New City Prison, Manhattan**

We continued to cooperate through the year with the Department of Correction of the City of New York and the architects on the consideration of the final details in the construction of cell equipment and other matters relating to the new prison. This is a valuable form of service, which can be given only on the basis of long and varied observation and experience. It helps to reduce the errors in vision and calculation in the planning of the physical layout and equipment of so large an institution.

#### **Electrocution at Sing Sing**

Through the prompt and kind interest of a friend of the Association funds were made available so that we could arrange, with the cooperation of the Sheriff of an up-State county, the New York Central Railroad, and the officials at Sing Sing Prison, for Mrs. J. R. to visit her brother, L. J. S., aged 22, who was to be electrocuted. The brother made a public appeal, stating that he had not been visited by any member of his family since he was received at the death house, and that he would like to have a visit from his sister before he was put to death. His family lives in the back hill country and the sister had never before traveled on a railroad train, thus making it necessary for her husband to accompany her. The compliance with the condemned man's request, carried out by the Association, received wide favorable comment from the press and officials generally.\*

#### **Rhode Island Civil Service**

Rhode Island recently decided to place its state employees under Civil Service. A Civil Service Commission was appointed and this Commission requested the General Secretary to serve as an examiner for the post of warden and deputy warden of the State Prison and Reformatory. Prior to that his opinion had been sought on certain types of questions for the written examination. He was assisted in conducting the oral examination by Commissioner Richard A. McGee, Department of Correction of the City of New York, and Commissioner Arthur P. Lyman, State Department of Correction, Boston, Massachusetts. A very thorough examination, requiring several days, was given to all candidates, and, as a result, for the first time in its history Rhode Island has appointed a warden and deputy warden through Civil Service, and not in accord with the usual political formula "To the victors belong the spoils." This is a decided advance, hailed by prison people

\* All initials are fictitious.

throughout the country, and it should be a deep source of gratification to the Association to have its General Secretary identified with the new procedure. The Civil Service Commission presented the examiners with a certificate of commendation for important and valued public service.

#### **Transit Employees with Prison Records**

The unification of the subway transit systems caused a number of employees of the two systems great concern because of the fact that they had criminal records. Some of them had been employed for years and had good service records, but they were fearful that they would lose their jobs. Questionnaires were issued by the New York City Civil Service Commission which required that a prison record be revealed. Those who came to the office of the Association were advised to tell the truth. At the same time we made inquiry of the Civil Service Commission to determine whether there would be a hard and fast rule barring an ex-prisoner from employment, or whether there would be set into operation a procedure whereby each case would receive consideration on its merits. Finally the Civil Service Commission made a statement to the effect that there would be individual consideration, and this was verified in a letter received from the President of the Commission, Mr. Paul Kern.

#### **Regional Conferences on Probation and Parole**

In cooperation with the Central States Probation and Parole Conference Mr. Cass addressed this body during the month of April on the subject "Parole Can be Successful" (See Appendix C, Page 117). The talk was based on a five-year study in New York on parole administration, and is perhaps the first study of its kind ever made. The material is of value because it definitely demonstrates what can be accomplished when there is a genuine effort made to administer parole in accord with approved standards.

In June Mr. Cass was the principal speaker at the evening general session of the Western States Probation and Parole Conference in Boise, Idaho. His subject was the Youth Justice Plan proposed by the American Law Institute, and the address was reprinted in the September-October issue of the Journal of Criminal Law and Criminology.

#### **The Prison World**

Through the initiative of Mr. Cass there resulted a joint sponsorship, so that the Jail Journal now appears bi-monthly as the official publication of the American Prison Association and the National Jail Association. The new publication is called The Prison World, and the venture is made possible through the liberality and continued genuine interest and cooperation of the Bruce Publishing Company of Saint Paul, Minnesota. This is the only publication of its kind and it is generally held that it fills a long standing

need as a source of information, guidance and inspiration to workers in all branches of the correctional field.

#### **Prison Chaplains' Regional Conference**

We are actively interested in the movement to bring about a regional conference of prison and reformatory chaplains. It is likely that a one-day or a one-day and a half gathering will be held in New York City during the spring of 1941, under the auspices of chaplains representing the three faiths. One important reason for the bringing together of these essential workers would be to direct public opinion to the need for and the value of the chaplain's work in a correctional program. In this movement we are pleased to be associated with Reverend Francis J. Lane, Catholic Chaplain, Elmira Reformatory, and President of the Chaplains' Association, an affiliate body of The American Prison Association; Mrs. Sidney C. Borg, Dr. John Slawson, and Mr. Philip Heimlich of the Jewish Board of Guardians, and Reverend Seward Hiltner, Secretary, Committee on Prison Chaplains of the Federal Council of the Churches of Christ in America.

#### **Ex-Prisoners and Military Service**

Joining with the American Prison Association and others we made effort to persuade Dr. Clarence A. Dykstra, Director, Selective Service System, to adopt a more liberal attitude toward the acceptance into military service of those who have been in conflict with the law. While in the beginning the outlook was not bright at this writing the situation seems more promising, and it can be reported that there is in the stage of final, all round, official consideration a draft to amend the Selective Service regulations, so as to make it possible to take into the service some of those who have been convicted of crime.

#### **Regional Conference, National Jail Association**

The first Regional Conference of the National Jail Association, of which our Assistant Secretary, Mr. Roberts J. Wright, is the Executive Secretary, was held in Philadelphia on June 3rd and 4th. The giving of Mr. Wright's services is a further proof of our desire to contribute nationally toward the improvement of the county jail situation. The conference was well attended and the results encouraging. A detailed story of the gathering is in the files of the Association, and also can be found in the July-August issue of The Prison World, the official publication of the American Prison Association and the National Jail Association.

#### **Courses of Instruction**

The Assistant Secretary, Mr. Wright, continued to serve as instructor in criminology and penology at Springfield College, Springfield, Massachusetts. During the past year he was invited by the Division of Public Service Training of the College of the City of

New York to conduct a new course in Modern Crime Prevention and Correctional Techniques. The Association, in keeping with its desire to be of assistance to the city government, is glad to make Mr. Wright's services available.

The course is a part of the city's plan to make available to city employees a comprehensive series of lectures designed to improve the services of its personnel. Members of the class include a number of police officers from the rank of patrolman to captain, and employees of the Departments of Correction and Welfare and the State Department of Correction. Meeting at the Police Headquarters Annex the course continues throughout the 1940-41 season.

**Prison Administration—An Educational Process** Last year there appeared a Year Book entitled "Correctional Education Today", published by the Committee on Education of the American Prison Association from funds made available by the Carnegie Foundation. The General Secretary contributed the Foreword to this volume, and participated further as a member of the Editing Committee. During 1940 the second Year Book, under the same auspices and similarly financed, appeared under the title "Prison Administration—An Educational Process." Both publications had the endorsement of Governor Lehman's Commission on Education in Correctional Institutions. For the latter publication our General Secretary contributed the Introduction, and again participated in the work of the Editing Committee. Mr. Howard L. Briggs, Assistant Director in charge of Vocational Education in the New York State Department of Correction, who had most to do with making the book practical, readable, interesting and worthwhile, describes its content as follows:

Part 1, wherein we have tried to outline as simply as possible procedures which we have followed from time to time in starting a program in institutions where we did not have an educational staff; that is, Part 1 attempts to outline in considerable detail techniques and methods through which a warden could take a prison and start an educational program with the staff and equipment that he has on hand, and other miscellaneous factors which could be used educationally.

Part 2 is a series of some twelve or fifteen articles by various wardens from different states, telling their own practical experiences in the rehabilitation of men.

Part 3 is a series of chapters on actual experiences of people in the prison field in promoting various phases of the educational program.

In other words, the book is an attempt to state simply in plain everyday English how you can make bricks without straw in the prison situation. We have had splendid cooperation from a large number of authors.

**Prison Labor Legislation** A bill, Senate Int. 3550, was introduced and passed by Congress making unlawful the transportation of convict made goods in interstate and foreign commerce. The Prison Association of New York, being opposed to the exploitation and abuse of prison labor

either for private or public gain, opposed this bill and identified it with the long and harmful drive supported by labor and business in opposition to the use of the man-power in our prisons and other correctional institutions. We held that the bill offered no solution of the vexing problem of prison labor, but would work additional hardship on the taxpayers and the institutions in the states immediately affected, and would result in increased unemployment among inmates, with its attendant demoralizing effects. Further, that it would mean the loss of large sums of money, representing cost of machinery and equipment. We contended that there already exists sufficient in the Federal statutes to deal with this problem and yet leave some small discretion to the individual States. We contended that there did not seem to be any need for the striking of a final death blow to the possibilities of prison labor through the utilization of Federal power. These sentiments were made known to President Roosevelt, and, finally, through his secretary, we were informed, "I have to advise you that upon the recommendation of the Departments concerned and after very careful consideration, the President yesterday approved the bill to which you refer."

**Fordham Hospital Prison Wards** In pursuance of the interests of this Association and the State Commission of Correction, of which the General Secretary is a member, there was brought to light the costly maintenance of the prison wards at Fordham Hospital. The high cost of maintaining small numbers of prisoners has been repeatedly criticized and it has been suggested that these prisoners be detained at the Psychopathic Pavilion in Bellevue Hospital. At one time during the year it appeared as if the suggestion would be followed and the City enabled thus to save the expense, but there again developed some opposition from the police and the Bronx County District Attorney. The high cost of maintenance and the small number of prisoners involved disposes of any argument based on the more convenient accessibility of these detention quarters.

**Onondaga County Penitentiary** This institution, located at Jamesville, New York, a short distance from the city of Syracuse, has been repeatedly criticized by the Prison Association of New York. In our 1916

Annual report there appears a photograph showing inmates in stripes and with chains riveted to their ankles. We have been always of the opinion that there has been an unnecessarily harsh attitude toward the inmates, a lack of trained personnel, and a decided absence of vigorous, experienced and intelligent leadership identified with the head of the institution. Earlier impressions and observations were renewed in an inspection during the early part of the year by the General Secretary, as a member of the State Commission of Correction. It was found that many of the officers of the Penitentiary might more efficiently perform

their duties if they did not spend so much time reclining in rocking chairs. It was indicated that their work called for alertness and steady application, and that in view of the fact that they were spending so much time in these chairs inmates, known as trustees, were doing their work and practically running the institution. This was emphasized as a bad condition, especially in an institution from which three notorious prisoners had made a spectacular escape about two years ago. The press gave considerable play to the rocking chair criticism, and unfortunately in some instances overlooked the real purpose and seriousness of the discussion. A later inspection toward the close of the year revealed conditions about the same, and a short time thereafter it was rumored that the Superintendent would retire. This finally occurred, and the expectancy is that the institution will now have a new and more satisfactory type of leadership, and that there will be a general re-vamping of the staff and its operations. This has been a long sought change, and once again shows the value of unceasing and well-founded criticism.

**Raymond Street Jail** Our General Secretary, as a member of the State Commission of Correction, was summoned to appear twice before the continuing Grand Jury in Kings County in its investigation of conditions surrounding the Brooklyn City Prison, more frequently referred to as the Raymond Street Jail. During both appearances he voiced his condemnation of the institution, principally because of its physical makeup, based on his years of observation in the discharge of his duties for the Prison Association of New York and the State Commission of Correction. The Grand Jury, in making its presentment to County Judge William O'Dwyer, joined with others in their condemnation of the institution. Although the Grand Jury condemned the institution it did not demand that it be closed, apparently taking the same position as did the State Commission of Correction, which has power to close the institution. This power, however, is not exercised, because it is the firm judgment of the members of the Commission that by closing the institution the situation would not be improved, because of many difficulties, particularly inadequate housing, confronting the other institutions of the New York City Department of Correction.

The Prison Association of New York holds to the belief that the Brooklyn City Prison, even with improved cleanliness and better housekeeping, is still the old Raymond Street Jail. The reason for this is that the greater part of the prison is made up of the north and south cell blocks, and these cell blocks consist of antiquated stone cells not suitable for the housing of human beings in the light of the increasing acceptance of modern housing, even for the detention of prisoners. In other words, no matter how much cleaning up there is done at the Raymond Street Jail, and how frequently it is painted, and renovated here

and there, as it has been for years, the plain truth is that it is an old type prison and never can be otherwise. There is only one answer to the problem, and that is that when city funds are available there should be put into operation a plan, including modern housing, for the more satisfactory detention of minors and adults. This change cannot be brought about too soon.

#### **Printing in State Institutions**

During the year Judge Frederick E. Crane, Moreland Act Commissioner, investigated printing contracts for the State. The Association communicated with Judge Crane, assuring him that we would favor any step that would allow for a reasonable extension, in accordance with the provisions of the State Constitution, of the employment of prisoners at printing. We directed his attention to a bill that was introduced at our suggestion in January, 1930, Assembly Int. 12, Pr. 12, by Mr. Milan E. Goodrich. There was vigorous opposition to the bill, which had as its purpose the giving to the print shops in the various institutions a little more chance at State departmental printing. The Association believes in the diversification of the State prison industries, and in accord with this stand holds that the print shops of the institutions should receive more business than they have heretofore. We learned that members of Judge Crane's staff visited, and studied the printing facilities of numerous institutions, agencies and departments, for the purpose of correlating all of the state printing facilities and studying them in connection with printing requirements, but as yet there has been no change that results in giving the institution print shops more of their just share of the business.

#### **Legislation**

Continuing its practice of many years the Association was watchful of legislation during the 1940 session. For a detailed statement of its opposition to or support of various bills see Page 61.

#### **American Prison Association Congress**

We were active, as usual, in promoting this national gathering, held in Cincinnati, Ohio, October 21 to 25. This was the 70th Annual Congress of the American Prison Association, and it was held in the birthplace of the Association. The national body owes its origin largely to the vision and efforts of Dr. E. C. Wines, an outstanding figure in the history of prison reform in this country, and an illustrious General Secretary of the Prison Association of New York. For a review of the Congress activities by Mr. Howard B. Gill, Technical Assistant to the Director, U. S. Bureau of Prisons, see Page 68.

**Consultation Service** A service long identified with this Association is that of giving information and guidance.

This requires considerable time for interviews, conferences and letter writing, yet it is a service that cannot be neglected. It is sought by and made available to members of the Association and other interested persons, comprising heads of departments, bureaus, boards, commissions, special investigating bodies, legislators, members of the staffs of universities and colleges, judges, lawyers, medical doctors, psychiatrists, probation and parole officers, social workers and students.

**Foreign Contacts** Another long standing practice, going back many years, is that of keeping in touch with workers in countries abroad. These foreign contacts have been most useful to the office of the Association and in arranging for the guidance and introduction of those coming from various jurisdictions. Naturally the war situation has interfered with our European correspondence and contacts, but, on the other hand, there has been an uninterrupted exchange of views with our friends in Great Britain, and there has been an increase in the number of visitors and the correspondence from Central and South American countries.

**International Penal and Penitentiary Congress** As recorded in our 94th Annual Report, for the year 1938, our General Secretary, Mr. Cass, attended the annual meeting of the International Penal and Penitentiary Commission held in Florence, Italy, May 16th to 21st of that year. In this instance he acted in the place of Mr. Sanford Bates, Commissioner on the part of the United States on the Commission, who was unable to attend. The chief business of that meeting was to complete the plans for the Twelfth Quinquennial Congress, to be held in Rome in 1940. That Congress was canceled because of the war. As has been previously noted, the Prison Association of New York, through its then General Secretary, Dr. E. C. Wines, was outstandingly active in bringing about the establishment of the First International Penal and Penitentiary Congress, held in London in 1870, and subsequently the establishment of the International Penal and Penitentiary Commission. We naturally regret that these important international gatherings cannot be continued because of the upsetting and reactionary conditions seemingly spreading throughout the world.

**Tombs Interviews** Continuing its practice of almost a century, the Prison Association assigned its authorized representative at least twice weekly to the City Prison, Manhattan, better known as the "Tombs." A major portion of the work involves the referral of indigent prisoners in need of legal counsel to the Voluntary Defenders Committee for further action. Prisoners who are concerned over the welfare of

their families likewise are interviewed and referral for service is frequently made to our Family Service Bureau. The following are a few such cases.

C. L.\* was awaiting trial for petit larceny. He desired some assurance from his former landlady that she would keep his personal property until he was released. L. had written without success, but a letter from our representative not only settled his mind on the point but brought a visit from the landlady as well. In this way the particular problem was solved.

J. M.\* was concerned over the plight of his wife. She had but recently given birth to a child and her husband had been arrested during her hospital confinement. At his request, a call was made to the hospital and the fact that conditions were satisfactory and that the necessary care was being received was confirmed.

I. T.\* had been sentenced to State Prison. His wife told him that she had been unable to secure work in order to continue to maintain their rather meagre home. Mrs. T. was introduced to the Family Service Bureau and, following a full discussion of the situation, several employment contacts were made, one of which resulted in a full-time job.

In cases where it is obvious that the authorities have not made known the specific reasons for the inmate's detention, an attempt is made to obtain factual data.

L. T.\* was being held as a probation violator. He had been arrested upon his wife's complaint for disorderly conduct while intoxicated. The magistrate suspended sentence on this charge and the probation officials ordered him held for investigation. He had not seen his probation officer and the Association's representative attempted to point out to him that his arrest technically constituted a violation of probation. His impression that suspension of sentence removed him from custody automatically, without a probation hearing, was corrected. While this in itself might appear to be trivial to the free man, it is of major importance to the prisoner and, in turn, to the proper administration of an institution. Misunderstandings often breed trouble.

S. J.\* was, naturally, impatient to go to trial. He was being held for felonious assault and his victim had been recovering in a hospital from injuries received. The necessity of the complainant to appear in court delayed the trial some weeks. Special effort was made to impress upon the prisoner the need of awaiting the complainant's recovery before the trial could start. An obvious fact to many, but unheard of as far as the prisoner was concerned.

Others seek the aid of the Association because they have no relatives or friends to advise them.

\* All names and initials are fictitious.



L. E.\* for example, arrested for burglary, was owed a considerable sum of money by his former employer. Inasmuch as he was estranged from his wife and other members of his family, he asked our aid in obtaining payment. A letter was written to the employer and the check forwarded to our office and delivered to him at the Tombs.

J. R.\* a middle-aged negro, was fearful lest absence from work would cost him his W. P. A. job. Since he was unable to write, the project supervisor was contacted and arrangements made so that he could return to the job in good status upon his release a few days afterwards.

O. P.\*, a youth 17 years of age, was taken into custody for soliciting alms. He told a long and involved story of having left his brother's home in a mid-western city because of the latter's disagreeableness and apparent chronic alcoholism. In view of his youth and apparent "weak-willed" nature, it appeared to be unwise to allow him to be released in a strange city without some form of supervision. Other factors led to the possible conclusion that society might benefit if the boy underwent a period of observation in a mental hospital. In order to assure the best treatment program the Voluntary Defenders Committee was asked to seek a psychiatric examination for him. Observation showed him to be sane and further hospitalization was not necessary. He was, however, released under conditions of probation.

The narrative of Tombs contacts could, of course, be continued but it is felt that these several cases illustrate that this service is beneficial not only to the community but to the inmate and the institution.

A large number of the inmate body is lacking in education and the need of this service is most necessary for that group. Unless the routine of law enforcement agencies, including the police, prosecutors and courts, is explained to them, many believe that for one reason or another they are being discriminated against. Clear, logical step-by-step analysis is most helpful to them. By the understanding thus developed, the relationship between the court, prisoner and the community is improved.

Figures show that in 1940 the Prison Association of New York referred to the Voluntary Defenders Committee a total of 298 cases, 142 of which were General Sessions Court cases, 27 Special Sessions Court cases, and 129 Felony Court cases.

It is our desire to make a public expression of appreciation to Edward T. Tighe, Esq., chief counsel for the Committee, and his staff, for their interest and cooperation throughout the year. At the same time we express our thanks to Warden William A. Adams and his staff at the Tombs for their helpfulness. We feel, in turn, that the service the Association has performed is of immeasurable value to the administration of the prison, and do not interpret it

\* All names and initials are fictitious.

as any effort to soften or ease the institutional life of an inmate. The Association has been too long engaged in this field to take a senseless attitude of that nature. If this service aids in the effecting of satisfactory adjustments, and of assuring sane, sympathetic yet firm, impartial treatment, all in the interest of the public welfare, then the long hours devoted to the careful handling of these requests will not have been without purpose.

### Employment and Relief Bureau

The year 1940 has been tinged with a new meaning for all the civilian population. For many, it has been a period of change to a new order—a metamorphosis in the social scheme. Departments of many to training camps have disrupted the routine in some households. However, to the average client of the Employment and Relief Bureau, the year has produced only its usual share of hardships and rebuffs. Parolees and those on probation have continued to seek the Association's aid in overcoming the barriers that confront them on every side.

The Employment and Relief Bureau concerns itself mainly with those cases called to its attention by the New York City and State parole, probation and institution authorities, and others referred by established and reliable social agencies. This limitation in intake policy has been necessitated by the large number of requests made upon us for assistance. Moreover, because of this same demand our service is given on an emergency basis with emphasis on assistance needed on a parolee's day of release.

The bureau is under the direction of John T. Connolly, a graduate of Holy Cross College and Fordham University School of Social Service, and every effort is made to carry out the ideals of the Association's founders in dealing with the clients of this department.

Perhaps the most interesting activity in the minds of the readers of this report is the employment work carried on by this department. During the year 1940, 575 personal contacts were made in hopes of obtaining jobs for our clients and 302 actual placements were effected. No efforts have been spared in this search. The association's representative has visited bus terminals, restaurants, warehouses, sandwich shops, automobile factories, department stores, drug stores, haberdasheries, distributing houses, garages, oil and coal companies, airlines, wireless and telegraph communication services, and a major league baseball club. Other enterprises contacted included: hospitals, hotels, packinghouse workers and hotel-club employees unions, sporting goods manufacturers, 5 & 10 cent stores, rural magazines for posts on farms, construction companies, apartment houses, flower shops, novelty manufacturers and wholesalers, utility companies, hosiery mills and steamship lines. Additional visits were made to radio and electrical concerns, furniture factories and stores, machine manufacturing companies, groceries, theatres, toy distributors, drug manufacturers, office equipment shops, recruiting offices of the Army and Navy, and many other prospective employers.

Let us consider a few cases of men placed in jobs and observe some of the difficulties encountered, methods used and results achieved.

First we review the case of C. M.\*—A well-known office company expressed itself as being interested in hiring a young man we might present as a job candidate. The qualifications necessary were: (1) Mechanically inclined and possessing some experience in working with wood and metal, (2) about 18 or 19 years of age, (3) possessed of a fairly good background, and (4) not convicted of a crime committed while armed. The Placement Bureau at Elmira Reformatory was requested to select such a candidate, and C. M. was suggested for the opening. He is an Irish-American youth who had an excellent work record at the institution. His father, a taxi-driver supporting a family of six, was as much shocked as any one when M. and an accomplice stole an automobile from a parking lot. Fortunately the institution offered him trade-training which made him eligible for the present opening. The employer hired the young man and he later enrolled in night school to complete his course of study. After M. had been working a few weeks, the employer stated that, "although he's a little 'green' yet, he has a good mechanical sense and gets along well with everyone here." M., too, is happy in his work as he has a "chance for advancement and is making remarkable progress in his studies as well.

More difficulty, however, was encountered in securing employment for:

M. K.\*—A nationally known tool and die maker requested a candidate who would qualify as an apprentice in his shop. One of the best machinists in Walkkill State Prison was suggested for the opening. The prospective employer felt, however, that M. K. was not qualified with sufficient specific skills for the post in his organization. Therefore, other openings were sought in K.'s behalf. An aircraft manufacturer in the state of New Jersey expressed an interest in the young man's talents as a machinist. Before considering him, they wished to know if he was known in the community where the factory is located. It developed that he was not known there. After continued negotiations, they withdrew their offer in the following manner: "A survey has indicated that this company already seems to be doing a good deal along this line and I frankly hesitate, with present circumstances as they are, to encourage the idea of doing much more."

K.'s criminal record once more was an obstacle.

A New York manufacturer with a plant in Philadelphia then requested his services. This offer was rejected by parole authorities since the prospective parolee's home was in Brooklyn and it was deemed inadvisable to have him reside in a distant city. Still another employer showed an interest in K. This offer was from a manufacturer of printing machines, and the post was as an apprentice in their factory. Thus K., a Polish-American youth of 23 years, whose only conviction was for stealing an automobile, was released from Walkkill to a position giving advancement prospects.

L. P.\* was referred to the Association by the Voluntary Defenders Committee. The latter group had defended him in the Court of Special Sessions where he was acquitted of the charge of possessing a dangerous weapon. A high school graduate whose father and mother are deceased, he had been unable to find work in or near his home community in Pennsylvania. Moreover, he was unable to effect a satisfactory adjustment with his two brothers and sisters with whom he lived. Finally in a state of desperation, he resolved to leave home. Taking with him a revolver belonging to his older brother, he left for New York. P., bereft of resources, attempted to sell his revolver. He was then arrested and given a suspended sentence. The judge suggested that he try to enter the Army, and our Association undertook to provide accommodations

\* All names and initials are fictitious.

for him at a Y. M. C. A. pending action upon his Army application. When P. applied at the Army Recruiting Office, he successfully passed his physical and mental examinations. However, since he had no legal guardian, he was asked to secure copies of the death certificates of his parents. He did not possess such papers and it became necessary to secure them from his brother in Pennsylvania. Because of the poor relationship between P. and his brother, the Association undertook the responsibility of writing to the latter asking him to obtain the documents.

Three weeks passed before the necessary papers were forwarded. Not only was P. sheltered during this period but efforts were made to obtain private employment for him. One such post was offered him. However, it was felt that an Army enlistment presented more security and also a chance for training in a trade. P. was finally accepted and as he departed for a military cantonment he said to our representative "I'll pay every cent back in installments."

D. B.\* is an individual best described as a confirmed recidivist. He has served two terms for assault, one in the New York City Penitentiary and the other in state prison. Presently, he is under city parole supervision after spending 2½ years at the city penitentiary for petit larceny. Of recent years when not in prison, B. has been more or less regularly on public relief. Because of his criminal record and lack of a trade, it was imperative that he secure reinstatement of his home relief status. The Association paid his rent for three weeks while the relief investigation was being conducted. Later he was assigned to W. P. A., but further help was necessary until the arrival of his first W. P. A. check. True to his promise, B. has been most faithful in repaying us, despite hardships in getting along on his small earnings. He told about his economic difficulties in letters, most of which contain itemized accounts of his expenditures during a preceding period.

"This job is no bargain. Many a time I went to work hungry . . . especially when you only draw 3, 4 or 5 days pay and have to pay rent out of it. Many a time I felt like giving myself up and do the remainder of my parole in prison and have no worries about eat and a place to sleep free of charge. Pray that we have nice weather until next Thursday and I'll have 10 days pay—a miracle if it happens. I never saw a movie since I'm at liberty and can not afford to buy a package of cigarettes or I'd have to deprive myself of cats. I don't in some my time when not working by staying in my room to navigate from one pay day to the other. I wish I was young enough to register in the Army; I'd be there long ago. I only lost 15 lbs. since I'm working . . . my right knee is swollen from working too much in water. I'll send the balance when I eat, its yours with a heart and a half. I wish I had more so I could donate it to your worthy cause."

G. S.\* had been head accountant with a leading textile manufacturer after advancing from the rank of office boy. He was happily married and the father of two children, but sought to supplement his salary by placing bets on race horses. For six years, S. misappropriated funds of his company in an effort to recoup his gambling losses. The officials of the firm finally discovered the loss and were unable to comprehend how S., in whom they had had implicit confidence for 18 years, could be responsible. He was successful in fleeing from the police net and finally was arrested in a southern state. After conviction of grand larceny 1st degree, he was sentenced to state prison for a term of 2½ to 5 years. The Association made numerous efforts to locate a parole job for S. at the completion of his term. Details of his unfaithfulness to his former employer resulted in prospective employers turning a deaf ear to our pleas in seeking a job for him. An influential friend, however, secured a placement for S., but it unfortunately lasted but one week. Efforts were then made to place him in other commercial jobs but, in all instances, the single entry on his record barred him from consideration. The Bureau sponsored a Situation Wanted advertisement for him in one of the leading Sunday news-

\* All names and initials are fictitious.

papers. An offer of employment came from a New Jersey firm but the manager there refused to consider S. when he learned that a parole investigation would be necessary before transfer to that state would be considered. Another ad stressing that the post was wanted "not for salary but for a chance for rehabilitation" resulted in several replies, one of which successfully materialized. With the resultant betterment of his economic status, he will be able once more to re-establish his home which has been broken since his incarceration.

It is our hope that the recital of these cases will serve to illustrate the varied services offered and extended by the Employment and Relief Bureau. Probably the greatest problem presented is the need of employment for parolees and probationers. The handicap of an institutional record combined with restrictions involving union membership, defense project contracts, loss of citizenship rights, the effect of the Alcoholic Beverage Control Law which prohibits ex-prisoners from working with establishments possessing liquor licenses, and other barriers met by parolees serve as deterrents to the obtaining of gainful employment. The problem is complicated and can be solved only with the wholehearted cooperation of the general public.

#### STATISTICS FOR EMPLOYMENT AND RELIEF BUREAU FOR 1940

Total interviews*	6,097
Interviews with clients	3,420
Different men interviewed	1,992
Men released from New York City penal institutions	1,403
Men released from New York State penal institutions	363
Men released from out-of-state penal institutions	120
Men released on probation	73
Men with no criminal record (special)	33
	<hr/>
Meals provided	2,992
Nights lodging provided	804
Men placed in employment	302
Employment contacts made by personal visit	575
Men given cash relief	1,544
Men given clothing	47
Total cash relief given	\$4,256.82
Total cost of meals and lodgings	\$626.42
	<hr/>
Total amount spent solely for relief	\$4,883.24

**Family Service Bureau** Primitive peoples usually inflicted fines, torture, or death as common punishments for violations of taboos. Little or no thought was given to the individual and to the effect upon the family of the offender.

With the turn of Time, "Justice Brooke affirmeth plainly, that if a man beat an outlaw, a traitor, a pagan, his villain, or his wife, it is dishonourable, because by the Law Common, these persons can have no action."<sup>†</sup>

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

<sup>†</sup> "The Social History of the American Family"—Arthur W. Calhoun.

The tithing-man, censor of Colonial New England family life, supervised morals and government with regard for the attachment of all single persons to some family. Magistrates were invested with authority to summon offenders and administer punishment by whippings or otherwise. From the Colonial records of Connecticut, 1643:

"The prsprity and well being of Comon weles doth much depend upon the well government and ordering of prticular families, weh in an ordinary way cannot be expected when the rules of God are neglected in laying the foundation of a family state."

With a nod and a bow the factors of delinquency continue to shift emphasis from punishment to prevention.

The problems presented to the Family Service Bureau of the Prison Association involve, always, the element of adjustment. The arrest of a family member is a matter of deep import, to parents, siblings, wives and children.

It might well be remembered that many a man has become a prisoner because of efforts to make his family more comfortable. In the experience of the Family Service Bureau, most families of prisoners are very faithful to them, while many resent deeply the incarceration. Thus, vitally important is full recognition of this attitude, with sympathetic efforts to redirect the client's thinking to a point compatible with existent trends, individual and societal welfare.

While the greater proportion of our clients are receiving support from the Department of Public Welfare, they require specialized treatment and guidance that only a private agency can offer.

To aid the children of our clients toward improved adjustment, and prevention of "anti-social" tendencies with procedures indicated by integration of social, physical, psychiatric and psychometric observation, special services have this year been included in addition to the program of general guidance and emergency financial aid of the Family Service Bureau.

Among these are a Medical Guidance Service, Psychiatric Service and facilities for psychometric testing.

In order to assure expert advice and opinion in regard to these newly inaugurated services, the Association invited several outstanding leaders in various fields to serve as an advisory board. The board, at the present writing, is composed of:

Hon. Sanford Bates, Member Board of Parole, State of New York, and former Director, Federal Bureau of Prisons; Dr. Karl Bowman, Director, Division of Psychiatry, Department of Hospitals, City of New York; Dr. N. L. Engelhardt, Professor of Education, Teachers College, Columbia University, and Chairman, The Commission on Education in Correctional Institutions of the State of New York; Right Rev. Charles K. Gilbert, Suffragan Bishop, Diocese of New York; Dr. Samuel H. Goldenson, Rabbi, Temple Emanu-El, and Director, New York Board of Jewish Ministers;

Hon. Jonah J. Goldstein, Judge, Court of General Sessions, New York, N. Y.; Dr. Florence Hale, Editor "The Grade Teacher", and Member, Board of Trustees, National Education Association; Rev. John J. Lennon, Assistant Director, Division of Children, Catholic Charities of the Archdiocese of New York; Dr. Nolan D. C. Lewis, Director, Psychiatric Institute and Hospital, State Department of Mental Hygiene, New York, N. Y.; Dr. Irving Lorge, Executive Officer, Division of Psychology, Teachers College, Columbia University; Dr. Bernhard Sachs, Director Emeritus, Division of Child Neurology, Neurological Institute, and President, First International Neurological Congress.

Fraught with significance is the development of children in a prisoner's family. The knowledge of a father's situation is usually a matter of deep hurt and feeling of insecurity. Even when the child is not aware of the father's or brother's imprisonment, their absence has varying degrees of effect.

While it is sometimes felt that it is impossible to fundamentally change personality, certain tendencies may be redirected with recognition, a satisfying new experience, affection and material security.

The Family Service Bureau, under the trained direction of Miss Sylvia Newburger, a graduate of New York University, has undertaken an honor system with its children, which although recently begun, has already had extraordinary effect.

As a special instrument of child development, the Scholarship type of grant is not charity but financial aid based upon recognition and follow-up of the child's behavior in school, home, church and settlement, in accordance with individual capacity and need. Nor does this service function as a "reward." The fine sense of responsibility and reliability developing on the part of the children is a dynamic factor intrinsic in our crime preventive program. A most important factor that we stress is vocational adjustment with the children of our clients. In this respect we are indebted to the fine cooperation extended by special trade schools of the Board of Education and to certain private schools which have made it possible for some of our young people to secure education and training.

The youngsters are also encouraged to participate in special activities and recreation. The Family Service Bureau is grateful for the close cooperation extended by teachers and settlement house directors and workers in granting special attention and opportunities to these children.

Obviously the "anti-social" acts of some children form a basis of development, while in others they lead to crime.

Look at Bob,\* for instance. . . . Perhaps it was true that children might be better able to appreciate his opinions than his mother. Hnsky, active, the seven year old was already classified as a "behavior problem" by his teacher. Bob vacillated between with-

\* All names and initials are fictitious.

drawing from other children into a glum silence, and over-aggressiveness. However he tried, he could not get along with other children. The cooperative settlement house worker offered him a leading role in the dramatics group. Added to this new status was the position of drum-major, and gym monitor in charge of boxing-glove sales.

The change in Bob was startling. Now that the boy had recognition and the opportunity to express himself, he was steady in his behavior reactions. Furious tantrums at home ceased. The children in Bob's class began to respect him. And older children, the ones that the boy preferred, though they were not so quick to accept him, began to recognize the boy.

The necessary social experience which develops the gifted for leadership, is increasingly a part of Bob's new life.

In many behavior cases, symptoms take the form of a cycle of interdependent influences where cause must be separated from effect.

The family laughed. Peter\* sat tense, bound by emotion. Diseased, obviously rejected by mother and sister, school expulsion finally convinced him. He was through with all but the gang.

There wasn't much to remember from before. It was mostly picking food from factory dumps. And mixed kinds of people. And moving to places—mostly worse, sometimes better.

But Peter was reasoned with. He was granted a Scholarship. One day he said simply, "I'll go back." He did—to a special trade school. Three weeks later Peter leaped over our threshold, "She says I'm the best in the class. . . . It's different in the new apartment. I'm not ashamed to bring up nice friends." His freckles glowed.

"Mom don't need to climb stairs no more. Doctor says pretty soon I'll be finished. Do you think they're kidding me when they say I'm regular?" He jerked his fingers through his hair.

#### MEDICAL GUIDANCE SERVICE

The Medical Guidance Service for children serves mainly as a preventive unit with referral to proper clinics for treatment, when necessary. The birth and development history of the child is recorded. Dr. Percy R. Crane, Chief of the Medical Guidance Service, maintains a perspective that is both comprehensive and progressive. Dr. Crane has been well known in public health work for over twenty years, having been Medical Supervisor of the Bureau of Hygiene of the Health Department of the City of New York. From Dr. Crane's wealth of experience with children of pre-school and school age, is based his present techniques. This philosophy has been blended by travel and study in the tropics and abroad.

The Service was inaugurated on September 27, 1940, for the children of the clientele of the Association.

\* All names and initials are fictitious.

A child's outlook on life is not alone produced by the environment, but is the result of somatogenic factors as well. These dual components are definitely interrelated, and both must be made the subject of study in each individual case. The search for psychogenic factors alone, is but a partial approach to the problem, and may lead to indifferent success.

The plan of operation of the Medical Guidance Service, with allied phases of activity is given below, and has been designed to more or less completely cover all of the factors at fault.

As it has been in operation a comparatively brief period of time, it is impossible as yet to completely evaluate the results of the work.

Early in the progress of this work, it was discovered that a greater percentage of these children exhibited nervous disorders than that found in children outside of this group. These disorders vary all the way from the lesser, and perhaps borderline conditions, such as excessive restlessness and irritability, to actual disease such as chorea and epilepsy. Between these extremes are those that exhibit emotional disturbances such as violent attacks of temper, rage, and other examples of abnormal behavior. Many of these disorders were accompanied by definite physical impairments, and some at least are undoubtedly dependent upon them.

A few examples from the many cases at hand, will serve to illustrate.

The first is that of AA—a child of 5 years, who was actually expelled from the kindergarten which she attended. She is very quarrelsome, destructive, and has a violent temper. Her growth is retarded, and her physical development delayed. She is markedly malnourished, suffers from enuresis and is subject to frequent colds. There is considerable promise of correction of these behavior abnormalities, for efforts are being made to correct all of the factors at fault, beginning with the abnormal physical condition of the child.

Another is that of AB—a child of 5 years, nervous, emotional, timid, sensitive. She has had 2 attacks of pneumonia, is subject to frequent colds, and has hereditary Lues. Her sister is in the terminal stage of tuberculosis. Considerable work has been done on this case, but obviously the main approach is that of proper medical treatment. She is receiving it at this time.

A simpler case is that of AC—a young child who was nervous, excitable, and had a violent temper. She was infested with intestinal parasites, and her nervous condition improved markedly when this condition was eliminated.

The need for early guidance is well exemplified in the case of AD—an older girl, with retarded mental development, lethargic, indolent, and with well-founded suspicions of promiscuity. Her Wasserman is positive, and she is now receiving anti-Luetic treatment. Her mother is also infested and under treatment. If this case had been seen earlier, perhaps this unfortunate condition could have been prevented. However, her outlook on life and mental

condition have markedly improved since she has had continued treatment and intelligent guidance.

A condition of malnutrition in greater or less degree is frequent among the children suffering from nervous disorders, and may be, in at least some of these cases, the determining factor in the production of these abnormalities. It offers, perhaps, the greatest single problem in this work, for many of these families are on relief, and the meager funds allotted are often insufficient for the purchase of proper food for the children.

Somewhat improved conditions have resulted from the granting of requests made on recommendation of this service for extra food subsidies from the Home Relief Bureau, and from the extra daily pint of milk recently allotted each child. School lunches help considerably, but it is unfortunate that this practice is not identified with all of the schools.

It is obvious that diets for children should contain at least the minimum essential requirements, that they be properly balanced, and have the proper calory, vitamin, and mineral content.

When funds are limited, however, the tendency is toward the purchase of foods that are cheaper and more "filling and satisfying," and to neglect those that are necessary to the bodily economy. Thus a greater proportion of the budget is devoted toward the purchase of starchy foods, and a lesser proportion to other essentials, such as proteins, fruits, green vegetables, dairy products, etc. This situation has frequently been present in the children examined and is reflected by conditions of underweight, anemia, and flabby musculature, in addition to definite signs of inadequate vitamin and mineral intake.

Every effort has been made to secure the correction of these conditions, and budgetary and dietary advice has been given in all indicated cases.

The extensive nutritional studies made in the past conclusively show the necessary role that the vitamins play in the bodily economy. Investigations seem conclusive that an adequate supply of vitamin B is necessary for the proper functioning of the nervous system. Through the courtesy of various manufacturers who have supplied us with generous samples of their products, we have been able to furnish at least some of this food accessory to certain needy cases. Other vitamin products have been used as well.

The importance of the nutritional problem is well exemplified by the family of BA seen recently. Family consists of mother and 7 children. The oldest is 17 pounds underweight, and each one of the others from 3 to 7 pounds underweight. All are anemic as well. All exhibit nervous and emotional disorders. After the rent is paid, there is but \$13 weekly left to feed the family of 8, to provide clothing, and to pay electric and gas bills. All efforts have been made to procure additional help for this family.

Successful results however can be secured by correcting nu-

tritional disturbances, as has been well demonstrated by a number of cases now under supervision, including the following:

Case of BB—first seen 2 months ago. Child of 6 years, stated to be a "problem child", timid, fearful, sensitive, overdependent on mother, social adaptability poor, extremely malnourished. Psychologist reports that he was unable to test the child because of extreme restlessness. Correction of the diet with an added vitamin B ration brought about a remarkable improvement within one month; the child now has a hearty appetite, has put on weight, and his mental condition is much improved.

The foregoing remarks on nutrition are not intended to convey the impression that this condition is more important than other physical defects found on examination. It has been discussed more fully because it is more prevalent.

Other impairments found were those of certain hereditary diseases, developmental disorders, delayed or precocious maturity, defects of vision, hearing, tonsils, adenoids, heart, glands, etc. A number of children suffered from enuresis, a condition sometimes continued until late childhood; and a number were subject to frequent colds.

The importance of early correction of these impairments is evident, and all efforts have been made to accomplish this effect.

The family of CC, seen recently, is typical of many others in our records, showing the association of physical impairments with nervous and behavior abnormalities.

Mother and 3 children from 8 years to 13, is also foster mother to an adopted child. This adopted child, when very young was deserted by its parents, the mother being a mental defective. All 4 of these children are malnourished, all have defective teeth, 3 have hypertrophied tonsils, and 2 have defective vision. All are very restless, irritable, disobedient and exhibit frequent attacks of violent temper and other behavior abnormalities.

All efforts are being made to secure the prompt correction of these physical impairments, as it is evident that this action is necessary to the success of the collateral mental guidance work.

This general principle of dual action is well recognized, and in practice elsewhere. An exceptional opportunity exists through this service, for many of the children brought to our attention are of pre-school age, before contacts have been made with official public health organizations.

Many of the impairments found have an added significance because of their occurrence in this more or less specialized group of children, and because of their correlation with the facts elicited in the history taken of each case.

The work of the Medical Guidance Service begins with this history. It obtains pertinent data concerning the parents so that hereditary diseases or taints may be uncovered, and to secure information as to the health of the parents, and the quality of the parental supervision.

Next the child's life is reviewed from the day of birth up to

the present time. Information is secured as to possible birth injuries; next as to his physical and mental progress; and then as to the various illnesses, traumas, etc. which have punctuated his life and which may have had important after effects. Finally a statement is secured concerning the child's present condition (physical and mental), his habits and behavior patterns.

Following this history, the examination is made.

The work of this service is essentially that of proper guidance, and not that of treatment of any individual. The underlying purpose is to discover the medical needs of the clientele, and to guide the indicated cases into the proper channels for effective treatment or management. Furthermore to establish close contacts, so that each child may receive the specialized and individualized attention that he or she requires. The fact must be recognized that clinics are often overcrowded, mechanical and impersonal. These children are laboring under peculiar handicaps not present in others, and need individual attention. Every effort is being made to see that they receive it.

It is an unfortunate fact that the facilities of most of the city hospitals are greatly overtaxed in regard to operations for the removal of tonsils and adenoids; and that there are long waiting lists of children that need this attention. It is felt that in view of the peculiar and distressing circumstances associated with the children of our clientele, that delays are detrimental—therefore, every effort has been made to secure attention as rapidly as possible.

Arrangements are also being made for psychiatric analysis and guidance in indicated cases. The correlation of all the factors concerning the physical, mental and environmental status of each child, gives a more or less complete picture, and indicates the necessary courses of action to follow.

In addition to the work with children, the physical and mental condition of their mothers is also investigated, and efforts made to correct all factors at fault. Many of these mothers suffer from poor health: the diseases found thus far, being goiter, diabetes, heart disease, arthritis, gall bladder disease, gastric ulcer, asthma, gynecologic disorders, etc., and many minor conditions. Many have nervous or emotional disorders. These latter may well be expected from the shock of the trouble encountered and resultant disgrace brought upon the family; the absence of the father, and from economic difficulties.

Many of these mothers are from the lower social strata, with low levels of intelligence. Some have as many as six or eight children. Some have undoubtedly had their ideals of good citizenship shattered by association with criminal husbands. Perhaps some have innate or developmental anti-social tendencies.

Thus it is apparent that many of these mothers are ill equipped for the task that lies ahead, that of directing the formation of the habits necessary for good citizenship in their children. As

nothing replaces the intimate relationships of the home, it is evident that considerable study must be given to each case.

The methods pursued thus far include the following:

1. The collateral social service work with the families, which has either corrected or alleviated many of the distressing conditions found.
2. Mothers in poor health were promptly referred to private physicians, clinics or hospitals.
3. In indicated cases mothers were listed for psychiatric analysis and guidance.
4. Budgetary and dietary advice was given when indicated. Plans are being made for a further extension of this service, as many mothers are quite ignorant as to the proper handling of the meagre funds allotted to them.
5. Through the collateral social service work, requests for extra subsidies for food were made from relief agencies when indicated, and assistance given in providing clothing and other necessities.
6. Direct personal advice to mothers as to child training has been given, reinforced by appropriate booklets to be read in the home. These booklets have been provided for us in generous quantities by various life insurance companies, and are well written, very comprehensive and exceedingly valuable. This educational work is of prime importance, for while all of the mothers wish to rear their children properly, many are quite ignorant of the proper methods to be employed to combat undesirable traits that may be exhibited. These traits must be controlled in early infancy, or they may grow to such an extent that control is impossible. The guidance must be positive toward the cardinal virtues of honesty, obedience, and truthfulness, and extreme care used in the control of children exhibiting manifestations of violent temper, rage, jealousy, cruelty and other pernicious habits. If not handled properly these habits may actually get worse. And the mothers need instruction as to the necessity of control of their own emotions, as a common trait of children is that of imitation.

The work of the Medical Guidance Service is in close cooperation with and is a part of the collateral social service activities which deal with many other necessary phases of this work.

The Association wishes to convey its thanks and appreciation to the individuals, organizations and firms that have cooperated in this work, and to transmit the expressions of gratitude of the clientele who received these benefits.

The organizations include the life insurance companies that have supplied us with generous quantities of health educational material; namely,

The Metropolitan Life Insurance Co.  
The John Hancock Life Insurance Co.  
The New York Life Insurance Co.

The following pharmaceutical houses have supplied us with food products, food accessories, and vitamin preparations:

Abbott Co.	Mead Johnson and Co.
Carnation Milk Co.	M and R Dietetic Laboratories,
General Mills Inc.	Inc.
H. J. Heinz Co.	Wm. S. Merrell Co.
Kemp Sun Ray Co.	McKesson and Robbins
Lederle Laboratories	Hoffman-LaRoche Co.
Eli Lilly Co.	Vegex Inc.
	White Laboratories, Inc.

We also thank the Paine Hall School and the medical assistants referred to the Association.

#### PSYCHIATRIC SERVICE

It is recognized that emotional factors active early in children are bases of adolescent difficulties. During the exceedingly impressionable period of early childhood, numerous conflicts and instabilities condition personality types.

The Psychiatric Service is under the direction of Dr. J. G. Wilson, Senior Surgeon, U. S. Public Health Service, retired; Director, Division of Hospitals and Mental Hygiene, State of Kentucky, retired; Lecturer for the Psychiatric Institute under the Committee on Psychiatry in Medical Education of the American Psychiatric Association; and member of the Faculty, New York State Psychiatric Institute.

Its function is observation of children's mental and emotional balance with diagnosis and therapy.

Dan's eyes started to twitch when Dad left. Then his hands began to tremble. Classroom became a place to dream. After awhile, nightmares made bedtime a grave ordeal. . . .

Therapy in this case released Dan's emotions. He was made to feel secure and a respected member of the community.

The clinical psychologist views examination of the child's intellectual equipment as an opportunity also to evaluate general behavior reactions.

It wasn't just having a soldier uncle that made Peggy\* belligerent. She had battles of her own. . . . Psychometric examination revealed the fact that Peggy was below average in intellectual equipment and therefore was compensating by aggressive behavior to cover her feelings of inferiority.

The special class welcomed Peggy. She was now able to proceed at her own rate. Unusual attention was allowed to hand-work and drawing. Peggy, for the first time in her young life, tasted success in competition.

Often an apparently complicated case adjusts easily.

Tommy continued fiercely, "It's my clothes I'm ashamed of!"

\* All names and initials are fictitious.

That's why I stopped eating lunch. Dimes add up. When you are seventeen and want nice friends . . . ."

Tommy was proud. As proud as his father who would rather steal than accept charity. Desperately trying to feel as if he belonged to people, Tommy shared luncheon pennies between dues of five clubs and his few clothes. But something was lacking. Cold bitterness drifted in and settled. His sister reported that "Tommy is always hungry. And it gets him awful mad. Sometimes he disappears."

The principal smiled. "We can arrange it." Tommy's school program was changed. There was time for a job.

A month passed . . . . A letter read . . . "You'd be surprised how I've become the life of the party . . . Besides, I feel like a person now . . . Everything is different—even my friends. I always wanted to make good. I'm so happy about my mother getting a suspended sentence. I guess the judge sort of realized she did it for us. She don't need to never again . . . ."

Certain habits, ideals and attitudes are essential to self-sustaining individuals as contributing members of society. The Family Service Bureau of the Prison Association of New York, accepts and fully discharges its responsibility in adjustment and crime preventive work.

We are grateful to the following organizations for cooperation during the year:

Adult Education Headquarters  
Baby Health Stations  
Bay Ridge Day Nursery  
Bellevue Hospital  
Bethany Day Nursery  
Beth Israel Hospital  
Bloomington Clinic  
Board of Child Welfare  
Boys' Athletic League  
Boys' Clubs  
Bronx Eye and Ear Infirmary  
Bronx House  
Bronx Hospital  
Brooklyn Hospital  
Brooklyn H. S. for Specialty Trades  
Brooklyn Music School Settlement  
Brooklyn Philanthropic League  
Brownsville Community Center  
Bureau of Part Time Work  
Bureau for Children with Retarded  
Mental Development  
Bushwick Hospital  
Camp Fire Girls  
Camp Sussex, Inc.  
Catholic Charities of the Archdiocese  
of New York  
Catholic Charities of the Diocese of  
Brooklyn  
Catholic Youth Organization  
Chelsea Vocational H. S.

Children's Welfare Federation  
Christ Church Dental Clinic  
Christian Herald Children's Home  
Christodora House  
Christ Presbyterian Church Clinic  
Colony House  
Columbus Hospital  
Commonwealth House Community  
Center  
Community House  
Coney Island Center Clinic for Den-  
tal Care  
Council of Social Agencies of Mont-  
clair, N. J.  
Crotona Neighborhood House  
Community Service Society Dental  
Clinic  
Cumberland Hospital  
Department of Health Dental Service  
Domestic Relations Court  
East New York Dispensary  
East N. Y. Vocational High School  
Edwin Gould Foundation for Chil-  
dren  
Emmanuel House Nursery  
Employing Printers Association  
Essex Street Dispensary  
Family Court  
Fordham Hospital  
Free Milk Fund, Inc.

Free School Lunches  
French Hospital  
Girl Scouts  
Goddard Neighborhood House  
Good Samaritan Hospital  
Grand Street Settlement  
Graphic Employment Agency  
Greenwich House  
Greepoint Hospital  
Grosvenor Neighborhood House  
Haarlem House  
Halsey Day Nursery  
Hansen Eye and Ear Hospital  
Hartley House Music School  
Hebrew Day Nursery  
Hebrew Education Society  
Hockscher Foundation  
Henry Street Settlement  
Home Relief Division, Dept. of Wel-  
fare  
Home Thrift Association  
Jamaica Vocational H. S.  
Jefferson Park M. E. Church  
Jewish Board of Guardians  
Jewish Education Association  
Jewish Hospital of Brooklyn  
Jewish Settlement House  
Jewish Vacation Association  
Joint Disease Hospital  
Juvenile House of Juvenile Service  
League  
Kings County Hospital  
Knickerbocker Hospital  
Lebanon Hospital  
Legal Aid Society  
Lenox Hill Settlement  
Lenox Hill Hospital  
Lincoln-Franklin Club  
Lincoln Hospital  
Little Mothers' Aid Association  
Lutheran Hospital  
Madison House  
Madison Square Boys' Club  
Madonna House  
Manhattan Eye and Ear Hospital  
Manhattan H. S. of Aviation Trades  
Manhattan H. S. of Women's Gar-  
ment Trades  
Missing Persons Bureau  
Morrisania Hospital  
Mothers' Clubs  
Mt. Sinai Hospital  
Metropolitan Vocational H. S.  
Morris High School  
National Youth Administration  
N. Y. Exchange for Woman's Work  
N. Y. Housing Project  
N. Y. Infirmary for Women and  
Children  
N. Y. Polyclinic Hospital  
N. Y. State Employment Service  
N. Y. University College of Dentistry  
Non-Sentimental Division (H.R.D.)  
Northern Dispensary of the City of  
N. Y.  
Norwegian Hospital  
Norwegian Lutheran Welfare Associ-  
ation  
Old Age Assistance Bureau  
Police Athletic League  
Post Graduate Hospital  
Printers Employment Agency  
Queensbridge Housing Project  
Red Hook Housing Project  
Sacred Heart Church  
Salvation Army  
Samaritan Hospital  
St. Agnes Church  
St. George's Church  
St. John's L. I. College Hospital  
St. John's Hospital  
St. Luke's Hospital  
St. Teresa's Church  
St. Vincent de Paul Society  
St. Vincent's Hospital  
Schiff Center  
School Settlement Association  
Teachers College (Columbia Uni-  
versity)  
The East Side Vacation Camp Asso-  
ciation  
Trinity Church  
Unemployment Insurance Bureau  
Union Settlement  
Unity Hospital  
Vladeck Housing Project  
Veterans' Bureau  
Vocational Adjustment and Guidance  
Bureaus  
Vocational Service for Juniors  
Volunteers of America  
Willard Parkers Hospital  
Willoughby Settlement House  
Wyckoff Heights Hospital  
Yorkville H. S. for Women's Service  
Trades  
Young Men's Christian Association  
Young Women's Christian Associa-  
tion



## THE PRISON ASSOCIATION OF NEW YORK

## STATISTICS OF FAMILY SERVICE BUREAU FOR 1940

Families under care, January 1, 1940.....	217
New cases received .....	146
Old cases reopened .....	26
Total number of families under care.....	389
Cases closed .....	160
Families under care, December 31, 1940.....	229
Total amount of cash relief given.....	\$3,965.49
Visits to homes, relatives, and social agencies.....	682
Office interviews (involving advice, guidance, and giving of material aid, etc.) .....	1,860
Individuals provided with Thanksgiving and Christmas dinners.....	652
Children given toys at Christmas.....	225
Children sent to summer camps.....	78

## LEGISLATION

To combat crime there must be attack on many fronts, since there is no specific cause or cure. The making of laws for the improved administration of criminal justice, as it relates to court procedure, probation, parole and institutional administration, is of basic importance. Therefore, the Association has through almost its entire career concerned itself with bills before the Legislature. Set forth below is a brief summary of those bills receiving our support or opposition during the 1940 session.

## Approved

*Assembly Int. 53, Senate Pr. 1640:* Extends to courts of special sessions and police courts provisions which require that a defendant be advised of right of counsel and given facilities for communicating with counsel. *Chapter 423.*

*Assembly Int. 195, Pr. 1864:* Makes provision relating to offenses not bailable by inferior courts apply to any violation of Public Health Law relating to narcotic drugs, which is defined as a misdemeanor under Sec. 1751-a, Penal Law. *Chapter 607.*

*Senate Int. 434, Pr. 2039:* Authorizes Court of Claims to determine claim of any person erroneously convicted of felony through error of judgment in identification after confinement in state prison and subsequent proof of innocence or pardon by governor, no judgment to be given for more than \$5,000. *Failed of passage.*

*Senate Int. 526, Pr. 537:* Requires grand juries after July 1, 1940 annually to inquire into status of indictments remaining undisposed of for more than one year prior to convening of grand jury and to report thereon to the court. *Failed of passage.*

*Senate Int. 531, Pr. 542; A Int. 659, Pr. 670:* Provides for establishment, operation and maintenance of experimental state camps for treatment, care, occupation and rehabilitation of adult male vagrants, tramps and inebriates and appropriates \$125,000. *Failed of passage.*

*Senate Int. 874, Pr. 969:* Authorizes attorney general as well as relatives or creditors of persons imprisoned in state prison to apply for appointment of committees of the property, provides for payment of any surplus after payment of debts and support, to reimbursement of state for maintenance, the remainder to be held until death or discharge of prisoner, and makes other changes. *Failed of passage.*

*Assembly Int. 1156, S. Pr. 2540:* Provides that the N. Y. State Vocational Institution in correction dept. shall be for the care,

treatment and education of male persons who are from 16 to 19 years old and who have been adjudged juvenile delinquents, disorderly persons, wayward minors or guilty of any other offense except crimes punishable by death or life imprisonment and repeals provision relating to transfer of N. Y. house of refuge to correction dept.; prisoners returned from any reformatory for residence are to be to custody of sheriff. *Chapter 663.*

*Senate Int. 878, Pr. 977; A. Int. 1155, Pr. 1206:* Provides that personal property belonging to discharged or deceased person of N. Y. State Vocational Institution and in custody of officer thereof shall, if unclaimed for six months, be inventoried and turned over to correction comr., moneys so unclaimed and proceeds from personal property sold, to be paid into state treasury. *Chapter 487.*

*Senate Int. 879, Pr. 978:* Includes with powers and duties of supts. of state correctional institutions those powers and duties prescribed for the N. Y. State Vocational Institution. *Chapter 712.*

*Senate Int. 973, Pr. 2564:* Gives person who believes that a grand jury is investigating charge that he has committed a crime, the right to appear and give evidence before grand jury upon signing waiver of immunity and if opportunity is not given indictment shall be set aside; court may submit case to another grand jury. *Chapter 643.*

*Senate Int. 1033, Pr. 1197:* Provides that copy of prisoner's finger-prints taken after conviction in N. Y. City special sessions court shall be forwarded to police dept. criminal identification bureau for comparison with those taken at time of arrest. *Chapter 436.*

*Senate Int. 1034, Pr. 1198; A. Int. 1630, Pr. 1773:* Provides that copy of prisoner's finger-prints taken after conviction of felony or major misdemeanor shall be forwarded to criminal identification bureau of police dept. where arrest was made, for comparison with finger-prints taken at time of arrest. *Chapter 665.*

*Senate Int. 1290, Pr. 2037:* Relates to procedure for inquiring into sanity or mental condition of a defendant before or during trial. *Failed of passage.*

*Senate Int. 1662, Pr. 2560:* Requires the taking of finger-prints of a defendant held to answer for a felony or misdemeanor; when defendant appears in trial court for pleading his finger-prints shall again be taken and compared with those taken in the magistrate's court to determine if he is the same person as the one held to answer by the magistrate. *Vetoed.*

*Assembly Int. 1676, Pr. 1842; S. Int. 1340, Pr. 1597:* Authorizes court, judge or magistrate outside of N. Y. City, when any sentence of not more than sixty days of imprisonment is imposed, to suspend execution of judgment of imprisonment on certain specified

days or parts of days and at any time within term of sentence revoke the suspension and commit defendant for remainder of sentence. *Chapter 454.*

*Senate Int. 1355, Pr. 1613; A. Int. 1719, Pr. 1894:* Authorizes joint acquisition, construction, operation, maintenance, control and supervision of jails and lock-ups by two or more cities, villages and towns in counties outside N. Y. City. *Vetoed.*

*Assembly Int. 4, Pr. 2461:* Provides that persons protecting and guarding buildings or grounds of institutions under the jurisdiction of the correction, health, mental hygiene or social welfare departments of the state shall not work more than 8 hours a day, 48 hours or 6 days a week except in case of emergency or upon request to work one additional day a week in a period of seven weeks. Approved in principle. *Vetoed.*

*Assembly Int. 182, Pr. 182:* Provides that persons arrested or detained, except by warrant of parole board, shall be taken immediately before magistrate, or, in N. Y. City, if no magistrate is available, to nearest prison or institution not under police dept. record to be kept of time of arrest and arraignment with names and addresses of all interviewers. Approved in principle. *Failed of passage.*

*Assembly Int. 188, Pr. 188:* Provides that persons charged with crime or detained as witnesses in institutions shall be examined for injuries at time arrested and records shall be kept from time of entrance or transfer to time discharged. Approved in principle. *Failed of passage.*

*Senate Int. 417, Pr. 1163:* Proposes logical arrangement in laws indicated below by incorporating various unconsolidated laws of a general and permanent character. *Chapter 195.*

*Assembly Int. 639, Pr. 648:* Creates state debt and appropriates \$1,986,000 of which \$981,000 is to be used for constructing new state hospital on Long Island and \$1,005,000 to be used for constructing two cell blocks at Clinton prison, Dannemora. *Chapter 130.*

*Assembly Int. 690, Pr. 701:* Authorizes N. Y. City magistrates to order investigation of adolescent offenders including criminal, social, physical, mental and psychiatric history and to remand defendant or admit him to bail for not more than ten days pending receipt of report. Approved in principle. *Vetoed.*

*Assembly Int. 739, Pr. 750:* Increases from 60 to 80 cents a day the sum which the state must pay for maintenance of a tramp during imprisonment in a penitentiary. *Vetoed.*

*Assembly Int. 1033, Pr. 1060:* Requires grand juries after July 1, 1940, to inquire annually into status of indictments remaining

undisposed of for more than one year prior to convening of grand jury, report thereon to be made to the court. *Failed of passage.*

*Assembly Int. 1424, Pr. 1525:* Requires state correction comr. to segregate first offenders from other prisoners in state prisons. Approved in principle. *Failed of passage.*

*Assembly Int. 1514, Pr. 2821:* Reduces from 20 to 10 years maximum term of imprisonment for receiving stolen property. *Chapter 443.*

*Assembly Int. 1737, Pr. 2958:* Prescribes conditions under which temporary appointments in state service may be made by appointing officer. *Chapter 612.*

*Assembly Int. 2169, Pr. 2500:* Permits state police supt. to maintain a scientific crime detection laboratory and to employ a director, number of corporals being increased from 11 to 13 and positions of saddler and blacksmith being stricken out. *Chapter 699.*

*Assembly Int. 2396, Pr. 3000:* Makes supplemental appropriations for support of government. *Chapter 877.*

*Senate Int. 2052, Pr. 2606:* Re-enacts provision relating to Mount Magdalen Training School, Troy, and commitments thereto which were inadvertently repealed through error by Chap. 195 of 1940. *Chapter 463.*

### Opposed

*Senate Int. 103, Pr. 1992; A. Int. 509, Pr. 516:* Provides every rule or act of a civil service commission shall be subject to review by a court of competent jurisdiction, both on law and facts. *Failed of passage.*

*Senate Int. 139, Pr. 139:* Provides that oral examinations or personal interviews shall not constitute any part of competitive promotion examination. *Vetoed.*

*Senate Int. 140, Pr. 140:* Requires that promotion examinations to positions in competitive civil service class shall consist of two parts, one a written test with questions, problems or reports on duties of position, to determine candidates' superior qualifications and the other to consist of credit for seniority and record in rank of position, list to contain names of candidates receiving 70 per cent in order of standing. *Failed of passage.*

*Senate Int. 187, Pr. 187; A. Int. 488, Pr. 495:* Provides that when employee in classified civil service shall be appointed to another position and resigns from former position to accept provisional appointment, the position from which he resigns shall not be permanently filled until after probationary term; if unqualified

for new position, he shall be restored to his former position. *Failed of passage.*

*Senate Int. 193, Pr. 2536:* Makes general changes in state's judicial system including provision for setting up alternative method for removal by court of appeals of supreme court justices and judges of other courts of record and for assignment of administrative control over lower courts, except surrogates' court, to appellate division. *Failed of passage.*

*Senate Int. 236, Pr. 236; A. Int. 313, Pr. 315:* Provides for transfer to children's court of child less than 18 years of age but over 16 brought before court or magistrate charged with commission of crime or act of juvenile delinquency. *Failed of passage.*

*Senate Int. 280, Pr. 280:* Provides that any determination by the parole board may be reviewed before appellate division, third dept. *Failed of passage.*

*Senate Int. 283, Pr. 283:* Provides that certain prisoners received in a state prison prior to April 30, 1935, who are first offenders may be released on parole after serving five years and in case of second offenders after having served ten years. *Failed of passage.*

*Senate Int. 331, Pr. 335; A. Int. 434, Pr. 440:* Provides where children under age of 16 are convicted of crime punishable by death or life imprisonment if committed by adult, trial court may direct confinement in state training school; strikes out provisions for sentences of children convicted of other crimes. *Vetoed.*

*Senate Int. 444, Pr. 448:* Provides every rule, regulation or act of a head of a department or agency relating to persons holding civil service positions, except exempt employees in classified service, shall be subject to court review both on law and facts. *Failed of passage.*

*Senate Int. 1194, Pr. 1394; A. Int. 1263, Pr. 1331:* Strikes out provision that person convicted of a misdemeanor shall not be placed on probation until investigation of his criminal record and social history. *Failed of passage.*

*Senate Int. 2059, Pr. 2613:* Provides that the penalty imposed on prisoners escaping or for other crimes shall apply to any person "heretofore or hereafter" convicted of a felony. *Failed of passage.*

*Senate Int. 2058, Pr. 2612:* Provides that an alien prisoner in a state prison, who has served two years, shall be immediately released to the immigration authorities, if he is not deported he must be returned immediately to the institution. *Vetoed.*

*Assembly Int. 7, Pr. 7:* Prohibits state or local civil service commissions from setting up educational requirements for competi-

tive examinations which prevent, disqualify or discriminate against any person physically and mentally qualified; excepts professional and other positions where requirements are imposed by statute. *Failed of passage.*

*Assembly Int. 383, Pr. 389:* Provides that no rule or regulation of a civil service commission shall require more than elementary school education for position not necessitating professional or technical knowledge. *Failed of passage.*

*Assembly Int. 461, Pr. 2956; S. Int. 842, Pr. 2563:* Requires N. Y. City education board to establish child guidance bureau with staff of psychiatrists, psychologists and social workers; diagnosis and treatment of child are not to be provided if parent or guardian objects. *Failed of passage.*

*Assembly Int. 526, Pr. 533; S. Int. 695, Pr. 743:* Provides no brush-making shall be done by prisoners for use of state except as may be required to supply brushes for state correctional and state charitable institutions. *Failed of passage.*

*Assembly Int. 677, Pr. 688:* Provides no prisoner shall be released on parole under conditions which may enable him to work in a position construed as strike-breaking. *Failed of passage.*

*Assembly Int. 741, Pr. 2797:* Provides that every tramp on conviction may be imprisoned at hard labor in the nearest jail as well as nearest penitentiary, expense to be paid at rate of 80 cents a day per capita. *Vetoed.*

*Assembly Int. 940, Pr. 2877:* Provides that every rule, regulation, resolution or act of a head of a department or agency relating to persons holding classified civil service positions, except laborers in exempt class and other exempt employees, shall be subject to court review both on law and facts. *Failed of passage.*

*Assembly Int. 983, Pr. 1005; S. Int. 870, Pr. 965:* Provides that no civil service commission shall disqualify or discriminate against persons otherwise qualified from registering for and competing in civil service examinations of non-technical or non-professional character, by reason of any lack of academic education. *Failed of passage.*

*Assembly Int. 1259, Pr. 1327; S. Int. 1195; Pr. 1395:* Increases generally the fees of justices of the peace and combines in one section schedule of fees for actions and special proceedings. *Vetoed.*

*Assembly Int. 1263, Pr. 1331:* Strikes out provision that person convicted of a misdemeanor shall not be placed on probation until investigation of his criminal record and social history. *Failed of passage.*

*Assembly Int. 1425, Pr. 1526:* Provides that persons arrested for certain forms of disorderly conduct must be taken immediately

before a magistrate or, if magistrate is not accessible, before a police captain, lieutenant or sergeant and given opportunity to be admitted to bail in sum of \$10. *Failed of passage.*

*Assembly Int. 1882, Pr. 2106; S. Int. 1478, Pr. 1786:* Provides for release on parole of prisoners received in a state prison prior to March 18, 1932, and sentenced as first offenders for burglary or robbery, 1st degree, as though the sentence had been for an indeterminate term with minimum of ten years and of prisoners convicted of same offenses as 2nd or 3d offenders after serving at least twenty years and of prisoners for same offenses as 4th offenders after serving at least thirty years, as though sentence had been for indeterminate term with minimum of thirty years. *Failed of passage.*

## THE SEVENTIETH ANNUAL CONGRESS OF THE AMERICAN PRISON ASSOCIATION

By HOWARD B. GILL

*Technical Assistant to the Director, Federal Bureau of Prisons*

In the months since the Seventieth Annual Prison Congress at Cincinnati, there has been time to sit back and ask ourselves the perennial question: What was accomplished?

There is, of course, left with us after a week of busy meetings and speech-making, four pages of resolutions. The Annual Proceedings containing a wealth of material are yet to come. The resolutions include a reaffirmation of the Declaration of Principles adopted in Cincinnati in 1870 as revised in 1930; "a message of good cheer" and recognition to Colonel Alexander Paterson, Commissioner of Prisons for England and Wales; commendation of the Judicial Conference of Senior Circuit Judges of the United States for its approval of the indeterminate plan of sentence in criminal cases; some pointing with pride to the Federal Bureau of Prisons and various states for their good sense in placing the emphasis in new construction chiefly on rehabilitative and training facilities instead of on toolproof steel cell blocks; words of praise to such institutions for short-term offenders as the Indiana State Farm at Greencastle and Rikers Island Penitentiary of New York for their attempts at classification service including programs of treatment and training; a nod of approval to "the American Law Institute and other organizations" for their efforts "to devise more effective methods of dealing with offenders above the usual juvenile court age but not yet mature adults," generally referred to as the Youth Correction Authority plan, and a recommendation to all and sundry to make a "careful study of all these plans"; and finally an omnibus of "appreciation and thanks" to no less than twenty-one individuals and organizations "because of whose efforts the Seventieth Annual Prison Congress has been so successful." So much for the bouquets.

However, the Congress this year did not confine itself just to well-merited praise of worthy action done or general principles agreed upon; it suggested concrete action on at least five subjects of major importance and indicated whom it desired to take appropriate steps to get something done about them.

### *Military Service for Ex-Prisoners*

It endorsed the action of Selective Service in recognizing the principle of individualized treatment in the consideration of ex-prisoners for military service under the Act and it instructed "the President and the Executive Committee (to) take such steps as may be necessary to lay before the Congress of the United States an amendment to (the) law (of 1877 which prohibits the enlistment

of felons in the military service of the country) which will bring it in line with the policy now established under the Selective Service Act; namely, that such cases shall be decided only after a careful examination of the facts in each case presented by competent authorities to a competent board of review, and that no person except an habitual criminal and one convicted of treason shall be arbitrarily barred from enlistment in the military service of the country."

### *Selection and Training of Personnel*

It requested the Committee on Personnel Standards and Training "to make a careful study of the operation of civil service and merit systems in the prison departments of this and other countries and report at the next Congress their recommendations for establishing a practical system of selecting prison personnel." It noted with gratification the extension of prison officer training during the past year in Illinois, Michigan, Pennsylvania, and Wisconsin in part with the aid of Federal funds under the George Deen Act and instructed the Committee on Personnel "to call to the attention of all the States the procedure followed and the results obtained in these and in other States; and in the U. S. Bureau of Prisons, in establishing such training courses."

### *Prisoner Employment and Training*

It wasted little time deploring the recent enactment of Federal and State laws further restricting the sale of prison products in interstate commerce and on the open market, but declared, "We must expand and develop these state-use and maintenance industries essential to prisoner employment and vocational training until idleness has been overcome." In recognition of a new era, it replaces the former Committee on Prison Labor with a Committee on Work and Placement, and instructed them "to gather information concerning the methods and techniques which have been found successful in establishing such industries in prisons and (to) disseminate this information among all prisons."

Furthermore, it told the Committee on Education "to pay particular attention to informing the Congress on successful methods of supplementing all such state-use and maintenance industries with related classes in vocational training."

### *Jobs for Ex-Prisoners*

It urged two of its affiliates—the American Parole Association and the National Prisoners' Aid Association—to join with "other agencies concerned in the placement of ex-prisoners in redoubled efforts to find the solution for the problem presented by the prospective parolee without a job and to arouse the public to a sense of its responsibility in the matter."

### *Radio Crime Waves*

Finally, it asked the Executive Committee to importune the companies broadcasting "certain commercial radio programs de-

voted ostensibly to crime prevention" but which "have in reality emphasized the lurid details and specific techniques of crime," to discontinue or modify such programs.

It is significant that these were the five outstanding problems selected by the Congress for action at this time. It will be of interest to note the results obtained by the officers and the committees of the Association with respect to these recommendations.

Several resolutions adopted by the Congress and other action taken by the Directors while in Cincinnati had to do with the organization and machinery of the Association.

#### *One Hundred and Fifty Experts*

A casual survey of the program of the Congress which covered fourteen pages of closely set type left one sighing that one had only one week to give to the Annual Prison Congress. Listed were more than 150 experts—judges, professors, commissioners, wardens, physicians, chaplains, psychologists, psychiatrists, educators, case workers, sociologists, and others—scheduled to speak on such standard subjects as classification and case work, juvenile agencies, parole, prevention, personnel standards, prisoners' aid, probation, medical care, the chaplain's place in the prison, county jails, women's institutions, prison labor. Their contributions furnish an excellent cross section of the best thought and practice in prison work today. Unfortunately, the best thought often outruns the best practice by many lengths. Nevertheless one could not help but be impressed by the growing recognition here, there, and everywhere that professional ways of handling human beings convicted of crime are at last "catching hold."

Notable in the program was the large number of wardens discussing professional aspects of prison work other than the custodial program. Analyzing "The Function of the Prison," a young and able warden from the midwest concluded with his concept of "the ideal prison of tomorrow"—a place where medical care, psychiatry, psychology, education, vocational training, wages for prisoners, individual responsibility, and self-control are paramount. Another talked on "The Warden's Responsibility for the Prison Library." A third discussed the "In-service Training of Prison Guards." A fourth presented "A Study of the Treatment of Certain Hopeful, Youthful, Habitual Delinquents, Commonly Called Psychopaths or Constitutional Psychopathic Inferiors." Still a fifth addressed the Congress on "Education as a Practical Device in the Administration of a Prison." And a sixth, who holds a medical degree, reported on "The Detection and Correction of Unsanitary Conditions in Penal Institutions." It is noteworthy that such a high professional standard was set by those who addressed the Congress.

#### *Evidence of Professional Standards*

The appearance of a second yearbook on education in prisons prepared by the Committee on Education entitled "Prison Admin-

istration—An Educational Process"; the publication of Criminological Research Bulletin No. 8 prepared for the Committee on Statistics; the promise of a Handbook on Classification by January 1, 1941, the contents of which were outlined by the Committee on Classification and Case Work; and the beginnings of studies made in three state-use prison industries by the Committee on Prison Labor indicated that the American Prison Association has become something more than merely a "resolving and revolving" body.

The report of the General Secretary should be considered in this connection. His work in the development of a Youth Correction Authority Act by the American Law Institute, the growing file of information on prisons, both American and foreign, in the Secretary's office, and his availability for consultation and service on prison problems in many states, all attest to the lively growth of interest in professional work in prisons. These together with *The Prison World*—a venture in association journalism which is still in the experimental stage, offer beginnings of merit in a field struggling to achieve professional competence.

#### *Unique Contribution to the Congress*

Undoubtedly, the unique contribution to the Congress was not on the Official Program at all, although it won a place of recognition among the final resolutions. It consisted of a discussion of prison problems from approximately twenty editors of prison magazines from Honolulu to Florida brought together by the enterprising staff of *The Atlantian*, inmate publication at the Federal penitentiary at Atlanta, Georgia. The articles covered such subjects as Approach to the Inmate, Indeterminate Sentences, Military Service for Ex-prisoners, Radio Crime Programs, Inmate Responsibility, Long-sentence Men, Idleness, Hobbies, Recreation, Group Education, Psychiatry and Psychology, as well as more characteristic "literary efforts." If the purpose of good writing is to communicate something to somebody, *The Atlantian* for October, 1940, can be rated as a high point in prison journalism. As an expression of official attitude toward the point of view of the inmate, it marked a new high in penal philosophy. It is to be hoped that it set a precedent which will be followed in succeeding Prison Congresses.

One could quote with profit from almost any one of the articles published, but the following quotation from one of them is representative:

"Our plea is for understanding, not leniency; for intelligence, not pity; for consideration, not contempt. Give us these. We will make the best of them, and they will find the best in us."

Could anything be a better answer to the keynote of the Congress expressed in the address of the president, James V. Bennett, Director of the U. S. Bureau of Prisons: "Case records, not clubs, will give us control and security?"

## RESOLUTIONS

Adopted at the 70th Annual Congress of The American Prison Association, Cincinnati, Ohio, October 21-25, 1940

In presenting these resolutions, your Committee will not reiterate the many excellent resolutions dealing with the various problems of prison administration which have been presented to you in recent years, except to say that we endorse the recommendations contained in them and urge a continuance of the effort to carry them to fulfillment.

## No. 1.—Declaration of Principles

Your Committee on Resolutions presents to the Congress, on this significant anniversary, the Declaration of Principles first enunciated in 1870, and revised and reaffirmed in 1930 as the foundation of our program and the basis upon which we should proceed to build for the future.

*Be it therefore Resolved,* That we reaffirm our faith in the principles and policies enunciated therein and renew our pledge to carry on the work begun in this city seventy years ago, with the same high purpose and determination which inspired the leaders in prison reform who framed and adopted that Declaration of Principles.

## No. 2.—Message to Commissioner Alexander Paterson

*Be it hereby Resolved,* That this Association recalls with deep feeling the visit of our friend and colleague, Colonel Alexander Paterson, His Majesty's Commissioner of Prisons for England and Wales to our Congress last year, during the stress and peril of war, and pays tribute to the inspiration and leadership which he has given for many years to the forces of intelligent liberalism in penology throughout the world.

That we extend to him and to his gallant people, who stand today in defense of the bridgeheads of democracy and with whom we share a common heritage that goes far beyond the affinity of a common tongue, a message of good cheer and resolution in their hour of supreme peril;

That we pray the cause of justice and humanity may prevail, and that a way of life in which the worth and dignity of the individual man is recognized may not perish from the earth.

## No. 3.—National Defense

As interpreted by the Legal Division of the Selective Service System, regulations governing the induction of ex-prisoners into the armed forces of the nation under the Selective Service Act leave it to the discretion of the local registration board as to whether the felony committed by any registrant is of such a nature as to render him ineligible for military service. Only habitual criminals and those convicted of treason are arbitrarily barred from such service. This is the most significant recognition of the principle of individualized treatment ever officially announced by those in charge of recruitment for the armed forces of the country. The American Prison Association endorses such a stand.

Because it is fundamental to the whole philosophy of modern correctional treatment that ex-prisoners should be restored to the normal functions and responsibilities of normal society, including their rightful place in the home, the church, the school, in industry and leisure time activities, according to their individual merit, we believe it is also right that they should be restored to their place in the program of national defense on the same basis. We do not believe that the Army, the Navy or the Marine Corps should provide a dumping ground for ex-prisoners or that the military service should be used as the place for disciplining unstable and anti-social persons. We do believe that there are many offenders who have served or are now serving successfully on probation

or parole or who may be paroled in the future, who are anxious to contribute their share to national defense and who because they have learned how to live disciplined lives would make excellent soldiers, sailors, or marines. We believe such men should be given an opportunity to enlist in some branch of the military service if their individual record warrants it. At the present time this is not possible because a Federal law, which has stood on the statute books un-revised since 1877, prohibits the voluntary enlistment of felons in the military service of the country.

*It is therefore Resolved,* By this Congress, that the President and Executive Committee of this Association take such steps as may be necessary to lay before the Congress of the United States an amendment to this law which will bring it in line with the policy now established under the Selective Service Act, namely, that such cases shall be decided only after a careful examination of the facts in each case presented by competent authorities to a competent board of review and that no person except an habitual criminal and one convicted of treason shall be arbitrarily barred from enlistment in the military service of the country.

## No. 4.—Indeterminate Sentence

The principle embodied in the indeterminate sentence has long been regarded by this Association as essential to a modern corrective program.

*It is therefore Resolved,* That the Association notes with gratification the recommendation of the Federal Judicial Council at its meeting in October, 1940, favoring the adoption of the indeterminate plan of sentence in criminal cases.

## No. 5.—Prison Construction

Last year the Congress noted its disapproval of the expenditure of huge sums of money for too large a proportion of maximum security cells in prison construction.

*It is therefore Resolved,* That we hereby commend the completion this year of the \$15,000,000 construction program of the U. S. Bureau of Prisons, in which over seven thousand new beds were provided, and of which less than two thousand were interior cells, and the extension of prison facilities in such states as Missouri, Tennessee, Utah, West Virginia, and elsewhere through the construction of medium and minimum security facilities and prison farms, where the emphasis is chiefly on rehabilitative and training activities.

## No. 6.—Classification in Short-Term Institutions

Institutions for short-term prisoners too frequently make little or no attempt at classification and the shortness of sentence is too often used as an excuse for failure to establish such programs.

*Therefore, Be it Resolved,* That this Association commends the establishment in recent years of classification services in such institutions for short-term offenders as the Indiana State Farm at Greencastle and the Penitentiary of the City of New York at Rikers Island and the attempt to establish in these and other short-term institutions well-rounded programs of treatment and training.

## No. 7.—Cooperation of Other National Organizations

In order to meet their responsibilities to the community, those in the correctional field must establish effective working relations with all community agencies interested in correction.

*Therefore, be it Resolved,* That the Executive Committee of the American Prison Association is requested to invite to the next Annual Congress representatives of such national organizations as the General Federation of Women's Clubs, the national labor organizations, such service clubs as Rotary, Kiwanis, and so forth, and such other national organizations as may be interested in the field of correction, and that these representatives be invited to take part in the proceedings and activities of the Congress.

#### No. 8—*Selection of Personnel*

The selection of prison personnel under the spoils system has long been the most fruitful source of difficulty in developing a consistently progressive prison program.

*It is therefore Resolved, That the Committee on Personnel Standards and Training be requested to make a careful study of the operation of civil service and merit systems in the prison departments of this and other countries and report at the next Congress their recommendations for establishing a practical system of selecting prison personnel.*

#### No. 9—*Prison Officer Training*

No effective prison program can be achieved without an adequately trained personnel. It is with gratification that we note the organization of prison officer training courses during the past year in Illinois, Michigan, Pennsylvania, and Wisconsin, in part with the aid of Federal funds, and under the George-Deen Act.

*It is, therefore, Resolved, That the Committee on Personnel Standards and Training take special steps to call to the attention of all the States the procedure followed and the results obtained in these and in other States, and in the U. S. Bureau of Prisons, in establishing such training courses.*

#### No. 10—*Rank and File Participation*

*Resolved, That the rank and file personnel of correctional services, represented in this Congress be encouraged to become members of the Association and to participate in our deliberations and activities, and that their representatives be given a place on our program and those of the several affiliated organizations.*

#### No. 11—*Prisoner Employment and Vocational Training*

It is encouraging to note the energy and resourcefulness with which many States have attacked the problem of idleness among their prisoners. The recent enactment of Federal and State laws further restricting the sale of prison products in interstate commerce and on the open market makes the development of state-use and maintenance industries essential to prisoner employment and vocational training. We must expand and develop these industries until idleness has been overcome. To this end it is

*Resolved, That the Committee on Work and Placement be requested to gather information concerning the methods and techniques which have been found successful in establishing such industries in prisons and disseminate this information among all prisons for their use in providing constructive employment and training for prisoners. It is further*

*Resolved, That the Committee on Education be asked to pay particular attention to informing the Congress on successful methods of supplementing all such state-use and maintenance industries with related classes in vocational training.*

#### No. 12—*Placement of Prospective Parolees*

This Association recognizes that sound parole practice involves the requirement that, with few exceptions, prospective parolees must have approved jobs before release, but recognizes also the seriousness of the present situation in which many prisoners cannot get out of prison until they can get jobs and cannot get jobs until they can get out of prison.

*Be it, therefore, Resolved, That the Association urges the American Parole Association to join the National Prisoners' Aid Association and other agencies concerned in the placement of ex-prisoners in redoubled efforts to find the solution for the problem presented by the prospective parolee without a job, and to arouse the public to a sense of its responsibility in the matter.*

#### No. 13—*Radio Crime Waves*

During recent years, certain commercial radio programs devoted ostensibly to crime prevention have in reality emphasized the lurid details and specific techniques of crime and have had a tendency to contribute to the delinquency of juveniles, rather than to discourage crime.

*Therefore, be it Resolved, That this type of program be condemned, and that the companies broadcasting such programs be implored by the Executive Committee of this Association to discontinue them or to modify them so that their detrimental effect is eliminated.*

#### No. 14—*Youth Correction Authority*

*Resolved, That this Association views as forward-looking and basically sound in purpose the attempts now being made by the American Law Institute and other organizations to devise more effective methods of dealing with offenders above the usual juvenile court age but not yet mature adults, and urges the careful study of all these plans by those who are dealing with the problems of delinquency and crime and by the general public.*

#### No. 15—*Title of the Annual Congress*

At the Annual Congress of the American Prison Association many distinct, although affiliated or cooperating, organizations are active participants, such as the Warden's Association, the National Conference of Juvenile Agencies, the National Jail Association, the American Parole Association, the National Probation Association, the National Prisoners' Aid Association and others. Furthermore, the emphasis today for all age groups, whether juvenile, adolescent, or adult, is on correction as distinguished from punishment.

*Be it therefore Resolved, That the competent authorities of the American Prison Association and of the affiliated or cooperating organizations be invited to consider the desirability of changing the title of the Annual Meeting to the National Conference on Correction or to some other modern and adequately descriptive designation, and report at the next Annual Meeting of the Association.*



## DEPARTMENT OF CORRECTION, CITY OF NEW YORK

The Association has continued to devote close attention to the affairs and administration of the Department of Correction of the City of New York, as has been its practice over the years. During the latter part of 1939 Commissioner Austin H. MacCormick, who was appointed by Mayor La Guardia in January, 1934, resigned after completing nearly six years as head of the department.

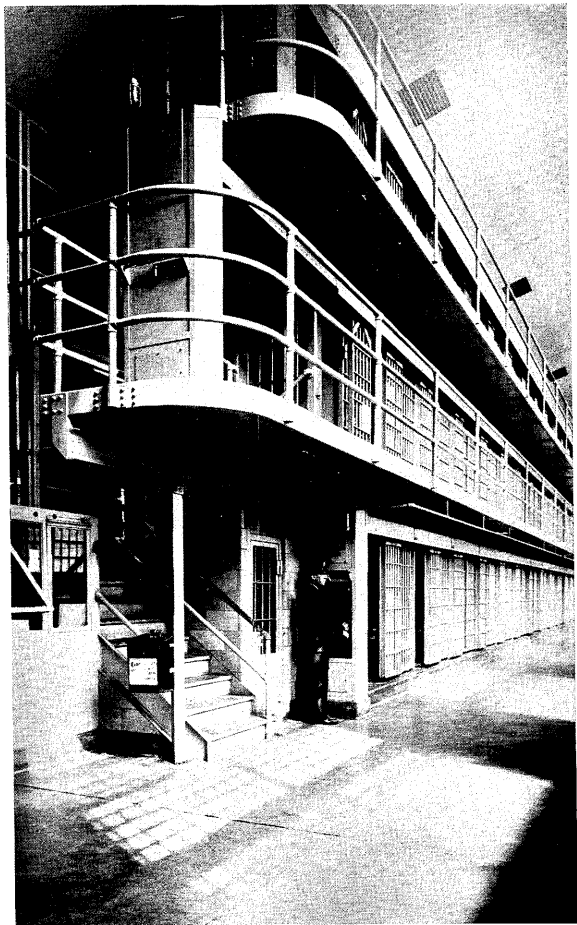
With the resignation of Commissioner MacCormick, the Honorable David Marcus, formerly First Deputy Commissioner, was appointed Commissioner, and the Honorable Peter Amoroso, M.D., formerly Second Deputy Commissioner, was given the responsibilities of First Deputy Commissioner. Warden Richard A. McGee of the Penitentiary of the City of New York was appointed Second Deputy Commissioner, retaining at the same time his designation as Warden of the Penitentiary. With the increase in activity throughout the country occasioned by defense projects and compulsory military training for certain groups, Commissioner Marcus, in view of his military experience, was given a leave of absence to serve as Judge Advocate in the War Department. This necessitated the appointment of Dr. Amoroso as Acting Commissioner and Mr. McGee as Acting First Deputy Commissioner. This arrangement was in operation at the close of the year.

The following remarks relative to various institutions in the department are intended to be generally informative and are not necessarily inspection summaries as such. It has been felt advisable through the years to keep the public informed of the general condition and administration of some of the larger institutions under the jurisdiction of the New York City Department of Correction, and the summaries are presented in this light.

### Penitentiary of the City of New York

It will be noted elsewhere in this report that Warden Richard A. McGee relinquished his responsibilities as Warden at the time of his elevation to the office of a deputy commissioner. With this transfer Deputy Warden Harry T. Ashworth was appointed Acting Warden, and at the close of 1940 had completed a full year in this office. Warden Ashworth is possessed of long years of experience as a member of the New York City Department of Correction, having been assigned to service in the smaller institutions, and for many years following that, served as Deputy Superintendent of the New York City Reformatory. With the opening of the Penitentiary he was transferred to it as Deputy Warden.

This modern institution continues to maintain its position not only as the largest "short-term" penitentiary in the country but, also, as one of the most progressive.



An example of modern inside cell construction. Penitentiary of the City of New York, Rikers Island.

*Population*

The population on December 31, 1940 numbered 2,285 and was distributed as follows:

Men sentenced to penitentiary.....	1,182
Men sentenced to workhouse.....	1,025
Men sentenced to reformatory.....	78
	<hr/>
	2,285

Presence of other than penitentiary inmates is explained by the fact that this institution is the reception center for all sentenced workhouse as well as penitentiary prisoners. It also transfers in and out all those serving terms in the various city and district prisons. The average daily total population during 1940 was 2,834.

*Plant*

The administration continues to maintain a high standard of cleanliness throughout the entire institution. With the enlargement of the bakery and the addition of new equipment therein, increased production has been noted. Beginning with October 1, 1940, it was estimated that 20,000 pounds of bread per day would be supplied not only to the Department of Correction but also to the City Department of Hospitals.

Contracts were sought during the year for the equipment necessary to finish the new laundry building. Flatwork laundering will then be done for the Department of Public Welfare in addition to the Departments of Health, Sanitation, Welfare, Hospitals and Education.

Not only is a stable and general farm building being planned but construction of a new piggery and slaughter house is anticipated. Many other improvements have been noted including the creation of a greenhouse and a new water main from Queens to the Penitentiary proper made possible with WPA assistance.

*Employment*

The prison industries embrace a bed-making shop, a street brush shop, knitting shop, mattress and bedding shop, but the number of inmates employed is relatively low. Others are engaged in maintenance duties in the mess hall, bakery, laundry, and on common labor projects, landscaping, etc. Three hundred inmates work in the laundry which operates on two five-hour shifts, and with those working in the bakery, are receiving vocational training. Compensation undoubtedly would be conducive to special effort on the part of the men, and it is felt that further study might be given to this question in relation to the ability of the city to assume the burden.

*Medical*

The medical center for the Department of Correction is located at this institution. Continued approval of the hospital's standards, personnel and equipment is given by the American College of Surgeons. The personnel which is composed entirely of civilians is as follows: one chief medical officer, three resident physicians, six internes, one psychiatrist, one pathologist, two dentists, two dental internes, one dietician, an assistant dietician, three laboratory technicians, an X-ray technician, physio-therapist, a psychologist and a pharmacist in addition to a staff of twenty-eight registered nurses.

Statistics for the fiscal year ending June 30, 1940 show:

Inmates admitted .....	4,208
Operations performed .....	465
X-ray examinations .....	3,949
Clinical tests performed.....	32,957

The pneumonia mortality rate was considerably reduced by the use of sulfapyridin and allied drugs. In May, 1940, the intravenous treatment of syphilis by the widely publicized "5 Day Plan" was begun.

*Classification Clinic*

The purpose of the clinic is to classify inmates from previously assembled social data and to plan a program of treatment suited to individual needs, and it continues to be a valuable aid in administration.

*Education*

Both day and night school sessions are held and WPA as well as inmate teachers are employed. The courses are both academic and vocational in scope being patterned after those of the New York City Board of Education. Not only are illiterates taught to read and write but more advanced students are given opportunities to learn shorthand and typing. Also, courses in elementary subjects such as English and arithmetic are given. Classes are held daily, five days per week, and the absentee average is 5 per cent per month, largely due to illness. Correspondence courses for inmates at Harts Island and New Hampton Farms (Reformatory) are given. Inmate planning of and participation in weekly assemblies is a commendable feature.

*Library*

Eighty-five per cent of the inmates make use of this unit. Interest in this has been stimulated by the distribution of catalogues of available publications. During the past fiscal year 2,867 books were rebound and 2,045 periodicals were reinforced.

*Recreation*

Each inmate except those in punishment or segregation may exercise three times weekly for one hour a day. All may participate in a well-rounded athletic program under an instructor of physical education. Motion pictures are shown weekly.

*Religion*

There are four chaplains on the Penitentiary staff, and regular weekly services are held in all of the faiths represented. Volunteer workers conduct services at stated intervals and full opportunity is given to all inmates to participate. Attendance is voluntary and other institutional activities are not permitted to interfere with religious services.

*General*

An extension of the vocational training facilities is suggested. Not only will it serve to curb idleness in the institution but will be of value to some inmates in finding employment after their discharge. This Association realizes the difficulty in setting up such a program because of the variations in length of commitments. However, it would appear that some further attempt should be made with a few selected inmates sentenced for a minimum of 18 months. Surveys to ascertain time needed to develop trade skills have been made by the State, with the result that institutions have set up their vocational training programs accordingly. The proposition deserves further study and thought.

Although we may seem repetitious, we feel duty bound to refer again to the practice of discharging men with but ten cents in their possession. The city budget naturally is not flexible but we feel that disbursement of a larger amount might save money for the municipality in the long run by eliminating some recidivism as well as forestalling the necessity of immediate aid through public welfare channels. The practice of the State in paying the prisoner a meagre sum for his labor and in granting funds on his release sufficient to cover the cost of temporary food and shelter has proven to be of great value.

*City Prison, Manhattan*

Before the end of the year 1941, the new Tombs prison will have been completed and consequently this is one of the last reports to be written concerning the world famous old Tombs. At the time of transfer all criminal courts, probation departments, offices of the District Attorney, and psychiatric clinics will be housed under one roof together with the prison proper. It is anticipated that this will make for fewer custodial assignments than are now required in transferring inmates to and from various district court buildings and the prison.

This institution, as usual, showed the way to all other detention institutions in the country in the number of prisoners received. The fiscal year from July 1, 1939 to June 30, 1940 showed a total turnover of more than 93,400 prisoners, numbering 31,139 different admittances. The various transactions involved in the turnover of prisoners includes the notation and recording of transfers to other institutions, courts and clinics, releases and remands on bail, visits with attorneys and relatives, and numerous other daily activities that must be accurately recorded and checked.

On December 31, 1940, the population of this institution was 645. The average daily census for the 1940 calendar year amounted to 675.

The North Annex school project, intended to provide wholesome instruction and activity for adolescent offenders, continued to broaden its program. Educational classes are given under the supervision of especially trained correction officers. An extensive handicraft program comprises part of this plan. Instead of spending his time in idleness, a youth may pass his days before trial in making model boats or airplanes, or, in other words, keeping his mind and hands busy. When the weather is favorable, inmates are taken in groups into the yard for recreation. Otherwise, games such as dominoes and checkers are played indoors, and a punching bag has been made available. Educational motion pictures and lectures are presented weekly by the American Museum of Natural History. The Board of Health gives an illustrated lecture weekly stressing the necessity of preventive treatment for social diseases, tuberculosis, etc. A staff doctor serves as lecturer. Other features include a weekly biblical class conducted by a Catholic priest but attended by members of all faiths.

The Association approves and recommends the extension of the program still further in the new edifice.

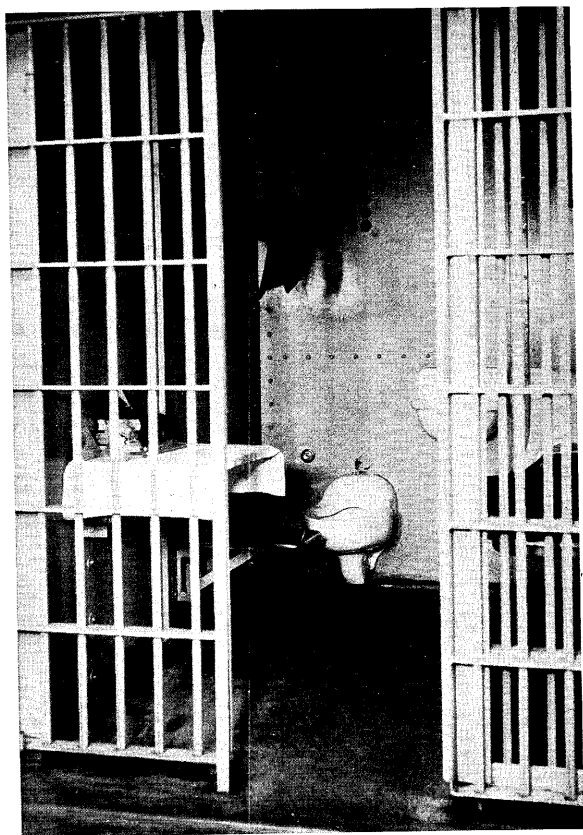
The use of the first tier of the main prison as an observation section continues. This has led to a more effective system of discipline as potential trouble-makers and psychotic individuals can be segregated and observed.

It is anticipated that with the opening of the new city prison during 1941 the additional facilities and improved accommodations will lend themselves to a more effective plan of dealing with the untried prisoner.

The Association continued its long-standing practice of having representatives visit the Tombs at least twice weekly, and further reference is to be noted elsewhere in this report under "Tombs Interviews."

### **Seventh District Prison**

This antiquated institution located at 317 West 53rd Street, New York, continues to receive hard use, much of which is occasioned by the activity in Night Court which adjoins the prison. The average daily population was 102 including material witnesses. As is true with other city institutions these figures do not indicate



Typical inside cell. Penitentiary of the City of New York, Rikers Island.

the tremendous volume of transactions made necessary by booking and discharging prisoners, caring for less than one-day sentence prisoners, and recording bail, court and other business.

The institution has ordinarily housed material witnesses but this practice has been temporarily discontinued until the construction of an overnight detention room.

Visits are held with the aid of screened partitions and as yet no booths or speaking devices have been installed.

The small number of books in the Library—fifty—is lamentable, and additions should be made as soon as possible. It is felt that the minimum number should be 300.

Since the laundry is done with inmate labor at Rikers Island Penitentiary with the benefits of all modern appliances, the practice of not issuing bed sheets or pillow cases to prisoners serving less than two days is regrettable.

Generally, this institution does not meet the needs demanded of it particularly in its "rush" hours and, for this reason, the construction of a new prison would alleviate the condition now existing. The present status of city funds will undoubtedly preclude early action, but preliminary studies should be conducted by the proper authorities.

#### **City Prison, Brooklyn**

Favorable comment relative to this institution is at a premium and throughout the year this Association and others continued their campaign for a new Brooklyn city prison. Built in 1879, the institution has been of continuous use in a fast-growing center, and has not kept pace with the demands of the times. No matter how much cleaning and painting of the plant is accomplished, and how much it may be renovated here and there, the truth of the matter is that it is an old type prison and can never be otherwise. The administration makes earnest effort to assure cleanliness but is seriously handicapped in fulfilling this basic objective.

Facilities for exercise are lacking, necessitating the prisoners to walk around and around on the "pit" or ground floor, in a set pattern as one would imagine animals pacing aimlessly in their cages. The space is unusually confining and a report of the State Commission of Correction states "—certainly it would require a strong will and a stout heart to escape the evils of this kind of an experience. There is nothing in the slightest elevating about it, but quite to the contrary there is much that makes for further degradation."

Despite this condition it was gratifying to note a decrease in the practice of "doubling up," or the placing of more than one prisoner in a cell. The curtailment of this practice was, of course, the result of a decrease in population occasioned by a more rapid handling of cases by the courts together with the transfer of youthful offenders to the Queens City Prison.

The basic recommendation relative to this institution is that public funds be appropriated for a replacement as soon as possible.

The population on December 31, 1940 was 397, and the daily average population for the year was 398.

#### The House of Detention for Women

This institution houses all female prisoners including those sentenced for specific terms of imprisonment as well as those detained for court action and as witnesses. It is the only institution operated by the New York City Department of Correction for the housing of females, and the population on December 31, 1940 was 498. The daily average population was 573.

Certain assignments and duties are under the supervision of male correctional officers, and each day a number of sentenced male prisoners are transferred from the City Prison, Manhattan, for maintenance duties and other work. Otherwise, all members of the supervisory staff are women and all other inmate labor is performed by the female prisoners.

All inmates on admission are required to undergo physical examination with the exception of those serving sentences of but one day's duration. In the case of sentenced prisoners the street clothing is stored and prison clothing is issued. All persons committed on charges of prostitution are examined by officials of the Department of Health in a special clinic set up for the purpose.

During the course of visits throughout the year it was observed that certain inmates, especially those held as court prisoners, were permitted to have cash on their person, while those serving sentence were not allowed this privilege. It has been suggested that a similar system as is in operation at the City Prison, Manhattan, namely, the ticket-book plan, be instituted at the House of Detention. It was also observed that there was not sufficient attention devoted to the segregation of minors from adults and it was likewise suggested that attention be given to the advantages of the separation of certain types and classes of prisoners.

As was true generally throughout the department, a noticeable decrease in population was observed. Despite the decrease, however, a certain amount of "doubling up" was still necessary in some sections of the prison. During the past years the Capital Budget has included appropriations leading toward the extension of facilities of this institution and the building of new detention centers for women in other parts of the city. Unfortunately, however, the state of the city's finances has not been such as to permit further study and action in this regard. The present Capital Budget does not include appropriations for new construction, and it is therefore impossible to give further attention to much needed additional facilities at this time.

The medical and hospital staff is entirely female, and clinics and sick calls are conducted regularly under the direction of resident officials.

The institution has been fortunate in continuing its recreational and avocational programs with the help of WPA assistance. Mu-

sical classes and other types of activities are made available to the inmates.

As is the case with sentenced prisoners released from the Penitentiary of the City of New York and one or two other institutions, the question is raised as to the value of the meagre sum of money extended to those released from this institution. While the Association fully understands and appreciates the difficulties involved in the securing of sufficient funds to meet other necessary expenses, it likewise feels that attention should be given to this problem. While the institution is fortunate in having the services of a social service unit, the majority of prisoners are released with the sum of ten cents, unless they have funds of their own. As is the case with male prisoners, there are many who have only the city's grant of ten cents on release. It is quite obvious that recourse to crime is easy, and it is again urged that suitable study be devoted to this problem on a more or less long-range plan basis.

The institution is under the management of Miss Ruth Collins, a trained and qualified administrator.

#### Reformatory Prison, Harts Island

As has been noted in previous reports, this institution continues to remain the only one in the state housing male inmates exclusively under the dormitory plan. This is not in accord with approved penological principles as far as an entire institution is concerned, but, on the other hand, there is no immediate solution to this problem. Many authorities question the rehabilitative value of this type of confinement for more than certain small groups of inmates. Segregation is difficult and in this particular institution the fire hazard is ever present.

As is the case with other institutions under the Department of Correction a noticeable decline in commitments has been obvious during the year. The immediate answer to this condition is difficult to state, but general improvement in the employment situation undoubtedly has had an influence. There has also been a noticeable decrease in the number of narcotic addicts housed in this institution. The population on December 31, 1940 was 998, and the daily average population was 1,108.

There are no facilities for segregation, and all types of inmates must be housed together with the exception of a small group of those who are unfit and unable to perform any type of assignment.

The age of the institution makes progressive administration difficult in many respects. Continual replacements and repairs are necessary, and the wooden flooring requires much attention.

As a result of recommendations by this Association and state bodies, individual steel lockers are being provided for all inmates.

A good many prisoners cannot be placed in employment, largely because of the fact that work is not available. Maintenance duties, farming and a few shops, such as the furniture repair, shoe repair, printing and others, constitute the major employment assignments.



In view of the fact that the Potters Field is located on Harts Island numerous work assignments are made available. The records show that nearly 400,000 bodies have been buried since 1869, and it has been stated that approximately 8,000 are interred each year.

Restricted hospital facilities are available, and a resident physician is on duty and subject to call at all times. Cases of serious illness, surgical cases, etc., are transferred to the main hospital unit of the Department of Correction on Rikers Island.

During the year various WPA teachers have been assigned to assist inmate teachers in the school. A library is available and some four or five hundred books were added during the year.

The time is at hand when the city should give serious attention to the reconstruction of the facilities of this institution. Various plans have been proposed, and it should not be assumed that the city has not given some attention to this problem. Restrictions made necessary by the Capital Budget, however, will preclude action for the present.

### **Budgetary Appropriations**

As was noted in the 1939 Annual Report the new fiscal policy of the city administration provides for appropriations to be applied from July 1st of one year to June 30th of the next, and consequently the following remarks relative to budgetary appropriations of the New York City Department of Correction relate to the fiscal year.

For the fiscal year ending June 30, 1941 the department was allowed an appropriation of \$2,713,483.21 for personal service and \$1,274,300.00 for other than personal service, making a total of \$3,987,783.21. The appropriation for the fiscal year 1940-41 represents an increase of over \$135,000 compared to the budget of the fiscal year 1939-40.

The Capital Budget for 1941 appropriates \$485,839 for minor improvements and equipment in various institutions under the Department of Correction, including farm buildings, completion of barracks for workhouse prisoners at Rikers Island, fire prevention work and other additions throughout the department. No appropriation was made for new construction after the present Capital Budget expires. This is in accord with a requirement stipulated by the Mayor in view of the present financial state of the city and the general emergency conditions. A certain part of the Capital Budget appropriation is classified as renewals of 1940 appropriations and pertains to work that has been under way for some time.

### **Conclusion**

The Prison Association of New York intends to continue its observation of the policies and administration of the New York City Department of Correction as a part of its total service to the community. It likewise will continue to extend its full and complete cooperation to officials and others within the department.



Composite view showing inmate-civilian visiting. Penitentiary of the City of New York. Note civilians on the left and prisoners on the right, with space for guard patrol on either side. Small panels of bullet-proof glass and a speaking tube device separate prisoners from visitors making direct contact impossible.

## NEW YORK STATE DEPARTMENT OF CORRECTION

Age-old reports of the Prison Association of New York indicate the long years of close attention and observation to the institutions and administration of the State Department of Correction. The founding of the Elmira Reformatory, for example, was largely the result of the efforts of members of the Prison Association in the last century, culminating with its opening in 1876. The Reformatory was the forerunner of what is now referred to as the reformatory system and marks a very definite period in the progress of penology in this country.

The Association has recommended to the Legislature through the years numerous changes and improvements and the attention of the reader is directed to the Recommendations of the 1941 Legislature at the beginning of this report. It is noted, for example, that the Association recommends further restoration of psychiatric and other professional services, being of the definite opinion that this service is essential and imperative to the best operation of the department. The economy cut authorized by the 1939 Legislature brought about the abolition of many positions in the psychiatric, educational, custodial and other services. It is gratifying to note that since that time restoration of some of these positions has been made.

The State Department of Correction continues under the administration of the Hon. John A. Lyons who was appointed Commissioner following the resignation of the Hon. Edward P. Mulrooney in March, 1939. Commissioner Lyons, prior to his present appointment, was Second Deputy Police Commissioner of the City of New York.

The resume which follows is designed to be informative for the general public and relates to some of the penal institutions operated by the state. Particular attention will be paid to some of the facilities at Sing Sing Prison as illustrative of those applying at the other major prisons.

### **Sing Sing Prison**

Sing Sing Prison is the receiving institution for the metropolitan area and southern New York and continues under the administration of Warden Lewis E. Lawes. Warden Lawes recently completed his twentieth year as head of this institution and is to be commended for his progressive attitude and able management. Sing Sing was opened in 1825 and was originally known as Mount Pleasant Prison. Since that time, however, the prison has been practically rebuilt so that with the exception of the remaining cells in the old cell block, it cannot be criticized from the standpoint of modern housing. However, because of its scattered and piecemeal arrangement, due to changing policy and various urgencies, it cannot be pointed to as a model in design. The old stone, vault-



relative to the educational program of the State Department of Correction. Indicative of conditions existing in other institutions throughout the country, the increase in population has made it necessary to curtail the use of some of the school rooms and turn them into dormitory accommodations. This, of course, is more or less temporary but will have some effect on the decrease in the educational program.

As is true in all state operated institutions, religious services are held regularly by the various chaplains. Attendance is voluntary, and full opportunity is extended to all prisoners to consult with their spiritual counselors.

The Warden of Attica Prison is William Hunt, a man of long experience and with a good service record.

#### Clinton Prison

Clinton Prison, located in Dannemora, New York, receives prisoners on direct commitment from northern and western New York courts and also accepts transfers from other institutions. Included as a part of this institution is a tuberculosis center used for the confinement of all state prisoners suffering from this disease. Drug addicts likewise are transferred to Clinton Prison for treatment.

The staff totals approximately 272 persons, including guards and supervisory officers, and the inmate population on December 1, 1940 was 2,183.

This institution has, during the year, witnessed the highest population of its history. According to a representative of the parole board stationed at the institution 330 inmates were confined for violation of parole at one time during April 1940, 97 were held pending receipt of employment, and 322 were held for other reasons following initial parole board appearances.

The addition of a new hospital unit, auditorium and chapel facilities should be of much service in meeting the needs of the inmates.

The problem of employment is as difficult at Clinton as in the other institutions. As far as possible employment is provided for all able-bodied prisoners. This means, however, that there are some for whom no work assignments can be found. A prison farm continues to provide employment for a few men but is not of sufficient size to accommodate more than a small percentage of the population.

The educational program is quite similar to that in operation at the other institutions, and over 1,000 were enrolled in various classes and courses at the end of the summer. An extensive library of more than 15,000 books is available and receives constant usage. The hospital facilities have been limited, but with the completion of the new unit, modern apparatus will be available. New X-ray equipment is being used extensively with tubercular patients.

Clinton Prison is under the wardenship of Dr. Walter B. Martin, a physician and psychiatrist of high reputation.

#### Auburn State Prison

Auburn Prison is the oldest of the state prisons and is known as the original institution in the "Auburn System." It will be recalled that in the early days of the American prison system, two particular developments stand out, (1) the Pennsylvania System and (2) the Auburn System. The Pennsylvania System, as it is commonly known, insisted on complete solitary confinement for the entire duration of one's prison sentence. There were later modifications of this theory, especially as brought out by the Auburn System which developed about the same time and which provided for the so-called silent system. Under this arrangement prisoners were allowed to work in congregate shops and to partake of their meals in congregate dining halls. Beyond that, however, the men were, for all practical purposes, in solitary confinement. After the failure of the Pennsylvania System, brought about largely by increased insanity, mortality and morbidity rates, the Auburn System became ideal in the minds of the people, and this institution was consequently considered a model type. Auburn has since undergone considerable change, and various improvements are contemplated for the future. It is a maximum security type, situated in the center of the city of Auburn, and houses a good many of the long-term prisoners sentenced by the various courts. It receives inmates only on transfer from other institutions, and the population on December 1, 1940 was 1,703.

As in other institutions, there is the ever-present problem of employment for prisoners. Shops at Auburn include cabinet, automobile license plate, bed, sheet metal and cloth shops. The prison farm is also operated as an industry, and it is noted that the industries operate at a profit which resulted in the transfer of some of the surplus funds to other institutions not paying their own way.

An expert medical staff is in attendance and a consulting staff is also available.

The psychiatric classification service was curtailed in accord with previously mentioned budget reductions, but since that time one or two of these positions have been reinstated.

Suffice it to say that the educational program is extensive. So-called self-study courses are available in considerable variety, for example, tile setting, navigation, refrigeration, etc. It has been determined that approximately 81 per cent of the inmate population makes use of the library facilities, reading on an average of five books per month.

There is a certain amount of organized recreation, and prisoners are of course permitted to attend religious services and classes in religious instruction.

Auburn Prison is under the able direction of Warden Joseph H. Brophy.

#### Walkkill Prison

Walkkill Prison is located in the town of Walkkill, some 100 miles north of New York City on the west side of the Hudson River. It

is a minimum security prison and is the most recent to be opened by the state, having been placed in operation in 1932. Wallkill Prison admits prisoners only upon transfer and certain standards of admission have been promulgated to control the type of inmate admitted. During the year various changes were made in the admittance procedure with the purpose in mind of assuring that prisoners transferred are in a position to benefit by the program of training offered. Definite criteria to be observed include age, sentence, past criminal record, intelligence rating and other factors. It is gratifying to note that such standards have been established, especially in view of the fact that there was some question for a time whether the institution was fulfilling the purpose for which it was constructed, namely, the rehabilitation of the inmate. Without the selective process this purpose would be difficult to meet. The wardens of other institutions recommend inmates whom they believe suitable for the Wallkill program, and group transfers are made periodically following careful study. During the past fiscal year with the assistance of W.P.A. personnel, farm structures and other improvements were added, some 75 acres of land were reclaimed and several roads constructed.

Wallkill cannot be classified as an industrial prison but should be considered as a vocational training type of institution. Its population on December 1, 1940 was 442.

One of the most interesting developments is that concerning the service unit which is a coordinating agency serving the institution, parole and inmate alike as a definite part of the functioning of the prison. The planning and execution of treatment programs in line with individual requirements and preparing the inmate for his eventual release is one of the major purposes of the unit. The work of the unit continues from the day of admittance until the day of discharge and has been particularly helpful in assisting the several private agencies to secure employment for prospective parolees. The Prison Association has cooperated extensively with this unit and has been successful in placing a number of men released from Wallkill. It might be stated that the entire program of treatment is coordinated through the service unit and may include any or all of the following features: vocational, academic, occupational, physical and mental.

Some of the specific objectives of the service unit as evolved by the institutional officials are as follows:

1. "To assist the inmate in the selection of a training program designed to equip him with the skill and knowledge necessary to effect a vocational adjustment upon release.
2. "To act as the agency responsible for the coordination of all activities relating to treatment programs.
3. "To offer counselling services to inmates upon personal, social, educational and vocational problems.
4. "To serve as a case recording agency within the institution.

5. "To exploit further the facilities of the institution and parole in order to achieve greater integration and closer cooperation in their efforts to achieve their mutual objectives of (a) the rehabilitation of the inmate, (b) the protection of society."

There are additional objectives as such, but those enumerated give an indication of the scope of the service unit.

The entire program of the prison is essentially educational, and it is difficult to separate school training and trade activity inasmuch as the two are closely correlated. Extensive vocational training may be obtained in such subjects as carpentry, machinery, electric refrigeration, laundry, plumbing, welding, sheet metal, automotive repair and other specialized fields.

The Prison Association, as noted in Recommendation I at the beginning of this report, suggests that the facilities of the various institutions be utilized to further the general national defense program, and it has been pointed out that the facilities of Wallkill in the direction of vocational training could make it a first-class training center. There are numerous difficulties associated with this plan, but it is felt that with the proper amount of attention, results could be achieved.

Hospital facilities at Wallkill Prison are somewhat limited, yet sufficient to care for the needs of the institution at the present time. It is adequately equipped and manned by a qualified staff.

Recreation is under the direction of a director of recreation and the program is designed to permit the greatest amount of inmate participation.

Wallkill Prison is under the wardenship of Dr. Walter M. Wallack, a man of considerable educational background and experience and for some years Director of Education in the State Department of Correction. He is eminently qualified for the task which is his, and the Prison Association is observing with keen interest the further development of this institution under his leadership.

#### Elmira Reformatory

The Prison Association takes unusual pride in the development of this institution into one of the finest of its type now in existence. As previously mentioned in this section, the Association was largely responsible for its founding and opening in 1876 and has closely observed its development through the years. It has had its good days and it has had its bad days, but at the present time stands out as an exceptional correctional institution. In accordance with original legislation providing for this institution, it houses male prisoners between the ages of 16 and 30 who have never been previously convicted of a felony. Some judges in the state neglect to keep this portion of the law in mind when sentencing inmates, because it has been determined that many of those confined are not true first offenders nor are they first offenders in the eyes of the law.

The maximum daily population during the fiscal year ending June 30, 1940 was 1,725, the minimum 1,617 and the average daily population 1,683. The population on December 1, 1940 was 1,654.

The institution has undergone an extensive program of reconstruction, and the completion of two new cell houses will provide 571 additional modern cells. Plans for other new buildings are being prepared by the Department of Architecture, including a mess hall and kitchen.

As is the case at Wallkill Prison, a service unit functions at this institution aiming to assist inmates in adjusting to institution life and preparing a program which will be most beneficial to them upon release. Roughly, the two units are quite similar, and it should be stated that the Association works in close cooperation with the Elmira unit in securing employment for prospective parolees.

Elmira Reformatory is essentially an institution of training, characterized by an extensive classification program and a correlated education and employment system. The latter development was inaugurated in 1932, and since that time the educational activities have been developed to the point where they are in evidence throughout the day by day routine. Modern shop buildings and school facilities are available, and nationally-known educators have stated that the Elmira school program ranks as one of the best in New York State, if not in the country, including those school programs not associated with correctional institutions. The entire plan is marked by thoroughness and care, and is flexible to the extent that it may be changed in accordance with individual requirements as the inmate may improve or retard.

Military training which was an essential part of the early reformatory system continues, with the regiment organized in accordance with approved army standards. Recreation is under supervision and forms a definite part of the entire educational program. The same can be said of the library facilities.

A disciplinary board acts upon all disciplinary matters involving inmates, and full opportunity is granted for inmates to express themselves relative to charges and reports.

The Association suggests that persons seriously interested in correctional affairs observe carefully the work and development of the new Elmira plan. It is doubtful whether it is being duplicated throughout the country, at least as far as the age group is concerned. In these days when crime is an incidence of youth, New York State should be commended for its ability to meet the problem of the adolescent offender in this fashion.

Following the retirement of Dr. Frank Christian a short while ago, the institution was fortunate to be placed under the administration of Dr. Leo J. Palmer, the present superintendent. Dr. Palmer has had considerable experience, and for some years was Warden of Wallkill Prison. He is an able administrator and psychiatrist, and is well qualified to carry on the responsibilities relinquished by Dr. Christian. Dr. Christian was for many years

associated with Elmira Reformatory, first as physician and in later years as Superintendent, and his greatest reward for those years of public service can be found in the friendships which he formed with officials and inmates alike.

### Westfield State Farm

(State Prison for Women—Reformatory for Women)

The year 1940 witnessed a change in the superintendency of this institution. Following the death of the late superintendent, Major Carl Kane, Miss Henrietta Addison was appointed Superintendent on March 15, 1940. Miss Addison is nationally known for her work in social service and crime prevention and for some years was Sixth Deputy Police Commissioner of New York City, in charge of the Juvenile Aid Bureau.

With the exception of a few male officers and one or two of the professional staff, the personnel is composed entirely of women. Inmates at this institution are given comparative freedom and the Farm is operated on more or less of the cottage plan. As far as the State Prison section is concerned there is one small industry producing sheets, pillow slips, etc., and inmates receive a small amount of compensation. Maintenance work employs a good many inmates and all prisoners have some regularly assigned duty. The hospital facilities of the State Prison section are limited but inmates in need of extensive care and attention are transferred to the medical section of the Reformatory.

The educational program has been somewhat curtailed following the mandatory budget restrictions of 1939. There are, however, a variety of subjects available to the inmates. Plans for the extension of the educational program are under consideration and will, undoubtedly, be instituted upon the completion of several new units whose quarters will be available for school purposes.

Chaplains are employed on a visiting basis and conduct services periodically with attendance on a strictly voluntary basis.

The Reformatory section is, of course, older than the quarters provided for State Prison cases. Some of the cottages are in need of repair and improvement but attention has been given this situation throughout the year.

All new prisoners are quarantined for at least 48 hours during which time physical examination and tests are made. For the following two weeks the quarantine is continued but inmates are transferred to one of the cottages during which time interviews are held and further examinations are conducted. A further system of transfer is employed from time to time depending upon the progress of the inmate.

The medical center is well equipped and operated by a staff of professionally trained persons. Inmates suffering from venereal disease are strictly quarantined and treated as long as may be necessary.

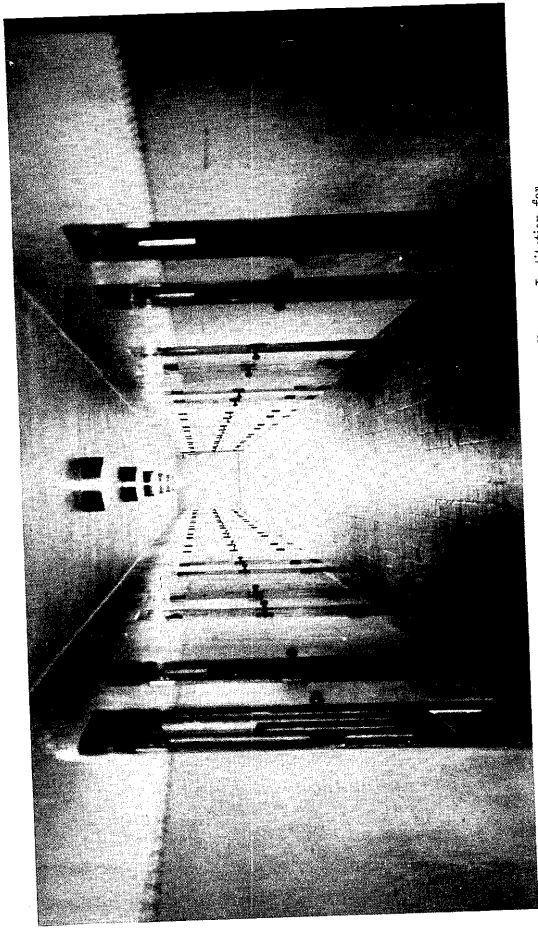
All employment is for the institution and no industries as such are operated. As far as possible all work assignments are correlated with the educational program and, in addition, various vocational training activities are available.

In the case of all the State Prisons for men, Elmira Reformatory and the State Prison for Women, parole is under the jurisdiction of the New York State Board of Parole. Parole of the Reformatory for Women inmates, however, is under the jurisdiction of the Board of Visitors of the institution.

It does not seem advantageous to divide parole responsibilities especially in view of the high standards maintained by the State Division of Parole and, for several years, this Association has recommended that the authority of the State Division of Parole be extended to include those institutions not now under its jurisdiction.

The population of the State Prison for Women on December 1, 1940 was 214, with the Reformatory housing an additional 230, or a total of 444.





An example of modern outside cell construction. Woodbourne Institution for Defective Delinquents, Woodbourne, N. Y.

## Appendix A

### YOUTH JUSTICE

BY

EDWARD R. CASS

*General Secretary, The American Prison Association, and The Prison Association of New York; Member, New York State Commission of Correction, and Adviser to Committee on Criminal Justice—Youth of the American Law Institute*

Mr. Chairman, Ladies and Gentlemen:

At the outset may I express the real pleasure that is mine in meeting with you. I feel particularly privileged to have been invited because I feel we are emulating those forebears of ours who pioneered some decades ago. I like to feel that those days still hold a challenge for us, because we, too, are pioneering through the wilderness of obstacles to sane common sense crime prevention. I like to feel also that from our discussions there might arise the desire and the will to bring about a change in our methods of dealing with the youthful offender. I appear before you to present a plan of action, based on the intelligent and painstaking deliberations of many months, which I trust you will agree is not revolutionary—not visionary—nor idealistic beyond conception. Instead I hope I may convince you of its practical, constructive value.

As a member of the New York State Commission of Correction, I made an official visit to one of our jails a few weeks ago. As I walked through the section set aside for youthful offenders I was appalled at the state of neglect and uncleanness. There were several dozen new recruits of crime whose age averaged around seventeen, herded together in a section that would have been filled to capacity with but half that number. All were either being held for Grand Jury action or awaiting trial, and in the meantime exposed to the degrading influences of idleness and unsupervised activity. The floor was covered with the dirt of several days' accumulation, and the boys—many stripped to their waists and some barefooted—were lounging about on mattresses moved from their cells onto the corridor floor. In fact, the mattresses literally became the floor itself. Of what were they talking? You can rest assured it was not national politics or international conflict—but the inevitable topics of crime and women. I questioned the sheriff about the inactivity and the situation I had observed, only to be told that, "Well, you know, the boys give us all our trouble—they're the most difficult to handle."

Let me tell you about another jail I visited just a week or two ago in one of the south central states. There was a so-called deten-

tion institution housing, for the most part, persons awaiting trial. The rest were serving short sentences or working out fines at the rate of a dollar a day. The jail was three stories in height and was presided over by the sloppiest and most disheveled officer I have seen in some time. With tobacco juice marking his face like a road map, and a gleam in his eye when discussing female prisoners, he was the lone guard on duty in this jail in a city of close to 50,000 population. There was filth—so much of it that the refuse and garbage cans in the cell block were overflowing with the accumulation of weeks. Dirt and filth literally crunched underfoot. Segregation in this jail was unknown, with only a few bars separating the male prisoners from the female, and with the venereal cases intermingling with the rest of the group. The walls were decorated with obscene drawings and remarks and covered with photographs from salacious magazines. What is even more startling, most of those in this jail were under 21 years of age.

I could talk on this point for the rest of the time that has been allotted to me, but allow me to emphasize that here were a number of youths in their most impressionable age, jammed into jails reeking with contamination of every description and lacking in supervision and direction. Innocent in the eyes of the law, but held for indefinite periods awaiting disposition of their cases, these adolescents were learning more about crime than most of us will ever know. Just by way of illustration, I noticed one particular youth who claimed he was 17, but appeared closer to 15, and later asked the guard what he knew about him.

"Him? Oh, he's a tough kid," I was informed. "Right now he has his next job all lined up. He's goin' down the county and stick up old man Brown's road stand—down on route 20, you know. It's a shame, too—old Brown ain't never harmed anyone. The kid's goin' out in a month; he's been here seven months, now."

I asked the guard how he knew all this only to be asked, "What d'ya think I got trusties for?" But the most amazing part of our conversation was to the effect that the sheriff would be notified about the proposed crime "... if I get around to it" to use the words of the guard.

There is a concrete example of how the typical jail, supplemented by broken homes, poor associates and a negative environment, breeds crime virtually under our very eyes! Tonight, as you and I discuss this significant plan to rectify similar situations, a crime is scheduled for commission on the part of this youthful criminal who unfortunately is not a novice. This chap has passed his preparatory course in crime with flying colors—well along on the road that leads to the state prison.

Listen to a few eye-opening statistics that in themselves lend emphasis to the illustrations I have just given. We have only to consult the arrest records incorporated in the booklet, "Uniform Crime Reports," published by the Federal Bureau of Investigation for substantiation of the fact that crime is largely a problem of

youth. We note, for example, that records covering the first six months of 1940 indicate that persons nineteen years of age were most frequently arrested. Following this group, the ages of 21, 22, 23 and 18 years predominated in that order. Furthermore, the 19 year group has led this list more frequently than any other group since 1932. Of all persons arrested from January to June, inclusive, of 1940, 17.6 per cent were under 21 years of age, and practically one-third of all arrested persons were under 25 years of age.

Youths from 16 years up to 21, are only an eighth of our total population over 14 years of age—yet they produce a fifth of our criminals. Youths are responsible for 26 per cent of our robberies and thefts, some 40 per cent of our burglaries, and account for nearly half of the automobile thefts about which we read day after day. Note, if you will, that these crimes do not constitute petty offenses—the petty offense is frequently left for youth's elders to perpetrate. Youths come before the court for serious crime twice as often as adults of 35 to 39; 3 times as often as those of 45 to 49; and 5 times as often as those of 50 to 59.

In far too many cases youthful criminality perpetuates itself into later criminal careers. Research conducted under the direction of Dr. Thorsten Sellin, a colleague of mine in the group of advisers to the American Law Institute and Professor of Sociology at the University of Pennsylvania, has shown that of the prisoners in Pennsylvania's Eastern State Penitentiary in one year, 67 per cent had prior institutional records—70 per cent of those confined in the Massachusetts State Prison had previously been committed, and 80 per cent of the population of Louisiana's jails were repeaters. In fact, almost one-half of all persons arrested during the first six months of 1940 had previous arrest records.

To many of the immature who have not yet found themselves, crime is fascinating and easy of repetition, and I need not tell you of the ease with which it can determine the behavior patterns of youth. I believe you will agree that our problem would be radically eased were we in a position to prevent a second act of criminality on the part of those who are first offenders. To be sure, our ideal is to prevent the first offender from gaining that stigma, but think what progress could be achieved if only we had more control of those factors that make for the habitual criminal. But wait! Possibly we do know a lot more about this problem than one would surmise on first impression. We know that far too many of our jails, reformatories and prisons are crime breeders. Statistics bear this out. We know that their failure—our failure—to provide adequate treatment programs contributes to this problem. We know that by throwing the majority of first offenders into jail for varying periods of time while they await the slow-moving wheels of justice helps to broaden the vicious circle of crime. We know that the extension of the use of bail, release on personal recognizance, and the opportunity of paying fines on the installment plan are all common sense measures of bringing about a reduction in the jail

population. Do I see doubtful expressions in the audience? Then listen a moment to an interesting finding. The New York Law Society, in its recent study, "The Forgotten Adolescent," disclosed that 78 per cent—over three fourths—of all adolescent defendants between the ages of 16 and 21, charged with felonies and serious misdemeanors in Manhattan, Brooklyn and Queens (three of New York's five counties) were committed to jail for failure to post the bail necessary for their release. Continuing, we note further that 74 per cent of those not finally sent to prison were, nevertheless, confined in jail awaiting disposition of their cases. This is all the more significant in view of the fact that four out of five of this particular group of youthful offenders had no record of previous conflict with the law. Considering the knowledge and experience that we can draw upon, I do not feel the least bit hesitant to assure you that many of that group who were ultimately released, are well versed in the ways of criminality. They are ready fodder for the brains of the underworld—conscripts for that great army of crime.

Now I realize that I have gone to considerable length to paint a dull, drab and pessimistic scene. I have not portrayed a fanciful picture; instead it is one of truth and reality, substantiated by facts and figures, which some of us have observed for many years. Granting, then, that all I have said is admittedly so, how are we going to remedy the situation? How long, my friends, are we going to continue to tolerate such a disgraceful state of affairs? When are we going to put an end to this intolerable condition? In my thirty years of experience in penology, in this country and as an official observer abroad, I know that magical formulas and crystal ball gazing will not produce the miracle cure-all. A magical formula is only wishful thinking, and our problem is *too real—too practical*—to hope that some fantastic concoction will crystallize into brown pills as cure-alls for burglars and white pills as cure-alls for robbers. Certainly this is not possible especially in the field of crime treatment where the ever puzzling flexibility of human conduct is the challenging factor.

What, then, is the answer?

The answer would seem to be in a more adequate correlation of existing facilities accompanied by various changes in methods of procedure to the extent that the punitive tradition is eliminated. *Punishment, as such, has long since given way in the minds of serious thinkers, to two fundamental elements, protection and rehabilitation.* This would entail no great outlay of the taxpayer's funds, but it does involve cooperative effort based on common sense.

To me, the "Youth Correction Authority Act," sponsored by the American Law Institute, provides as much of an answer to the problem at hand as has yet been devised. No one claims unproven success but many voice the belief that the Institute's plan is as logical a solution as has been reached to date.

By way of explanation, let me say at this point that the American

Law Institute is composed of 750 leading lawyers, judges, and professors of law in the United States, and that it enjoys the full confidence of the legal profession and the public generally. For many years the Institute concerned itself with the field of civil law, but in 1934 called together a number of leading lawyers, sociologists, criminologists and others to discuss the status of criminal law with a view to rewriting portions of it to fit the demands of the times. Following on the heels of the comprehensive report made by this group, the Institute called together a body of advisers consisting of lawyers, judges, penologists and others, to draft model statutes for the consideration of the various state legislatures, designed to provide a more progressive procedure for handling the youthful offender.

I have deemed it a great honor and privilege to have served as a member of that advisory group, and I likewise consider it a privilege to speak for the Institute in this instance. I believe you may be interested in the membership of the group of advisers, and they are as follows:

Dean William Draper Lewis, Director of the American Law Institute and former Dean of the University of Pennsylvania Law School, *Chairman*; Curtis Bok, President Judge of the Court of Common Pleas, Philadelphia, Pa.; Sheldon Glueck, Professor of Law, Harvard University, Cambridge, Massachusetts; Leonard V. Harrison, Community Service Society, New York; Dr. William Healy, Director of the Judge Baker Guidance Center, Boston, Massachusetts; Edwin R. Keedy, University of Pennsylvania Law School, Philadelphia, Pa.; Austin H. McCormick, Executive Director, The Osborne Association, New York; William E. Mikell, University of Pennsylvania Law School, Philadelphia, Pa.; Thorsten Sellin, Department of Sociology, University of Pennsylvania, Philadelphia, Pa.; Joseph N. Ulman, Judge, Supreme Bench of Baltimore City, Baltimore, Maryland; and myself as General Secretary of the American Prison Association and the Prison Association of New York.

Professor John B. Waite of the University of Michigan Law School was designated as Reporter, and I just want to pause one moment to say that a good share of the credit for the committee's achievements belongs to him. His thorough knowledge of the subject and progressive attitude are manifested through the Youth Correction Authority Act.

This group of advisers, after months of painstaking work, submitted its findings to 150 consultants in all parts of the country. The suggestions and criticisms of these consultants were collated and their most constructive recommendations incorporated into the model Act. Then the Committee submitted its final product to the Council of the American Law Institute, composed of 34 lawyers, judges and others of national reputation. The Council adopted the Act and it was later accepted at the Annual Meeting of the members of the Institute. This means that the Act had to run the gamut of scrutiny of 750 members of the legal profession, the

bench and others of note. It is important to emphasize that any products of the Law Institute that reach the final stage can be accepted as nearly letter perfect. I make mention of this in order that you will appreciate the fact that the work of the Committee on Criminal Justice Youth was not without thoroughness and care. It is not the result of perfunctory discussion, but the product of diligent deliberation covering many months.

First of all, it is well that we understand just what the Youth Correction Authority Act is. Basically it relates to the treatment of young offenders between the ages of sixteen and twenty-one, after conviction, and the "Youth Court Act," which is now in the process of final revision—and which should not be confused with the "Youth Correction Authority Act"—relates to the treatment of young offenders through the steps leading to conviction or acquittal.

The Correction Authority Act does not interfere with the process of arrest, accusation and conviction. It does, however, affect the so-called post-conviction process and provides for commitment to a "Youth Correction Authority." The procedure advocated is not revolutionary, in fact, a good part of it is already the law in many areas. Everything of fundamental importance in the Act has already proven of sound value by virtue of actual practice and acceptance under the laws of various states. Illinois, Massachusetts, Michigan and New York, for example, recognize by law that certain types of offenders, such as defective delinquents, are not susceptible to correction through punishment, as such, and cannot be released until they have recovered sufficiently to make satisfactory adjustment with society. It can be seen, therefore, that the Correction Act extends these ideas a step further in providing that no releases may be effected until the individual has been judged capable of resuming a law-abiding life. Fundamentally, the Correction Act provides little that is theory, but instead unifies a variety of practices which are in use today in various parts of the country.

From a realistic point of view the new Act is designed to protect society from the depredations of the repeater who, all too frequently, has enlarged his repertoire of crime as a result of the system which we tolerate today in many sections of the country.

In few words, the proposed Act provides for the proper treatment of offenders so long as may be necessary in the best interests of the public. This may involve institutionalization, or it may be release under supervision. The purpose of the Act, as stated in the Act itself, reads in part:

"The purpose of this act is to protect society more effectively by substituting for retributive punishment methods of training and treatment directed toward the correction and rehabilitation of young persons found guilty of violation of law. . . ."

In order that the rehabilitative factor may take precedence, the Act provides for a Youth Correction Authority—a body with limited yet appropriate powers to ascertain or determine the proper

procedure in each individual case. It is suggested that the Authority itself be composed of three full time members, appointed by the Governor for nine year terms and removable by procedure similar to that by which judges of the higher courts are removed. Original appointments are for varying terms in order that the future would not witness a total change of personnel at any one time. The nine year terms will, of course, assure a continuity of policy. The Authority would be responsible for the organization, administration and policy-making of a state wide system. It would operate through district units throughout the state and, while it would utilize existing facilities and agencies as far as possible, it would also employ its own psychiatrists, educators, and other specialists whose duties have been outlined as follows:

(1) to determine the offender's background and capacity for reform,

(2) in light of this, to treat the offender scientifically, and,

(3) to decide from time to time whether the offender is responding to treatment and therefore whether he should be released, allowed a limited degree of liberty, or retained in the institution.

The important requisite of the Authority is an awareness and understanding of the fundamental precepts of correction and segregation based on a practical ability to place them into effect. It is evident at once that the *membership of the Authority should be representative of legal and administrative ability, educational experience and knowledge and experience in the study of the young offender and in his proper treatment.* The Correction Authority is no place for those who have only political qualifications—it is a place for competent and courageous persons possessed of training and experience.

Now that the Authority has been figuratively set up, let us consider that part of the Act having to do with commitments to the Youth Correction Authority. In the first place the Act provides that "no person may be committed to the Authority until the Authority has certified in writing to the Governor that it has approved or established places of preliminary detention and places for examination and study of persons committed. . . ." By virtue of this section the Authority attacks the evils of the typical county jail which I described at the beginning of this discussion. This does not necessarily mean that large sums will have to be spent for new detention institutions, but it does mean, however, that existing facilities must be improved, if necessary, before being certified by the Authority. The filth and other unsanitary conditions of the typical jail would have to be eliminated, and the disgraceful overcrowding and lack of segregation be rectified. The basic idea is to assure proper and satisfactory places of detention as an offset to those destructive influences that surround the youth before his confinement.

Continuing, then, on the subject of commitments, the trial judge would have his usual discretion in acquittals and fines, and in handing down sentences of death or life imprisonment. With these

proceedures the Act is not concerned. The fact is that the adoption of the Act by a state would not affect the present judicial procedure except in one manner, and that is that the judge would commit convicted youths to the Correction Authority, *without determining the length of sentence*. Remember, however, the exceptions—cases of acquittal, fine, the death penalty or life imprisonment.

At this point I believe it would be advisable to discuss the age limits of offenders affected by the Act, and then discuss the further procedure of the Authority. In the first place juvenile courts are not required by the proposed Act to commit to the Authority, but these courts *may* in their discretion, and with the approval of the Authority, commit offenders of sixteen years of age or over who have been under the jurisdiction of the juvenile court. The Act, therefore, does not tread upon the territory of the juvenile court, and in those states where the maximum juvenile court age is over sixteen, changes in the Act may be made accordingly so as to meet the local situation. In California, for example, where the juvenile court age limit is twenty years, only a very small percentage of persons over eighteen are dealt with as juvenile delinquents.

At this point let me anticipate two questions. I presume some of you are asking, why not merely extend the juvenile court jurisdiction to cover these youthful offenders? In the first place, it would be quite impractical because the juvenile court is essentially a children's court. Its procedure and methods are adapted to children who cannot be classed as adolescents or criminals. Juvenile court procedure is purposely informal and more of a round-table nature devoid of much of the legal technicalities of the adult court. In the cases of serious crimes being committed by older youths, these informalities would not be tolerated by society, and rightly so. In the second place, I have already brought out that judges, under the Correction Authority Act are not to sentence individuals for definite periods of treatment, and we cannot expect the juvenile court to be in any better position to predict the exact length of time and type of treatment necessary for an individual. It is to be noted, again, that the Act makes specific provisions for the juvenile court and recognizes its value in the handling of juvenile cases.

Close upon the heels of that question one might ask why confine the Act only to youthful or so-called adolescent offenders? The immediate answer, of course, is that it is the expedient step to take rather than to clamor for a complete revolution of procedure that would also affect adults. Secondly, our major crime problem involves youths, and thirdly, the youthful offender is open to rehabilitation—he is the most hopeful of all offenders. Ideally, it is the hope that a similar procedure might be devised or extended to affect adult offenders as well.

The Correction Act further provides that the judge is to determine whether or not the offender was less than twenty-one years of age at the time of his apprehension. If the delinquent has not reached his twenty-first birthday and if his age exceeds the maxi-

mum juvenile court age, he is to be committed to the Authority. Again I stress the fact that there are several exceptions, as follows: conviction of a capital crime calling for either the death penalty or life imprisonment; the disposition of a case through fine; or acquittal. One additional exception should be noted, and it relates to petty offenses normally calling for imprisonment for not more than thirty days. In such instances, commitment to places of detention approved by the Authority may be made. In the judge's discretion commitment to the Authority of petty offenders may be made if it is brought to his knowledge that the individual has been previously convicted and the judge is satisfied that society will best be protected by commitment to the Authority.

The Act stipulates that offenders assigned or committed to the Authority who were less than eighteen years of age at the time of commitment be discharged before the age of twenty-one is reached, and those who were eighteen or more at the time of commitment be discharged within a period of three years from the time of commitment, unless the Authority has entered an order directing a longer period of control in the interest of the public welfare.

The Act provides, however, that all persons shall be discharged from the control of the Authority before the age of twenty-five is attained unless the Authority has previously entered an "order directing that he remain subject to its control for a longer period. . . ." This provision makes commitment to the Authority a commitment for an indefinite period, with its control to continue until there is reasonable assurance that release will not endanger the public safety. Consequently, the offender may be held under the control of the Authority for the balance of his life if this be necessary.

The offender of course has the privilege of reviewing this order through the courts, with the aid of counsel. In other words, this is protection against any possible abuse of power by the Authority. Protection is also granted by virtue of the provision of the Act that called for periodic reexamination of cases every two years at least. In the words of Professor Waite, ". . . the Act goes even further and gives each person an absolute right to release at the ages stated unless the Authority can demonstrate to a court the wisdom of its determination that control should be continued."

There is, of course, no obligation upon the Authority to detain persons until they are twenty-five years of age. The basic purpose of the entire plan in this respect is to confine offenders only as long as may be consistent with the public welfare.

The Act takes into consideration the current practice of trial judges giving so-called indeterminate sentences, that is, sentences with a minimum and maximum term specified by law. It is recognized—in fact it is the essence of the philosophy of the Act—that a long period of confinement may be just as harmful to rehabilitation as a period of too short duration. With the true indeterminate sentence—the release date under supervision to be

adjudged by the Authority—the prospects of lasting rehabilitation are broadened. Here again we note that the Act does not deviate from the contemporary practice of several states, such as Utah, Washington, Minnesota, Georgia, California and others, that provide for a true indeterminate sentence through the parole boards. In Utah, although the law provides that sentences be for a stated minimum length of time, the parole board is authorized to release prisoners at their discretion, regardless of the minimum term, and California provides a somewhat similar power. I cite these illustrations to allay any fear that the provisions of the Act are radical. It is no more than declaration of a tried and proven procedure.

Once an individual has been sentenced by the court and committed to the Correction Authority what action, then, may the Authority take? Allow me to quote a portion of the Act itself that might serve to clarify this question.

- "When a person has been committed to the Authority it may
- (a) permit him his liberty under supervision and upon such conditions as it believes conducive to law-abiding conduct;
  - (b) order his confinement under such conditions as it believes best designed for the protection of the public;
  - (c) order reconfinement or renewed release under supervision as often as conditions indicate to be desirable;
  - (d) revoke or modify any order except an order of discharge as often as conditions indicate to be desirable;
  - (e) discharge him from its control when it is satisfied that such discharge is consistent with the protection of the public."

Analysis of this statement might lead one to raise the question as to the place of probation and parole under the provisions of the Act. In the first place, probation and parole of juvenile offenders and adults will not be affected because the Act does not directly concern them by virtue of its limitations on the age of offenders. Remember that this Act concerns only the so-called adolescent offender. Although the Act does not specifically mention parole and probation, it does make full provision for their use. Incidentally, there has been considerable confusion between the use of the terms parole and probation and some misunderstanding has resulted. Please note, however, that these very valuable practices are retained. I have been too closely associated with the extension of probation and parole to identify myself with any measure which would propose to make light of their value and their place in the treatment of the offender. Long before these practices were popular subjects of conversation we were fighting for their cause, especially in New York State. In fact, a good portion of the first New York probation law was drafted in my office in 1900. Years before that the Prison Association of New York brought about the founding of the first reformatory in the United States at Elmira, New York in 1876. Associated with this institution was the first use of the indeterminate sentence and parole as we know it today.

I, for one, hold to the definite opinion that the Correction Authority Act will foster, extend and strengthen the use of pro-

bation and parole, and will increase and improve their facilities. For years we have been hammering away at the need for adequate and trained parole and probation personnel, and I am convinced that this Act will benefit the extension of these services. Given that this Act will benefit the extension of these services. Given adequate probation and parole systems, I can see no need for any anxiety as to their status, and in areas where adequate systems are unknown I can see the tremendous value of this Act in its sponsorship of these methods. Certainly no one identified with this movement would be a party to the breaking-down or destruction of any probation or parole system that could measure up to approved standards, but would, on the other hand, encourage their utilization. Again I say that I am not prepared to associate myself with any movement that would tend to disregard the value and place of probation and parole, but I am always ready to lend my support to any plan that proposes to extend their use.

Let me remark again that in order to integrate the various steps that make up our scientific treatment of the offender, the authority is given full control over the individual as to his detention, imprisonment, training and treatment and, aside from utilizing its own treatment service, could "make use of law enforcement, detention, probation, parole, medical, educational, correctional, segregative and other facilities, institutions and agencies, whether public or private, within the state." The last few phrases are quoted from the Act and will, I believe, serve to illustrate the fact that existing facilities can be used without duplication of institutions and services. Of course this provision does not, by any means, grant control of outside facilities to the Authority. It can merely ask for and utilize their cooperation.

The Authority would conduct psychological, physical and social investigations of all commitments and inform the necessary officials of their findings. They would also make periodic re-examinations of all persons under their control as an aid to the determination of the progress. This all leads and lends emphasis to the fact that the individual is the all important factor in the plan. Basically the Act would seek to eliminate the haphazard unevenness of the application of penalties and other contradictory processes often found in the present system. Some states, for instance, have a variety of the institutions each designed for a special type of offender, such as the first offender, the recidivist, etc. In many such cases, however, institutional administrators are forced to accept commitments that should not, in any sense, be directed to their care. By that I mean that institutions frequently are forced to admit persons who are harmful to the treatment program. I have in mind one specific reformatory in a large eastern state which through the years was forced to deviate from its original purpose—that of the training and treatment of the youthful first offender. The Commissioner of Correction of that State recently stated that ". . . considering the present type of the population, it can, in no sense, be accepted as a reformatory." On the basis of a study of 1,000 commitments to this institution it was ascertained that ten per cent were feeble-

minded; seventeen per cent of borderline intelligence; and twenty-four per cent were classed as dull. In other words, over fifty per cent were below average intelligence, and not suitable for the institution's program of treatment. Furthermore, it was concluded that only one-fourth were true first offenders. At the same time there were being sent to the State prisons those who could better profit by the reformatory program. Now, how could the Youth Correction Authority remedy the situation? By virtue of the fact that no person can be committed to institutions directly, the Authority would be in a position to discriminate between those that the institution could help and those whom it could not help. Through this arrangement would result a better distribution of offenders, and, as I mentioned previously, a lessening of the unevenness of the application of penalties. The need for a more even administration of justice is greatly to be desired, and we feel that this Act provides a means to this end. On the basis of the provisions of the Youth Correction Authority Act it is easily conceivable how an experienced and alert board, seeing the responsibility to its job beyond the confines of its own four walls, will reflect its influence on the community. Surely the deliberations of such an Authority will be of far greater value to the people generally than the unevenness of justice as administered by some judges who reflect a particular notion by giving the limit for one type of crime and a light sentence for another, and thinking too often in terms of the crime alone.

I have given you the essence of the Youth Correction Authority Act proposal, and hope that you will accept it as a challenge in behalf of youth and public welfare and protection. I trust I have impressed you that the plan is *not* an attempt to destroy any program, system or institution that uses recognized and acceptable standards. Neither is it designed to be a job-demolishing scheme. Those who are doing commendable tasks in accordance with acceptable methods and standards should have no fear. The movement should not be anticipated as the setting-up of a *wedding body*, but should be understood as a means whereby there will result a fuller and more dispassionate consideration of the individual offender to the end that he will be exposed to the best kind of treatment, whether it be through probation, or an institutional program, and finally parole.

I would like to feel that I have left with you a challenge, a challenge to you—the public—to recognize the need for coordinated services in the rehabilitation of the youthful offender. A challenge that here is a logical and common sense opportunity to take definite action in a field that is recognized as in need of change and improvement before it is too late—too late in the lives of those youthful offenders that today we do little more than waste and prepare for further criminal careers. In this democratic country we owe it to today's youth—and to ourselves—to do more for them when their missteps lead into conflict with the law.

I commend this plan to you.

## Appendix B

### PRELIMINARY DRAFT

of

### YOUTH CORRECTION AUTHORITY ACT

for

### NEW YORK

Being a Revision of the American Law Institute's Draft of a Model Act Creating a Youth Correction Authority

Prepared by

*A Special Committee on Youth and Criminal Justice*

TIMOTHY N. PREIFFER, *Chairman*

LEONARD V. HARRISON, *Reporter*

W. P. Beazell  
E. R. Cass  
Stanley P. Davies  
Homer Folks  
Shelby M. Harrison  
Ralph K. Jacobs

Robert P. Lane  
Solomon Lowenstein  
Austin H. MacCormick  
Rev. Bryan J. McEntegart  
Andre Maximov  
John D. Rockefeller, 3d  
Mrs. Leopold K. Simon

### YOUTH CORRECTION AUTHORITY ACT

AN ACT creating a youth correction division in the executive department and a youth correction authority as head of the division, prescribing its powers and duties, and providing for disposition by the courts of convicted persons who are between the ages of sixteen and twenty-one at the time of their apprehension for a violation of law.

#### ARTICLE I

Short Title; Policy of State and Purposes of Chapter; Definitions

*Sec. 1. Short title.* This chapter shall be known and may be cited and referred to as the "youth correction authority law."

*Sec. 2. Policy of state and purpose of chapter.* It is hereby declared as the policy of the state that in order more effectively to protect its people there shall be provided by the state improved measures of training and treatment directed toward the correction and rehabilitation of young offenders against the law. It is hereby declared that such policy will best be carried out by empowering the youth correction authority of the state to determine the manner



in which young offenders committed to it shall be supervised and controlled and to determine when they shall be released into freedom. It is the purpose of this chapter to carry out that policy in the public interest.

*Sec. 3. Application of chapter.* This chapter shall apply only to:

(a) Violations of law committed subsequently to the date upon which the chapter becomes effective.

(b) Youths, as hereinafter defined.

*Sec. 4. Definitions.* When used in this chapter:

(a) The term "youth" means any person of either sex (1) who, at the time of such person's apprehension for a violation of law, is sixteen years of age or over and under the age of twenty-one; (2) who is committed to the authority according to any provision of this chapter.

(b) The term "authority" means the youth correction authority.

(c) The term "division" means the youth correction division of the executive department.

(d) The term "law" includes the laws and ordinances of this state and the political subdivisions and municipalities thereof.

(e) The term "court" includes any court of record or inferior court authorized to impose sentence for violation of law.

(f) The masculine pronoun includes the feminine.

#### ARTICLE 2

##### Youth Correction Division and Youth Correction Authority

*Sec. 5. Youth correction division and youth correction authority—creation.* There shall be in the executive department a youth correction division, the head of which shall be the youth correction authority of the state of New York, whose function is to provide and administer corrective and preventive training and treatment for persons committed to it as hereinafter provided.

*Sec. 6. The authority—number of members.* The authority shall consist of three members, who shall devote all their time to its work. A majority shall constitute a quorum.

*Sec. 7. Appointment and removal of members.* The members of the authority shall be appointed by the governor by and with the advice and consent of the senate.

Any member of the authority may be removed by the governor for cause after an opportunity to be heard. A statement of the cause of his removal shall be filed by the governor in the office of the secretary of state.

In case a vacancy in the membership of the authority occurs otherwise than through expiration of a member's term, the governor shall appoint a person to serve for the unexpired part of the term.

*Sec. 8. Tenure of members.* The term of office of members of the authority shall be nine years, except that initially one member

shall be appointed for a three-year term, one member for a six-year term and one member for a nine-year term.

*Sec. 9. Qualifications of members.* In making appointments the governor shall select persons who, by reason of their character, common sense, administrative ability and knowledge of matters pertaining to youth correction, are especially qualified to direct the work of the youth correction division.

*Sec. 10. Compensation of members.* Each member of the authority shall receive for his services an annual salary of twelve thousand dollars. Members shall also receive their necessary expenses actually incurred in the discharge of their official duties.

*Sec. 11. Selection of chairman.* The governor in first appointing members of the authority shall designate one member to serve as chairman during his term of office. The authority shall elect his successor from among its members.

*Sec. 12. Organisation of division.* The authority shall have its principal office in the city of Albany and may establish administrative districts with branch offices in other cities of the state. Subject to authorized appropriations the organization of the division into bureaus and offices and the establishment of necessary services, including services supplementary to those provided by existing institutions and agencies, shall be within the discretion of the authority.

*Sec. 13. Officers and employees; salaries; qualifications.* Subject to appropriations therefor, the authority may appoint and prescribe the duties of (1) not more than five executive officers who shall be in the exempt class of the civil service, and (2) other officers and employees who shall be in the competitive class of the civil service.

The officers and employees appointed pursuant to this section shall receive a compensation to be fixed by the authority within the budgetary appropriation. Such officers and employees shall also receive their necessary expenses actually incurred in the discharge of their official duties.

The civil service commission, acting in cooperation with the authority, shall establish standards and preliminary requirements to govern the selection and appointment of the officers and employees of the youth correction division. The officers and employees of the division shall be removable by the authority subject to the civil service law and rules.

#### ARTICLE 3

##### Commitments to Youth Correction Authority

*Sec. 14. Commitment to authority—preliminary conditions.* No youth may be committed to the authority by any court in a county of the state until the authority has certified in writing to the governor and to the courts that it is prepared to receive youths on

commitment from courts in such county. Before such certification a court shall, upon conviction of a youth, deal with him without regard to the provisions of this chapter.

*Sec. 15. Determination of age.* When in any criminal proceeding in a court of this state a person has been convicted of a violation of law for which the court has power under sec. 16 to commit to the authority, the court shall determine whether the person was a youth at the time of the apprehension from which the criminal proceeding resulted.

*Sec. 16. Disposition of youth by court.*

(1) When a youth has been convicted of a violation of law the court shall render a judgment and enter an order, as provided in subsections (2) and (3).

(2) If the maximum penalty prescribed for the violation of law of which the youth is convicted is:

(a) Less than death or life imprisonment and is for a term of imprisonment exceeding 60 days, or a fine, or both such imprisonment and fine, the court shall commit him to the authority or sentence him to the payment of a fine provided that no youth shall be committed to the authority with a fine imposed in addition to the commitment except as in subsection (2) (c).

(b) Imprisonment for a term not exceeding 60 days, or a fine, or both such imprisonment and fine, the court shall commit him to the authority without fine, or remand him without fine to detention in the custody of the authority but not otherwise under its jurisdiction for a period not exceeding the maximum term of imprisonment allowed by law, or sentence him to payment of a fine, or discharge him unconditionally.

(c) Imprisonment and fine, the court shall dispose of him in accordance with subsection (2) (a) or (2) (b) and in addition shall impose a fine.

(d) Fine only, the court shall sentence him to the payment of a fine or discharge him unconditionally.

(3) When directed by a judge of the court in which a youth is convicted and placed on remand, as provided in subsection (2) (b), the authority shall conduct an investigation of the social history of such youth and report in writing to the judge, provided that the authority shall not be required to make such investigation and report in the case of a youth remanded for a period of less than five days. At the expiration of every period of remand the court shall render a final judgment of commitment to the authority, or of unconditional discharge.

*Sec. 17. Commitment to authority by pardoning power.* If a sentence to death or to imprisonment for life is imposed upon a youth, and if before he reaches the age of twenty-one years the governor commutes the sentence by committing him to the authority the authority shall assume control over him.

*Sec. 18. Duty of court when youth fails to pay a fine.* If the court sentences a youth to the payment of a fine and the fine is not paid, the court may either remit the fine in whole or in part or commit him to confinement for a length of time permitted by the statutes relating to imprisonment for failure to pay fines, provided that such confinement be in a place approved by the authority.

*Sec. 19. Commitment to authority by children's court.* The authority is empowered in its discretion to accept from a children's court or a court of domestic relations commitments of persons sixteen years of age or over, subject to any provision of law affecting jurisdiction of such courts over such persons.

*Sec. 20. Suspension of commitment.* After a court has committed a person to the authority the court has no power to suspend execution of the commitment.

*Sec. 21. Commitment to authority—preliminary disposition by court.* When a court commits a youth to the authority such court shall order him conveyed forthwith to some place of detention approved or established by the authority or order his release under such conditions as in the court's opinion will insure his submission to any subsequent order of the authority.

*Sec. 22. Effect of appeal from judgment of conviction.*

(1) The right of a youth who has been convicted of a violation of law to appeal from the judgment of conviction shall not be affected by any provision of this chapter.

(2) When a youth who has been convicted and committed to the authority appeals from the conviction, the execution of the commitment to the authority shall not be stayed by the taking of the appeal except as provided in subsection (3). The youth so committed shall remain subject to the control of the authority, until the conviction has been set aside and the proceedings against him have been dismissed.

(3) When the court by whom the youth was committed to the authority finds that there is probable cause for reversal of the judgment of conviction, or when there has been filed with the court in which the youth was convicted a certificate issued by the appellate court showing that there is probable cause for reversal of the judgment of conviction, the court by whom the youth was committed or the appellate court by whom the certificate was filed, may in its discretion direct that the youth be left at liberty, under such conditions as appear to be necessary to insure his cooperation in reasonable expedition of the appellate proceedings and his submission to the control of the authority at the proper time.

*Sec. 23. Commitment to authority—notification by court.* When a court commits a youth to the authority the court shall at once notify the authority of such action in writing.

*Sec. 24. Public officials—duty to furnish information to authority.* When a youth has been committed to the authority, the courts, prosecuting and police authorities, and other public officials shall

make available to the authority all pertinent data in their possession in respect to the case.

#### ARTICLE 4

##### Powers and Duties of Youth Correction Authority or Division

*Sec. 25. Powers and duties of the authority or division, how exercised.* A power or duty in terms conferred or imposed by this chapter on the youth correction authority or on the youth correction division shall be deemed a power or duty of the division to be exercised or performed by the authority, or, subject to its supervision and control, by an officer or person in the division to whom the exercise or performance of such power or duty is assigned by a rule or direction of the authority. This section shall not authorize the authority to delegate the power of appointment of officers and employees or the powers defined in sections 26, 27 and 32 (1).

*Sec. 26. Power to make rules.* The authority is authorized to make and enforce all rules necessary for the exercise of the powers and duties conferred or imposed upon the authority by this chapter.

*Sec. 27. Power of investigation and administration of oaths.* The authority for the purpose of any investigation in the performance of its duties shall have the power to issue subpoenas, compel the attendance of witnesses and the production of books, papers and other documents pertinent to the subject of its inquiry. The authority or any member thereof may administer oaths and take the testimony of persons under oath.

*Sec. 28. Power to make use of existing institutions and agencies.*

(1) Public institutions and agencies are hereby required to accept and care for youths sent to them by the authority in the same manner as they would be required to do had such youths been committed thereto by a court of criminal jurisdiction.

(2) For the purpose of carrying out its duties the authority is authorized to enter into agreements with public and private institutions and agencies within the state for the use of their services or facilities in the supervision, training and treatment of youths committed to the authority.

In placing a youth under the care and supervision of a private agency or institution the authority shall, in so far as possible, make the placement with an agency or institution known to be controlled by persons of the same religious faith or persuasion as that of the youth under supervision.

(3) Nothing herein shall be taken to give the authority control over existing facilities, institutions or agencies, or to give the authority power to make use of any private institution or agency without its consent.

(4) The authority is hereby given the right to visit all public institutions and agencies whose facilities it is empowered to utilize and all private institutions and agencies with which the authority has entered into agreements. Every institution or agency, whether public or private, is required to afford the authority reasonable

opportunity to examine or consult with youths committed to the authority who are at the time under the care and supervision of such institution or agency.

*Sec. 29. Consequences of placements in institutions.*

(1) Placement of a youth by the authority in an institution and under the supervision of an agency, outside the organization and services of the youth correction division, shall not terminate the authority's jurisdiction over such youth but nothing herein shall impair the right of an institution or agency to exercise control over a youth during the period when he remains in such institution or under the supervision of such agency.

(2) No youth placed by the authority in such an institution or under the supervision of such an agency may be released by the institution or agency until after approval of the release by the authority.

*Sec. 30. Examination of youths committed.*

(1) When a youth has been committed to the authority it shall under rules established by it forthwith examine him and investigate all the pertinent circumstances of his life and the antecedents of the violation of law because of which he has been committed to it.

(2) The authority shall make periodic examinations of all youths within its control for the purpose of determining whether existing orders in individual cases should be modified or continued in force. Such examinations may be made as frequently as the authority considers desirable and shall be made with respect to every youth at intervals not exceeding one year.

(3) The authority shall keep written records of such examinations and of all orders affecting youths committed to it.

(4) No provision of this section shall be construed to prevent the authority from discharging a youth at any time in accordance with sec. 32 (1).

*Sec. 31. Determination of treatment by the authority.*

(1) When a youth has been committed to the authority it may:

(a) Permit him his liberty on probation under such supervision and upon such conditions as it believes conducive to law-abiding conduct.

(b) Order his confinement under such conditions as it believes to be in the public interest.

(c) Order his restoration to liberty on parole under such supervision and upon such conditions as it believes conducive to law-abiding conduct.

(d) Revoke or modify any order except an order of discharge.

*Sec. 32. Discharge by the authority.*

(1) The authority shall order the discharge of a youth committed to it as soon as in its judgment further control of such youth is no longer required in the public interest.

(2) If not already discharged, as provided in subsection (1), a youth committed to the authority in accordance with sec. 16 (2) (b) or with sec. 19, who was less than eighteen years of age at the time of the commitment, shall be discharged before he attains the age of twenty-one years, and a youth so committed who was eighteen years of age or more at the time of the commitment shall be discharged within a period of three years from the time of the commitment unless in the case of any youth the authority has previously made an order to extend the period of control and has applied to the court for a review of such order, as provided in sec. 33.

(3) If not already discharged as provided in subsection (1), a youth committed to the authority in accordance with sec. 16 (2) (a) or with sec. 17 shall be discharged from its control before he attains the age of twenty-five years unless the authority has previously thereto made an order directing that he remain subject to its control for a longer period and has applied to the court for a review of such order, as provided in sec. 33.

#### ARTICLE 5

##### Extension of Control by

##### Youth Correction Authority Upon Court Approval

*Sec. 33. Extension of control—order and application for review by court.* Whenever the authority is of opinion that discharge of a youth at an age limit stated in sec. 32 would be against the public interest it shall make an order to extend the period of control over such youth and shall make application to the supreme court for a review of such order by the court. The order and application shall be made at least six months before the time for discharge stated in sec. 32. The application shall be accompanied by a written statement of the facts upon which the authority bases its opinion that discharge of such youth at the time stated would be against the public interest, but no such application shall be dismissed merely because of its form or an asserted insufficiency of its allegations. Every order shall be reviewed upon its merits.

*Sec. 34. Action of court upon application for review.*

(1) If the authority applies to the court for review of an order to extend control over a youth as provided in sec. 33, the court shall notify such youth of the application, or, if he be not *sui juris*, shall notify his parent or guardian, if practicable and shall afford him an opportunity to appear in court with the aid of counsel and of process to compel attendance of witnesses and production of evidence. When he is unable to provide his own counsel, the court shall appoint counsel to represent him.

(2) If after a full hearing the court is of opinion that discharge of the youth to whom the order applies would be against the public interest because of his mental or physical deficiency, disorder, or abnormality, or because of his lack of improvement under corrective

training and treatment, the court shall confirm the order of the authority. If the court is of opinion that discharge of the youth would not be against the public interest, the court shall set aside the order of the authority and shall discharge the youth.

*Sec. 35. Duration of extended control; subsequent orders.*

(1) Upon confirmation of an order of the authority by the court as provided in sec. 34, the extended control of the authority shall be for a maximum period of two years in the case of a youth committed in accordance with sec. 16 (2) (b) or with sec. 19, and shall be for a maximum period of five years in the case of a youth committed in accordance with sec. 16 (2) (a) or with sec. 17. Unless a person is discharged by the authority prior to the expiration of any period of extended control, the authority shall make an order for renewal of extended control and an application for review thereof in accordance with the provisions of sec. 33.

(2) Every person committed as a youth to the authority shall be discharged at the termination of the periods stated in subsection (1) unless the authority has previously acted as therein required, and shall be discharged if the court fails to confirm the order as provided in sec. 34.

*Sec. 36. Appeal from judgment of court.*

(1) If under the provisions of sections 34 or 35 the court confirms an order, the person subject to extended control may appeal in the manner provided by law to the appellate division of the supreme court of the appropriate judicial department for a reversal or modification of the order.

(2) At the hearing of an appeal the appellate division of the supreme court may base its judgment upon the record of the evidence presented in the supreme court, or may upon its own motion or at the request of either the appellant or the authority, permit the presentation of additional evidence.

(3) Pending the appeal the appellant shall remain under the control of the authority.

#### ARTICLE 6

##### Construction of Chapter: Miscellaneous Provisions

*Sec. 37. Construction of chapter.* This chapter shall be so constructed as to assure that the policy of the state and the intent and purpose of that policy will be carried out.

*Sec. 38. Invalidity; effect of.* If any part, provision or section of this chapter or the application thereof to any person or circumstances shall be held invalid by any court of competent jurisdiction, the remainder thereof or the application of such part, provision or section to any other person or circumstances shall not be affected thereby.

*Sec. 39. Disqualifications imposed upon convicted youths—when not to apply.*

(1) Where a youth is convicted of a violation of law and is sentenced only to the payment of a fine or is unconditionally discharged by the court, his conviction for that violation shall be disregarded in respect of any statute, rule or regulation by which a disqualification is imposed upon convicted persons.

(2) Where a youth is convicted of a violation of law and is committed to the authority his conviction for that violation shall be disregarded, from and after his final discharge by order of the authority, in respect of any statute, rule or regulation by which a disqualification, prohibition, additional punishment or other penalty is imposed upon convicted persons.

## Appendix C

### PAROLE CAN BE SUCCESSFUL

(Five Year Study—New York)

by EDWARD R. CASS

Mr. President, and members and friends of the Central States Parole and Probation Association:

I come before you as a friend of *good* parole and an enemy of *bad* parole.

I hold to the opinion that:

Intelligent parole costs no more than stupid parole, that

A good parole law costs no more than an ineffective parole law, that

Good supervision costs no more than mediocre supervision, and that

A parole personnel appointed by merit costs no more than a personnel subservient to racketeering politicians.

For nearly thirty years I have been associated with the development of parole in New York State, and the Prison Association of New York, of which I am the General Secretary, has, for a much longer period, championed the cause of sane, intelligent and sensible parole. The Association was an outstanding critic of poor parole in New York prior to the rebirth of parole in 1930, and since that time has been intimately associated with what we pride ourselves as knowing to be one of the most effective parole systems in existence.

You and I who are professionally engaged in parole and probation become momentarily disturbed when the "word-bombs" of some of parole's most forceful critics smash our eardrums. The dramatic remarks of J. Edgar Hoover usually come to mind when we speak of critics of parole but frankly, I, for one, can find no argument with him as long as he continues to support the principle of parole as intelligently as he did in a recent letter to me. Mr. Hoover said, and I quote,

"I, of course, have always favored parole of the right type—as you know, I have never condemned parole in principle, although I have condemned the maladministration of parole in so many of our states—I do hope that the time will come when those who are actively engaged in parole administration will recognize existing faults which are so widespread in connection with this humanitarian policy, that a concerted effort will be made to correct them, rather than to attack those who cannot honestly countenance a continuance of such widespread maladministration of parole . . . . Certainly there can be no middle ground insofar as parole is concerned. Either its maladministration and abuses

will *not* be tolerated, or they will be condoned. One must choose between one or the other . . ."

Now, what could be clearer or fairer than that? We *do* have to choose between good or bad parole, and I am proud to be associated with a state that has aligned itself with *good* parole. However, I am here to say, in agreement with Mr. Hoover and other critics, that parole as practiced and administered in too many states is definitely in need of a thoroughgoing overhauling.

Would you not agree with me in inquiring, for example, as to the value of parole in that state that has one state-paid parole officer to supervise the 800 on parole? Or, what can be said for the state that operates a parole system with 2,500 parolees supervised by *no* parole officer? Or, consider the state that has over 250 on parole without any form of supervision and whose authorities, in reply to our inquiry said,

" . . . we are suffering from what amounts to a total lack of parole facilities and advantages."

Again, I ask, of what value is such a system?

Parole is "out on a limb" and it is up to those of us closest to the problem to initiate and carry through the needed "housecleaning."

The Prison Association of New York was largely responsible for the introduction of the indeterminate sentence and parole in this country at the time of the founding of the first reformatory at Elmira, New York, in 1876, and since that time parole has held the attention of the people of New York. As far back as 1916 I recall making a study of parole in New York State, which revealed that approximately 91 per cent of the prisoners were being paroled at the expiration of their minimum sentence. In short, this meant that we were having automatic parole and that therefore, a parole determining body was hardly necessary. Unfortunately, the supervision of those released was just about as ineffective. Then, in 1921, I canvassed the states to learn what proof existed to substantiate claims of success in parole which ranged from 65 per cent to 95 per cent, and I am sorry to have to repeat again that what did exist was meagre and unconvincing. Again in 1927, when I revised the study of 1921, the Association was articulate in presenting to the public the true facts of parole. In 1935 the Association completed another survey conducted by its Assistant Secretary, Roberts J. Wright, and we again presented to the public the best available data on the true status of parole. At that time it was stated that, "Not more than six or seven states have what can be termed suitable and scientific parole methods." We can only report at this time that parole, in too many states, exists in name only. Commendable progress has, of course, been made in certain jurisdictions, but parole has a long way to go before it can qualify as wholly adequate. Many states have provided no facilities whatever for the primary function of supervision, neither have they provided by law for the intelligent, painstaking and non-political procedure that should be identified with the determining of fitness and eligibility for parole.

Parole, today, cannot sell itself to the public until it can stand on its own two feet, instead of the feet of political corruption and crooked administration.

At the specific request of your program committee—and not in what might appear to be a boastful manner—I want to share with you some of the experience of the New York State Division of Parole. Such states as your own of Illinois, Wisconsin, Minnesota, New Jersey, Maryland, Massachusetts, and a few others including the Federal government, are maintaining the most efficient of the parole systems now in existence. New York spends more than half a million dollars in administering a highly efficient system of parole, based on a sound and intelligent law, and controlled by a conscientious and courageous, non-political board.

New York's parole organization was not created overnight, and long before parole was a popular subject of conversation, some of us insisted on many of the fundamentals upon which the system is now based. Parole, as is the case with the improvement of any other sociological procedure, must await sufficient public demand before it can be made to operate in an adequate and intelligent fashion. Progress can be no more rapid than the public demands—the people of New York, after making the best of a decentralized and starved system for many years, passed legislation in 1930 that inaugurated the present organization and procedure. This legislation removed the parole function from the Department of Correction and transferred it to a separate division in the Executive Department, under the direct supervision of the Governor. The Division is headed by a Board of three members, appointed by the Governor for terms of six years at annual salaries of \$12,000 each. Members of the Board hold office for staggered terms thus precluding a complete change of membership at any one time. This, of course, preserves the uniformity of policy and well-planned administration that is so necessary to sound parole procedure.

Governor Herbert H. Lehman, by whom I have had the honor to be appointed a member of the State Commission of Correction, a constitutional body, has always been an ardent advocate of clean, progressive parole. The Governor, in an address at the First National Parole Conference, held in Washington a year ago, said,

"The answer to weak, vacillating, corrupt parole is not the abolition of parole but the community courage to compel impartial, effective, honest parole."

I am glad to recognize at this point the Governor's support of good parole, because much of the success of New York's procedure, which I want to discuss in a few moments, is due, in a large measure, to his genuine interest and staunch support.

Several significant features were written into the parole law of New York that warrant mention. First, the law specifically limits the maximum case load per parole officer, and does so by providing for a staff of officers—and I quote from the law, ". . . sufficient in number so that no such officer shall be required to

supervise more than seventy-five persons at one time." Unfortunately, the status of public funds has precluded a strict adherence to this provision of the law. Some five years ago case loads were running in the neighborhood of 150 to 200. Such supervision was inadequate, and since that time additional officers have been provided so that at present case loads average in and about the nineties for each parole officer. In some instances it is down in the eighties, but altogether a little more than ninety.

In the second place, budgetary appropriations have been made to adequately care for the proper functioning of the system. In this connection it should be noted that the entire personnel of the Division of Parole, with the exception of the three commissioners, is appointed under the high standards and rigid requirements of the civil service law. I might add, also, that in the New York City office alone 80% of the staff hold bachelor's degrees, 22% hold master's degrees, several hold doctorates, and 55%, in addition to other academic work, have had training in schools of social work. Furthermore, 68% had previous social work experience in accredited social agencies before their appointments as parole officers. Right at this point let me qualify what I have just repeated by stating that no one appreciates more than I the fact that academic training is not the panacea of good parole supervision, but it must be admitted, of course, that it is of vital importance in the perfection of intelligent relationships with behavior problems. Criminal conduct is a behavior problem, and to effectively deal with it requires a thorough understanding of the human mechanism.

The salaries of parole officers range up to \$3,000, thus attracting a high type of person; and there are, at the present time, about 87 regular parole officers. Other staff positions include ten senior parole officers, five case supervisors, three employment officers, a chief parole officer and an executive director. In addition, there are four executive clemency investigators, one transfer and warrant officer, and approximately seventy-five clerks and others of secretarial rating. The total staff numbers roughly 225. Each of the three Commissioners, one of whom is elected chairman by the others, is in charge of the three district offices. Chairman Joseph J. Canavan is in charge at New York City, Commissioner Frederick A. Moran at Albany, and Commissioner Frank I. Hanscom at Buffalo.

Before continuing this discussion I want to make mention of the fact that much of the credit for the unusually high standards and intelligent procedure of the Division of Parole in New York belongs to Chairman Canavan. His tireless efforts and conscientious spirit has done much to maintain the high level of parole demanded by the people.

In our professional anxiety to hasten the acceptance by the public of the theory of parole, many idealistic parole administrators and arm-chair experts have claimed outrageously high percentages of success. I have known some to claim as high as 99% success, but those of us who devote sensible thought to the problem

would consider it foolhardy to even hope that parole could ever be as successful as some would believe. After all, does not the prison receive society's failures—has not the school failed—or the home—or the church—or medical science—or social science? And, furthermore, are we not aware of the degradation which many encounter after being thrust behind prison bars? Then why should we retard the progress of parole as a modern correctional procedure by setting up unsubstantiated claims?

The New York Board of Parole recognized the need for truthfulness in parole statistics and, for the past five years, has carefully and diligently recorded the parole behavior of those released each year. For what is undoubtedly the first time, we have the continuous parole history of those released during that period.

Choosing the most unfavorable year—1934—in an effort to present truth and not meaningless propaganda, I want to give you some of the highlights found by the New York Parole Board. The year 1934 was unfavorable because of certain legislation reducing minimum terms that affected an unusually high number of those eligible for release. Pre-parole investigations, in view of those eligible for the staff, were not complete and did not and could not meet the high standards generally demanded. The year of 1934 witnessed the largest group of releases to parole supervision in the history of the present Parole Division—and this group had to be handled by a staff of officers already burdened with high case loads. 1934 was an unfavorable year—but listen to some of the findings.

Only nine and four-tenths per cent of all these parolees were convicted of new felonies. Only another eight and one-tenths per cent were convicted of the lesser degree of crime, misdemeanors.

Sixty-four and two-tenths per cent were not convicted of any crime, nor did their behavior require their return to prison as violators or potential violators of parole. It can be seen, then, that, so far, sixty-four per cent made good on parole.

The Board felt that the remaining eighteen and three-tenths per cent should be returned to complete their sentences, or for a period dependent upon their better preparation and readiness for parole.

This group was returned before an apparent or probable lapse into criminal conduct took place.

Thus, the record of five years shows a total of eighty-two and one-half per cent who were not convicted of any crime whatsoever while they were on parole. It should be mentioned that since 1937 there has been a steady and uninterrupted decrease in the number of men returned to prison for a parole violation, thus definitely, over a period of well in excess of two years, placing parole in the position of having reduced the prison population. So far this year, the same situation has continued.

It is of special significance to point out that from the beginning of District Attorney Dewey's services as a Special Prosecutor in his "racket busting" and continuing down to the present, no man actively on New York State parole was convicted, or even shown

to be deeply involved in any of the racket operations. I do not mean, of course, that the District Attorney has not convicted men on parole, but I do mean to say that in his spectacular record of breaking organized crime such as the Luciano affair, the loan shark group, the vice rackets, and so forth, there has been no conviction of a parolee. Likewise, to date, in the investigation of so-called "Murder, Inc.," in Brooklyn, about which you have probably been aware, there has been no man actively on parole placed under arrest or charged with anything.

I do not want to boast, because boastfulness is exceedingly dangerous, and a dozen parolees may show up any time, but I do want to point out that parole in New York today is maintaining an enviable record. Here is another interesting point—in the last two or three years no New York City newspaper has editorially attacked parole; and you can take my word for it that this has not always been the case!

While I am on the subject of newspapers and parole, let me tell you of an interesting incident that occurred recently in up-state New York. The noteworthy factor is that prisoners in the Attica State Prison brought this incident to the attention of the officials. Up-state residents—and particularly the prison inmates—were startled last month when they read a series of advertisements in a local newspaper's classified ad column, such as,

"Beat the Rap even though convicted! My secret connections make it possible for me to get anybody out of jail, no matter what the crime or length of sentence, through parole. Don't give up hope until you've seen me! Parole Fixer, Broad and State Streets, Friday."

Another one read,

"Public Notice to Persons contemplating crimes! Be on the safe side before pulling the 'job'; see me and arrange for a parole fix in case you should be convicted! Rates commensurate with seriousness of crime and severity of sentence. Ask for 'Parole Fixer,' Broad and State Streets, Friday."

The New York State Parole Board instantly took cognizance of these notices and notified the county district attorney. Even U. S. postal inspectors went to work on the case, and it was eventually brought out that the advertisements had been inserted by the manager of the local theatre in an effort to stimulate interest in a film entitled "Parole Fixer." Most of the interest, however, centered on him when he was fined fifty dollars on a charge of placing "untrue, deceptive, or misleading advertising." Enthusiastic press agents who had concocted the idea, immediately flashed word to all representatives to desist from further use of the items.

This is additional proof that the people of New York, including the prisoners, emphatically resent the implication of a crooked parole system.

To return to the study of New York's parole successes and

failures, let me repeat that the percentages I gave you were not taken from a selected small sample. There were 2,257 parolees released in 1934—the year of the Board's unique study—and the percentages were taken from a study of their histories during the subsequent five-year period. These persons came from the breeding-places of crime, such as the crowded areas of large cities, and a composite case history would disclose an early cessation of schooling, employment instability and conflicts with juvenile courts and the police. While these men were on parole every attempt was made to assist them in the difficult task of adjustment to the free community. The bridge between the strict and routinized life of the prison of today and the freedom of your city and mine, is a long one for the ex-convict to cross. Facing the free world the parolee generally finds himself unfamiliar with the ever-changing tempo of the outer world, and unless there are life-savers and safe anchorages, a return to crime is inevitable.

The records of the parole class of 1934 are of added significance when compared to the post-prison records of those released during the same year at the expiration of their maximum sentences, less the deduction of time earned for good behavior. These persons were released in accordance with the law—which has since been amended by virtue of an extension of the use of the indeterminate sentence, and were not recommended for parole by the Board for various reasons. They were under supervision for only the time they had earned by legislative allowances for good behavior. A considerably higher degree of failure was noted in this group, about 25% being convicted of new felonies or misdemeanors as compared with the seventeen and one-half per cent of regular parolees.

While the general crime rate of the state has shown an increase from year to year, there has been a steady decrease of convictions among parolees. For example, consider this record:

In 1935, only 211 parolees committed new felonies while on parole. In 1936, parolees were convicted of only 179 felonies, while in 1937 this figure dropped to 163, and in 1938 to 120. This drop continued during 1939 but sufficient time has not elapsed to reach a final figure. The percentage of the decrease, however, has remained about the same. The Parole Board is insistent upon a thorough investigation of the record before the actual figure is disclosed, proving, furthermore, that New York's parole statistics *must be accurate and substantiated*. Guess-work has no place in the compilation of true parole data. The figures quoted include even those receiving suspended sentences. Thus, intensified supervision has resulted in an uninterrupted decrease of the number of parolees committing new felonies. In New York in 1938, for example, there were nearly 6,000 convictions for felonies, *less than two per cent were parolees*. Remember that during this period crime, as a whole in the State, increased eight and one-half per cent over the previous year, 1937. Furthermore, the ratio of felony convictions among parolees on out-of-state parole has decreased



in approximately the same percentages among the men under supervision *outside* the State, as it has decreased among the parolees *inside* the State.

In 1935, eleven men on out-of-state parole were convicted of new felonies while on parole, and were returned that year to New York State prison by the Parole Board upon the completion of the sentence imposed for the new crime.

In 1936, eight out-of-state parolees were so returned; in 1937, seven; in 1938, four; and in 1939, five. During each of these years, there were approximately nine hundred New York State parolees on out-of-state parole.

The year of 1938 was the last for which complete, detailed statistics are available in published form, and the record shows that there were 9,096 parolees under jurisdiction for all or part of that year. Deducting those discharged from parole by virtue of completion of maximum sentences, and others, there was a grand total of 7,236 persons on parole as of December 31, 1938.

As Governor Lehman has so often reiterated, the public gets exactly what it wants in parole, and that in addition to getting what it wants, it does not get what it demands, and, "... what public opinion can exact in one State it can exact in another."

The people of New York, in demanding a respectable parole administration, have greatly improved public understanding of parole through their insistence on a trained, non-political, experienced and intelligent personnel. Inmates of institutions naturally want to get out and generally they have an affection for parole. In New York, however, parole is not too well liked by the inmates as they know that *parole means parole* in the real sense of the word and that there is nothing "phony" about it.

## THE PRISON ASSOCIATION OF NEW YORK

## GENERAL FUND

STATEMENT OF INCOME AND EXPENSES AS PER BOOKS  
YEAR ENDED DECEMBER 31, 1940

<i>Income</i>		
Donations—special purposes		
The Greater New York Fund—1939 Campaign..	\$228 00	
The Greater New York Fund—1940 Campaign..	1,376 00	
Other funds .....	4,618 29	
Donations—unrestricted .....	10,572 48	
		\$16,854 77
<i>Endowment income</i>		
Interest on mortgages .....	5,005 21	
Interest on bonds .....	1,361 25	
Dividends on stocks .....	8,032 50	
		14,398 96
Total income .....		\$31,253 73
<i>Expenses</i>		
General administration .....	\$13,321 78	
Relief—prisoners and families (cash, food, clothing, etc.) .....	8,848 73	
Relief—administration .....	2,039 00	
Employment—administration .....	2,108 00	
Appeal—administration .....	2,957 42	
Traveling expenses .....	67 08	
Printing and stationery .....	593 01	
Postage .....	405 70	
Telephone and telegraph .....	245 05	
Auditing, legal and legislative services.....	320 00	
Furniture and fixture expense .....	21 50	
Periodicals, custodian fees, and miscellaneous...	653 86	
House maintenance .....	1,658 01	
Total expenses .....		33,179 14
Excess of expenses over income.....		\$1,925 41
Special donation—to offset withdrawals from Endowment Fund..		500 00
Net loss for the year .....		\$1,425 41

## AUDITORS' OPINION

We have audited the books, accounts, minutes, and other records of The Prison Association of New York for the year ended December 31, 1940. In our opinion the statement of income and expenses shown above states correctly the operations for the year ended at that date.

WEBSTER, HORNE & BLANCHARD,  
Certified Public Accountants

New York, N. Y., February 28, 1941.

## CONSTITUTION AND BY-LAWS

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

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

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

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

### ARTICLE FIRST

The objects of the association shall be:

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

### ARTICLE SECOND

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

## ARTICLE TENTH

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

## ARTICLE ELEVENTH

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

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

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

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

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

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

to their reformation and amendment and future benefit and advantage of such persons.

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

## BY-LAWS\*

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

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

† At the February, 1936, meeting of the Executive Committee, section 1 of the By-Laws was amended to provide that the monthly meeting of the committee be held on the second Monday of each month, and that the annual meeting of the Association be held on the second Monday in January of each year. However, at the November meeting the By-Laws were again amended to provide that the monthly meeting be held on the third Thursday of each month, as heretofore, and that the annual meeting of the Association be held on the third Thursday in January of each year.

of one year, six for the term of two years, six for the term of three years, six for the term of four years. At each annual meeting thereafter six members shall be elected for the term of four years in place of those whose terms of office then expire. Any vacancies in the membership of the committee by death, resignation or otherwise, may be filled either by the association at any annual meeting or, in interims between the annual meeting, by the executive committee.

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

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

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

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

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

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

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

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

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

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

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

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

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